

17 March 2023

# Paddington Green Police Station, 4 Harrow Road, London, W2 1XJ

In the City of Westminster

Planning Application reference: 21/02193/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 & Country Planning (Mayor of London) Order 2008 and Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

## The proposal

Demolition of the existing building and redevelopment of the site to provide three buildings of 39, 24 and 17 storeys in height, providing residential units (including affordable units)(Class C3), commercial uses (Class E), a community use (Class F.2), landscaping, tree and other planting, public realm improvements throughout the site including new pedestrian and cycle links, provision of public art and play space, basement level excavation to provide associated plant, servicing, disabled car parking and cycle parking and connection through to the basement of the neighbouring West End Gate development. This application is accompanied by an Environmental Impact Assessment.

## The applicant

The applicant is **Berkeley Homes (Central London) Ltd** and the architect is **Squire and Partners**

## Recommendation

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

- i. grants conditional planning permission in respect of application 21/02193/FULL for the reasons set out in the approval section below, and subject to the prior completion of a section 106 legal agreement;
- ii. 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, and sign and execute, and complete the section 106 legal agreement;

- iii. delegates authority to the Head of Development Management to agree any variations to the proposed heads of terms for the section 106 legal agreement;
- iv. delegates authority to the Head of Development Management to refer it back to the Mayor, if by 16<sup>th</sup> June 2023 the section 106 legal agreement has not been completed;
- v. notes that approval of details pursuant to conditions imposed on the planning permission will be submitted to, and determined by Westminster City Council; and
- vi. notes that Westminster City Council will be responsible for the enforcement of the conditions attached to the permission.

### Drawing numbers and documents

<b>SITE DRAWINGS</b>		
Existing location plan	SQP-ZZ-ZZ-DP-A-PL01001 -P2	A1@1:1250
Proposed location plan	SQP-ZZ-ZZ-DP-A-PL01101-P2	A1@1:1250
<b>EXISTING DRAWINGS</b>		
Existing Basement 1 Plan	SQP-ZZ-B1-DP-A-PL01002-P2	A1@1:250
Existing ground floor plan	SQP-ZZ-00-DP-A-PL01003-P2	A1@1:250
Existing roof plan	SQP-ZZ-RF-DP-A-PL01004-P2	A1@1:250
Existing site levels plan	SQP-ZZ-ZZ-DP-A-PL01005-P2	A1@1:250
Existing north elevation	SQP-ZZ-ZZ-DE-A-PL01300-P2	A1@1:500
Existing east elevation	SQP-ZZ-ZZ-DE-A-PL01301-P2	A1@1:500
Existing south elevation	SQP-ZZ-ZZ-DE-A-PL01302-P2	A1@1:500
Existing west elevation	SQP-ZZ-ZZ-DE-A-PL01303-P2	A1@1:500
<b>DEMOLITION DRAWINGS</b>		
Demolition roof plan	SQP-ZZ-RF-DP-A-PL01006- P2	A1@1:250
Demolition basement plan	SQP-ZZ-RF-DP-A-PL01007- P2	A1@1:250
Demolition north elevation	SQP-ZZ-ZZ-DE-A-PL01304-P2	A1@1:500
Demolition east elevation	SQP-ZZ-ZZ-DE-A-PL01305-P2	A1@1:500
Demolition south elevation	SQP-ZZ-ZZ-DE-A-PL01306-P2	A1@1:500

Demolition west elevation	SQP-ZZ-ZZ-DE-A-PL01307-P2	A1@1:500
<b>PROPOSED GENERAL ARRANGEMENT PLANS</b>		
Proposed basement -2 plan	SQP-ZZ-B2-DP-A-PL01102-P2	A1@1:250
Proposed basement -1 plan	SQP-ZZ-B1-DP-A-PL01103-P2	A1@1:250
Proposed ground floor plan	SQP-ZZ-00-DP-A-PL01104-P3	A1@1:250
Proposed typical floor plan	SQP-ZZ-ZZ-DP-A-PL01107-P3	A1@1:250
Proposed typical upper floor plan	SQP-ZZ-ZZ-DP-A-PL01108-P2	A1@1:250
Proposed roof plan	SQP-ZZ-RF-DP-A-PL01109-P2	A1@1:250
Proposed north elevation	SQP-ZZ-ZZ-DE-A-PL01400-P3	A1@1:500
Proposed east elevation	SQP-ZZ-ZZ-DE-A-PL01401-P3	A1@1:500
Proposed south elevation	SQP-ZZ-ZZ-DE-A-PL01402-P3	A1@1:500
Proposed west elevation	SQP-ZZ-ZZ-DE-A-PL01403-P3	A1@1:500
Proposed section A-A	SQP-ZZ-ZZ-DS-A-PL01650-P2	A1@1:500
Proposed section B-B	SQP-ZZ-ZZ-DS-A-PL01651-P2	A1@1:500
Proposed section C-C	SQP-ZZ-ZZ-DS-A-PL01652-P2	A1@1:500
Proposed section D-D	SQP-ZZ-ZZ-DS-A-PL01653-P2	A1@1:500
<b>BLOCK I DRAWINGS</b>		
Block I - Proposed Ground Floor Plan	SQP-01-00-DP-A-PL01110-P3	A1@1:100
Block I - Proposed floor plan-levels 01-14	SQP-01-ZZ-DP-A-PL01111-P3	A1@1:100
Block I - Proposed floor plan-levels 15-22	SQP-01-ZZ-DP-A-PL01112-P3	A1@1:100
Block I - Proposed floor plan-level 23	SQP-01-23-DP-A-PL01113-P1	A1@1:100
Block I - Proposed roof plan	SQP-01-RF-DP-A-PL01114-P1	A1@1:100
Block I - Proposed south elevation	SQP-01-ZZ-DE-A-PL01404-P3	A1@1:100
Block I - Proposed west elevation	SQP-01-ZZ-DE-A-PL01405-P4	A1@1:100
Block I - Proposed north elevation	SQP-01-ZZ-DE-A-PL01406-P4	A1@1:100
Block I - Proposed east elevation	SQP-01-ZZ-DE-A-PL01407-P4	A1@1:100
Proposed Elev - Block I - Typ Bay Study 01	SQP-ZZ-ZZ-DB-A-PL01700-P3	A1@1:25
Proposed Elev - Block I - Typ Bay Study 02	SQP-ZZ-ZZ-DB-A-PL01701-P2	A1@1:25

Proposed Elev - Block I - Typ Bay Study 03	SQP-ZZ-ZZ-DB-A-PL01702-P2	A1@1:25
Proposed Elev - Block I - Typ Bay Study 04	SQP-ZZ-ZZ-DB-A-PL01703-P2	A1@1:25
Block I - WCH User Typical 01 Apt Plan	SQP-01-ZZ-DP-A-PL01200-P1	A1@1:50
<b>BLOCK J DRAWINGS</b>		
Block J - Proposed Ground Floor Plan	SQP-02-00-DP-A-PL01115-P1	A1@1:100
Block J - Proposed floor plan-levels 01-14	SQP-02-ZZ-DP-A-PL01116-P2	A1@1:100
Block J - Proposed floor plan-levels 15-16	SQP-02-ZZ-DP-A-PL01117-P1	A1@1:100
Block J - Proposed roof plan	SQP-02-RF-DP-A-PL01118-P1	A1@1:100
Block J - Proposed Floor Plan - Levels 01-03	SQP-02-ZZ-DP-A-PL01131-P1	A1@1:100
Block J - Proposed south elevation	SQP-02-ZZ-DE-A-PL01408-P4	A1@1:100
Block J - Proposed west elevation	SQP-02-ZZ-DE-A-PL01409-P2	A1@1:100
Block J - Proposed north elevation	SQP-02-ZZ-DE-A-PL01410-P2	A1@1:100
Block J - Proposed east elevation	SQP-02-ZZ-DE-A-PL01411-P2	A1@1:100
Proposed Elev - Block J - Typ Bay Study 01	SQP-ZZ-ZZ-DB-A-PL01704-P3	A1@1:25
Proposed Elev - Block J - Typ Bay Study 02	SQP-ZZ-ZZ-DB-A-PL01705-P2	A1@1:25
Proposed Elev - Block J - Typ Bay Study 03	SQP-ZZ-ZZ-DB-A-PL01706-P2	A1@1:25
Proposed Elev - Block J - Typ Bay Study 04	SQP-ZZ-ZZ-DB-A-PL01707-P2	A1@1:25
Proposed Elev - Block J - Typ Bay Study 05	SQP-ZZ-ZZ-DB-A-PL01708-P2	A1@1:25
Block J - WCH User Typical 02 Apt Plan	SQP-02-ZZ-DP-A-PL01201-P1	A1@1:50
Block J - WCH User Typical 09 Apt Plan	SQP-02-ZZ-DP-A-PL01208-P1	A1@1:50
<b>BLOCK K DRAWINGS</b>		
Block K - Proposed Ground Floor Plan	SQP-03-00-DP-A-PL01119-P1	A1@1:100
Block K - Proposed Floor Plan - Level 01	SQP-03-01-DP-A-PL01120-P1	A1@1:100
Block K - Proposed Floor Plan - Level 02	SQP-03-02-DP-A-PL01121-P1	A1@1:100
Block K - Proposed Floor Plan - Level 03-11	SQP-03-ZZ-DP-A-PL01122-P1	A1@1:100
Block K - Proposed Floor Plan - Level 12	SQP-03-12-DP-A-PL01123-P1	A1@1:100
Block K - Proposed Floor Plan - Level 13-16	SQP-03-ZZ-DP-A-PL01124-P1	A1@1:100
Block K - Proposed Floor Plan - Level 17-23	SQP-03-ZZ-DP-A-PL01125-P1	A1@1:100

Block K - Proposed Floor Plan - Level 24-29	SQP-03-ZZ-DP-A-PL01126-P1	A1@1:100
Block K - Proposed Floor Plan - Level 30-33	SQP-03-ZZ-DP-A-PL01127-P1	A1@1:100
Block K - Proposed Floor Plan - Level 34-37	SQP-03-ZZ-DP-A-PL01128-P1	A1@1:100
Block K - Proposed Floor Plan - Level 38	SQP-03-38-DP-A-PL01129-P1	A1@1:100
Block K - Proposed roof plan	SQP-03-RF-DP-A-PL01130-P1	A1@1:100
Block K- Proposed south east elevation	SQP-03-ZZ-DE-A-PL01412-P3	A1@1:100
Block K- Proposed south west elevation	SQP-03-ZZ-DE-A-PL01413-P2	A1@1:100
Block K- Proposed north west elevation	SQP-03-ZZ-DE-A-PL01414-P2	A1@1:100
Block K- Proposed north east elevation	SQP-03-ZZ-DE-A-PL01415-P3	A1@1:100
Proposed Elev - Block K - Typ Bay Study 01	SQP-ZZ-ZZ-DB-A-PL01709-P3	A1@1:25
Proposed Elev - Block K - Typ Bay Study 02	SQP-ZZ-ZZ-DB-A-PL01710-P2	A1@1:25
Proposed Elev - Block K - Typ Bay Study 03	SQP-ZZ-ZZ-DB-A-PL01710-P2	A1@1:25
Proposed Elev - Block K - Typ Bay Study 04	SQP-ZZ-ZZ-DB-A-PL01710-P2	A1@1:25
Proposed Elev - Block K - Typ Bay Study 05	SQP-ZZ-ZZ-DB-A-PL01710-P1	A1@1:25
Proposed Elev - Block K - Typ Bay Study 06	SQP-ZZ-ZZ-DB-A-PL01710-P1	A1@1:25
Block K - WCH User Typical 03 Apt Plan	SQP-03-ZZ-DP-A-PL01202-P1	A1@1:50
Block K - WCH User Typical 04 Apt Plan	SQP-03-ZZ-DP-A-PL01203-P1	A1@1:50
Block K - WCH User Typical 05 Apt Plan	SQP-03-ZZ-DP-A-PL01204-P1	A1@1:50
Block K - WCH User Typical 06 Apt Plan	SQP-03-ZZ-DP-A-PL01205-P1	A1@1:50
Block K - WCH User Typical 07 Apt Plan	SQP-03-ZZ-DP-A-PL01206-P1	A1@1:50
Block K - WCH User Typical 08 Apt Plan	SQP-03-ZZ-DP-A-PL01207-P1	A1@1:50
<b>ILLUSTRATIVE DRAWINGS [Not For Approval]</b>		
Block I – Proposed mix and tenure plan	SQP-01-ZZ-DP-A-PL01251-P3	A1@1:200
Block J – Proposed mix and tenure plan	SQP-01-ZZ-DP-A-PL01250-P3	A1@1:200
Block K – Proposed mix and tenure plan	SQP-01-ZZ-DP-A-PL01250-P3	A1@1:200
Proposed Basement Waste Strategy Plan	SQP-ZZ-B1-DP-A-PL01160-P2	A1@1:250
Proposed Basement Cycle and Refuse Plan	SQP-ZZ-B1-DP-A-PL01160-P2	A1@1:250
Block K - Typical 1B1P Apartment	SQP-03-ZZ-DP-A-PL01300-P2	A1@1:50

Block K - Typical 1B2P Apartment	SQP-03-ZZ-DP-A-PL01301-P2	A1@1:50
Block K - Typical 2B4P Apartment	SQP-03-ZZ-DP-A-PL01302-P2	A1@1:50
Block K – Typical 3b6p Apartment	SQP-03-ZZ-DP-A-PL01303-P2	A1@1:50
Proposed Ground Floor Uses Plan	SQP-ZZ-00-DP-A-PL01150-P3	A1@1:250
Proposed Ground Floor Access Plan	SQP-ZZ-00-DP-A-PL01153-P3	A1@1:250

<b>SUPPORTING DOCUMENT</b>	<b>AUTHOR</b>
Accommodation Schedule - November 2022 - GLA0711	Squire & Partners
Commercial & Community Unit Areas - November 2022 - GLA0711	Squire & Partners
Unit Mix Summary – February 2023 - GLA0711 AMND Rev 03 February 2023	Squire & Partners
Design and Access Statement - February 2023 - GLA0711 AMND Rev 02 February 2023	Squire & Partners
Lighting Strategy – November 2022 – GLA0711	Squire & Partners
PGPS Application Form - November 2022 - GLA0711	Turley
CIL Form - November 2022 - GLA0711	Turley
PGPS CIL Cover Letter - November 2022 - GLA0711	Turley
PGPS Planning Cover Letter - November 2022 - GLA0711	Turley
PGPS Planning Statement – Jan 2023- GLA0711 AMND Rev 01 Jan 23	Turley
PGPS Submission of Amendments - GLA0711 AMND Rev 01 January 2023	Turley
Economic Impact Assessment - November 2022 - GLA0711	Turley
Drainage Strategy Report – November 2022 – GLA0711	Walsh
Fire & Life Safety Strategy - November 2022 - GLA0711	AESG
Fire Statement (London Plan Req) - January 2023 - GLA0711 AMND Rev 01 January 2023	AESG
Fire Statement (National Req) - January 2023 - GLA0711 AMND Rev 01 January 2023	AESG
Fire Safety LPG Form 3 - January 2023 - GLA0711 AMND Rev 01 January 2023	AESG
Concept Qualitative Design Review Report - November 2022 - GLA0711	AESG
Internal DSO Report - November 2022 - GLA0711	GIA
Statement of Community Involvement - November 2022 - GLA0711	Concilio

Structural Method Statement- November 2022 - GLA0711	Walsh
Sustainability Statement-Jan 2023-GLA0711 AMND Rev 01 Jan 23	Buro Happold
Energy Statement - Jan 2023 - GLA0711 - AMND Rev 01 Jan 23	Buro Happold
Circular Economy Statement – January 2023 - GLA0711 AMND Rev 01 Jan 23	Buro Happold
Be Seen Evidence - November 2022 - GLA0711	Buro Happold
GLA Be Seen Spreadsheet - November 2022 - GLA0711	Buro Happold
Carbon Emissions - January 2023 - GLA0711 AMND Rev 01 Jan 23	Buro Happold
GLA CES spreadsheet – January 2023- GLA0711 AMND Rev 01 Jan 23	Buro Happold
GLA WLC spreadsheet – January 2023- GLA0711 AMND Rev 01 Jan 23	Buro Happold
BREEAM Pre- Assessment - November 2022 - GLA0711	AESG
Pre-Redevelopment Waste Audit - January 2023 - GLA0711 AMND Rev 01 January 2023	AESG
Transport Assessment - January 2023 - GLA0711 AMND Rev 01 January 2023	Arup
Operational Waste Management Plan - Jan 2023 - GLA0711 AMND Rev 01 Jan 23	Arup
Site Waste Management Plan - Jan 2023 - GLA0711 AMND Rev 01 Jan 23	Arup
Arboricultural Development Report - November 2022 - GLA0711	Fabrik
Code of Construction Practice Appendix. A - November 2022 - GLA0711	Berkeley
Clean Water Capacity Report - November 2022 - GLA0711	Thames Water
Heritage Statement - November 2022 - GLA0711	Montagu Evans
Ventilation Statement - November 2022 - GLA0711	Buro Happold
WCC Drainage Proforma - January 2023 - GLA0711 AMND Rev 01 January 2023	Walsh
Replacement Environmental Statement (Volume 1R)- January 2023 - GLA0711 Part1 AMND Rev 01 Jan 23	Ramboll
Replacement Environmental Statement (Volume 2R) - January 2023 - GLA0711 AMND Rev 01 Jan 23	Ramboll
Replacement Environmental Statement (Volume 3R) - November 2022 - GLA0711	Ramboll
Replacement Non Technical Summary - November 2022 - GLA0711	Ramboll
Replacement Biodiversity Net Gain Assessment Report - November 2022 - GLA0711	Ramboll
Replacement Health Impact Assessment - November 2022 - GLA0711	Ramboll
Thames Water Capacity Confirmation – Feb 2023 – GLA0711	Thames Water
Level 2 Historic Building Recording of PGPS	MOLA

## Introduction

1. Having assumed authority to determine this planning application, this report sets out the matters that the Deputy Mayor for Planning, Regeneration and Skills 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 GLA officers, as set out below.

## Officer recommendation - reasons for approval

2. The Deputy Mayor for Planning, Regeneration and Skills, 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 dated 7 September 2021 (as updated by Westminster City Council's Addendum Report), the 28 February 2023 Committee Report relating to the current proposal, the draft decision notice setting out the reason 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 acceptable in planning policy terms:
  - a. The application site was previously in use as a police station until 2018. The proposed redevelopment for predominantly residential use including some commercial and community space of this highly accessible, under-utilised brownfield site which is located within the Central Activities Zone, the Church Street/Edgware Road Housing Renewal Area, an Archaeological Priority Area, a Nature Deficiency Area and an Air Quality Focus Area retail and community uses is strongly supported in line with planning policy. It is also within the Church Street/Edgware Road Housing Renewal Area and the proposals would deliver 556 new homes including 219 affordable homes which equates to approximately 6% towards meeting this 10 year housing delivery target within the City Plan or 56% of the annualised target.
  - b. The application proposes 556 residential units of which 38% is proposed as affordable housing by habitable room (39% by unit), with a tenure split of 60% Social Rent and 40% intermediate housing. The proposed Social Rent provision exceeds the requirements of Westminster's City Plan which is welcomed. The overall proposed affordable housing offer is considered to accord with the NPPF; London Plan Policies H4, H5, H6, and the Mayor's Affordable Housing & Viability SPG.
  - c. The design and layout principles of the scheme are well-considered in the context of the site constraints and land use requirements and would appropriately optimise development capacity. Whilst there is a shortfall in the provision of open space the proposal achieves a good quality of placemaking, with new public routes and landscaped areas which would



benefit from good levels of sunlight. The height and massing of the three buildings respond well to the site's characteristics and the existing and emerging context. The tallest building, Block K, has been appropriately sited to provide a distinctive and high-quality landmark, positioned at the corner of Edgware Road and Harrow Road. The proposals have been subject to design scrutiny. The architecture and materials would ensure a distinctive and high-quality development which sits comfortably within the emerging cluster of tall buildings and would contribute positively to the surrounding area. No harm would be caused to strategic views. The proposal is considered to accord with London Plan Policies D1, D3, D4, D5, D8, D9, D11, D12 and HC3 and Westminster City Plan Policies 38, 40, 41, 42, 43 and 44.

- d. The proposed development has a very small beneficial direct impact on the Paddington Green Conservation Area through the impact of the landscaping works to Newcastle Place. The development does not cause harm to the setting of non-designated heritage assets and NPPF paragraph 203 is therefore not engaged in this case. The proposed development causes harm to the significance of designated heritage assets through harmful impacts to their settings resulting in a minor conflict with Policies HC1 of the London Plan and City Plan Policy 39. Great weight has been attributed to this harm. GLA officers consider this impact to be less than substantial harm (in a range from low to moderate) in terms of NPPF paragraph 202. However, the public benefits delivered by the scheme would clearly and convincingly outweigh the identified heritage harm.
- e. Whilst the identified loss of light and overshadowing resulting from the proposed development would lead to some identified harm to the neighbour amenity. Given that this is high density urban development in a very accessible the impacts on daylight/overshadowing are acceptable in the context of the site and given the benefits arising from the development and for these reasons the proposal is considered to be acceptable and would comply with Policies H6 and D9 of the London Plan and Policy 7 of the City Plan.
- f. The proposed development has demonstrated that an acceptable standard of sustainable design and construction would be achieved, minimising carbon dioxide emissions, using energy efficiently and including renewable energy, in accordance with the London Plan energy hierarchy. The development would deliver sustainable urban drainage, ecology and urban greening benefits over the existing situation at the site and would comply with Policy SI 2 of the London Plan.
- g. The proposal, for a high-density residential led scheme incorporating commercial and community space meets the transport policies of the London Plan. The development delivers a car-free scheme with high quality cycle parking provision. It delivers exemplar public realm which will vastly improve the current site and surrounding local area. The secured transport mitigation ensures that the adjacent street network and adjacent

public transport infrastructure can accommodate the proposed development trips. Subject to transport mitigation measures (highlighted below in the summary of s106 transport requirements) being secured, the application supports the transport policies in the London Plan, The Mayor's Transport Strategy and the Westminster City Plan.

- h. The Environmental Statement (ES) provides an assessment of the likely significant effects of the proposal on the environment during the construction and operational phases. The ES and the supporting documents highlighted above comply with the relevant regulations in terms of their scope and methodology for assessment and reporting. The supporting documents appropriately respond to and address Development Plan policy, supplementary planning guidance and the representations made. As is usual for a major development of this nature, some adverse environmental impacts are likely and, where appropriate, mitigation has been proposed and secured to address adverse impacts. The general residual impact of the development with mitigation is considered to range from negligible to minor beneficial throughout most of the site and beyond and also some adverse impacts relating to sunlight and daylight. Given the context of the site, the environmental impact of the development is considered to be acceptable
- i. Appropriate, relevant, reasonable and necessary planning conditions and planning obligations are proposed to ensure that the development is acceptable in planning terms and the environmental impacts are mitigated, in line with London Plan Policies DF1 and T9.
- j. It is officers view that the proposals accord with the development plan, read as a whole. It is the view of GLA officers, applying section 38(6) of the 2004 Act, that material considerations, when taken together, do not justify a departure from the plan but rather confirm that the proposals should be granted planning permission.

### **S106 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 housing

The following affordable housing obligations would be secured by legal agreement:

- On-site provision of not less than 38 per cent by habitable room of the residential units as affordable which equates to 219 affordable dwellings comprising 109 social rented units and 110 intermediate units (38 London Living Rent with ability to switch 29 of those units to Discount Market Rent where the household has two incomes and the letting is to a keyworker, 29 x 1 bed Discounted Market Rent units and 43 London Shared Ownership housing units). 59 of those affordable dwellings are to be provided as wheelchair units.

- Off-site affordable housing provision through the Portfolio Agreement arrangements.
- Delivery of additional affordable housing should the development be revised to increase the number of residential units, albeit there is no indication at this stage that the number of residential units will be revised.
- The s106 agreement will include details of the relevant affordable housing definitions, fit-out requirements, restrictions on the occupation of market housing within Block I to ensure delivery of the affordable dwellings across the remainder of the site (including restrictions related to an Affordable Housing Provider having entered into an unconditional contract for the transfer/125 year lease of the intermediate units) and the retention of the intermediate rented units at specified rent levels in perpetuity.
- An early stage review mechanism if substantial implementation is not achieved within 3 years of the grant of planning permission. Substantial implementation is to consist of completion of all ground preparation works for Block I and all site-wide enabling works; excluding the laying of services and sewers, completion of the foundations for the core of Block I and the construction and completion of the ground floor of Block I. Any surplus as a consequence of the early stage review is to deliver additional affordable units.
- Nomination rights for Westminster City Council in respect of 100% of lets/relets and sales/resales of the Affordable Housing acknowledging that there may be a need for flexibility on a case by case basis.
- To provide Westminster City Council the option to enter into a contract for the freehold sale or grant of a lease with a term of not less than 125 years (as appropriate) of the Affordable Housing Units. Westminster City Council will have the option to enter into contract for each affordable housing tenure type provided that the offer relates to 100% of the relevant affordable housing tenure and the consideration offered is not less than the market value of such affordable units;
- Provisions to ensure that the service charge for the affordable housing is fair and reasonable and no more than the actual cost of the services provided. The amount of the service charge to be charged to the Affordable Housing Units is to be reported to Westminster City Council on an annual basis.
- Provisions to ensure that the arrangements for charging of any "pay as you go" access to the internal amenity space is approved. This is charged separately to 'base' service charges to help ensure that these are affordable to residents of the affordable housing.

### Community use

The following obligations would be secured by legal agreement in relation to the Community Space:

- 133 sqm (GIA) of Community Space provision in Block I to be delivered to minimum requirements and in accordance with a detailed specification.
- Approval of Community Space Strategy to detail the arrangements to provide the Community Space as a multi-functional community space and ancillary uses including details of the terms upon which the Community Space is to be leased to a Community Space Operator; the operating arrangements; the circumstances in which the Community Space may be let out for uses ancillary to the community use; and any charges proposed to be levied by the Community Space Operator for community use or where there are gaps in community use.
- A requirement to let the Community Space to a Community Space Operator and for the Community Space Operator to operate the Community Space in accordance with the Community Space Strategy.

### Public realm

The following obligations would be secured by legal agreement in relation to the Public realm

- Restrictions on the construction of the development above ground floor slab until the Stopping Up Order of Newcastle Place has been secured and the City Council's costs in relation to the Stopping Up Order have been paid.
- Delivery of Publicly Accessible Open Space and a requirement to ensure that such space is managed and maintained and that it remains available for use by the public at all times subject to certain permitted closures.
- The provision of a Walkway and Cycling Route through the site which is to remain available free of charge for public access at all times subject to certain permitted closures.
- Completion and ongoing maintenance of all public accessible open space with rights of public access to these (subject to limited closures).
- The maintenance of landscaping on public highway is to be agreed by section 278 agreement with TfL.
- The maintenance of soft landscaping planters on Westminster City Council's highway is secured
- Options have been included in the legal agreement to ensure the public realm design at the Development gateway plaza is completed to an approved TfL standard. The plaza design includes the TfL Suds Scheme. Should the Suds scheme not come forward by the time the plaza is constructed, design measures have been agreed to ensure the public realm is finished to a high standard.

### Transport

The following transport obligations would be secured by legal agreement:

- Provision of a raised table crossing, alterations to Newcastle Place and related highway works all governed by detailed section 278 related highway work provisions.
- A financial contribution of £32,000 Index Linked towards the upgrading of the shelters at Bus Stop EX on Harrow Road and Bus Stop EM on Edgware Road.
- A financial contribution of £200,000 Index Linked towards improvements to cycle infrastructure within the vicinity of the Development including (but not limited to) cycle hire, servicing and maintenance, enhancements to cycle routes or facilities including cycle desire lines and toucan crossings;
- A scheme of improvements to improve the perception of safety of the A40 pedestrian subway system which runs beneath Harrow Road north-south and the journey through the subway up to a value of £250,000 Index Linked.
- A financial contribution of £20,000 Index Linked towards Legible London wayfinding signage in the vicinity of the Development.
- A prohibition on residents applying for parking permits unless they are a blue badge holder.
- A requirement for provision and implementation of a travel plan with clear objectives and targets and the monitoring of the effectiveness of the commitments set out in the travel plan. A monitoring fee will be secured. Should the targets not be met then the provision of further sustainable travel measures have been secured to incentivise sustainable travel including the funding of sustainable travel initiatives (such as, but not limited to, minor on-site or local area cycle improvements, annual TfL cycle hire memberships, pre-paid TfL oyster cards, cycle training).
- Requirement to enter into a section 278 agreement with Transport for London for required temporary and permanent highways works.
- Provision of a Parking Design and Management Plan for parking for the proposed development, within the WEG developments basement levels prior to first occupation.

#### Other obligations

- A financial contribution of £401,793 Index Linked towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment Service for the benefit of local residents.
- Local employment and skills plans covering employment initiatives and opportunities relating to the Demolition Period, the Construction Period and the End Use Period including employment targets.
- A financial contribution of £137,992 Index Linked towards additional play facilities within the vicinity of St Mary's Gardens.

- Carbon off-set payment initially calculated at £470,302 Index Linked With incentives to reduce this amount by improving on the reduction of carbon emissions
- 'Be Seen' energy monitoring; and agreed carbon targets.
- Installation of pipework to each Block to connect to the energy centre at West End gate Development to futureproof connection to the proposed combined heat and powers plant on Church Street
- Approval of threshold levels;
- Provisions that ensure the protection of TfL's proposed TfL Suds Scheme works and a requirement to repair or replace any drainage works or trees that are damaged and approval of final floor levels adjacent to the works.
- A financial contribution of £6,500 for the costs to the Council of monitoring and enforcing the section 106 legal agreement.

#### **Conditions to be secured<sup>1</sup>**

4. The following list provides summary of the subject matter of the conditions and informatives to be attached to any planning permission which is to be granted:

1. Time limit
2. Compliance with approved plans and documents.
3. Construction work hours.
4. Code of Construction Practice
5. Construction Logistics and Phasing Plan
6. CLP – phase 2
7. Detailed Method Statements
8. Piling Method Statement
9. Written Scheme of Investigation
10. Tree protection Method statement
11. Arboricultural supervision
12. Pre-commencement - soft landscape protection
13. Pre-commencement (construction) - levels

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<sup>1</sup> Draft conditions have been prepared and will be published as an appendix to this report; this list provides a summary of the draft notice condition headings.

14. Pre-commencement (construction) - soil
15. Green roof
16. Materials
17. Materials specification
18. No external painting
19. BMU's
20. Concrete Panel reuse
21. Conservation method statement
22. Hard and soft landscaping scheme
23. No external plant and equipment
24. No canopies to balconies
25. Delivery and Servicing Plan
26. Cycle storage
27. Flexible commercial space
28. Blue badge spaces
29. Waste and recycling measure
30. Door openings
31. Noise protection
32. Plant Noise
33. Noise and Vibration
34. Servicing hours
35. Future ventilation
36. Details of play space
37. Energy Statement to include be lean assessment and
38. Waste Management Strategy
39. Rainwater harvesting
40. Water network capacity

41. Façade details
42. Bird and bat boxes
43. Biodiversity Net Gain
44. BREAM Excellent
45. Fire Statement
46. Wind mitigation
47. Telecommunication interference surveys
48. Secured by Design
49. Public Realm management
50. Recessed entrances
51. 3 bedroom accommodation
52. Hours of operation commercial use
53. Community commercial space quantum
54. Heights
55. Glazing ground floor
56. Site investigations contamination
57. Noise commercial space
58. Sound insulation
59. Hard and soft landscaping
60. Wheelchair homes
61. Circular Economy
62. SUDs
63. Free Drinking water
64. Fire evacuation
65. Whole life carbon – prior to construction
66. Whole life carbon – post construction
67. Digital connectivity



68. Public archiving
69. Parking Design and Management Plan
70. PV delivered condition
71. Updated non-domestic assessment
72. Supporting modelling
73. Overheating Assessment

### Informatives

1. Statement of positive and proactive action in dealing with the application
2. Highways Licensing
3. Considerate constructors
4. Building Regs
5. Thames Water Assets
6. Mock up facades
7. Street numbering
8. Waste Project Officer
9. Highway works
10. CIL
11. Pollution
12. Construction liaison
13. CoCP
14. Section 106
15. SBD
16. Nature and biodiversity
17. Plant / machinery
18. WMS
19. Water Infrastructure

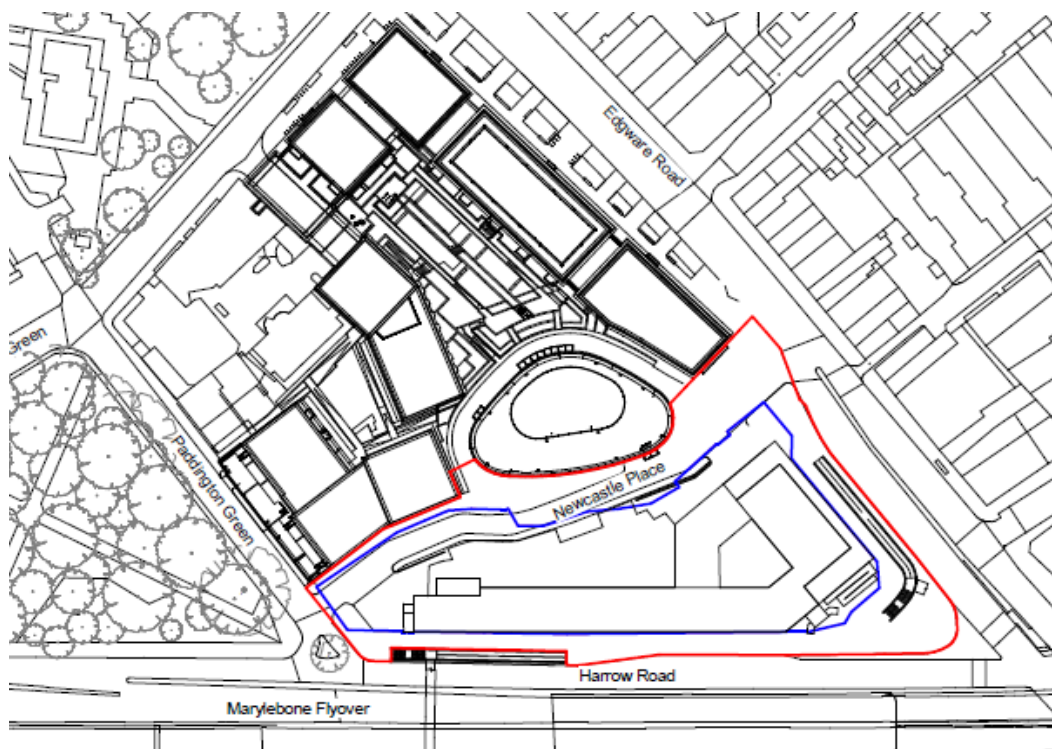
## Publication protocol

5. This report has been published seven clear days prior to the Representation Hearing, in accordance with the GLA procedure for Representation Hearings. Where necessary, an addendum to this report will be published on the day of the Representation Hearing. This report, any addendum, draft decision notices and the Deputy Mayor's decision on this case will be made available on the GLA website: <https://www.london.gov.uk/what-we-do/planning/planning-applications-and-decisions/public-hearings/paddington-green-police-station-public-hearing>

## Site description and Surrounding Area

6. The application site, identified in Figure 1 below, is roughly triangular in shape and 0.499 hectares in size. The site is bound by Edgware Road to the east, Harrow Road/ the Westway to the south and Newcastle Place to the north.

Figure 1: Site location plan



7. The site currently comprises a vacant former Paddington Green Police Station which was constructed in 1971 (see Figure 2). It was the main high security police station in the United Kingdom. The station was operated by the Metropolitan Police and housed a variety of police functions along with offices, section house accommodation and on-site parking. The lawful use of the existing building is a police station (sui generis). Following the police moving out of the building, planning permission was granted for the use of the annex for office use (Class E) totalling 1,316 sq.m.

Figure 2: Photographs looking towards the existing buildings



**Application Site as Seen from Paddington Green and Newcastle Place Junction.**



**Newcastle Place looking Eastward. Westmark Tower to left**



8. The building is comprised of three interconnected components, including a podium structure which extends up to three storeys to the eastern side of the site from ground level and then steps down to the equivalent of two storeys towards

the western side of the site (see Figure 3). Above the podium sit two taller elements. The tallest structure is 17 storeys (including the podium structure beneath) and is located on the eastern side of the site adjacent to Edgware Road. The western end of the site comprises an 8 storey (total) element. On the northern side of the site is a surface level car park, and there is also a basement level to the building providing parking and other floor space, accessed externally via a ramp from Newcastle Place. The main entrance to the building is located beneath the main tower element at the corner of Edgware Road and Harrow Road.

9. A pedestrian subway, known as the 'Joe Strummer subway' is also within the application site boundary. This is located to the east of the development on Edgware Road footway, but is currently closed for public use, pending works proposed to the subway by TfL. The TfL works include transforming the Joe Strummer pedestrian subway at Edgware Road into rain gardens. The existing subway has been closed for several years with pedestrians able to cross at surface level. TfL will fill the entrance ramps and stairs to the subway with soil and vegetation to create a series of rain gardens.
10. Another pedestrian subway is located to the south along Harrow Road and sits adjacent to but outside of the application site boundary. This subway provides a traffic free crossing underneath Harrow Road.
11. The external façade is principally concrete cladding with panels along the Harrow Road frontage and at the base of the tower providing public art in the form of relief friezes.
12. Another pedestrian subway is located to the south along Harrow Road and sits adjacent to but outside of the application site boundary. The external façade is principally concrete cladding with panels along the Harrow Road frontage and at the base of the tower providing public art in the form of relief friezes.

Figure 3: Aerial image of existing building with applicant's West End Gate and 14-17 Paddington Green developments in background



13. The existing buildings are in a poor state of repair, having been occupied by squatters and generally vandalised over the period since it was vacated in 2018.

14. In terms of the surrounding context, directly to the north of the application site is a residential led mixed-use development known as West End Gate (WEG) which is nearing completion. The same applicant (Berkeley Homes (Central London) Ltd) obtained planning permission for the development of this scheme in 2016 (LPA Ref. 15/11677/FULL, GLA Ref. D&P/3790/02). Planning permission was granted on 28 April 2016 for:

*“Redevelopment to provide buildings of between ground plus six storeys and ground plus 29 storeys including commercial space (Class A1, A3 and B1), up to 652 residential units (including 126 affordable housing units), landscaping and associated car and cycle parking.”*

15. This permission has since been the subject of numerous applications for Minor Material Amendments under s.73 of the Town and Country Planning Act 1990 and Non-Material Amendments under s.96A.

16. To the east of the site, on the opposite side of Edgware Road, is Edgware Road Underground station. Further south, beyond the Westway flyover is Paddington

Basin and beyond this, Paddington Station. To the west of the site is Paddington Green, an area of public open space incorporating dense, mature tree cover and at the furthest end is the listed building, St Mary's Church and graveyard. To the north west of the site is City of Westminster College and Edgware Road itself contains a number of retail/convenience/café uses. In terms of the built environment, the area is very mixed, with generally lower (3 to 4 storeys), domestic scale buildings to the east of Edgware Road. There are several more high rise apartment blocks to the north including the 30 storey Westmark Tower on WEG, Hall Tower and Braithwaite Tower – both 22 storeys on Edgware Road and the 21 storey 1970s tower, Parsons House further to the north. Buildings immediately south of the Westway, around Paddington Basin are taller, with 20 storeys being the average height of buildings in this area, however, there is also an extant planning permission for a 42 storey building on Merchant Square.

17. In terms of site specific designations, the site is located within the Central Activities Zone (CAZ), the Church Street/Edgware Road Housing Renewal Area (HRA), Housing Zone, Archaeological Priority Area, a Nature Deficiency Area and an Air Quality Focus Area.
18. The Church Street/Edgware Road Housing Renewal Area is an area which covers the application site, WEG, Paddington Green northwards and large area to the north east of the Edgware Road, beyond Lisson Grove including the Church Street housing estate. Westminster's City Plan identifies the renewal area for at least 2,000 high quality homes, in accordance with the Church Street Masterplan, at least 350 new jobs, community facility, green spine (to the opposite site of Edgware Road), infrastructure improvements to support active travel and innovative and high quality design to ensure the most efficient use of land, including tall buildings as well as enhancements to the Edgware Road district centre.
19. In terms of surrounding key designations, the Paddington Opportunity Area lies to the south of the site beyond Harrow Road/ the Westway. The Edgware Road/ Church Street District Centre lies to the north along Edgware Road. Paddington Green and St Mary's Churchyard is covered by a Site of Importance for Nature Conservation (SINC).
20. There are no listed buildings on the site. The majority of the application site is located outside the Paddington Green Conservation Area (CA). However, part of Newcastle Place, at its western end is located within the Paddington Green CA. Several heritage assets are also located in the area surrounding the site. The Grade II listed Paddington Green Children's Hospital is located on the corner of Church Street and Paddington Green; two Grade II listed Georgian houses are located at 17 and 18 Paddington Green; and the Grade II\* listed St Mary's Church to the west. Several other listed structures / heritage assets are also located in or around Paddington Green, including a pair of K6 telephone kiosks and the Statue of Mrs Siddons, Marylebone Lower House, North Westminster Community School; the terraces on 4-16 (even) Warwick Avenue; No. 20 Howley Place; and Maida Vale Conservation Area.
21. Figure 17 within the Heritage section below indicates the heritage assets within the vicinity of the site.

22. The transport context of the site is discussed in the Transport Section of this report below.

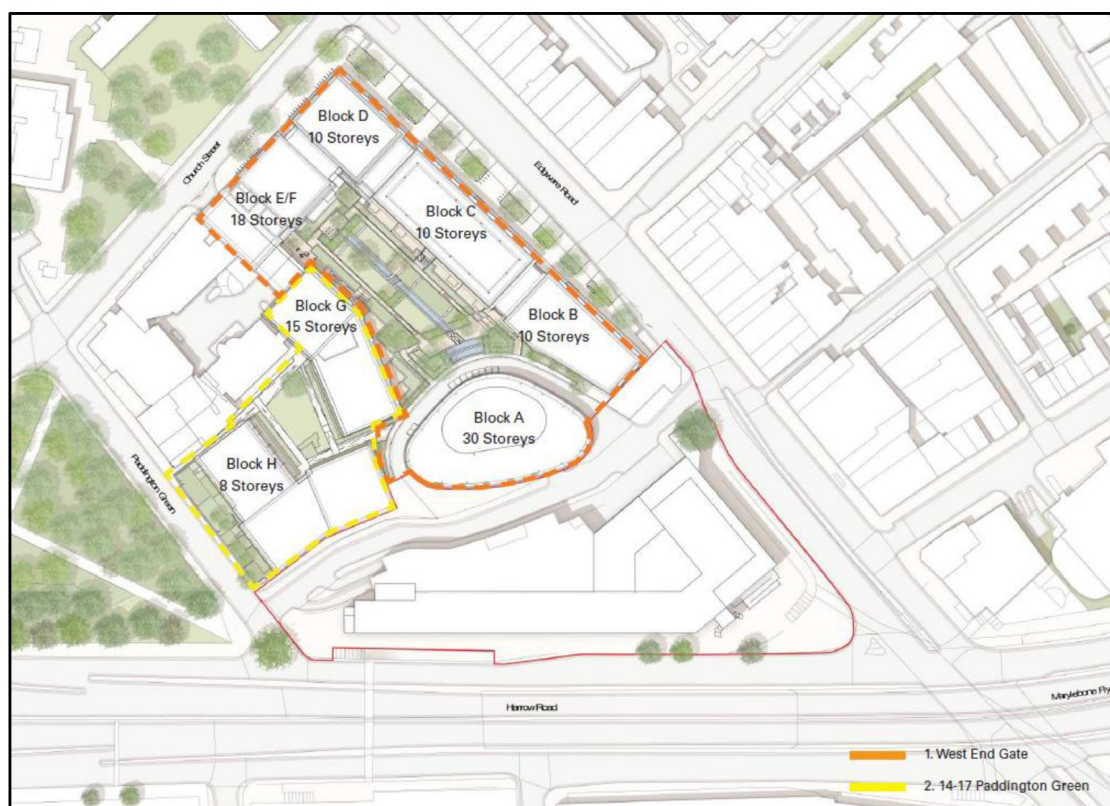
### Surrounding development

23. The site would form part of the wider **West End Gate (WEG) masterplan**. Phase 1 of the West End Gate development, directly north of the application site, was granted planning permission on 28 April 2016 (GLA Ref. D&P/3790/02, LPA Ref. 15/11677/FULL) for:

*“Redevelopment to provide buildings of between ground plus six storeys and ground plus 29 storeys including commercial space (Class A1, A3 and B1), up to 652 residential units (including 126 affordable housing units), landscaping and associated car and cycle parking. This application is accompanied by an Environmental Impact Assessment (EIA)”*

24. The application has since been subject to a number of minor material and non-material amendments including the variation of plans to provide 20 additional residential units, swapping the housing tenure between buildings E and F and changes to the public realm which was granted in January 2017. There have also been subsequent changes to internal layouts, changes to condition wording and other minor amendments.

Figure 4: West End Gate Masterplan site



25. Phase 2 to the north west of the application site, at **14-17 Paddington Green** was granted planning permission on 21 December for the following development:

*“Demolition and redevelopment of 14-16 Paddington Green; alteration and partial demolition of 17 Paddington Green; development of land to the east and south of 14-17 Paddington Green (part of site known as 'West End Green') to provide buildings ranging between 4 and 14 upper storeys to provide up to 200 residential units, with associated landscaping, basement car and cycle parking and servicing provision. This application is accompanied by an Environmental Impact Assessment (Linked to application RN: 16/11563/LBC)”.*

26. There have been two applications for minor amendments made since planning permission was granted. The first of these was granted in March 2019 to allow the addition of one floor of residential accommodation to Block G and to parts of Block H to add 16 residential units and to reduce carbon offset payment to allow connection to Church Street District Heating. A further Minor Material Amendment application, granted in February 2023 was to introduce senior living accommodation (within the C3 use class) to the site and make minor design revisions, principally to internal layouts and façade detailing.
27. WEG phase 1 commenced construction in 2017 with Block C (along Edgware Road) and the 30 storey Westmark Tower (Block A) being fully occupied first and now Blocks B, D and E/F also occupied with Westminster City Council tenants. Phase two, to the north west of the site, which is expected to deliver circa 203 homes includes blocks G and H (should the pending planning application for senior living accommodation be approved) and is expected to be completed in 2025.
28. To the south of the application site, within the Paddington Basin Opportunity Area, is another masterplan site, known as Merchant Square. This site has been the subject of a number of planning permissions since the mid 1990's for the redevelopment of the wider Merchant Square site to provide six buildings ranging in height between 16 and 42 storeys. Building 1, which is of most relevance to the current proposals, was initially granted planning permission in August 2011 (LPA Ref. 10/09756/FULL) for:

*“Redevelopment comprising the erection of a 42 storey building to provide a maximum of 222 market residential units (and no less than 213 residential units) (Class C3), hotel (Class C1), provision of basement parking, servicing and ancillary space, highway works, new vehicular and pedestrian access and associated hard and soft landscaping.”*

29. This planning permission has since been implemented and is therefore extant. However, in June 2018, a revised application was submitted for building 1 and building 6 (LPA Ref. 18/05018/FULL and GLA Ref. 2018/1317m/S1) for the following:

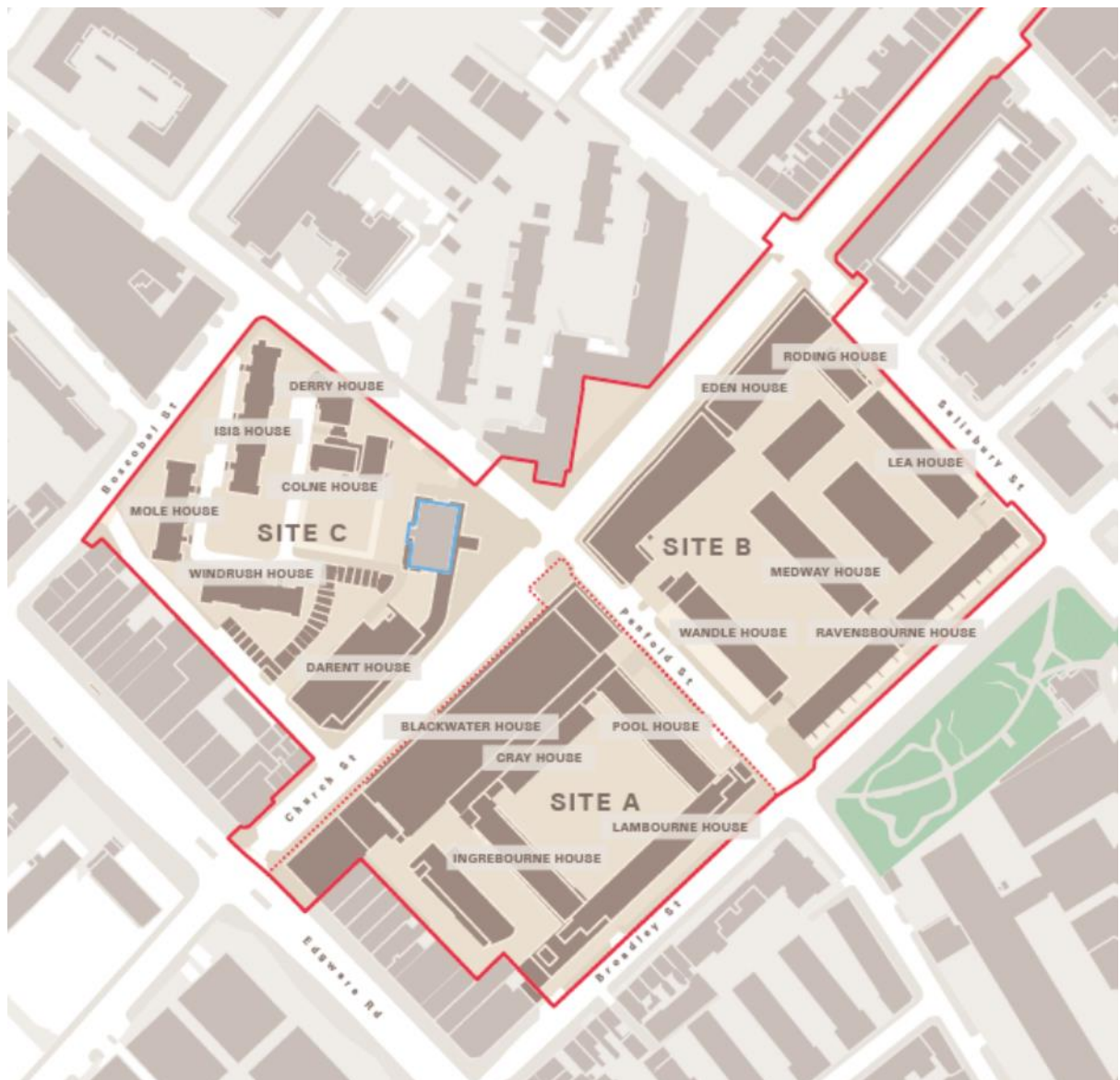
*“Redevelopment comprising the erection of a 42 storey building (Building 1) and a 21 storey building (Building 6) above three basement levels. Use of buildings as 426 residential units (Class C3) (including 67 affordable housing units in Building 6), retail floorspace (Classes A1/ A2/ A3/ A4) and retail/leisure floorspace (Classes A1/ A2/ A3/ A4/ D2); provision of car parking, cycle parking, ancillary*



space, plant, servicing, highway works, hard and soft landscaping and other associated development.”

30. Westminster City Council resolved to approve the application in April 2019. However, to date the associated s106 agreement has yet to be completed, therefore the decision is still pending.
31. To the north of the application site is a development site known **Church Street Sites A, B and C**. The site comprises an existing post war housing estate straddling both sides of the western end of Church Street (see Figure 5).

Figure 5: Church Street Sites A, B and C



32. The 3.84 hectare comprising Church Street Sites A - C site was identified in the Church Street Masterplan (December 2017) for comprehensive redevelopment to provide approximately 1,000 homes in blocks of up to 16 storeys including the reprovision of the existing homes and affordable homes on site, community uses including the reprovision of the Church Street library; the provision of new retail

along Church Street and enterprise uses; and improvements to the existing Church Street retail market, including the provision of storage and parking for traders as well as welfare and general infrastructure improvements. A hybrid application has since been submitted by Westminster City Council for the redevelopment of the site (LPA Ref 21/08160/COOUT, GLA Ref. 2021/1251/S1) in December 2021. The description of development is as follows:

*“A hybrid application including full planning permission for Site A, for the demolition of all buildings on Site A and erection of mixed-use buildings providing ground floor flexible commercial use floorspace (Use Class E), a library (Use Class F1), market storage (Use Class B8), residential units (Use Class C3) and associated works; and an outline application for Sites B, C and Church Street Market (all matters reserved) for: Redevelopment of the sites to provide flexible commercial floorspace (Use Class E); community floorspace (Use Class F1 and F2); drinking establishment floorspace (Use Class Sui Generis); market Storage (Use Class B8), and residential floorspace (Use Class C3) and associated works and infrastructure.”*

33. The proposals involve the provision of up to 1,121 homes of which at least 50% are proposed to be provided as affordable (including the replacement affordable homes) in buildings of up to 14 storeys. Westminster City Council has acquired a number of the affordable homes within the West End Gate development in order to rehouse the majority of social housing tenants originally occupying Church Street site A. Further revisions have been made to the application proposals since it was submitted including increasing the delivery of additional social rent housing within the detailed element (Site A), increasing the size of the proposed replacement library and other minor changes. The application is currently pending determination and is expected to be taken to committee in March 2023.

## Details of the proposal

34. Full planning permission is sought for the comprehensive redevelopment of the site to include the demolition of the existing Paddington Green Police Station and construction of three buildings of 39, 24 and 17 storeys in height, providing residential units, commercial uses, a community unit, landscaping, tree and other planting, public realm improvements throughout the site including new pedestrian and cycle links, provision of public art and play space, basement level excavation to provide associated plant, servicing, disabled car parking and cycle parking and connection through to the basement of the neighbouring West End Gate development.

### Proposed land use

35. A breakdown of the proposed land uses by use class is provided within Table 1:

Table 1: Proposed floorspace

<b>Land use (Use Class)</b>	<b>GIA (sq.m.)</b>
Residential (Class C3)	59,068
Flexible commercial floorspace (Class E)	1,079

Community floorspace (Class F2)	133
Other – circulation and basement	5,494
Total	65,774

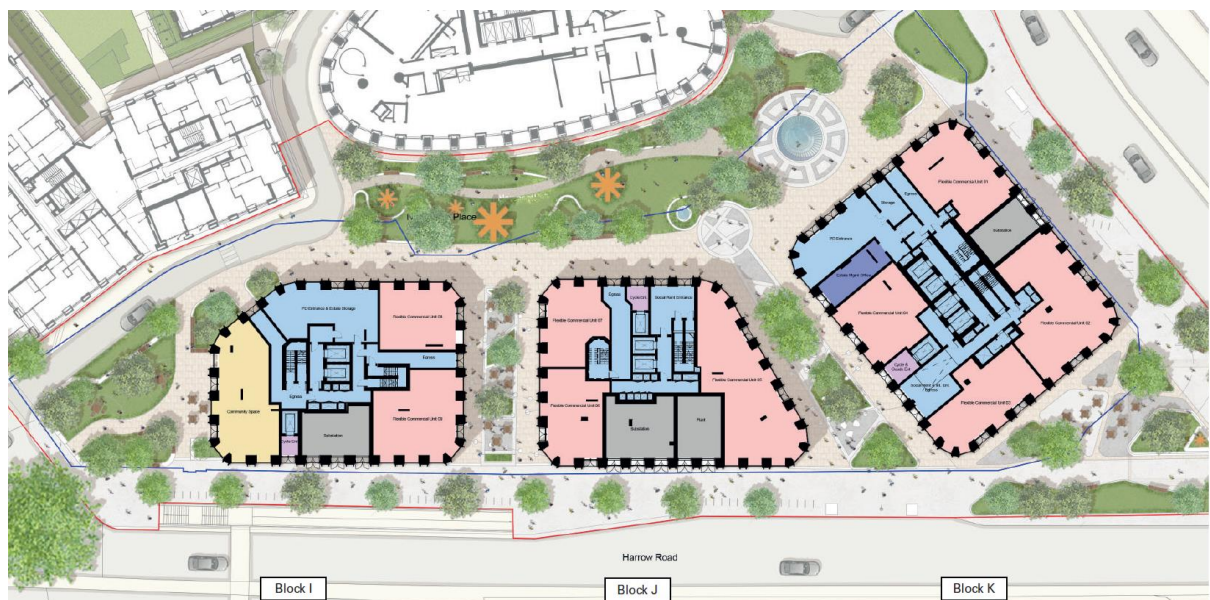
36. In terms of the number of homes within each building Block I would have a total of 149 market homes, Block J would have a total of 98 social rented homes and Block K would have a total 309 homes, 188 being market homes, with 110 being intermediate homes and 11 social rented homes. In terms of the distribution of commercial spaces within the development the ground floor of each building will have the following provision –

37. Block I – 2 units of flexible commercial space with a total of 125 sq m plus a community space of 133 sqm. Block J – 3 units of flexible working space with a total of 361 sqm. Block K – 4 units of flexible working space with a total of 501 sqm.

### Layout, massing and appearance

38. The proposed layout is provided at Figure 6. Block K, the tallest of the three buildings is positioned at the corner of Edgware Road and Harrow Road to the east and extends to 39 storeys (169.95 AOD). Block J, the middle block, is proposed at 17 storeys (96.68 AOD) and, block I, to the western edge of the site is 24 storeys (229.28 AOD). New areas of public realm are proposed around the new blocks, the principal areas being to the north involving the stopping up of Newcastle Place and the eastern and western corners of the site.

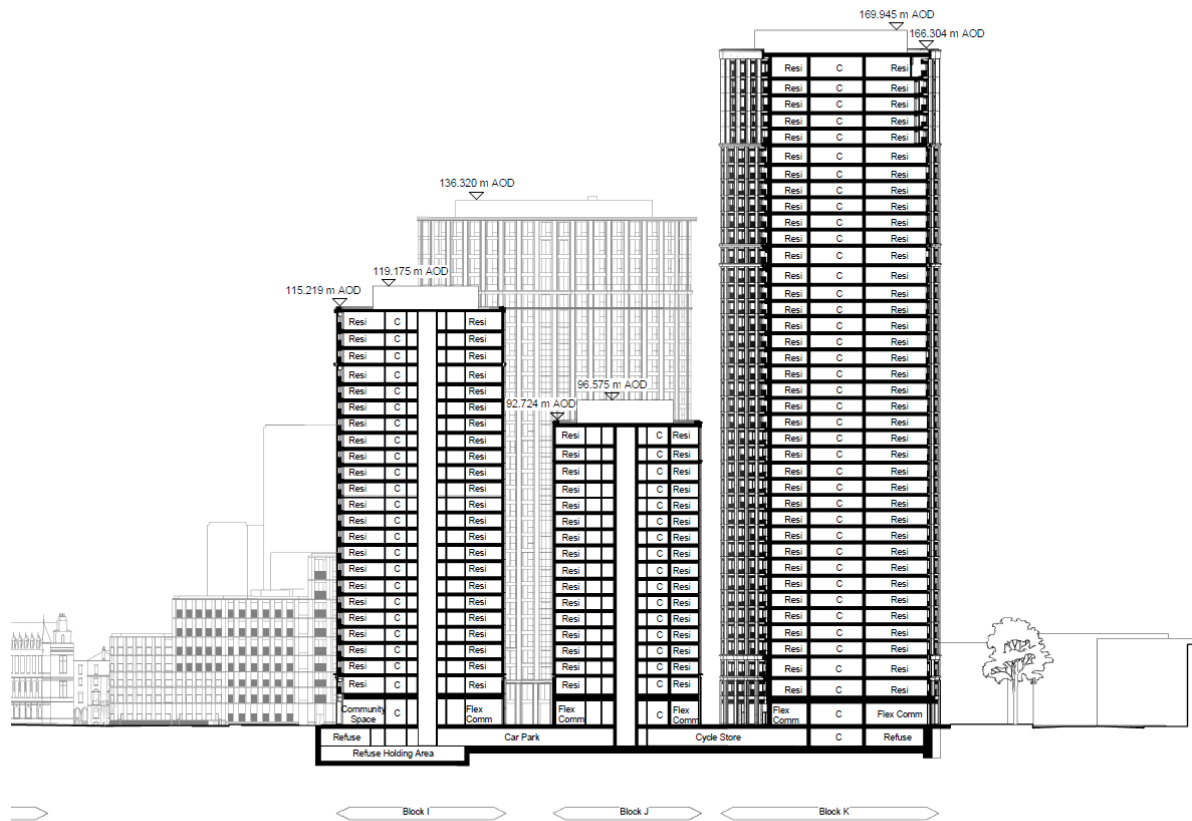
Figure 6: Proposed site layout



Beneath the buildings are two levels of basement. Directly beneath is basement level -1 which extends beneath all three buildings and provides blue badge car parking, cycle parking, bin stores and pram stores. Basement level -2 is considerably smaller and provides a refuse holding area which sits partially

beneath block I. Vehicle access for both basement levels is via the existing basement beneath the West End Gate development to the north. Cycle storage would be accessed via lifts on each block.

Figure 7: Section through the development east-west



39. Nine flexible commercial units (Class E) are proposed at ground floor spread across all three buildings ranging in size from 78 sq.m. to 175 sq.m. each. The ground floor of each building also incorporates plant rooms/ substations and access to the residential units above. Block I also contains a 133 sq.m. community unit (Class F2) to the western side of the building. The upper floors of all three buildings are residential (Class C3) only. Each of the buildings incorporate plant enclosures at roof level.

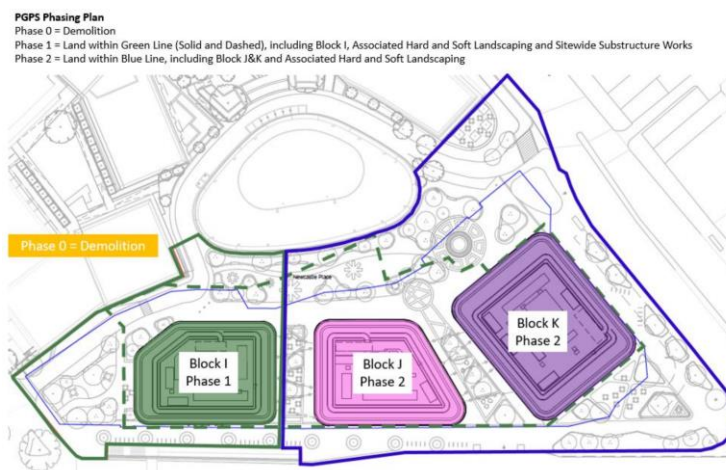
Figure 8: Aerial shot of the proposed scheme



40. The buildings share a common architectural language but distinctions have been made between each, reflecting their scale and prominence. Glass Reinforced Concrete (GRC) has been utilised in the columns and spandrels of the buildings. Block K features white GRC columns, whilst buildings J and I use a terracotta coloured GRC series of columns to define the bay. The buildings also utilise bronze cladding panels which form the glazed openings. The base of blocks J and K are defined by double height panels clad in limestone which frame the ground and first floors.
41. The proposed public realm and landscaping strategy includes the provision of new areas of landscaped public realm on all site boundaries. Public realm will be provided in front of block K at the junction of Harrow Road and Edgware Road to provide a plaza area incorporating fixed seating, raised planters and tree planting. This will complement public realm improvements along the edges of the site on Harrow Road and Edgware Road. A garden area would be provided to the west of Block I incorporating lawn, seating, tree and planters. The boulevard streets between the buildings incorporate planters and tree planting. A larger area of landscaped public realm is proposed to the north of the site between the proposed buildings and the West End Gate development which features a more extensive area of lawn, play equipment, seating, tree planting and raised planters as well as a water feature. It is proposed that some of the existing public art relief panels will be relocated within the public realm on site. The total area of public realm created by the development extends to 4,700 sqm.

42. In order to facilitate the delivery of the larger area of public realm, the middle of Newcastle Place is proposed to be stopped up and vehicles instead rerouted around the existing access route to the north of Westmark tower. Instead, the middle part of Newcastle Place would be resurfaced and become part of the public realm prioritised for pedestrians/ cyclists. It would only be accessible to emergency vehicles. Vehicular access to the rerouted Westmark access route and Newcastle Place would be restricted through the use of collapsible bollards.
43. All refuse collection and HGV servicing would take place off-street at basement level which is to be accessed via the existing West End Gate basement from Church Street to the north of the site. Vehicular access to the car park beneath the development would also be afforded from Church Street. To a lesser degree, some managed servicing would continue to take place at grade via the aforementioned access road and three loading bays are proposed at the far western edge of the site and one at the eastern end. These laybys would also be utilised for taxi pick up/drop offs.
44. In total 17 car parking spaces are proposed within basement level -1, 50% of spaces are to be provided with active electric charging points and the remaining with passive provision.
45. In respect of cycle parking for the residential component, 1,004 cycle spaces are to be provided across basement level -1 and 118 provided within the existing West End Gate basement adjacent. In respect of the commercial element, 7 long stay spaces which will be provided in the fit out of each of the units. In terms of short stay provision, 81 new spaces would be provided in the form of Sheffield stands in the surrounding public realm.
46. The development would be built in three phases as per the diagram below. The first phase would be to demolish the existing buildings on site with the second phase involving the construction of the basement which extends across the site and the erection of Block I. as well landscaping associated with Block I. The final phase would be the construction of Blocks J and K and completion of associated landscaping. The Phasing Plan will form part of the Construction Logistics Plan which is recommended as a planning condition.

Figure 9 – Phasing plan



## Relevant planning history and current planning application

47. There is limited available planning history on the site with the exception of an application for the use of the annex part of the site for offices (Class E), which was granted in December 2022 (LPA Ref. 20/06527/FULL) and a request for a scoping opinion (LPA Ref. 20/05827/EIASCO).

### Pre-application discussions

48. The scheme was subject to pre-application discussions with GLA officers held on 22 August 2018, 25 September 2019 and 7 January 2021.

49. The first pre-application meeting was a pre-application meeting in principle for the redevelopment of the site for a part 7 storey podium office block with tower element (ground plus 28 or 35 storeys for residential or hotel use, plus associated landscaping and public realm works (GLA Ref. 2018/4809). The GLA report, dated 8 September 2018, stated that as the loss of the police station is to be part of a wider service transformation plan, the loss of social infrastructure from this site would be supported. In terms of the potential use of the site for hotel or residential led uses, the preference was for residential led redevelopment of the site with a mix of other uses. The provision of 5,589 sq.m. of office space within the scheme was strongly encouraged within a mixed-use scheme in the CAZ. It was noted that as the site is public land, the Fast Track Route (FTR) threshold would be 50% affordable housing. However, with a portfolio agreement in place, the FTR threshold could be 35% provided that 50% affordable housing is delivered across the portfolio sites (Paddington Green and Hendon) and this site qualifies as it is within the Mayor's Portfolio Agreement with the Metropolitan Police. Officers were supportive of the principle of a tall building on this site, whether or not it rises higher than the WEG tower. The need to ensure that the development preserves amenity to WEG was emphasised.

50. In respect of the second and third pre-application meetings, the revised proposals were for two options, the first being redevelopment to provide two buildings of 26 and 28 storeys to provide 550 residential units or the second for two buildings of 35 and 42 storeys for 800 units together with 5,500 sq.m. of office floorspace. The loss of the existing police station and principle of redevelopment for residential led mixed uses was supported, in line with the emerging allocation for the site. No issues were raised in relation to the height and location of the taller buildings in either of the options proposed however, there was some concern over coalescence between the buildings. Creating more slender forms and increasing sky visibility between blocks was encouraged.

### The application

51. The current application was validated by Westminster City Council on 9 April 2021 (LPA Ref 21/02193/FULL) for the following:

*“Demolition and redevelopment of the site to provide three buildings (1x 32 storey, 1 x 18 storey and 1 x 15 storey), providing 556 residential units (including 210 affordable units) (Class C3), commercial uses (Class E), flexible*

*community/affordable workspace (Class E/F.1), provision of private and public amenity space, landscaping, tree and other planting, public realm improvements throughout the site including new pedestrian and cycle links, provision of public art and play space, basement level excavation to provide associated plant, servicing and disabled car and cycle parking, connecting through to the basement of the neighbouring West End Gate development.”*

52. The proposals, as originally submitted to Westminster Council and prior to the Mayor’s call in, included the erection of three buildings of 18 (block I), 15 (block J) and 32 (block K) storeys (see Figure X). Block K also featured a 25 storey shoulder element to the rear of the building and Blocks J and K were also connected via a three storey link at ground which provided access to the offices previously proposed at floors 1 and 2.

Figure 10: Aerial shot of 2021 scheme submitted originally to Westminster Council.





Figure 11: Ground floor layout of scheme submitted originally to Westminster Council.



53. Block I originally extended to the far west of the development site, Block J was wider and Block K extended further to the north towards WEG. The building footprints of each of the buildings have since been reduced following the Deputy Mayor’s decision to call-in the application as highlighted below in paragraph 64. Newcastle Place was not proposed to be stopped up and the remaining space either side and between the buildings was proposed as public realm. Having removed the offices, this has negated the requirement for the three storey link between K and J. Table X below sets out the original floorspace breakdown by land use.

Table X: Original submitted to Westminster Council floorspace vs revised current scheme (discussed further below)

Land use (Use Class)	Submitted GIA (sq.m.)	Difference between revised scheme
Residential (Class C3)	52,276	+6,792
Offices (Class E)	4,776	-4,776
Flexible commercial floorspace (Class E)	1,083	-4
Affordable workspace (Class E)	328	-328
Community use (Class F2)	0	133
Other – circulation and basement	5,614	-120
Total	64,077	1,697

### Stage 1

54. On 15 April 2021, the Mayor of London received documents from Westminster City Council notifying him of the application. The application was referred under the following categories:

- 1A.1 “Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats.”
- 1B.1(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.”
- 1C “Development which comprises or includes the erection of a building that is more than 30 metres high and outside of the City of London.”

55. On 21 June 2021 the deputy Mayor, Jules Pipe, Deputy Mayor for planning, regeneration and skills, acting under delegated authority, considered the GLA Stage 1 report 2021/0477/S1. The report concluded that whilst the proposal was supported in principle, the application did not fully comply with the London Plan and that issues relating to affordable housing, urban design, climate change and transport would need to be addressed.

56. Specifically, further information was sought regarding the affordability of the proposed affordable housing. Some concerns were raised regarding the visual and environmental impacts caused by the scheme’s bulk and massing configuration with an indication that these matters should be explored further. The scheme’s impact on residential quality was also a matter that was considered to require further consideration. A Fire Statement was not been submitted in support of the application and had to be prepared prior to the case being reported back to the Mayor at Stage 2. The development would cause less than substantial harm to a number of heritage assets including Grade II\* listed Church of St Mary and Marylebone Lower House, North Westminster Community School; the Grade II listed Children’s Hospital, 17 and 18 Paddington Green and the terraces on 4-16 (even) Warwick Avenue and No. 20 Howley Place; and the Paddington Green and Maida Vale Conservation Areas. It was stated that the public benefits of the proposal could potentially outweigh the harm identified; this would however be subject to further details being provided prior to the Mayor’s consideration at Stage 2.

57. Further information on energy, whole life-cycle carbon, circular economy, water, air quality and urban greening was requested from the applicant, in respect of transport matters, further information and consultation regarding, the landscaping proposals and interface with the TLRN and the trip generation assessment, which required revisions. Contributions to public realm improvement works and cycle hire infrastructure were sought. Strategies in relation to car parking, servicing, travel planning and construction logistics planning would need to be suitably secured by condition, subject to further consultation with TfL.

58. On 7 September 2021, the application was considered by Westminster City Council. Members resolved to refuse planning permission, contrary to officers’ recommendation for approval. The draft decision notice cited the following reasons for refusal:

- By reason of its excessive height and bulk, Block K would have a detrimental impact on the local townscape, would result in substantial

harm to the setting of the Little Venice, Paddington Green, Lisson Grove and Maida Vale Conservation Areas and have a detrimental impact on views from Regents Park and Hyde Park, contrary to policies 38, 39, 40 and 41 of the City Plan 2019 - 2040 (April 2021).

- The proposed development fails to maximise the number of dual aspect flats within Blocks I and J, resulting in poor levels of natural daylight and outlook due to the proximity of the existing buildings within West End Gate. The proposal therefore fails to provide high quality residential accommodation and is contrary to policy D6 of the London Plan (March 2021) and policy 12 of the City Plan 2019-2040 (April 2021).
- By reason of the excessive height and bulk of the proposed blocks, the proposed development would result in a significant loss of daylight and sunlight to existing residential properties, contrary to policies D6 (D) and D9 (3) of the London Plan (March 2021) and policies 7, 38 (C) and 41 B of the City Plan 2019 - 2040 (April 2021).

59. Stage 2: On 22 November 2021 the Deputy Mayor, under delegated powers, considered the report 2021/0711/S2. It was concluded that, having regard to the details of the application and other relevant matters, the development is of a nature and scale that it would have a significant impact on the implementation of the London Plan policies on housing and affordable housing delivery and in terms of delivering 556 homes including 210 affordable homes. Consequently, it was considered that there were sound planning reasons for the Mayor to intervene in this case and issue a direction under Article 7 of the Order that he would act as the Local Planning Authority for the purpose of determining the application. The Deputy Mayor agreed with this recommendation.

60. The Stage 2 report outlined outstanding issues including the affordable housing obligations; non-compliance with Policy D9 of the London Plan; residential quality; heritage matters including impacts on Grade II\* listed Church of St Mary and North Westminster Community School; the Grade II Children's Hospital, 17 and 18 Paddington Green and the terraces on 4-16 Warwick Avenue and No. 20 Howley Place as well as the Paddington Green and Maida Vale Conservation Areas; energy and sustainability matters and transport.

61. Following the Deputy Mayor's decision to call in the application, the proposed development continued to evolve. In particular between November 21 and the submission of the current scheme the applicant engaged in a series of discussions with GLA officers, Westminster City Council officers and Westminster Councilors on revisions to the scheme, the land uses (including the loss of the office element), the affordable housing offer and the detailed design of the scheme.

62. The applicant also presented their revised proposals with the London Review Panel (LRP) via two rounds of review in Summer of 2022 with the final report dated August 2022. The applicant undertook consultation with the local community between October and November 2022 on revised proposals and continued discussions with GLA officers, Westminster Council officers and Westminster Councillors. On 21 November 2022, the applicant submitted a

revised set of documents including an updated Environmental Statement in support of the following revised description of development:

*“Demolition of the existing building and redevelopment of the site to provide three buildings of 39, 24 and 17 storeys in height, providing residential units (including affordable units)(Class C3), commercial uses (Class E), a community use (Class F.2), landscaping, tree and other planting, public realm improvements throughout the site including new pedestrian and cycle links, provision of public art and play space, basement level excavation to provide associated plant, servicing, disabled car parking and cycle parking and connection through to the basement of the neighbouring West End Gate development.”*

63. The November 2022 scheme included the following revisions:

- The provision of 556 homes remained. However, the proposals involved revised affordable provision compared to the submitted scheme from 37% to 38% by habitable room comprising 60:40 split social rent to intermediate compared to 51:49 intermediate to social rent/ London Affordable Rent (LAR) at submission stage.
- Changes to the residential mix across all tenures, including an increased quantum of family sized homes within the social rent tenure from 42% to 44%.
- An increase in the residential floorspace of 6,792 sq.m. (GIA) (mainly due to the additional stair cores introduced for evacuation purposes). The total proposed floorspace has increased by 1,696 sq.m. (GIA) compared to the submitted scheme but with a reduction of 1,520 sq,m (NIA) in useable area.
- Increase in the height of each of the three proposed buildings from 15 to 17 (Block J - 96.68m AOD) 18 to 24 (Block I -129.28m AOD) and 32 to 39 storeys (Block K -169.95m AOD).
- Reduction in the footprint of all three buildings including the removal of the 25 storey shoulder to the rear of building K, and the removal of the three storey link between buildings K and J.
- Changes to internal layouts including reduction in single aspect residential units and removal of all single aspect north facing units.
- Removal of 4,776 sq.m. (GIA) office floorspace as proposed in the submission scheme; provision of a 133 sq.m. (GIA) community unit; and provision of 1,079 sq.m. (GIA) of flexible commercial floorspace, resulting in a small reduction of 4 sq.m. compared to the submitted scheme.
- Slimming of the building footprints and stopping up of Newcastle Place to deliver an increase in public realm compared to the submitted scheme now delivering 4,700 sqm equating to approximately 69% of the site area.
- Changes to the energy strategy including moving from reliance on connection to the WEG energy centre and gas fired CHP to an air source

heat pump solutions. Resulting in a 67% improvement in carbon emissions reductions against Part L from 35% at submission stage.

- Revisions to the fire strategy including the introduction of additional staircases to each building core, additional lift to building K and additional smoke extracts.
- Changes to the landscaping proposals to deliver a 0.37 urban greening factor score compared to 0.06 at submission stage.
- Changes to façade design.

64. Following the November revisions further information was received in January 2023 in respect of the Environment Statement along with a revised phasing strategy. These amendments were consulted upon between 11 January and 10 February 2023.

#### Site visit

65. The Deputy Mayor undertook an accompanied site visit on 8<sup>th</sup> March 2023 with GLA and TfL officers, representatives from the Council and the applicant team.

66. The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 has been taken into account in the consideration of this case. 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](http://www.london.gov.uk).

### **Relevant legislation, policies and guidance**

67. 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 and the London Plan 2021.

68. Paragraph 219 of the NPPF 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.

69. 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.

70. The relevant planning policies and guidance at the national, regional and local levels are noted in the following paragraphs.

#### National planning policy and guidance

71. The National Planning Policy Framework (NPPF) provides the Government's overarching planning policy framework. First published in 2012, the Government published a revised NPPF in July 2018 and further revised in February 2019 and July 2021. The sections of the NPPF which are most relevant to this application include:

- 2. Achieving sustainable development
- 5. Delivering a strong, competitive economy
- 6. Building a strong, competitive economy
- 7. Ensuring the vitality of town centres
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

72. The National Planning Practice Guidance and National Design Guide are also a material considerations.

#### Spatial Development Strategy for London and supplementary guidance

73. The London Plan (2021) is the Spatial Development Strategy for Greater London. The relevant policies within the London Plan are:

- Policy SD4 – The Central Activities Zone (CAZ);
- Policy SD5 – Offices, other strategic functions and residential development in the CAZ;
- Policy SD8 – Town Centre Network;
- Policy SD10 – Strategic and local regeneration;
- Policy D1 – London's form, character and capacity for growth;
- Policy D2 – Infrastructure requirements for sustainable densities;
- Policy D3 – Optimising site capacity through the design-led approach;
- Policy D4 – Delivering good design;
- Policy D5 – Inclusive design;
- Policy D6 – Housing quality and standards;

- Policy D7 – Accessible housing;
- Policy D8 – Public realm;
- Policy D9 – Tall Buildings;
- Policy D10 – Basement development;
- Policy D11 – Safety, security and resilience to emergency;
- Policy D12 – Fire Safety;
- Policy D14 - Noise;
- Policy H1 – Increasing housing supply;
- Policy H4 – Delivering affordable housing;
- Policy H9 – Ensuring the best use of stock;
- Policy H10 – Housing size mix;
- Policy S1 – Developing London’s social infrastructure;
- Policy S4 – Play and informal recreation;
- Policy S6 – Public toilets;
- Policy E1 – Offices;
- Policy E2 – Providing suitable business space;
- Policy E3 – Affordable workspace;
- Policy E9 – Retail, markets and hot food takeaways;
- Policy E11 – Skills and opportunities for all;
- Policy HC1 – Heritage, conservation and growth;
- Policy HC2 – World Heritage Sites;
- Policy HC3 – Strategic and local views;
- Policy HC4 – London View Management Framework;
- Policy G1 – Green infrastructure;
- Policy G5 – Urban greening;
- Policy G6 – Biodiversity and access to nature;
- Policy G7 – Trees and woodland;
- Policy SI1 – Improving air quality;
- Policy SI2 - Minimising greenhouse gas emissions;
- Policy SI3 – Energy infrastructure;
- Policy SI4 – Managing heat risk;
- Policy SI5 – Water infrastructure;
- Policy SI6 – Digital connectivity infrastructure;
- Policy SI7 – Reducing waste and promoting a circular economy;
- Policy SI12 – Flood Risk Management;

- Policy SI13 – Sustainable drainage;
- Policy T1 – Strategic approach to transport;
- Policy T2 – Healthy streets;
- Policy T3 – Transport capacity, connectivity and safeguarding;
- Policy T4 – Assessing and mitigating transport impacts;
- Policy T5 – Cycling;
- Policy T6 – Car parking;
- Policy T6.1 – Residential parking
- Policy T6.2 - Office parking;
- Policy T6.3 – Retail parking;
- Policy T6.5 – Non-residential disabled persons parking;
- Policy T7 – Deliveries, servicing and construction;
- Policy T9 – Funding transport through planning; and
- Policy DF1 - Delivery of the plan and planning obligations.

74. The following published supplementary planning guidance (SPG), strategies and other documents are also relevant:

- London View Management Framework SPG (March 2012);
- Accessible London: achieving an inclusive environment SPG (October 2014);
- Character and Context SPG (June 2014);
- Housing SPG (March 2016);
- The control of dust and emissions during construction and demolition SPG (July 2014);
- All London Green Grid SPG (March 2012);
- Planning for Equality and Diversity in London (October 2007);
- Public London Charter LPG (September 2021);
- Social Infrastructure SPG (May 2015);
- Use of planning obligations in the funding of Crossrail and the Mayoral Community Infrastructure Levy (April 2013);
- Crossrail Funding (March 2016);
- Mayor’s Transport Strategy (March 2018);
- Mayor’s Environment Strategy (May 2018);
- ‘Be Seen’ Energy Monitoring Guidance (September 2021);
- London Cycle Design Standards (October 2016);
- Circular Economy Statement Guidance (March 2022); and
- Whole Life-Cycle Carbon Assessments (March 2022).



75. The following pre-consultation draft strategic supplementary planning guidance (SPG) and London Plan guidance (LPG), strategies and other documents are also relevant but do not have significant weight due to their stage of advancement towards adoption:

- Housing Design Standards – consultation draft (February 2022);
- Air Quality Positive guidance – (2023);
- Air Quality Neutral guidance – (2023);
- Energy Planning Guidance (April 2020);
- Sustainable Transport, Walking, and Cycling LPG – (2022);
- Urban Greening Factor - consultation draft (September 2021);
- Fire Safety LPG – consultation draft (February 2022);
- Optimising Site Capacity: A Design-led Approach LPG – consultation draft (February 2022); and
- Characterisation and Growth Strategy – consultation draft (February 2022).

#### Local planning policy and guidance

#### **Westminster's City Plan 2019-2040**

76. On 21 April 2021 the full Council adopted their City Plan and Policies Map. This superseded the Westminster City Plan (November 2016) and saved UDP Policies (January 2007).

77. The following policies are relevant to this application:

- Policy 1 – Westminster's spatial strategy;
- Policy 6 – Spatial development Priorities: Church Street/ Edgware Road and Ebury Bridge Estate Housing Renewal Areas;
- Policy 7 – Managing development for Westminster's people;
- Policy 8 – Housing delivery;
- Policy 9 – Affordable housing;
- Policy 10 – Housing for specific groups;
- Policy 11 – Innovative housing delivery;
- Policy 12 – Housing quality;
- Policy 13 – Supporting economic growth;
- Policy 14 – Town centres, high streets and the CAZ;
- Policy 16 – Food, drink and entertainment;
- Policy 17 – Community infrastructure and facilities;
- Policy 19 – Digital infrastructure, information and communications; tech;
- Policy 24 – Sustainable transport;
- Policy 25 – Walking and cycling;
- Policy 26 – Public transport and infrastructure;
- Policy 27 – Parking;
- Policy 28 – Highway access and management;
- Policy 29 – Freight and servicing;
- Policy 30 – Technological innovation in transport;

- Policy 32 – Air quality;
- Policy 33 – Local environmental impacts;
- Policy 34 – Green infrastructure;
- Policy 35 – Flood risk;
- Policy 36 – Energy;
- Policy 37 – Waste Management;
- Policy 38 – Design principles;
- Policy 39 – Westminster’s Heritage;
- Policy 40 – Townscape and architecture;
- Policy 41 – Building height;
- Policy 42 – Building height in housing renewal areas;
- Policy 43 – Public realm;
- Policy 44 – Security measures in the public realm; and
- Policy 45 – Basement developments.

78. The following supplementary planning documents are also relevant to the proposals:

- Environmental SPD (February 2022);
- Westminster Way: Public Realm Strategy SPD (September 2011); and
- Historic Parks and Gardens in Westminster SPD (1996).

79. The following draft policy documents are also of relevance to the proposals:

- City Plan Partial Review (regulation 18 consultation) (October 2022)
- Draft Planning Obligations and Affordable Housing SPD (March 2022)

### Community infrastructure levy

80. Local planning authorities in London are able to introduce Community Infrastructure Levy (CIL) charges which are payable in addition to the Mayor’s CIL. Westminster Council’s CIL came into effect on 1 May 2016 and based upon the application site’s location within Westminster’s ‘core’ area is charged at a rate of £400 per square metre of residential (including all C Class uses) and between £150 per square metre for commercial (offices, hotels, retail, nightclubs etc) uses. MCIL 2 rates now apply to planning permissions granted from 1 April 2019. Accordingly, a rate of £60 per sq.m. would apply to all eligible development.

## **Response to consultation**

81. As part of the public consultation process, Westminster City Council sent notifications to 5,685 addresses in the vicinity of the site as well as posting site notices and publishing press notices. All responses to Westminster City Council’s local consultation process, and any other representations received by Westminster City Council and/or the Mayor of London in respect of this application at the time of writing this report are summarised below and have been taken into account in this report.

82. In addition, as explained above, the Mayor has carried out consultation on revised plans submitted subsequent to him taking over the application, and comments received are outlined below. The Deputy Mayor has been briefed on

the amount and content of all consultation responses, including the comments and any issues raised.

## **Statutory consultee responses to Westminster City Council**

### Greater London Authority (including Transport for London)

83. The Mayor's initial consultation stage comments (GLA report ref: GLA/0477/S1) and the Mayor's Stage 2 decisions (GLA report ref: GLA/0711/S2) are set out in aforementioned reports and are summarised in the 'Relevant case history' section above.

### Transport for London

84. Commented as part of the Mayor's Stage 1 and 2 response, and also provided a separate direct response to Westminster City Council, setting out issues in relation to TfL's rain garden scheme; the provision of Sheffield stands, trip generation and pedestrian flow. Suggested conditions, section 106 obligations and financial contributions were also detailed. The detailed consideration of these points is set out in the Transport section below.

### Department for Levelling Up, Housing & Communities

85. No response received.

### Ward Councillors for Little Venice, Hyde Park, Bryanston and Dorset Square and Church Street

86. No response received.

### Historic England (conservation and listed buildings)

87. Advise that they do not wish to comment, and that advice should be sought from the City Council's specialist heritage officers.

### Historic England (archaeology)

88. No response received.

### The National Amenity Societies

89. No response received.

### Environment Agency

90. No comment on the application given the lack of environmental constraints.

### Natural England

91. No objection.

### London Underground

92. No objection, subject to a condition to secure protection of nearby underground transport infrastructure.

### National Grid

93. Further discussions required regarding gas and electricity infrastructure near the application site.

### Sport England

94. The existing community sports provision within the area may not be able to accommodate increased demand without exacerbating existing and/or predicted future deficiencies. New developments should contribute towards meeting the demand through the provision of on-site facilities and/or providing off-site capacity. The development does not propose an on-site facility. Contributions through CIL or S106 are advised.

### The Royal Parks

95. Object to the massing and height of the proposed buildings in terms of impact on the sky space of Primrose Hill. The development would be visible from Primrose Hill and would impact on the park and its visitors. The proposal is contrary to the policies in the Royal Park, The Regent's Park and Primrose Hill Conservation Management Plan.

### Thames Water

96. No objection to the development on sewage and surface water capacity grounds. Conditions required regarding limited occupation until water infrastructure is upgraded, to protect nearby strategic water main. Information required regarding work near water, wastewater and sewage infrastructure near the site.

### MET Police – Designing out Crime

97. Specific concerns raised regarding the design of the development. Although the applicant is instructing a security consultant to design a security strategy for this development, this will not design the criminal opportunity out.

### NHS Central London

98. No response received

Westminster Primary Care Trust

99. No response received

London Fire and Civil Defence Authority

100. No response received

London Fire Services

101. No response received

The London Borough of Brent

102. No objection to the proposed development.

The Royal Borough of Kensington and Chelsea

103. No objection to the proposed development.

London Borough of Camden

104. No response received.

Paddington Waterways and Maida Vale Society

105. The proposed development would cause more than substantial harm to the Little Venice Conservation Area, including the setting of St Mary's Church; the setting of properties on Paddington Green; the views of Warwick Avenue Bridge, Randolph Avenue and Randolph Road, Bloomfield Road and other locations within the conservation area with view to the southeast. The proposal also causes more than substantial harm to views from the east to west and in particular Regents Park and Primrose Hill.

St Marylebone Society

106. Concerns raised regarding the height of the development, the impact on healthcare services. Overall support for the regeneration of the area and mixed-use development of the site.

South-east Bayswater Residents Association

107. The proposed height would cause more than substantial harm to the adjacent Conservation Areas, including the Bayswater Conservation Area. The proposed mix of residential units comprises too many small units. Concerns raised regarding the layout of the site and vehicle routes beyond the eastern tower.

Paddington Residents Active Concern on Transport (PRACT)

108. The development presents the opportunity to adjust the layout of the site beyond the eastern tower, to enable a left turn for vehicles out of Harrow Road. Further concerns raised regarding the capacity of the Bakerloo Line, subway system under Harrow and Edgware Road, access and egress during construction. Support for level of off-street parking and cycle storage.

Regents Park Conservation Area Advisory Committee

109. Very strong objection to the proposed 32 storey tower, which would harm views from within Regent's Park.

Westbourne Neighbourhood Association

110. No response received.

Bayswater Residents' Association

111. No response received.

Hyde Park Estate Association

112. No response received.

North Paddington Society

113. No response received.

Friends Of Regents Park & Primrose Hill

114. No response received.

Marylebone Association

115. No response received.

Harrowby & District Residents Association

116. No response received.

St John's Wood Society

117. No response received.

Notting Hill East Neighbourhood Forum

118. No response received.

### Friends Of Hyde Park & Kensington Gardens

119. No response received.

### Marble Arch Bid

120. Support the proposed development. The current site is tired, run-down and does not positively contribute to the district. The proposed development would transform the public realm and would introduce a significant proportion of new homes and affordable homes.

### New West End Company

121. No response received.

### Paddington Bid

122. No response received.

## **Individual neighbourhood responses**

123. At the time of making a decision on the proposal, Westminster City Council reported that it had received a total of 22 objections and 1 letters of support in response to the public consultation. All responses were provided to the GLA subsequent to the decision to take over the application and have been made available to the Deputy Mayor in advance of the hearing.

124. The main concerns and issues raised in objection to the proposals are summarised below and grouped by topic headers used in this report:

### Conservation, townscape and design

- 32 storeys and/or proposed buildings are too tall for this area and out of keeping with prevailing character;
- Height and bulk of proposal will have an adverse impact over a large area, including Little Venice and Regent's Park;
- Height and bulk of proposed buildings will harm views from Little Venice and Regent's Park;
- Dust and vibration during construction will harm nearby heritage assets, including the Grade 2\* St Mary's Church and other Grade 2 monuments;
- The development will disturb archaeological remains on-site;
- Existing building should be listed, not demolished;

### Affordable housing

- The proposed development does not provide a policy compliant level of affordable housing;
- Proposed flats should be entirely affordable for the local workforce;
- Affordable housing should be provided on-site, not in Barnet;
- Proposed flats will be too expensive for local residents;

- Separate entrances for different tenures can lead to discrimination;

### Amenity

- scheme will block daylight, sunlight and/or overshadow nearby residents and park;
- Proposal will result in loss of privacy;
- Tall buildings are boxing people in;
- Construction will cause majorly adverse harmful fumes, dust, vibration and pollution;
- Density of development will cause severe noise and disturbance;

### Highways

- Proposal will increase traffic congestion in the area from new residents and/or during construction and demolition;
- Proposal will exacerbate traffic congestion at junction of Harrow and Edgware Road junction caused by recent changes made by TFL;
- The proposed development will decrease road safety;
- Church Street cannot take the levels of traffic from the proposed development and West End Gate;
- On-street parking already stretched, and proposal will make it difficult for existing residents to park their car in the area;
- Construction traffic to Edgware Road, Church Street and Paddington Green will be excessive;
- Traffic from the development will physically damage the road (e.g. cracks);
- The proposal does not encourage walking and/or cycling;

### Local environment

- Proposal will increase wind from high buildings;
- Proposal will increase dust in area;
- Proposal will reduce air quality in the area, including from traffic;
- Increased noise, vibration and dust for residents during construction and/or in combination with existing construction at West End Gate; •
- Dust and, noise and vibration during construction will harm the biodiversity of St Mary's Churchyard;
- More green space is needed in the proposal;
- Waste collection and storage facilities on-site are inadequate; Item No. 1 Impact on Local Services
- Closure of police station has or will increase crime;
- Proposal will increase crime
- Local healthcare facilities already stretched and this will worsen from residents of proposed development;
- Buses too busy at present and this will worsen from residents of the proposed development;
- Public services and resources will not be able to cope with the demands of increased population that development will bring;



## Other

- Proposed units are too small for long-term living and working from home;
- Proposed development gives nothing back in terms of public realm or facilities;
- New residents will cause increases in the price of food and other goods, making it difficult for current residents to continue living in the area;
- Proposed flats will remain empty;
- Proposal includes no beneficial facilities;
- Proposal will create a slum;
- Contributions to the repair of the estates of Lisson Grove and provision of reflective surfaces to mitigate light loss should be secured;
- The Environment Statement is biased and downplays the impact of the proposal, particularly its impact on Townscape Views;
- Large trees and other obstruction will block the highway around the site, making it difficult for those with mobility or disability impairment; and
- The submitted drawings and other documents contain inaccuracies, particularly where they portray the as yet to be built 1 Merchant Square and blocks on the West End Gate site.

125. In summary, the supporters raised the following issues:

- The existing police station is of no architectural or historic interest and its demolition is supported;
- Scheme is well-designed and will improve the area;
- Scheme provides new family housing; and
- Scheme provides better cycling infrastructure.

## **Representations made to the Mayor of London**

126. The Mayor took over the planning application for his own determination on 22 November 2021. A consultation exercise took place on 23 November 2022 for 30 days in relation to the revisions to the scheme submitted by the applicant. Letters were sent to all those consulted by the Council, in addition to all those who had responded to the planning application thus far. A press notice was posted in the West London Gazette and site notices were erected. Following receipt of further environmental information a further formal notification and consultation exercise took place on 11 January 2023 for 30 days.

127. A total of 90 responses were received to both the November 2022 and January 2023 consultations, of which 84 responses objected to the application, and 6 responses were in support. These responses have been made available to the Deputy Mayor and have been taken into account in this report.

128. The issues raised in objection to the revised scheme are similar to those raised by the original application and are summarised as follows:

### Height and scale of development

- At 39 storeys is totally unacceptable it will block all views south.
- Maintain objections from previous representations in terms of the overall scale, height and massing of the proposed development.

- Development is out of character with the area.
- The buildings have got taller so the scheme is actually larger.
- The proposal is adding further towers where only one tower was originally accepted.
- The addition of more towers will increase the views of the development.

#### Impact on Heritage Assets

- Adverse impact on the conservation area particularly Little Venice CA.
- Damage to views of and from the Paddington Green conservation area and Cosway Street, with views from St Mary's Churchyard, Lisson Grove and the Royal Parks impacted – the 32-storey new building will overly dominate its surroundings
- Height of the main new building Tower – tall buildings are only acceptable as one-off “landmarks” but Berkeley has already built a 30 storey building (the Westmark Tower) right next door to this one.

#### Impact on social infrastructure

- Further demands will be placed on a local infrastructure (traffic, parking, education, health, etc) that is already creaking at the seams.
- Will add pressure on GP's and health centre.

#### Impact on neighbour amenity

- Reduction of daylight and sunlight into many flats in Berkeley's neighbouring development of West End Gate
- Princess Louise Close (Winicotte House) W2 1LH is south facing at the back north facing at the front on the Church Street elevation will suffer from a loss of sunlight and daylight.
- Too tall will create wind tunnel and loss of light.
- Too tall and will result in poor air pollution for future residents.

#### Affordable housing / housing quality

- Not enough on-site affordable housing – as this is site is former public land, 50% of the flats should be for affordable rent but Berkeley is only providing 38% with the balance to be provided in Hendon.
- Wrong mix of intermediate housing – 60% of the affordable flats are for shared ownership.
- Property prices are too high for shared ownership to be in any sense “affordable” in Westminster so these flats should be for low-cost rental instead, with more social housing in the scheme
- Many flats are single aspect and face North
- Lack of children play space

#### Car Parking and Transport

- Lack of car parking for over 500+ population

#### Others

- Negative impacts on nature conservation.
- Should be a police station due to crime and or commercial / community use.
- Sales to overseas investors rather than for local people.
- Mayor overriding local politicians.

- Impact on sky dish and digital reception.
- Keep the police station – harm to walking needs to be green space.
- Construction will cause issues for years.
- The changes represent a significant change and a new application is required.
- Excessive profit being made by the developer.

#### Representation from The Regent's Park Conservation Area Advisory Committee

129. Object strongly to the revised scheme. The tall buildings proposed – now 39, 24, and 17 storeys in height – would disrupt the skyline in views from within the Park. Illustrative views are shown by the applicant at views 23.1, 24, 25, 27, 28 in vol. 2 of the replacement Environmental Statement. The tall buildings would disrupt a skyline which is an integral part of the original, and surviving, Regent's Park, which is recognized as an area of exceptional heritage status, internationally recognized for its contribution to the development of urban planning, specifically for its integration of buildings, landscape and views, and consisting now of groups of Grade I Listed buildings and Park, with the treeline and the views of the buildings expressed in a larger panorama.

130. View 27 and 28 exemplify the harm which the Paddington Basin towers would inflict on the skyline, disrupting the treeline with a cumulation of tall blocks. This harm would not be limited to the sample viewpoints illustrated: it would be disruptive from many more locations in the Park.

131. Regent's Park has long been recognized as an exceptional townscape, a precursor for the development of green landscape in an urban setting, and a contributor to London's status as a leading international city. The proposed harm to this exceptional heritage is avoidable and should be avoided.

132. The issues raised in support to the revised scheme are summarised as follows:

- Support the Paddington green police station transformation.
- Will remove the abandoned police station, lots of rubbish on street, and not very pedestrian friendly with the abandoned underpass with all wires door around.
- Will reduce current anti-social behaviour.
- Regeneration of this site is desperately needed.
- This is an excellent and appropriate proposal for repurposing this space.
- Residential units are desperately needed and building upwards rather than outwards makes total sense.
- Improved public realm and will reduce crime.
- The slightly larger size of the newest scheme not only provides more homes but looks far better as a result of the tower not looking so stumpy in previous designs. The new taller element also fit in with other nearby approved buildings and also help make the approach to the A40 flyover look more interesting and dynamic.

133. The statutory consultee responses are summarised below:

Sport England – reiterates comments made to original submission.

Natural England - reiterates comments made to original submission.

Historic England - reiterates comments made to original submission.

London Underground infrastructure protection – no comments.

Historic England – no comments

Thames Water – no objections subject to conditions

Metropolitan Police SBD – raises objections as unlikely to secure compliance with SBD

Cadent Gas – no objection subject to informative.

Environment Agency – no comments, given lack of environmental (EA specific) constraints.

Westminster City Council – the revisions to the application were presented to Planning Committee on 28<sup>th</sup> February 2023. The Council wrote to the GLA on 3 March 2023 objecting to the current proposal for the following reasons:

Reasons for Objection:

1. By reason of their excessive height and bulk and detailed design , Blocks I and K would have a detrimental impact on the local townscape, would result in less than substantial harm to the setting of the Maida Vale, Paddington Green, Lisson Grove and Dorset Square Conservation Areas, and to the setting of the Grade II\* listed Christ Church, Cosway Street, and have a detrimental impact on views from the Grade I Registered Parks of Regents Park and Hyde Park. This would not be adequately mitigated for or compensated by the quality of architectural design. As such the proposals are contrary to policies 38, 39, 40 and 41 of the City Plan 2019 - 2040 (April 2021). It is not considered that the public benefits outweigh the less than substantial harm to the designated heritage assets.

2. By reason of the excessive height and bulk of the proposed blocks, the proposed development would result in a significant loss of daylight and sunlight to existing residential properties, contrary to policies 7, 38 (C) and 41 B of the City Plan 2019 - 2040 (April 2021).

3. The proposed development will result in poor levels of natural daylight and outlook to a number of the affordable housing flats in Block J and the lower floors of Block K , due to the proximity and heights of the new buildings, contrary to policy 12 of the City Plan 2019-2040 (April 2021).

Informative(s):

1. You are strongly advised to address the objections raised by the Council's Tree Section on 7 December 2022, in relation to the proposed trees and landscaping.

2. You are strongly advised to address the objections raised by the Metropolitan Police Design Out Crime Office on 6 February 2023 and ensure that the proposals will achieve a Secured by Design accreditation.

3. You are strongly advised to address the objections raised by the Council's Environmental Sciences Section on 15 February 2023, particularly in relation to Air Quality and the requirement for the proposed development to achieve Air Quality Positive.

## **Environmental Impact Assessment**

134. Planning applications for development that are covered by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 are termed "EIA applications". The requirement for an EIA is based on the likelihood of environmental effects arising from the development. The proposed development is considered to be Schedule 2 development likely to have significant effects on the environment by virtue of factors such as nature, size or location. Consequently, the application is considered to form an application for EIA development and it has been necessary that an Environmental Statement be prepared in accordance with EIA Regulations.

135. The applicants submitted a Scoping Report (submitted September 2020) outlining the scope of the Environmental Statement (ES) prior to the submission of the application to Westminster City Council. Following consultation with the relevant consultation bodies, Westminster City Council issued a Scoping Opinion in March 2021. This confirmed that the scheme constituted EIA development and set out advice and instructions in relation to the methodology of the assessment. It identified a range of potential effects that would need to be included in the ES. Given the scope of amendments, a further ES Scoping Opinion was considered not to be required in relation to the revisions to the application.

136. The submitted ES, which was subsequently updated to take into account the aforementioned design changes, is divided into three volumes covering the 1) main assessment text; 2) the townscape, visual and built heritage assessment; and 3) technical appendices. The statement includes qualitative, quantitative and technical analysis of the impacts of the development on its surrounding environment in physical, social and economic terms. The impacts of the planning application are assessed individually and cumulatively with other consented applications in the vicinity of the application site.

## **Principal planning issues**

137. Having regard to the site and the details of the proposed development, 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 Mayor must consider are.

- Land use principles (including policy designations, employment, housing and affordable housing, retail and community);

- Urban design (including design scrutiny, surrounding character, layout & public realm, height & massing, protected views, residential amenity, fire safety, designing out crime and inclusive design);
- Heritage (including the significance of the existing buildings on site, and impacts to the significance of designated and non-designated heritage assets including archaeology, which may be affected by development within their setting)
- Surrounding amenity impacts (including daylight, sunlight & overshadowing, privacy, solar glare, light pollution, noise & vibration, basement development and wind microclimate);
- Green infrastructure and the natural environment (including trees, biodiversity & ecology and urban greening);
- Sustainability and climate change (including sustainability strategy, air quality, energy, waste & the circular economy, and flood risk & drainage)
- Transport (including healthy streets and vision zero, vehicle access and parking, cycle parking, deliveries and servicing, demolition and construction, travel plan, environmental impacts);
- Socio-economic impacts;
- Mitigating the impact of development through planning obligations; and,
- Planning balance.

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

## **Land use principles**

### **Policy Background**

139. The National Planning Policy Framework (NPPF) provides the Government's overarching planning policy framework. A key component of the NPPF is the presumption in favour of sustainable development. In terms of decision making, this means approving applications that accord with the development plan without delay; or, where there are no relevant development plan policies, or where such policies are out-of-date, granting permission unless either: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or where NPPF policies that protect areas or assets of particular importance (including designated heritage assets) provide a clear reason for refusing a proposed development.

140. The London Plan 2021 is the Spatial Development Strategy for Greater London. Within the London Plan, the Mayor's overarching objective is to meet London's housing and development need by making the best use of land, whilst safeguarding the Green Belt and designated open spaces. This is reflected in the objectives on 'Good Growth' GG1, GG2, GG3, GG4, GG5, and GG6, which

support intensified, high-density, mixed-use and mixed housing developments, particularly on sites well connected by existing or future public transport, walking and cycling connections; development on brownfield land, particularly in Opportunity Areas and on surplus public sector land; promotes industrial and employment space in the right locations; and new and improved green infrastructure.

141. The proposed development seeks to redevelop the currently underutilised brownfield site within central London to deliver 556 homes including 219 affordable homes, ground floor commercial uses and a community unit.

142. The application site is subject to the following strategic and local policy designations:

- Central Activities Zone (CAZ);
- Church Street/Edgware Road Housing Renewal Area (HRA);
- Area of Archaeological Priority;
- Nature Deficiency Area;
- Air Quality Focus Area Central Activities Zone; and
- The western edge of the site falls within the Paddington Green Conservation Area.

143. Policy SD4 of the London Plan states that the quality and character of predominantly residential neighbourhoods in the CAZ, where more local uses predominate, should be conserved and enhanced. Whilst housing is not a strategic function of the CAZ, it plays an important role in the character and function of the Zone as a vibrant mixed-use area, ensuring activity and vitality at different times of the day and week.

144. In addition, Policy SD4 states that the nationally and internationally significant office functions of the CAZ should be supported and enhanced by all stakeholders, including the intensification and provision of sufficient space to meet demand for a range of types and sizes of occupier and rental values.

145. The site is also located within the Edgware Road Housing Zone, which has been identified by the Mayor to deliver 1,700 homes including 631 affordable homes including setting aside a funding allocation of £25.5 million towards the delivery of this housing target.

#### Church Street/Edgware Road Housing Renewal Area (HRA)

146. The site is located within the Church Street/ Edgware Road HRA where the development of at least 2,000 new homes will be delivered in the Church Street / Edgware Road Housing Renewal Area over the next 15-20 years in accordance with Policy 6 of the City Plan. The Church Street Masterplan (2017) provides a framework for development in the area, albeit the application site sits outside of the area defined by the masterplan.

147. Alongside the delivery of new homes, the regeneration of Church Street/ Edgware Road HRA should create at least 350 jobs in the area including community facilities, new green infrastructure and public realm improvements,

active travel improvements and efficient the use of innovative and high quality design to make efficient use of land, including tall buildings.

148. Specific land use considerations are outlined in the sections below.

## Housing

149. Chapter 5 of the NPPF promotes a significant increase in the supply of new homes, particularly affordable homes and maintaining supply and delivery.

150. Policy H1 of the London Plan strongly supports the redevelopment of highly accessible, brownfield, former publicly owned sites for housing. According to table 4.1 of the London Plan, the 10 year housing target for Westminster is 9,850. Policy H10 seeks to ensure that developments deliver a range of unit sizes. The mix should be based upon robust evidence of need, the requirement to deliver mixed and balanced communities, the uses and tenures within the scheme, the location of the site, optimising housing potential, reducing pressure on existing stock and the need for family housing.

151. Policy 8 of Westminster's City Plan seeks to provide in excess of 20,685 new homes over the Plan period by optimising site densities, including those in Housing Renewal Areas. Policy 11 welcomes applications for new homes built using modern methods of construction particularly when they contribute to a quick and more sustainable delivery of homes.

152. The proposals would deliver 556 new homes including 219 affordable homes. The development would contribute approximately 6% towards meeting this 10 year target or 56% of the annualised target.

Table 1: Housing and affordable housing approvals in Westminster<sup>2</sup>

	2017/18	2018/19	2019/20	2020/21	2021/22
London Plan Benchmark (total annualised target)	1,068	1,068	1,068	1,068	985
WCC total approvals	2,170	1,468	422	451	874
Performance against target	203%	137%	39%	42%	89%
London Plan affordable target	374	374	374	374	345
WCC affordable approvals	277	455	-12	153	329

<sup>2</sup> Source: London Datastore <https://data.london.gov.uk/dataset/residential-approvals-dashboard>



Performance against target	74%	122%	-3%	41%	95%
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153. Table 1 shows the Council's performance in terms of granting planning permission for additional housing, against the London Plan target. Notwithstanding this, these figures indicate that planning approvals for affordable housing falls short of Westminster's local target of 35% and the London Plan strategic target of 50% and represents an undersupply of affordable housing in the pipeline

Table 2: Net housing<sup>3</sup> and affordable housing completions in Westminster<sup>4</sup>

	2017/18	2018/19	2019/20	2020/21	2021/22
London Plan Benchmark (total annualised target)	1,068	1,068	1,068	1,068	985
WCC total completions	930	661	876	664	394
Performance against target	87%	62%	82%	62%	40%
London Plan affordable target	374	374	374	374	345
WCC affordable completions	36	83	403	112	-98
Performance against target	10%	22%	108%	30%	-28%

154. As shown above, Westminster has performed relatively well in terms of total net completions against the annualised London Plan target but has significantly underperformed in most years against the affordable housing target. GLA officers consider that the site would make a significant contribution towards the achievement of the Council's housing targets and in meeting local and strategic pan-London need for affordable housing.

155. It should be noted that the loss of affordable housing shown as -28% in the table above results from application 20/04366/COOUT which is an estate regeneration scheme (Ebury Bridge Estate) with demolition of existing affordable housing (198 no.), however it will be 781 residential units including re-provision of social units, with a minimum of 38% London Plan compliant affordable housing overall.

<sup>3</sup> Including conventional and non-self contained housing

<sup>4</sup> Source: London Datastore <https://data.london.gov.uk/dataset/residential-completions-dashboard>

## Affordable housing

156. Policies H4, H5 and H6 of the London Plan promote the maximisation of affordable housing delivery and ensuring that supply is genuinely affordable. City Plan Policy 9 sets out the Council's ambitions for affordable housing delivery within the borough.
157. The NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.
158. In this regard, London Plan Policy H4 sets a strategic target for 50% of all new housing across London to be provided as affordable housing. This is to be achieved by ensuring that major developments which trigger affordable housing requirements provide affordable housing through the Mayor's threshold approach. Publicly owned sites should deliver at least 50% affordable housing on each site. Paragraph 4.4.7 states that public sector landowners with an agreement with the Mayor may provide 50% affordable housing across a portfolio of sites provided that at least 35% affordable housing is provided on each site, with the required affordable housing tenure split on the initial 35%. In the same vein, Policy H5 states that the threshold approach in order to qualify for the Fast Track Route (whereby no viability assessment is required and only an early stage review secured in the s106 agreement) for publicly owned sites is 50%, unless the applicant has a portfolio agreement with the Mayor.
159. The site was formally under the ownership of the Mayor's Office for Policing and Crime (MOPAC) and thus was publicly owned. This site is also within the Mayor's portfolio agreement with MOPAC. With the agreement of the Mayor, the terms of sale of Paddington Green Police Station identified that the redevelopment of the site would need to provide at least 35% affordable housing by habitable room, assuming the delivery of up to 451 homes. The additional affordable housing required to achieve the 50% and meet the portfolio requirements would be provided at the Hendon sites which MOPAC estimated could deliver 733 homes in total, subject to the planning process. Any provision over 451 residential units at Paddington Green as part of a planning application or subsequent variation would be subject to the provision of 50% of affordable housing on the additional homes by habitable room on the site. As such, as the proposals involve the provision of 556 homes, in addition to the 35% baseline, 50% of the additional 105 units above the 451 unit threshold will be provided as affordable in order to follow the Fast Track Route in terms of quantum of affordable housing.
160. In addition to compliance with the minimum threshold, in order to qualify for the Fast Track Route, schemes must be consistent with the relevant tenure split.
161. London Plan Policy H6 requires a minimum of 30% low cost rent homes as either London Affordable Rent or Social Rent, a minimum of 30% intermediate products which meet the definition of affordable housing, including London Living

Rent and London Shared Ownership, and the remaining 40% to be determined by the borough as either low cost rent or intermediate as defined above. However, as stipulated by supporting paragraph 4.6.2, there is a presumption that the 40% to be decided by the borough will focus on Social Rent and London Affordable Rent given the level of need for this type of tenure across London.

162. Policy 9 of Westminster’s City Plan requires a minimum of 35% affordable housing to be delivered schemes involving the delivery of 10 or more homes, or sites over 0.5 hectares. In terms of tenure split, 60% of the affordable units would need to be provided as ‘intermediate’ affordable housing for rent or sale and 40% would need to be provided as Social Rent or London Affordable Rent.

163. Furthermore, Westminster City Council have recently consulted on a proposed Partial Review of the City Plan to include updates to Policy 9 on affordable housing with an objective of delivering a greater quantity of affordable housing as Social Rent, particularly on public land if it is shown to be viable.

### Evolution and assessment of the affordable housing offer

164. The revised scheme proposes 556 residential units (total number of units unchanged compared to the original submission) based on the following mix:

Tenure	Studio	1 bed	2 bed	3 bed	4 bed	Total units
Private	22	77	139	93	6	337
Intermediate	13	59	38	-	-	110
Social rent	0	11	50	46	2	109
Total	35	147	227	139	8	556

165. The original mix comprised the following:

Tenure	Studio	1 bed	2 bed	3 bed	4 bed	Total units
Private	38	101	105	102	-	346
Intermediate	0	82	44	-	-	126
Social rent	0	8	41	34	1	84
Total	38	191	190	136	1	556

166. The affordable housing offer comprises 219 affordable units which equates to 39% by unit and 38% by habitable room. The table below summarises the changes made to the overall offer since the application was called in by the Mayor. The offer has increased by 1% in unit and habitable room terms and the affordable housing tenure makeup has also improved from Social or London Affordable Rent (LAR) to only Social Rent, and for the intermediate tenure, a combination of London Living Rent, Discounted Market Rent and London Shared Ownership units.

	Original submission (April 2021)	Revised application (November 2022)	Net change

Market	346	337	-9
Social Rent or LAR	84	0	-84
Social Rent	0	109	109
Intermediate Rent	0	67	67
Shared Ownership	126	43	-83
Total residential units	556	556	0
Total affordable units	210	219	9
Affordable housing offer (unit and habitable room)	38% by unit (37% by hab room)	39% by unit (38% by hab room)	1% by unit (1% by hab room)

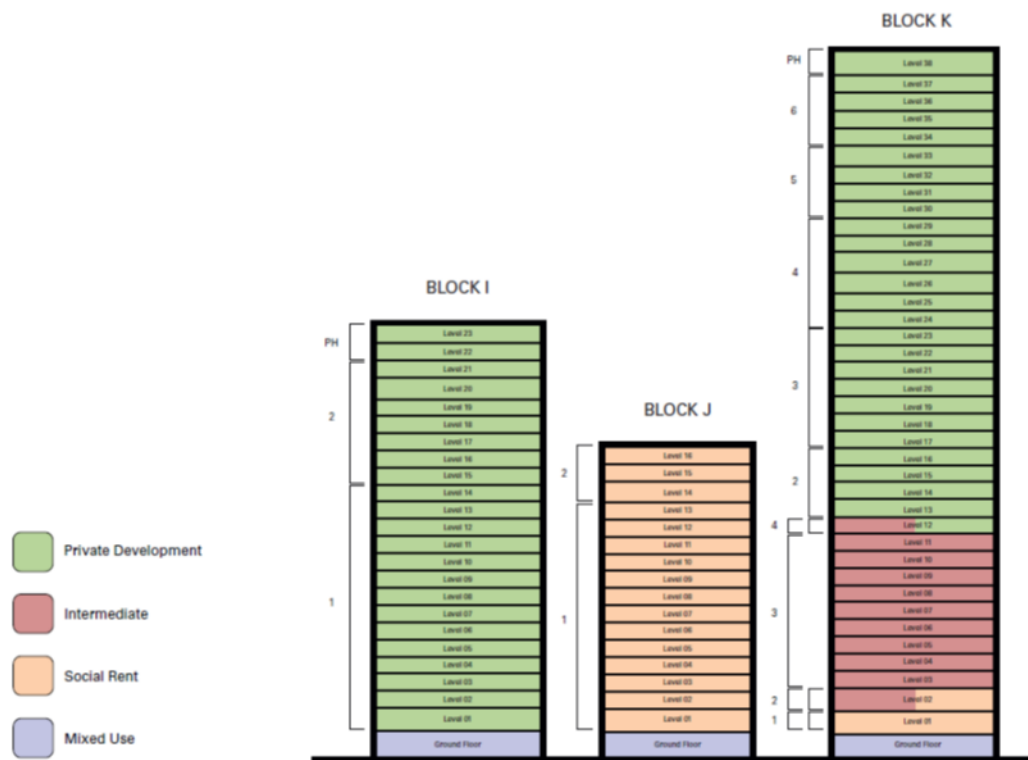
### Proposed tenure mix

167. The affordable housing offer comprises 60% Social Rent units (measured by habitable rooms) and 40% intermediate products (measured by habitable rooms) comprising London Living Rent (38 units, all 2 bed), Discounted Market Rent (29 units, all 1 bed), and London Shared Ownership (13 studios and 30 1 bed). This compares to 49% to be provided as social rent or London Affordable Rent and 51% London Shared Ownership as proposed at submission stage.

168. Whilst the original tenure split was deemed compliant in terms of Policy H6 of the London Plan and City Plan Policy 9, the shift in tenure mix in favour of Social Rent housing is strongly supported by the GLA given the preference for Social Rent in respect of the 40% to be determined by the Council. Furthermore, whilst the City Council's Partial Review of the City Plan carried very limited weight at this time, the statement indicates the Council's emerging stance on prioritising the provision of Social Rent housing over other affordable products.

169. As indicated by Figure 11 below, the affordable housing is proposed to be distributed between blocks K and J. Block J is to be provided as entirely social rent, with some additional social rent units provided at the lower floors of Block K. The intermediate units are also to be provided at floors 2 (part) to floor 12 (part) of Block K with the market units located on the upper floors. Block I is entirely comprised of market units. The GLA officers consider that this configuration of affordable housing over blocks J and K is acceptable given that they are well integrated into the scheme overall and would be tenure blind.

Figure 11 – Distribution of tenures



## Review Mechanisms

170. As the proposals follow the Fast Track Routes specified in the Portfolio Agreement, an early stage viability review will need to be secured in the section 106 agreement. In order to incentivise early delivery of the proposed development, the early stage viability review would only be triggered if substantial implementation (which consists of pre-construction and enabling works, as well as completion up to ground floor of Block I) has not been achieved within three years of the permission being granted, in accordance with Policy H5 of the London Plan and the Mayor’s Affordable Housing and Viability SPG. The substantial implementation target date, in this particular case, is three years given the complexity and lead in times for delivery noting that the wider WEG development is still ongoing and not yet completed.

## Affordability and Eligibility

171. Policy H6 of the London Plan and the Mayor’s Affordable Housing and Viability SPG set out the Mayor’s priority to deliver genuinely affordable housing. 109 Social Rent units are proposed and constitute a low-cost rent product for households on low income. The Mayor’s strong preference is for the delivery for Social Rent homes which are best placed to address current housing need. Eligibility for Social Rent units would be restricted, based on local need and subject to a nominations agreement with the City Council, with 100% nomination rights to the City Council on first lets and subsequent lets (unless otherwise agreed by both the Council and the

Registered Provider). In respect of the intermediate component, this would comprise 43 London Shared Ownership units and 67 Intermediate Rent units.

172. All intermediate units would be subject to the eligibility and household income requirements, to ensure that annual housing costs (including mortgage payments, rent and service charge) do not exceed 40% of net household income.

#### London Shared Ownership Housing

173. The proposal includes 43 London Shared Ownership units, which are limited to studios and 1 bed units. GLA officers have negotiated with the City Council and the applicant and agreed that, due to the housing value of the area, larger London Shared Ownership units (two bed or more) would unlikely to be affordable for households with an income of up to £90,000. As a result the applicant has agreed that the larger intermediate units will be provided as Intermediate Rent Housing instead.

#### Intermediate Rent Housing – Discounted Market Rent units

174. For the 67 Intermediate Rent units, 29x 1 bed units would be delivered as Discounted Market Rent units with an income cap of £60,000. The indicative rent for these units is shown below in Table 11.

175. Table 4: Discounted Market Rent units – indicative rent level

<b>Unit size</b>	<b>Rent per month</b>
1 bedroom	£1,400 per month

#### Intermediate Rent Housing – London Living Rent units

176. For the 67 Intermediate Rent units, 38 would be delivered at London Living Rent (LLR) level with an income cap of £60,000. The rents are capped at the ward level GLA benchmark shown below.

177. Table 5: London Living Rent benchmarks (Little Venice ward – 2023/24)

<b>Unit size</b>	<b>London Living Rent per month</b>
2 bedroom	£1,400 per month

#### London Living Rent units – additional criteria for households with key worker(s)

178. Whilst the standard income cap for the 38 LLR units would be at £60,000, it was agreed with the applicant and council that 29 of these units (9x 2 bed 3 person, 20x 2 bed 4 person) could potentially be subject to an income cap which exceeds the allowance set out within the London Plan paragraph 4.6.8 for intermediate rent products, provided that the qualified households would have two earners with a combined income above £60,000 and at least one of them is a

key worker. If this criteria is not met, the eligibility and affordability requirements for these units will be based on an income of £60,000.

179. The definition of “key worker” is set out in the Housing Policy Practice Note - Allocating intermediate homes to London’s key workers (Dec 2021), with priority access given to key workers who reside or work within the Borough.
180. The rationale for the allowance of a higher income cap for those 29x 2 bed units is that the proposed London Shared Ownership units are limited to studios and 1 bed only, and so if the income cap of the Intermediate Rent units was set at £60,000, then local households whose incomes are within the range of £60,000-£90,000 would not be able to access any intermediate housing which is larger than 1 bed. Therefore, GLA officers accepted that in this particular instance, a limited number of Intermediate Rent units with an income cap of up to £90,000 can be accepted, provided that those households meet the criteria stated above. This has also been accepted in this case given that the scheme provides a level of social rent housing that exceeds the local plan tenure split and that the applicant has agreed to provide all of the low cost rent units as social rent rather than London Affordable Rent.
181. If the criteria is met, these units will be reported as “Discounted Market Rent” rather than London Living Rent as the rent levels would exceed the relevant LLR Benchmark.
182. These units would be affordable to households who meet the key worker criteria based on incomes of £70,000 to £75,000 if reserved by eligible households during the first 3 months of marketing post completion, as well as the first 3 months of marketing for subsequent lettings. Thereafter the affordability criteria would be based on a maximum household income of £90,000.

183. Table 6: Affordability of proposed London Living Rent units (key workers)

	<b>2 bedroom 3 person</b>	<b>2 bedroom 4 person</b>
Estimated household income required	£70,000	£75,000

Marketing of intermediate units to key workers

184. The section 106 agreement would also secure provisions for all Intermediate products to be initially offered to key workers who reside or work in Westminster for the first 3 months of the marketing of the units post completion. After that, priority will be given to key workers who live or work in London.

Conclusion on affordable housing

185. The proposed development would secure 39% of affordable housing by unit (38% by hab room), with a tenure split of 60% Social Rent and 40% intermediate with the affordability levels set out above. The proposal is considered to accord with the NPPF, London Plan Policies H4, H5, and H6, the Mayor’s Affordable Housing & Viability SPG, and exceeds the requirements of Westminster’s current City Plan by providing a higher proportion of Social Rent units than specified in the Local Plan tenure split. The affordable housing offer has improved since the

application was called-in, and the increased provision of Social Rent units beyond the Local Plan tenure split is strongly supported; the intermediate housing offer as a package would provide a variety of affordable housing products for households at different income levels, which is also welcomed by officers.

### **Residential quality and housing size/mix**

186. Policy D6 of the London Plan requires development to be of high quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures. This includes ensuring that certain qualitative aspects are adhered to relating to layout, form, outside space and usability; maximising dual aspect units; providing sufficient daylight and sunlight to new and surrounding housing whilst avoiding overheating, minimising overshadowing and maximising the usability of amenity space; providing ample storage for waste and recycling; with all housing adhering to the minimum private internal and external size standards as set out under Part F. Policy 12 of Westminster's City Plan requires all new homes to provide well-designed, energy efficient and high quality living environment, both internally and externally. New homes should be designed to a standard that ensures the safety, health and well-being of its occupants. All new homes are required to meet or exceed the Nationally Described Space Standards. Policy 12 sets out the same private amenity space requirements as London Plan Policy D6.
187. All units meet and exceed the minimum unit sizes as stipulated by the London Plan, Westminster City Plan and Nationally Described space standards, and comply with the requirements of the Mayor's Housing SPG (2016). All residential units would be provided with floor-to-ceiling heights of a minimum of 2.5m in living areas and bedrooms and incorporate appropriately sized areas for storage within each apartment.
188. Policy H10 of the London Plan states that schemes should generally consist of a range of unit sizes having regard to local evidence of need; the requirement to deliver mixed and inclusive neighbourhoods; delivering a range of unit types at different price points; mix of uses proposed; range of tenures proposed; nature and location of the site; optimising housing delivery; reduce pressure on conversion elsewhere; and need for family housing.
189. In respect of housing sizes, Westminster's City Plan Policy 10 requires a mix of units in terms of size, type and tenure. Furthermore, 25% of all new housing is required to be family sized. Where two bedroom units are provided, the majority should provide two double bedrooms and studios should make up no more than 10% of new homes within a single development. Policy 8 states that no new homes should exceed 200 sq m Gross Internal Area (GIA).
190. In respect of affordable housing, Westminster's City Plan Policy 9 states that the size of these homes, including the number of bedrooms required to meet need will be provided in line with the Council's Annual Affordable Housing Statement. In this respect, the Council's latest statement (dated October 2021) requires 5% of social rent units as 1 bed, 40% as 2 bed and 55% as three bed. In terms of the 2 bed social rent, all should be provided as two double beds and



at least half of 3 beds should be all double and remainder two doubles and one single. In respect of the intermediate offer, 70% should be provided as one beds and 30% as 2/2+ beds.

191. The revised tenure mix is set out in the table below:

	Studio	1 bed	2 bed (3p)	2 bed (4p)	3 bed (5p)	3 bed (6p)	4 bed	
Market	22	77	-	139	-	93	6	337
Intermediate	13	59	18	20	-	-	-	110
Social	-	11	18	32	32	14	2	109
Total	35	136			32			556

192. Subject to the proposed planning obligations and conditions, GLA officers consider that the proposals represent an appropriate mix of housing tenures and unit sizes considering the location and characteristics of the site and the density and form of development. London Plan Policy recognize that a higher proportion of one and two bed units may be more appropriate in locations closer to a town centre, station or with higher public transport access and connectivity. It is also recognised the role of one and two bed units in freeing up family housing. The housing mix of the proposals is supported in line with the NPPF; Policies H10 and H13 of the London Plan; and Policy 10 of the Westminster City Plan.

## Playspace

193. In respect of playspace provision, Policy S4 of the London Plan states that residential development should incorporate good quality, accessible play provision for all ages. At least 10 square metres of playspace should be provided per child that is stimulating; can be accessed safely independently; integral to the neighbourhood; incorporates greenery; is overlooked and not segregated by tenure. Furthermore, large scale public realm developments should, incorporate incidental play space to make the space more playable.

194. Policy 34 of the City Plan requires major development schemes to provide new or improved public space including space for children's active play.

195. The scheme provides 840 sq.m. of playspace within the public realm. This is mainly provided to the north of the development, with an element provided within the garden space proposed to the west of Block I. Some of this space has already been earmarked as playspace in association with the adjacent West End Gate scheme (310 sq.m.) and has therefore been excluded from the overall onsite playspace calculation. This compares with an on-site requirement of 2,309 sq.m. which results in an overall shortfall in play provision of 1,468 sq.m.

196. The applicant has provided a contribution of £137,992 secured within the s106 agreement to make up for this shortfall to be paid to the Council. Whilst full onsite playspace would be the preference, this should be viewed in the context of the

constraints of this Central London site, seen in the context of the play space already being delivered at West End Gate and there would be 661 sqm of playspace for very young children (aged under 5) provided on site. In light of the on and off-site contributions and the context of the site, the application is considered to accord with Policy S4 of the London Plan and policy 34 of the City Plan.

### **Inclusive access**

197. Development proposals should achieve the highest standards of accessible and inclusive design taking into account London's diverse population; people focused and inclusive; convenient and welcoming; be able to be entered, used and exited easily and with dignity for all; and incorporate at least one suitably sized emergency evacuation lift per core in accordance with London Plan Policy D5. Policy 43 of Westminster's City Plan states that public realm must be safe, attractive and accessible to all.

198. London Plan Policy D7 requires at least 10% of dwellings to be provided as wheelchair user dwellings (Part M4(3) of Building Regulations Part M) and all other dwellings to be provided as wheelchair accessible and adaptable dwellings (Part M4(2) of Building Regulations Part M). The same requirement is set out under Policy 12 of Westminster's City Plan. The proposal meets this requirement for Wheelchair user dwellings.

199. Inclusive access is dealt with in chapter 9 of the design and access statement. The proposed development is car free; however, 17 disabled persons parking spaces are provided within the basement. This approach is secured by planning obligation or condition and is in line with expected demand for such disabled persons parking.

200. It is officers view that the Application would achieve a high level of accessible and inclusive design and would comply with London Plan Policies D5 and D7 and Policy 43 of Westminster's City Plan along with the Accessible London SPG.

### **Loss of police station**

201. Paragraph 93 of the NPPF seeks to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs at. In accordance with London Plan Policy S1, where social infrastructure providers are undertaking an agreed programme of social infrastructure re-provision or service reconfiguration, losses of social infrastructure from redundant sites may be acceptable. There are no specific policies seeking to resist the loss of police facilities in the City Plan.

202. The existing 1960s/70s buildings were in use as a high security police station since their construction until they became vacant in 2018. The MPS/MOPAC Estate Strategy (published May 2013) set out the vision for the consolidation and transformation of the MPS estates and the ongoing strategy for police service provision. As part of the published strategy, the Paddington Green Police Station site was identified to be fully decommissioned, and public access and local police

teams to be re-provided at new sites. The local front counter police services were relocated to the Neighbourhood Police Hub on Church Street. The other functions previously housed at Paddington Green have been relocated to other parts of the Metropolitan Police Estate. Given the strategic nature of the functions of the station (with the exception of the local services) the relocation does not require them to be sited locally.

203. Given the specific nature of the sui-generis police services on the existing site, which will be reprovided locally and across London as appropriate in order to serve the needs of the neighbourhood and the strategic need of London as a whole, in accordance with a service transformation plan, the loss of Police station use from this site is considered acceptable.

### **Loss of offices**

204. Planning permission for the change of use of part of the police station complex (annex closest to Paddington Green) to offices was granted in December 2020 totalling 1,316 sq.m. Whilst the original proposals submitted to Westminster Council involved the creation of 4,776 sq.m. of office floorspace (a net increase of 3,460 sq.m.), the revised scheme would no longer provide any office floorspace. Therefore, the proposals would involve the loss of 1,316 sq.m. of office floorspace.

205. The NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. In line with paragraph 81, significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

206. The existing offices were in use between February 2021 and February 2022 by the applicant as site offices in association with the redevelopment of the neighbouring West End Gate development. They are now no longer required and are not fit for formal office occupation without necessitating major refurbishment works. This is mainly due to the lack of maintenance and extensive vandalism that has taken place throughout the police station since its closure. The offices were only ever intended to be used temporarily by Berkeley Homes until the site was redeveloped. The existing offices therefore not be deemed suitable for subdivision or for use alternatively as affordable workspace.

207. London Plan Policy E1 primarily seeks to encourage the development and expansion of office stock in areas such as the CAZ. Policy 13 of the City Plan states that the net loss of offices in the CAZ to residential development would only be permitted in those parts of the CAZ that are predominantly residential in character and where the proposal would reinstate an original residential use. In this regard, although the site itself was formally a police station and whilst the surrounding area is predominantly residential in character, the proposal is not wholly compliant with Policy 13D as the proposal is not reinstating an original residential use.

208. Whilst new office space should be encouraged in the CAZ, it is considered that a residential led scheme is appropriate for this site noting the character of the

area and the fact that the existing offices to be lost are relatively small, were only intended to be used for a temporary period and are not fit for purpose as described above. In addition, the removal of office space within the scheme compared to that originally submitted to Westminster Council has allowed for efficiencies of space at the ground floor level, additional ground floor retail/commercial space along with additional public realm by the removal of the connecting block between J and K.

209. In addition, the revised proposals still include employment generating floorspace within the ground floor in the form of retail/commercial/community space which is set out further below. Therefore, it is considered that the loss of offices in this instance is acceptable, notwithstanding the minor conflict with Policy 13D given that the scheme would not be 'reinstating' an original residential use.

### **Flexible commercial use**

210. Paragraph 86 of the NPPF identifies that main town centre uses should be located in town centres. London Plan Policies SD6, SD7 and SD8 set out a town centre first approach for town centre uses, including office, retail, leisure, arts and cultural uses. London Plan Policy SD4 also promotes the development of a rich mix of strategic functions in the CAZ, which includes retail. Policy HC6 of the London Plan states that the provision of restaurants, cafes and drinking establishments (Class A3/A4) would support the night-time economy. Policy 14 of the Westminster City Plan, states that the intensification of town centres, high streets and the CAZ to provide additional floorspace for main town centre uses is supported. Policy 16 requires that any proposals for food and drink and entertainment uses will be of a type and size appropriate to their location.

211. The development would deliver 1,079 sqm of flexible commercial (Class E) floorspace on a site on the edge of the Church Street/ Edgware Road District Centre which is intended to be utilised as retail, café/restaurants, commercial and professional services where they are open to visiting members of the public.

212. Compared to the existing site, which, due to its former use as a high security police station, is completely devoid of active frontages; the proposals would introduce new ground floor commercial frontages to all sides of each of the proposed blocks which would promote activity, vibrancy and surveillance onto the surrounding spaces and new public realm. The provision of which would complement and not compete with the neighbouring district shopping centre.

213. The uses permissible within this use class would need to be secured via an appropriately worded condition. Furthermore, as discussed elsewhere in this report, appropriate conditions relating to the hours of operation and internal sound insulation are required to protect the amenity of surrounding residents.

214. GLA officers are very supportive of the introduction of flexible commercial uses proposed at ground floor.

## **Community use**

215. Paragraph 93 of the NPPF states that in order to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of community facilities to enhance the sustainability of communities. Good Growth Objective GG1, London Plan Policy S1 and City Policy 17 seek the provision of a wide range of community facilities, that provide space for different communities and activities in accessible areas.
216. The proposed community use is located in the ground floor of Block I and is in a prominent position fronting the public realm to the west of the site. The community use is 132 sqm and would be of a suitable scale and sufficiently flexible to meet the requirements of a number of different providers. It will be designed to accommodate a range of occupiers and precise details of the community uses operation will be secured within the s106 legal agreement. As such, the addition of a community use within the scheme is considered a benefit which weights in favour of the proposal.

## Land use conclusion

217. The proposal optimises this highly accessible, under-utilised brownfield site within the CAZ, Housing Renewal Area and Housing Zone. The proposed high-density residential led mixed use development, including commercial and community uses is to be welcomed and is strongly supported in line with development plan policy.

## **Urban design**

218. The NPPF (at paragraph 126) states that good design is a key aspect of sustainable development and is indivisible from good planning. Paragraph 130 states that, in determining applications, great weight should be given to outstanding designs which help raise the standard of design more generally in the area.
219. In achieving the Mayor's vision and objectives relating to neighbourhoods and architecture, 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); housing quality and standards (Policy D6); public realm (Policy D8); tall buildings (Policy D9); basement development (Policy D10); designing out crime (Policy D11); and fire safety (Policy D12). In addition Westminster City Plan Policy 38 – Design principles; Policy 39 – Westminster's heritage; Policy 40 – Townscape and architecture and Policy 41 – Building height are of particular relevance.

## **Surrounding character**

220. The character of the surroundings consists of a striking mixture of built development of varying scales, age, and urban grain. Immediately to the south is Harrow Road and the Westway A40 flyover which creates a hostile boundary to the site, further south is the Paddington Basin Opportunity Area, which is characterised by mostly modern, large scale mixed use development, the urban grain being heavily influenced by the basin waterway itself. Immediately to the west is Paddington Green which is a designated formal open space and a conservation area, which extends to the north west of the site. To the north is a collection of town houses, some of which are listed fronting Paddington Green and the modern West End Gate development completed and managed by Berkeley also.
221. Further north are a number of post war mid-high rise residential developments with commercial and residential development fronting the Edgware Road district shopping frontage. Development to the east of the site is more consistent in terms of grain, scale and age of development being lower to midrise development of a mostly residential in nature.

## **Development layout**

222. The development is comprised of three blocks (Blocks I, J & K) positioned along the south edge of the site fronting Harrow Road and the elevated Westway. The development sits south the of the existing West End Gate (WEG) development, separated by Newcastle Place, an east-west pedestrian route and proposed area of public realm. There are a series of links which run north from Harrow Road into Newcastle Place and allow for more pedestrian movement into and through the site.
223. The tallest building, Block K is a 39 storey gateway tower on the corner of Edgware and Harrow Road which would signify the approach to the centre of London from the west. It is in this location that the design proposals introduce a slim elegant building of height that sits within a wider cluster of tall buildings both on the site and in the immediate vicinity.
224. At the south west corner of the site, Block I, a 24 storey tower has been placed to pick up on the importance of Paddington Green and mark the entrance to the wider West End Gate masterplan plan through Newcastle Place.
225. The central rectangular building Block J, at 17 storeys sits between the two elegant towers and has been developed to maximise the extent of light penetration to the centre of the site and provide a play on scales across the site. The tall, slender form of each of the revised towers forms a cluster of tall buildings that step up in height, embrace the height of the existing Westmark and culminate in the pinnacle of the 1 Merchant Square proposals to form a new visual gateway into London and the design, as well as the height profile, of each building is has been designed to complement the cluster as whole.
226. The layout principles, introducing greater permeability, public spaces with places to sit and play and pedestrian activity at ground floor level, linking through

to the wider West End Gate development and marking the major junction of Edgware Road and Harrow Road with a landmark tower is welcomed. The proposed pedestrian link/public space that creates an alternative route from Paddington Green to Edgware Road is strongly supported. The ability to contain servicing access and car parking at basement level allows the majority of frontages onto the public realm to be activated, with residential entrances along the more sheltered edge of the blocks, this is in sharp contrast to the existing site, which is inward looking and does not relate well to its surroundings.

227. The inclusion of a substantial new public spaces on Newcastle Place and at the edges of the site (onto Edgware Road and Harrow Road) is supported, as this will transform perceptions of the site as 'closed' and unwelcoming to pedestrians. The design is considered to be a significant, transformational improvement. The supporting documentation shows the introduction of high quality landscaping and public realm which is considered a benefit, the precise details of which will be controlled by planning condition. Details of management strategies can be suitably secured by way of planning conditions and all public space are secured by section 106 agreement in line with London Plan Policy D8 and the Mayor's Public London Charter.

#### Design scrutiny

228. In line with London Plan Policy D4, the proposal has been subject to extensive design scrutiny at pre-application stage, during the initial Stage 1 consideration by the Mayor, and by the Council in reporting the application to Committee. The GLA Stage 1 and 2 response supported the ground floor layout in terms of increased permeability, public realm and ground floor activation and the creation of a landmark tower at the junction of Edgware Road and Harrow Road. However, whilst the height of the scheme was generally supported, some concern was raised regarding the visual and environmental impacts caused by the scheme's bulk and massing configuration which needed to be explored further. Westminster City Council's committee report also expressed overall support for the proposed layout as originally submitted and concluded that the proposed development was on balance, an acceptable height, massing and design. Despite the support of planning officers, Westminster City Council's Planning Committee refused the application for matters relating to the height of the proposed development and resulting substantial harm to the setting of the Little Venice, Paddington Green, Lisson Grove and Maida Vale Conservation Areas and the detrimental impact on views from Regents Park and Hyde Park. The height and massing and impact on daylight/sunlight on existing residential dwellings was also cited as a reason for refusal.

229. As Westminster City Council does not have a design review panel in place, the original application was not subject to a formal independent design review. However, following the Mayor's recovery of the application, and in line with Policy D4 of the London Plan, the revised proposals were considered by the Mayor's London Design Review Panel on 8 June 2022 and again on 18 August 2022. At the first design review panel meeting, concerns were raised regarding the density and proposed increased height of the blocks, and the panel asked the applicant team to look at making Newcastle Place a more genuine area of public realm and playspace as well at looking at providing complementary community facilities

including storage. At the second meeting, the panel considered much had been done to address the previous comments raised. They acknowledged the limitations around reducing the height of the buildings but advised a further reduction in height if possible. The panel made recommendations on how the team could add further articulation to help with massing and composition.

230. In addition to the panel meetings, numerous design focused workshops have been undertaken with the applicant and GLA officers. Whilst the revised proposal broadly retains the original design principles, various amendments to layout, design, height and massing have been undertaken to respond to Westminster City Council's reasons for refusal and the concerns raised in the Mayor's Stage 2 report. A comparison of the site layout is demonstrated in Figure 12 below:

231. Figure 12: Submitted ground floor layout

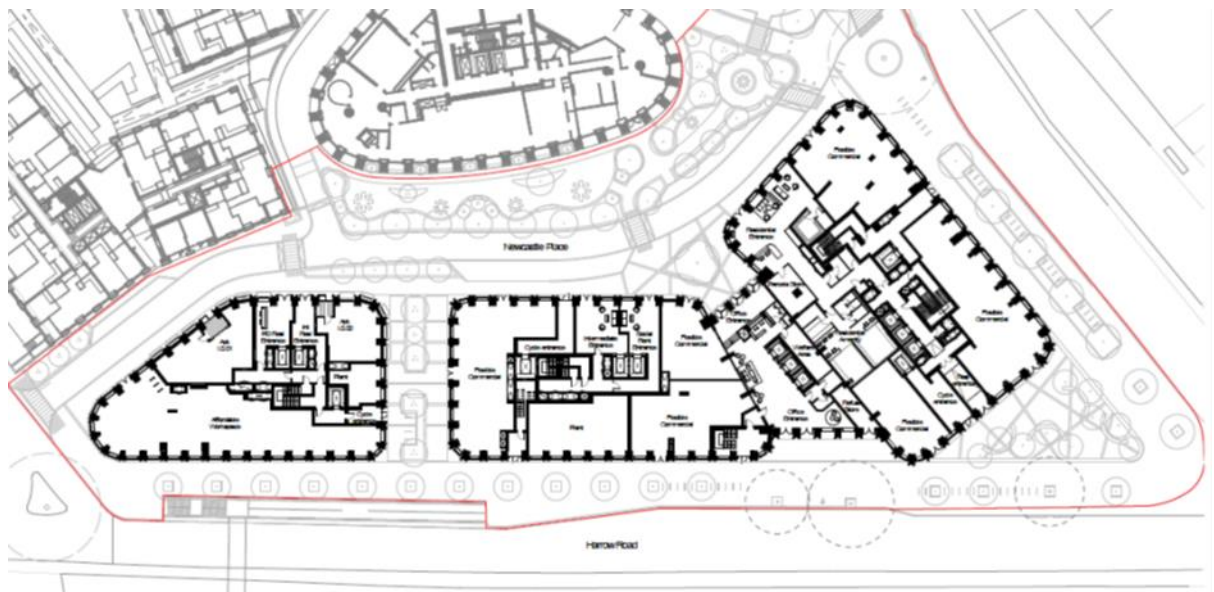


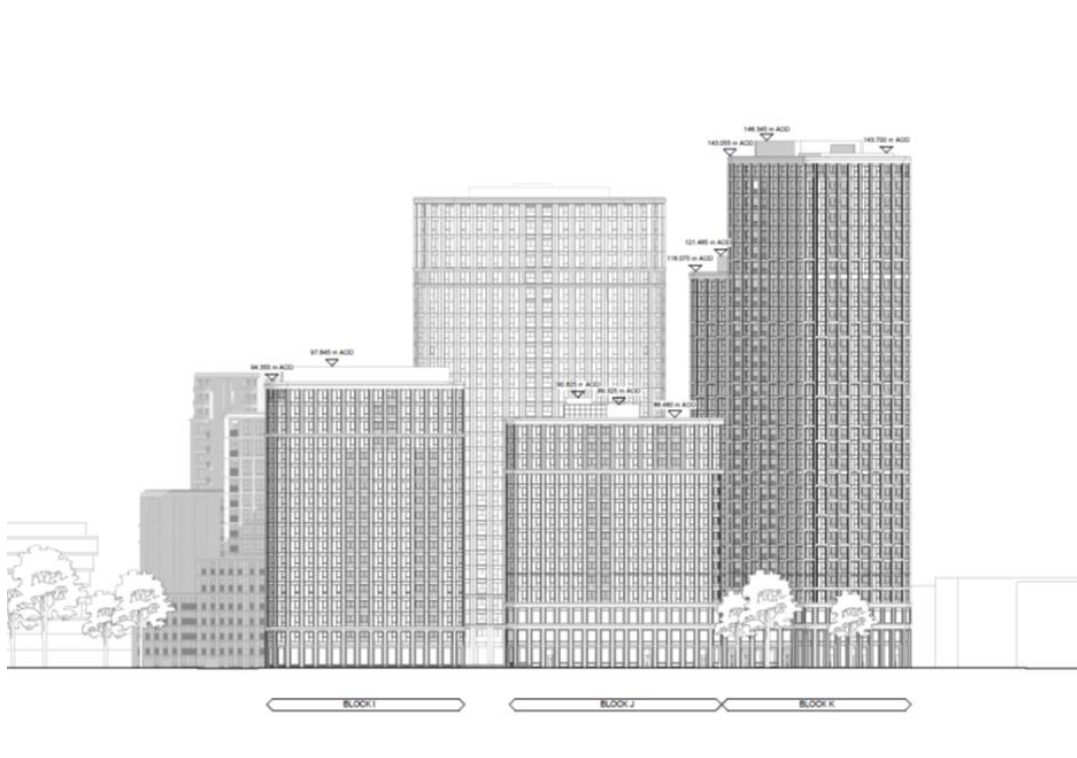
Figure13: Revised ground floor layout





232. In addition to the change in layout, most the height, massing and architectural detailing of the blocks has been revised as shown in Figure 14 below:

Figure 14: Submitted southern elevation



233. Figure 15: Revised southern elevation



234. The height of block K has increased from 32 to 39 storeys, the height of block J has increased from 15 storeys to 17 storeys and block I has increased from 17 to 24 storeys. The buildings footprints have been reduced including the removal of the large 24 storey shoulder element to the rear of block K, which assists in creating a more slender profile in short, medium and long range views.
235. The result of the buildings being more slender together with significantly more ground floor public realm than originally submitted, has resulted in an increase in height in order to deliver the same number of residential units as previously proposed. However, the removal of the previously proposed offices from the first and second floors has also freed up floorspace and limited any additional height required along with benefits in rationalising the ground floor layouts.
236. The design of the public realm has changed significantly, to include the stopping up of Newcastle Place allowing a large proportion of Newcastle Place to be dedicated to pedestrian movement, play space and high quality landscape designed urban realm. Overall, the landscape design has become a lot more contextual since the original application and now better responds to and reflects the urban surroundings.
237. The general approach to architectural detailing has been retained. However, the design has been further articulated to respond to the changes in massing as requested by the London Design Review Panel. The vertical elements now incorporate increased frames and recessed double-height spaces to accommodate external terraces and urban greening.
238. Further detailed elements of the design of the proposal are discussed in the following sections.

### **Public realm**

239. According to London Plan Policy D8, proposals involving the creation of new public realm should be well designed, safe, accessible, inclusive, attractive, well-connected, related to the local and historic context, and easy to understand, service and maintain. They should maximise the contribution that public realm makes to encourage active travel and discourages travel by car. Public realm should create a sense of place and functions day and night and throughout the week/ year, reflective of desire lines and a mutually supportive relationship between the space, surrounding buildings and their uses to enhance amenity and vibrancy. Should provide natural surveillance and considers the impact of microclimate.
240. Appropriate management and maintenance arrangements should be put in place to maximise public access and minimise rules in accordance with the Public London Charter; incorporate green infrastructure and sustainable drainage; use street furniture to complement the space and avoid create clutter; explore innovation such as the use of play streets etc. Public realm should encourage social interaction throughout the day/ night and limit parking and the provision of drinking water fountains should also be considered.

241. The City Plan Policy 43 specifies that developments should 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. Public realm should be safe, attractive and accessible to all; contribute to permeability and connectivity by providing a network of connected spaces; optimise active frontages particularly in areas identified as appropriate for tall buildings; maximise soft landscaping to provide visual and environmental relief; use high quality and durable materials; create clear sight lines; improve lighting and design out crime; create new quiet routes; promote social cohesiveness and avoid gated communities.

242. The proposals include the creation of areas of open space and public realm within the site. Key to the revised landscape design proposals has been the creation of character areas that draw inspiration from the history of the site and opportunities afforded by the reimagining of Newcastle Place into a fully accessible area providing green amenity space for all. It also is proposed to have restricted one-way access for service and emergency vehicles only to reinforce the pedestrian character of this space. The proposal would create a new landscaped area at the junction of Edgware Road and Harrow Road together with enlivened green and streetscapes together with a new space to west, next to Paddington Green. There will also be multiple play spaces integrated as part of the proposals together with high quality street furniture promoting a sense of inclusivity and accessibility as shown on the Landscape Masterplan below.

243. In addition to the above, several of the attractive and artistic concrete panels which are located on the ground and upper floors of the existing building are to be reclaimed and incorporated into the public realm as a nod to the previous use of the land. A planning condition has been recommended to secure this element of the public art offer.

Figure 16 – Landscape Masterplan



244. The site provides over 4,700 sqm of public amenity space around the three Blocks and within the linear park to the south of Block A with WEG, which accounts for 69% of the total site area, with a number of character areas of public realm and significant greening and planting around the site. This is a significant increase on the originally submitted scheme which had 3,553 sqm.
245. A total of 840 sqm of play space is proposed which is integrated within the landscaping for the site, focused on provision within the pedestrianised area of public realm on Newcastle Place, and within the newly proposed garden area at the western end of the site between Block I and Paddington Green, providing a range of play space typologies for all age ranges.
246. Whilst there is a shortfall of 1,468 sqm of playspace, against the GLA population yield calculator, this should be viewed in the context of the constraints of this Central London site, and also be seen in the context of the play space already being delivered at West End Gate. Further the applicant has agreed to an off-site financial contribution to either the enhancement of an existing play space, or the provision of new playspace in the vicinity of the site and complies with London Plan Policy D8.
247. In addition, the provision of high quality public art as an integral part of the design of new major developments and forms part of the description of development and is also secured via Section 106 agreement. In summary the enhanced public realm package is supported and a benefit to the scheme.

### **Tall buildings, scale and massing**

248. London Plan Policy D9 states that development plans should define what is considered a tall building for specific localities (although not less than 6 storeys or 18 metres) and identify suitable locations; and identify appropriate tall building heights on maps in development plans (Parts A and B). Policy D9 also sets out further requirements for assessing tall buildings (Part C) including addressing visual impacts at different distances; aiding legibility and wayfinding; having exemplary architecture and materials; avoiding harm to heritage assets (or demonstrating clear public benefits that outweigh any harm); not causing adverse glare; and minimising light pollution.
249. Functional impacts should be considered in relation to internal and external design; servicing; entrance capacity; area and transport capacity; maximising benefits to the area; and avoiding interference with communications. Environmental impacts should also be considered in relation to wind, daylight, sunlight, and temperature; air movement (dispersal of pollutants); and noise creation. Cumulative impacts should also be addressed.
250. Westminster's City Plan defines tall buildings as buildings of twice the prevailing context height or higher or those which will result in a significant change to the skyline. Policy 41 states that development of tall buildings may be acceptable within certain areas including the Marylebone flyover / Edgware Road junction and the Housing Renewal Areas which qualifies the application site as being appropriate for tall buildings. However, this is provided in the first instance that they comply with certain general design principles including being

proportionate to the role, function and importance of the location in terms of height; achieve exceptional architectural quality and sustainability; create an attractive and legible streetscape; enhance the character and distinctiveness of the area without detracting from heritage assets/ key views; mitigate negative impacts on microclimate and amenity of the site and surroundings; avoid unacceptable impacts on aviation and telecoms; provide publicly accessible viewing platforms.

251. The tall buildings are proposed at the junction of Marylebone flyover/ Edgware Road junction of the flyover and Edgware Road and are designed to relate to and complement each other and help to frame this area as a gateway junction. The acceptability of a tall building in this area depends on the quality of its design, reflecting its role as a local landmark. The prevailing context height in this area is 6 residential storeys (20m) but as it sits within a varied context. Tall buildings of 2-3 times the context height may be appropriate. In this instance the location of the three tall buildings on the site and in relation to the immediate and wider locality are appropriate and of a design quality commensurate with their height.

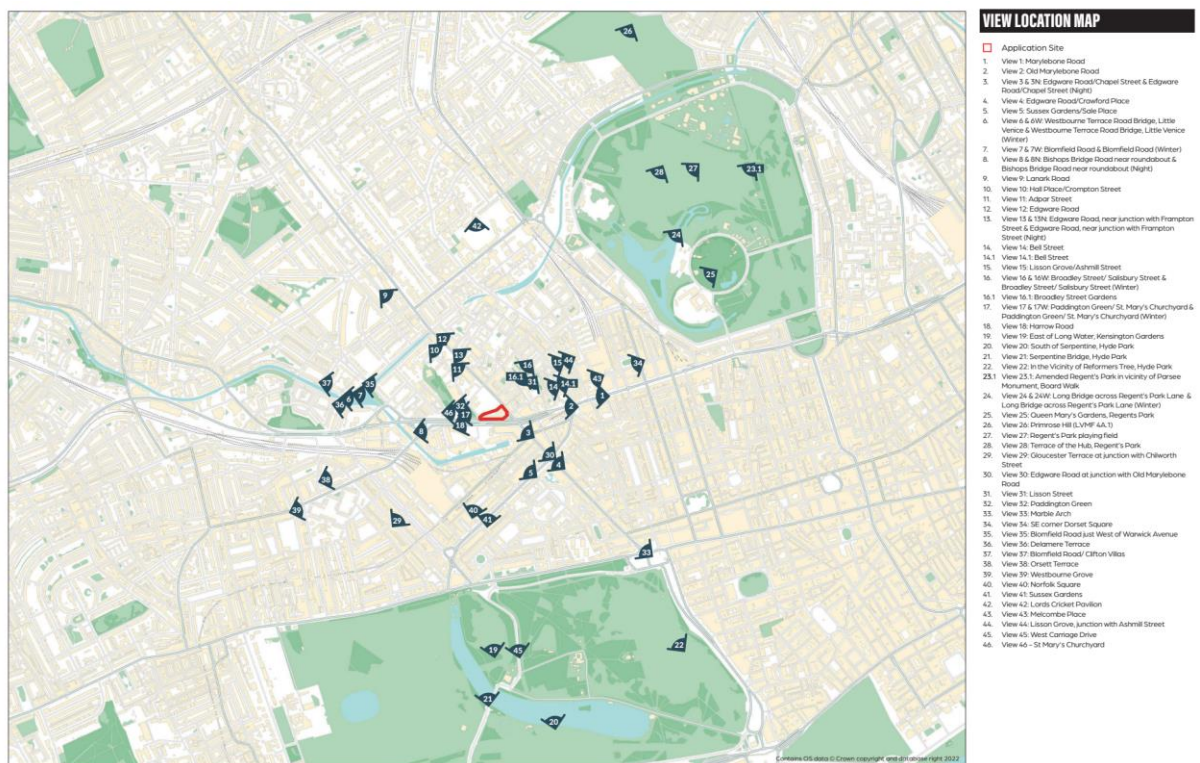
252. The tallest element of the scheme, at 39 storeys is greater than the site-specific Policy for this locality (Policy 41C) envisages for this junction, of up to 2 to 3 times the context height identified as 6 storeys (20m). However, whilst the developments height is taller than that envisaged the variety of heights proposed both in relation to each other and those of the adjacent development at WEG are nonetheless considered acceptable. The site's location in the CAZ, Renewal Area and the high quality of architecture proposed, together with quality and functional interiors provide a basis (alongside the detailed views assessment) for considering a building that exceeds the height in Westminster's Policy in design and townscape terms.

### Visual impact

253. In terms of visual impacts, the abovementioned policies seek to ensure that the height of tall buildings are proportionate, reinforce the spatial hierarchy of an area and are located at a point of landmark significance. Tall buildings should make a positive contribution to surrounding character and townscape, within immediate, mid-range and long-range views. The tall building must have a positive relationship with the public realm, provide a functional space and opportunities for new street trees and widened pedestrian routes. Both London Plan and local policy include the requirement to deliver an exemplary standard of design and materials. Tall buildings must avoid harm to strategic views and the significance of London's heritage assets and their settings, the latter being discussed in the Heritage Impact section of this report. The impacts of reflective glare and light pollution must also be considered.

254. The applicant has submitted an updated Built Heritage, Townscape and Visual Impact Assessment (BHTVIA) (January 2023) and forms part of the Environmental Statement which considers the proposal against 46 accurate visual representations (AVRs), including night-time and winter iterations for selected views, the locations of which are illustrated in the diagram below.

Figure 17 - View Location Points



255. The site does not contain any heritage assets although there are heritage assets in the wider area (and a small portion of the site redline falls within the Paddington Green Conservation Area), and the BHTVIA assesses the potential of the proposed development to impact their setting. The BHTVIA considers the proposed development within its urban context, including the buildings, the relationships between them, the different types of urban open spaces, including green spaces and the relationship between buildings and open spaces. The visual assessment considers the impact of the proposed development upon visual receptors, assessing how people will be affected by the changes in views and visual amenity at different places, including publicly accessible locations.

256. The viewpoint locations were agreed with officers during pre-application discussions, with additional viewpoints subsequently agreed with GLA officers. The townscape surrounding the site varies and broadly comprises distinct areas of residential, office and mixed commercial uses.

257. In terms of the overall BTHVIA, GLA Officers consider that there are several key views are considered to be particularly sensitive and/or have been raised in representations on the application and the report discusses them below. Some of which are set within the immediate locality and would be immediate views, some would be medium distance views and other longer range. It is also important to highlight that this report examines a selection of views where the development is seen, however it is noteworthy that there are numerous views where the development would not be visible. In addition, there is further discussion in the Strategic Views section below in relation to the London View Management Framework SPG (2012).

258. View 17– Paddington Green, St Mary’s Churchyard – Immediate view



259. The representative viewpoint from St Mary’s Churchyard is considered to particularly important given the proximity of the proposal in this view and its potential impact on the Paddington Green Conservation Area.

260. In relation to the listed buildings on the eastern side of the Green, nos. 17 and 18 and the former Children’s Hospital, the proposal is of a significant scale. It would add a significant additional element of major development to the view eastwards out of the conservation area and close to the listed Church and its impact is further discussed in the Heritage section of this report.

261. However, from this viewpoint, the proposed development would be seen as part of the cluster of taller development which forms the background of the view. The park would remain well-defined by the adjacent mid-rise development.

262. Blocks I and K would be the most prominent components of the scheme from this view and would face onto the Green and rise above the height of Westgate Tower. In townscape terms however, the development would provide a form of conclusion and definition to the passage of the Westway to the south, and a positive element of character in itself.

263. Block K would also be seen infilling the visual gap between Block I and the Westmark Tower which would successfully create a tight cluster of well-designed and slender buildings. The lower storeys visible beneath the canopy of the trees would be consistent in character with that which has been approved for the western face of the West End Gate development and would also provide legibility for the entrance to the regenerated Newcastle Place. For these reasons the proposed development is acceptable in visual and townscape terms.

#### View 4 – Edgware Road / Crawford Place – Medium View

(In the following views the blue lines indicate the application proposal, the pink lines are the existing built form and the orange are consented building heights)



264. In this medium view Block K would be visible sitting behind the Hilton London Metropole Hotel building where it meets the junction with the Westway and would be clearly visible in an area of existing tall modern buildings.

265. The banding to the upper levels of the building would be visible and would define its top portion with the residential use being expressed through the regular fenestration and balconies to the corners. The high quality of the architecture displayed in the buildings' design would reinforce the modern urban character visible in this view and would be acceptable in townscape terms.



View 6 – (Westbourne Terrace Road Bridge, Little Venice) – Medium View



266. This is a key medium view due to the picturesque, high townscape and landscape value of the location. As shown by the image above the Blocks K and I of the proposed development would be visible in the skyline above the tree line being adjacent to the Westmark Tower building. The three buildings together would form a tight cluster and due to the varied heights, would add to the visual interest in the skyline and would have a logical rhythm with Block K, the tallest element being in the middle of the group in this view. The tower at 1 Merchant Square which would sit more prominently in this viewpoint at closer range and taller than both Blocks I and K.

267. Given the medium view point the detailing of the elevations, would be difficult to read but the pattern of fenestration and setbacks at the upper storeys would result in a well-considered composition. Whilst the proposal would extend significantly above the tree line and would be a new addition in this view, in design terms this is considered acceptable given the other tall buildings in this view and the design/form of the buildings with Block K forming the highest point with the Blocks within West End Gate forming the shoulder buildings

## View 14.1 – Bell Street – Medium viewpoint



268. The viewpoint is located at the junction of Bell Street and Cosway Street and looks south-west towards the site which is approximately 320m away. The viewpoint is located within the Lisson Grove Conservation Area.

269. The proposed development would be a notable element in the background of the view, silhouetted against the skyline and seen in conjunction with Burne House to the left of the image. The architectural detail of Block K, including the grey banding in the middle and upper parts of the building and the quality of its architecture, would be legible which would compensate for the impact of its scale given the high quality architecture employed in the façade design.

270. The approved tower at Merchant Square would create more visual enclosure and a strong urban backdrop to the street scene and together the proposed development would contribute positively to an urbanised skyline. Again the development proposed is acceptable in visual and townscape terms.

## View 21 – Serpentine Bridge, Hyde Park



271. In this longer range view the upper floors of the proposed development would be visible above the treeline with the lower elements screened by the mature trees. Given the development is to the left of the bridge, rather than being in the direct line of sight over the bridge, the buildings would not draw the viewer's attention excessively and would form part of the existing context of development in the background of the view.

272. In this view 1 Merchant Square would be a visible taller element in the background of the view and given the separation with the proposed development would be seen as a distinct building in its own right and visually acceptable.

273. In summary on townscape and visual impacts, whilst the three buildings are now taller, at 24 storeys (Block I), 17 storeys (Block J) and 39 storeys (Block K), the design development is considered to maximise and enhance the public realm which includes the provision of public art. The design and composition of the buildings minimises coalescence with WEG in some of the longer townscape views and results in a slender cluster of well-designed buildings. For these reasons the proposed townscape responds to both the immediate and surrounding context and is in accordance with tall buildings Policy D9.

### Functional impact

274. In line with Policy D9 each of the buildings, and the development as a whole, has been carefully designed to ensure there is no unacceptable overcrowding or isolation. Specifically, the ground floors of each building have separate at grade entrances and generous lobby space for the residential accommodation above.

275. The main entrance to the Block K is located to the north west corner of the tower podium with a generous reception space and back of house facility. Further into Newcastle Place, Block I and J each have dedicated residential entrances and secondary access points leading to the cycle facilities at basement via a separate lifts. In addition each commercial unit and the community space has logically positioned entrances.

276. Servicing, maintenance and building management arrangements are intrinsic in the design with some facilities positioned in the basement level which is discussed in further detail in this report.

### Environmental impact

277. A full assessment of environmental impacts is provided in the Environmental Statement (October 2021) and is discussed in detail in later sections of this report. Matters relating to air quality, wind microclimate, noise and daylight and sunlight assessment have been fully considered against London Plan and Local Plan policies. In summary, officers consider that the proposed development would result in an acceptable environmental impact. Where harm has been identified, appropriate management plans and mitigation measures will be secured.

### Cumulative impact

278. The EIA regulations require that, in assessing the effects of a particular development proposal, consideration should also be given to the likely significant effects arising from the cumulation with other existing or approved projects. In this respect, the ES has identified all planning consents or applications that have been submitted but not yet determined (including permitted development applications), within a 1km radius of the site, which result in an uplift of more than 10,000sq.m. of mixed-use floorspace over 150 residential units. These developments are identified in Chapter 11 of the ES. Both intra-project and inter-project cumulative effects of the proposal on surrounding sensitive receptors and on-site receptors during the demolition and construction, have been considered.

279. A summary of the cumulative impacts is provided in each of the technical chapters of the ES. The adjacent schemes have also been identified in selected views within the BHTVIA. Where likely significant adverse effects have been identified, management and mitigation measures have been proposed and would be adequately secured. These matters are discussed in detail within the Environmental section of this report. Overall, GLA officers are satisfied that the cumulative impacts have been considered in line with London Plan Policy D9 and are acceptable.

### Public access

280. 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. Whilst the scheme involves the provision of tall buildings, given that the development is predominantly residential and the provision of a high level viewing gallery would necessitate an additional core,

which would result in the loss of a significant number of units; this would not be in the interests of optimising housing delivery and therefore is not considered appropriate in this instance. Instead, new fully publicly accessible public spaces have been provided at ground.

### **Strategic views**

281. The Mayor has identified a list of strategic views within Table 7.1 of London Plan Policy which include significant buildings or urban landscapes which help to define London at a strategic level. Policy HC4 of the London Plan seeks to protect these strategic views and requires proposals to make a positive contribution to the composition of the views and their landmark elements. The London View Management Framework SPG (2012) provides further guidance on the strategic views.
282. The development would not intrude upon strategic views, or upon the setting of the Palace of Westminster or Westminster Abbey World Heritage Site. It is located within the London View Management Framework's London panorama incorporating protected vistas from Primrose Hill. The proposed development would be visible from representative View 26 (LVMF 4A.1) at Primrose Hill as shown on the image below.
283. Block K would appear to the left of the existing WEG development and forwards of the yet to be built 1 Merchant Square, adding some additional bulk to the emerging cluster in this location, forwards of the backdrop of Paddington Basin. Whilst this would increase the clustering in this location, the impact caused is slight from this distance, and is set outside of the principal centre of the panorama as identified by the LVMF. Furthermore, the development would be one of many towers of a similar visual scale visible in the wider panorama.
284. The development would add to the cluster of tall buildings at this location, as noted by the Royal Parks objection, but in this regard the effect is not a new one and would not introduce a discordant element to the view..

Figure X - View 26 – Primrose Hill (Cumulative condition)



285. In summary, Officers consider that the visual and townscape impacts would be acceptable and the application therefore complies with London Plan Policy HC4, City Policy 41 and the London View Management SPG.

### **Architectural quality**

286. The tall, slender form of each of the revised towers forms a cluster of tall buildings that step up in height and embrace the height of the existing Westmark building. The concept behind the facade design is to provide sustainable buildings with calm architectural balcony and bay rhythm that are recognisable as residential buildings. This is achieved by clear expression of column and spandrels, balconies and bays together with the ground floors being emphasised on all blocks, and Block K's defined top.

287. Each building has been designed to have its own architectural character whilst sitting comfortably as a cluster of tall buildings that form the wider West End Gate development. All external envelopes are designed to a 'fabric first' approach with each building responding to the constraints and opportunities presented by their position on the site, in terms of noise, solar shading and glare. The facade design aims to maintain an overall theme across the wider development through the selection of feature stone panels, bronze coloured cladding panels and windows to all building blocks.

288. The building facade consists of a unitised curtain walling system with high performance glazing and insulated metal panels. The stacked balconies are used as one of the main elements to provide depth and architectural detail in the facade. The bays and balconies are grouped together and masonry elements are

defined with reconstituted stone panels, spandrels and reveals. Balconies are protected to the edge by 'bronze' coloured balustrades to match the tone and colour of the window system. At ground floor the common parts are glazed to allow for views to the landscaped areas and provide natural surveillance.

289. The frontages of the retail units to Edgware Road, Harrow Road and Newcastle Place will be fully glazed to maximise street animation and address the neighbouring streets. The window and door frames at ground floor will match the 'bronze' coloured window type frames to the office and residential units above. Louvres and doors for ventilation of plant rooms will match the colour and finish of the windows used elsewhere.

290. The varied quality of the surroundings allows for a variety of robust material palettes to be incorporated. A simple but high quality palette of materials is proposed, which work on a variety of scales from street level to far distance views. As explained in the BTHVIA, these materials will be brought together with a high level of craft, detail and architectural integrity. This design will be sympathetic to the quality and craft of the listed buildings of the Paddington Green Conservation Area whilst also drawing on the new vernacular developed as part of the West End Gate development. The new tower building adjacent to Paddington Green and the central tower building both employ a similar palette of materials whilst the main gateway tower adopts a contrasting tone and articulation to set it apart from the other buildings and allow it to sit comfortably with the existing Westmark tower.

291. Block I and Block J are predominantly residential buildings with ground floor active uses, clad in terracotta coloured glass reinforced concrete (GRC) designed with a degree of texture and detail which reflect the local quality of Maida Vale mansion blocks. The high performance glazing and 'bronze' coloured cladding panels will form the glazed openings.

292. Block K is designed in contrast to the other blocks, with a lighter palette that draws inspiration from the existing Westmark. This coupled with the reduced building footprint and additional height help to ensure that the gateway tower reads as a slim, elegant and refined building that delivers a new visual marker at this historic junction and entrance way to the centre of London. Overall the development is of a suitably very high quality architectural design that is required for tall buildings.

### **Secured by design**

293. 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. Similar requirements are detailed within Policy 43 of Westminster's City Plan.

294. The proposals provide new areas of public realm and permeable linkages to the surrounding urban fabric, which would assist in activating the site and surrounding areas. Given the nature of the existing use being a high security

police station, the building is currently entirely devoid of active frontage and therefore has little relationship with the surrounding streets or public realm. By way of contrast, the proposed development would introduce extensive active frontages at ground floor around each of the proposed new blocks including new commercial units and residential entrances.

295. Whilst the Metropolitan Police have raised some detailed concerns, GLA officers acknowledge that amongst other things, the following elements of the design. That the basement is secure as only residents will have access and each door will be fob accessed; that there are concierges in the base of both Block I and Block K to clarify. There will be secure mailboxes in each block lobby at ground floor for the use of residents, As part of the proposed estates strategy, regular security patrols will be undertaken and that the amenity space will be accessible for all residents with residents only able to access the spaces they have been assigned.
296. This design approach is welcomed by Officers and a suitably worded planning condition requiring details of CCTV; general external lighting; security lighting; and, Secured by Design measures and counter terrorism measures, on or around the buildings or within the public realm is recommended as part of any permission.

### **Fire safety**

297. As this application was made before 1 August 2021, the applicant is not required by law to produce a Fire Statement and the Health and Safety Executive does not need to be consulted. However, Policy D12 of the London Plan states that major applications should be accompanied by a fire statement, prepared by a suitably qualified third-party assessor, demonstrating how development proposals would achieve the highest standards of fire safety, including details of construction methods and materials, means of escape, fire safety features and means of access for fire service personnel. Further to the above, Policy D5 of the London Plan seeks to ensure that developments incorporate safe and dignified emergency evacuation for all building users, with fire evacuation lifts suitable to be used to evacuate people who require level access from the buildings. Policy D12 is supported by the draft Fire Safety LPG, which provides additional guidance on what information should be included within Fire Strategies.
298. In accordance with Policy D12 of the London Plan, the applicant has submitted a Fire Statement which has been prepared by AESG, by a Chartered Engineer and member of the Institute of Fire Engineers with over 20 years experience. Additional supporting information is provided within the applicant's accompanying Fire and Life Safety Strategy.
299. In terms of the building's construction, fire safety has been considered at design stage and the construction method proposed will be further developed at detailed design stage. The fire strategy will again be further developed for submission to the Building Control to meet the functional requirements of the Building Regulations.



300. A 'defend in place' strategy has been adopted for the residential units in a bid to minimise the number of people evacuating. However, should residents decide to evacuate, each building has been provided with two escape stair cores and two fire fighting/ evacuation lifts incorporating a protected lobby and refuge at each level. The refuge would be provided with an emergency voice communication system to be used by occupants in the event of a fire. Ramped egress routes, increased corridor/ door widths have been provided etc. Personal emergency evacuation plans (PEEPs) are recommended for all people requiring assistance to leave the building so that appropriate adjustments can be made to facilitate evacuation and staff informed of specific individual requirements. In terms of commercial, amenity and ancillary areas – all occupants to be evacuated simultaneously via an independent means of escape.
301. Active fire protection systems have been recommended including automatic sprinkler suppression system for all residential and commercial areas; smoke ventilation systems to be installed to common escape routes; emergency lighting and signage installed; and secondary back up power supply provided. Passive protection systems include appropriate compartmentation between flats, floors, lift shafts and services; fire resistant enclosures to ancillary accommodation and places of special fire hazard; and fire doors where required. The strategy also recommends the production of a Fire Safety Management Plan and Fire Safety Manual.
302. Fire service and other emergency road vehicles would be able to approach Blocks I, J and K directly from the north via Newcastle Place in the event of an emergency and access to the stair cores again provided from Newcastle Place. Access to wet risers provided within 18m of fire appliance and a hydrant provided within 90 m of the building. As stated above, fire fighting lifts are proposed as well as two stair cores in each building to facilitate fire personnel access. The two stair cores were part of the revised design following the call in and has meant that sellable floor area has been taken up. Fire personnel would also be provided with access to a premises information box containing plans and information relating to fire provisions regarding each building.
303. The statement indicates that where the building undergoes any design modification or changes or use that the fire strategy should be reviewed and where certain modifications are made, that compartmentation or performance criteria are not compromised. It also sets out what particular items would need to be reviewed as part of any future works.
304. In summary, the suite of Fire Safety strategies and statements demonstrate that the proposal would comply with London Plan Policy D12.

#### Planning Gateway One

305. As this application was submitted to City of Westminster prior to 1 August 2021, there is no legal requirement to consult the Health and Safety Executive in respect of Planning Gateway One. However, the applicant met with the HSE on 20<sup>th</sup> Sep 2022 where this matter was discussed and no objection was raised.

## Conclusion on urban design

306. The design and layout principles of the scheme are well-considered, appropriately optimise the development capacity of the site and generally respond to the site constraints whilst acknowledging the character of the surrounding areas.
307. The height and massing strategy responds to the site characteristics and the existing and emerging context. The arrangements of the buildings on site and the position of the tallest building, Block K, has been appropriately sited to provide a distinctive and high-quality landmark, at the junction of Edgware Road and Harrow Road. Whilst the proposed tallest element at 39 storeys is greater than the site-specific Policy for this locality (Policy 41C), which envisages up to 18 storeys for this junction, the development is considered to be of exemplary design quality; not to adversely affect views or the townscape and meets the criteria as to the quality of tall buildings in both the London and City Plan.
308. The proposals have been subject to design scrutiny. The architecture and materials will ensure a distinctive and high-quality development which sits comfortably within the emerging cluster of tall buildings on the adjacent site and further afield in the Paddington Basin and will contribute positively to the regeneration of the surrounding area. No harm would be caused to strategic views.
309. In light of the above the proposal is considered to accord with London Plan Policies D1, D3, D4, D5, D8, D9, D11, D12 and City Plan policies 28 - 41. In addition the on-site play space provision is acceptable and there is also an off-site contribution.

## **Heritage**

310. 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”.
311. 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. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Where a proposed development will lead to ‘substantial harm’ or total loss of the significance of a designated heritage asset, consent should be refused, 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. The effect of development on the significance of any non-designated heritage assets should also be taken into account. In weighing applications that affect non-designated heritage assets, a balanced judgment will be required having regard to any harm or loss of significance to the asset.

312. London Plan Policy HC1 states that proposals affecting heritage assets, and their settings should conserve their significance, avoid harm, and identify enhancement opportunities.

313. Policy 39 of the City Plan relates to listed buildings, conservation areas including the conservation of the historic environment and natural heritage and seeks to ensure that heritage assets and their settings are conserved and enhanced in a manner appropriate to their significance.

### **Heritage context**

#### *Designations, significance and heritage impacts on the site*

314. The application site contains no listed or locally listed buildings. However, a small area to the of the western end of the application site sits within the Paddington Green Conservation Area (CA) which includes part of Newcastle Place and adjacent land to the north.

315. The existing building at Paddington Green Police Station was completed in 1971 to designs by James Innes Elliott CBE FRSA (c1912-1989) who was a surveyor and architect to the Metropolitan Police from 1947 to 1974. His known works include Hendon Police College, the Public Carriage Office and Brixton, Holborn and Lavender Hill Police Stations (among probably many others).

316. The existing building consists of a street facing public police station at ground floor (the entrance on the corner) with a first floor consisting of offices and a large canteen/recreation area on top of which is a seventeen-storey tower to the east which formed the police accommodation (section house). To the west is an eight-storey tower which housed offices, originally for recruitment. Between the two towers is a single storey element containing the custody suite and cells. At the same level, but accessed from the basement vehicle ramp and car park in the rear yard is another custody suite and a set of high security cells for terrorists, with associated interview rooms. The building is in a Brutalist Modernist style, relieved by a set of semi-abstract bas relief sculptures in concrete (by an unknown artist) on the south elevation and at second floor level on the east tower. Although there is some architectural interest (as an example of a 1970s Brutalist police station) this is not considered sufficient in itself to merit listing or local listing.

317. The high security custody suite and cells are of historic interest. High-profile terrorist suspects arrested across the UK were often taken to Paddington Green Police Station for interrogation and holding until escorted to a court of law. Suspects who have been held there include members of the IRA, the British nationals released from Guantanamo Bay, and the 21 July 2005 London bombers. The building was the main such facility in the UK and featured on news

bulletins regularly, as well as becoming itself a terrorist target (in 1992). The cells were windowless and conditions austere, resulting in refurbishment (to provide rooflights and an audio-visual system) in 2009. The building closed in 2018, replaced by similar facilities at Belmarsh. The building therefore has some historic interest as the physical embodiment of the UK government's response to terrorism from the early 1970s onwards. This historic interest is generally negative and bleak and is not considered sufficient in itself to merit listing or local listing. To address the identified historic interest, the building has been subject to historic recording at Level 2 in accordance with the Historic England guidance document *Understanding Historic Buildings: A Guide to Good Recording Practice* (Historic England, May 2016). This now forms part of the submitted application as *Level 2 historic building recording, January 2023* (author: MOLA). GLA officers consider this document to provide an adequate historical record of the building, subject to a condition imposed relating to the archiving and dissemination of the document.

318. The most positive feature of the existing building are the semi-abstract bas relief sculptures in concrete on the south elevation. These resemble marching figures and are of six different designs, cunningly designed so that the designs can be assembled in an apparently random order and yet the images still join. The submitted application includes outline proposals to retain these elements and relocate them in the Merchant Square Subway (submitted drawing *Merchant Square Subway Enhancements (North) Drawing Number 1446/027, author Murdoch Wickham*). These proposals are supported by GLA Officers and a condition is proposed to secure and detail the proposals, which should include at least some of the smaller and different bas reliefs around the second floor of the east tower.

319. Subject to the above conditions and Section 106 Agreement terms, and in the context of an otherwise acceptable scheme, the demolition of the police station is considered acceptable in conservation terms.

320. The direct impact of the development on the Paddington Green CA is considered below.

#### *Designations, significance and heritage impacts on the settings of heritage assets*

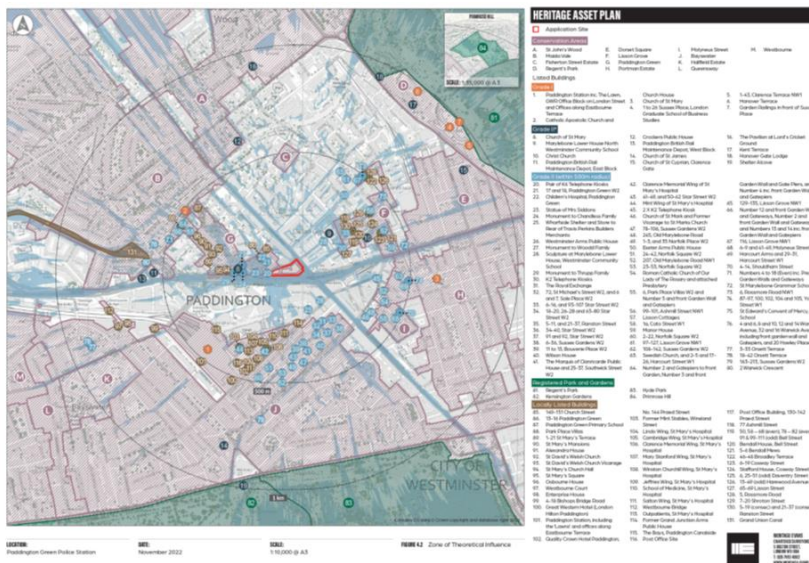
321. The following designated heritage assets have been identified as assets that may have their settings affected by the proposed development: the Church of St Mary (Grade II\* listed); Marylebone Lower House North Westminster Community School (Grade II\* listed); Christ Church, 35 Cosway Street (Grade II\* listed); The Children's Hospital (Grade II listed); 17 and 18 Paddington Green (Grade II listed); Samaritan Hospital for Women, Marylebone Road (Grade II); Numbers 78 to 106 Sussex Gardens (listed Grade II); Nos. 4-16 (even) Warwick Avenue and No. 20 Howley Place (Grade II listed); 29 to 40 Dorset Square (Grade II listed); 222 Marylebone Road (Grade II listed); Hyde Park (Grade I Registered Park and Garden (RPG)) and part of the Royal Parks Conservation Area; Regents Park (Grade I, RPG and a Conservation Area); Kensington Gardens (Grade I, RPG) and part of the Royal Parks Conservation Area; Paddington Green Conservation Area; Maida Vale Conservation Area; Lisson Grove Conservation Area; St John's Wood Conservation Area; Queensway Conservation Area; Royal Parks,

Bayswater and Portman Estate Conservation Areas and Dorset Square Conservation Area.

322. The following non-designated heritage assets (including Non-listed Buildings of Merit) may have their settings affected by the proposed development: 149-151 Church Street; 13-16 Paddington Green; Paddington Green Primary School; Park Place Villas; 1-21 St Mary's Terrace; St Mary's Mansions; Alexandra House; St David's Welsh Church; St David's Welsh Church Vicarage; St Mary's Church Hall; St Mary's Square; Osbourne House; Westbourne Court; Enterprise House; 4-18 Bishops Bridge Road; Great Western Hotel (London Hilton Paddington); Paddington Station, including the 'Lawns' and offices along Eastbourne Terrace; Quality Crown Hotel Paddington; 144 Praed Street; Former Mint Stables, Winsland Street; Lindo Wing, St Mary's Hospital; Cambridge Wing, St Mary's Hospital; Clarence Memorial Wing, St Mary's Hospital; Mary Stanford Wing, St Mary's Hospital; Winston Churchill Wing, St Mary's Hospital; Jeffries Wing, St Mary's Hospital; School of Medicine, St Mary's Hospital; Salton Wing, St Mary's Hospital; Westbourne Bridge; Outpatients, St Mary's Hospital; Former Grand Junction Arms Public House; The Bays, Paddington Canalside; Post Office Site; Post Office Building, 130-142 Praed Street; 77 Ashmill Street; 50, 58 – 68 (even), 78 – 82 (even), 91 & 99-111 (odd) Bell Street; Bendall House, Bell Street; 5-6 Bendall Mews; 46-48 Broadley Terrace; 6-19 Cosway Street; Stafford House, Cosway Street; 6, 25-51 (odd) Daventry Street; 13-49 (odd) Harewood Avenue; 65-69 Lisson Street; 5, Rossmore Road; 7-20 Shroton Street; 5-19 (consec) and 21-37 (consec) Ranston Street and the Grand Union Canal.

323. Figure 18 below shows the heritage assets in the vicinity of the site. It should be noted that in the assessment below, some heritage assets have been scoped out using the Zone of Theoretical Visibility Model shown on the map. GLA officers consider that the settings of these buildings will not be affected because a number of factors including screening by intervening buildings, the topography of the area and the arrangement of streets is such that there will be no or only minimal intervisibility.

Figure 18 - Heritage Assets



324. The views referred to are contained in the submitted documents and *Replacement Environmental Impact Assessment: Volume 2 Townscape, Visual and Built Heritage Impact Assessment* (submitted November 2022) and the additional *Bell Street Winter View and St Mary's Winter View and heritage information* submitted in the email of 31<sup>st</sup> January 2023. This assessment also considers the submitted *Heritage Statement* (November 2022).
325. This assessment follows the five-step process recommended in Historic England's guidance *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)* (Historic England, December 2017) (HE GPAN 3). This assessment does not follow the methodology used in the *Replacement Environmental Impact Assessment: Volume 2 Townscape, Visual and Built Heritage Impact Assessment*, which is derived from the Landscape Institute's GLVIA methodology, which is not helpful or appropriate in relation to the assessment of the impacts on the settings of heritage assets.
326. The assessment in this report includes an analysis of the significance of the asset and the contribution made to significance by its setting. For reasons of brevity in this report, this analysis provides a summary of the most relevant aspects of significance and setting. In all cases, the assessment of the impact on setting is primarily an assessment of visual impacts (except where otherwise stated) and is on the basis of the cumulative situation, including existing, implemented and consented schemes. Where assets overlap, for example where a Registered Park and Garden is also a Conservation Area or where a listed building is also in a Conservation Area (etc) these effects are considered together as appropriate.
327. NPPF recognises three levels of harm: substantial, less than substantial and no harm. Less than substantial is a wide category and it is common practice to sub-divide it for the purposes of clarity of discussion into low, moderate and high levels of less than substantial harm. This assessment uses the following descriptions of the spectrum within "less than substantial" harm:

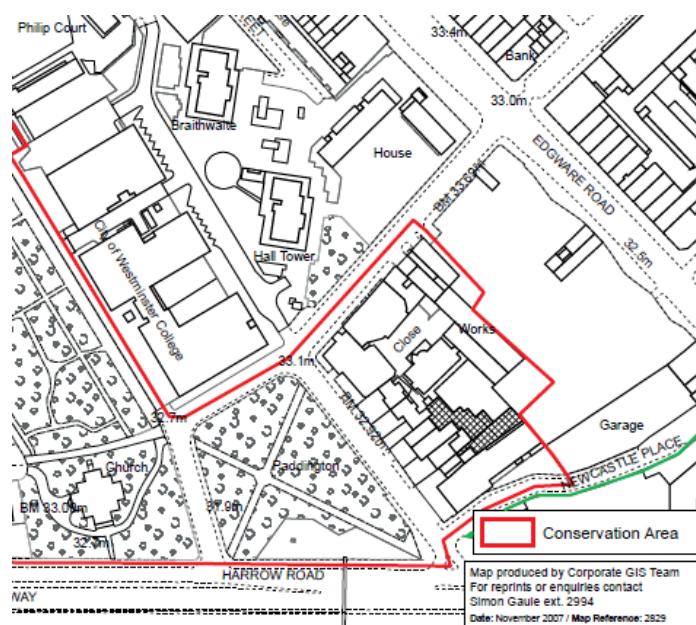
<b>NPPF harm level</b>	<b>Band</b>	<b>Position in the spectrum (where there is less than substantial harm)</b>
Substantial	None	The highest level of harm
Less than substantial	High	Towards the top of the spectrum
Less than substantial	High	Well above the middle of the spectrum
Less than substantial	Moderate	Above the middle of the spectrum
Less than substantial	Moderate	Just above the middle of the spectrum
Less than substantial	Moderate	At the middle of the spectrum
Less than substantial	Moderate	Just below the middle of the spectrum
Less than substantial	Moderate	Below the middle of the spectrum

Less than substantial	Low	Well below the middle of the spectrum
Less than substantial	Low	Towards the bottom of the spectrum
No harm	None	No harm

*Paddington Green group*

Paddington Green CA

328. As previously stated, the application site boundary sits partially within the Paddington Green CA as indicated by plan below:



329. Westminster City Council's Paddington Green Conservation Area Audit (2003) describes the character of the CA as follows:

*"Paddington Green, the adjacent churchyard and the former burial ground, St Mary's Gardens, are the surviving core of an historic village settlement and provide an unexpected oasis, a stone's throw from Edgware Road, with numerous mature and established trees. The few houses along Paddington Green are the only reminders that this was once a desirable place of residence in the early nineteenth century.*

*Architecturally the most significant property is St Mary's Church, which forms the focal point of the conservation area. The remainder consists predominantly of fine residential developments of varied ages, from between the early 19th and 20th centuries... This is typical of many of the old village centres in Westminster which were engulfed by growing London."*

330. The Grade II\* St Mary's Church is identified as the main landmark building of the CA. In terms of key local views, these are mainly identified within Paddington Green itself towards and away from St Mary's Church as well towards the listed buildings to the east of the Green.

331. The CA derives significance from its historic and architectural interest as the surviving core of an historic village settlement, with a fine church and surviving historic buildings facing the churchyard with its splendid trees. The setting of the CA contributes to its significance to the extent that it allows the historic buildings, area and spaces to be appreciated in views into and out of the CA. Although The Westway and Harrow Road have harmful visual and acoustic effects, these diminish quite rapidly as one moves northwards across the churchyard. In the existing and cumulative scenarios some modern development is visible from within the conservation area, but it is still possible to appreciate these buildings as traditional in scale and addressing the churchyard to which they relate visually, spatially and historically.

#### The Church of St Mary (Grade II\* listed)

332. This is located approximately 180 m from the site to the west. The church, the third on this site, was designed by John Plaw and built in 1788-91. Significance is derived from its historical and architectural interest as a Georgian church built in an unusual Greek plan form, and because it is one of only two known surviving examples of Plaw's work. Significance is also derived from the church's historic role as a visual and community landmark, still set within its, at the heart of the small village (the form of which can still be discerned in the Paddington Green CA) which grew up at the junction of the two ancient roads which now form Edgware Road and The Westway/Harrow Road. This open, verdant and historic setting provides an appropriate environment in which to experience the church and contributes to the significance of the church by allowing its roofline and key architectural features such as the clock tower and cupola to be appreciated against the open sky.

#### The Children's Hospital, Paddington Green (Grade II listed)

333. This is located about 240m to the north of the site. This was built in 1895 to the designs of H P Adams as the new hospital for the North-West London Free dispensary for Sick Children. The building has significance as a fine red brick and terracotta purpose-built hospital in the Queen Anne manner, with particular interest in the unusual tile pictures and sculptures to the front elevation. The setting adds to significance in that the building sits within a terrace of listed buildings which continue to address the open space at Paddington Green.

#### 17 and 18 Paddington Green (Grade II listed)

334. These buildings are located about 80m north of the site. The houses were built in c.1800 in yellow-brown brick with stucco dressings and stand at 4 storeys with a basement. The terraces are two bays wide with recessed lower entrance bays to the left. The setting adds to significance in that the buildings sit within a terrace of listed buildings which continue to address the open space at Paddington Green.

#### Analysis of direct impacts on the CA

335. Half of the road width of a short western section of Newcastle Place falls within the Paddington Green CA. This road is proposed to be resurfaced in an



impermeable finish, with the provision of two crossing places, a small green space and a tree (as shown in Drawing 1446/011 Rev H Hard and Soft Landscaping Strategy). These proposals, which form part of the wider landscaping scheme at the site, are a very modest enhancement to the conservation area at this location and therefore form a very small heritage benefit.

#### Analysis of indirect impacts

336. In Views 17, 17W, 18, 32 and 46 Paddington Green/St Mary's Churchyard and the St Mary's Winter View submitted on 31st January 2023 harm is caused to the setting of the CA by the width and height of the proposed development, which intrudes to some extent on the green open space, is visually dominant and results in the loss of more visible sky, reducing the openness of the space. GLA officers consider that the harm caused to significance is less than substantial at a moderate level, below the middle of the spectrum.
337. In Views 17, 17W, 18, 32 and 46 Paddington Green/St Mary's Churchyard and the St Mary's Winter View submitted on 31st January 2023 there is harm to the setting of the Church of St Mary (Grade II\* listed) caused by the width and height of the development, which intrudes to some extent on the historic churchyard, is visually dominant and results in the loss of visible sky, reducing the appreciation of the openness of the space. This harm is more apparent in the additional St Mary's Winter View submitted on 31st January 2023, which shows that, in the winter months, at the most frequented approach for church users (at the entrance gate), the proposed development will backdrop the north transept of the church and its main roof and the cornice, detracting from the ability to appreciate the outline and roof level features against the open sky. This effect is worsened by the way the proposed development coalesces with the West End Gate buildings to form a wall. GLA officers consider that the harm caused to significance is less than substantial at a moderate level, below the middle of the spectrum.
338. In Views 17, 17W, 18 and 32 and Paddington Green/St Mary's Churchyard there is harm to the setting of The Children's Hospital (Grade II listed) caused by the width and height of the development, which intrudes to some extent on the green open space, is visually dominant and results in the loss of more visible sky, reducing the openness of the space. GLA officers consider that the harm caused to significance is less than substantial at a moderate level, below the middle of the spectrum.
339. In Views 17, 17W, 18 and 32 Paddington Green/St Mary's Churchyard there is harm to the setting of 17 and 18 Paddington Green (Grade II listed) caused by the width and height of the development, which intrudes to some extent on the green open space, is visually dominant and results in the loss of visible sky, reducing the openness of the space. GLA officers consider that the harm caused to significance is less than substantial at a moderate level, below the middle of the spectrum.

*Lisson Grove group*

## Lisson Grove CA

340. Located to the east of the application site, Westminster City Council's *Lisson Grove Conservation Area Audit* describes the character of the area as follows:

*“Lisson Grove Conservation Area is centred on Bell Street and Lisson Grove and comprises predominantly residential terraces, interspersed with a number of institutional developments and some twentieth century infill. The Georgian, Victorian and Edwardian terraces define the character of much of the area while a number of larger developments, such as Christ Church, St Edward’s Convent School and Manor House, are key components which add townscape interest and provide focal points in local views.”*

341. The setting of the CA contributes to its significance to the extent that it allows the historic buildings, area and spaces to be appreciated in views into and out of the CA.

## Christ Church, 35 Cosway Street (Grade II\* listed)

342. This is located about 300m northeast of the site. The church was built in 1824-5 by Philip Hardwick. It has historic interest for its association with Hardwick, and architectural interest as a well-preserved Regency church, built of high-quality materials in the Greek Revival style with a fine portico, pediment and three stage tower. The setting of the church contributes to significance since its openness currently allows the tower to be appreciated in silhouette against the open sky, enhancing appreciation of its landmark qualities and outline.

## Marylebone Lower House North Westminster Community School (Grade II\* listed, now known as the King Solomon Academy)

343. This is located approximately 200m to the east from the site at the nearest point. The building is adjacent to (but outside) the Lisson Grove Conservation Area. The school was built in 1959-60 to designs by Leonard Manasseh for the London County Council (LCC). Significance is mainly derived from the careful plan and the attention to quality details, particularly in the sequence of interior spaces, for example the central entrance hall, lined in Carrara marble, with a marble floor, and the quality of the finishes and light fittings. The setting of the school contributes to significance, since the more open parts of the setting allow the striking pyramidal roofline to be appreciated against the sky.

## Analysis of indirect impacts

344. In View 14 Bell Street, View 44 Lisson Grove, Junction with Ashmill Street and the Bell Street View – Southern Pavement submitted on 31st January 2023, harm is caused to the setting of the Lisson Grove Conservation Area since the proposed development is more visible and views of the sky are lost, reducing the openness of the streets. In View 14.1 Bell Street harm is caused to the setting of the CA since proposed Block K appears as a taller element in the skyline, competing with the tower of the church (a key CA building) for visual attention. In the Bell Street View – Southern Pavement the proposed development backdrops the historic terraces within the CA, detracting from appreciation of their ornate

and complex roofline against the sky and providing an incongruous element in the view down the street. GLA officers consider that the harm caused to significance is less than substantial at a low level, well below the middle of the spectrum.

345. In View 14.1 Bell Street there is harm to the setting of the listed church, since proposed Block K appears as a taller element in the skyline, competing with the tower of the church for visual attention. In the Bell Street View – Southern Pavement the proposed development competes with the church tower for prominence and provides a somewhat incongruous element in the view down the street. GLA officers consider that the harm caused to significance is less than substantial at a moderate level, below the middle of the spectrum.

346. In Views 31 Lisson Street and 16.1 Broadley Street Gardens there is harm to the setting of the listed school because, in View 16.1 the proposed development competes for dominance in the view with the north range of the school and in View 31 the proposed development appears as a taller element in the skyline, competing with the pyramidal roof of the Academy (a feature specifically noted in the listing description) for visual attention. GLA officers consider that the harm cause to significance is less than substantial at a low level, well below the middle of the spectrum.

### *Bayswater Group*

#### Bayswater CA

347. Westminster City Council's document *Westminster Conservation Areas – Character Overview* (2021) describes the significance of the Bayswater CA as follows:

*“Bayswater was initially developed as a fashionable residential suburb in 1827, when the surveyor to the Bishop of London laid out the area between Praed Street, Edgware Road and Bayswater Road. This layout consisted of an inter-related pattern of wide streets, crescents and squares planned on either side of the main boulevards- Westbourne Terrace and Sussex Gardens.*

*Today, the Bayswater conservation area covers a large area with a mixed but retains a predominantly residential character. Much of the area consists of stucco terraced houses but these are interspersed with attractive streets and mews of a smaller scale as well as a variety of later buildings of interest. A series of open spaces with many fine mature trees and formal squares also contribute to the area's character. The area around Paddington Station has a distinctive more commercial character and has many interesting late Victorian and early 20th century buildings.”*

348. The setting of the CA contributes to its significance to the extent that it allows the historic buildings, areas and spaces to be appreciated in views into and out of the CA.

#### Numbers 78 to 106 Sussex Gardens (listed Grade II) and Numbers 163 to 213 Sussex Gardens (listed Grade II)

349. Sussex Gardens, known originally as Grand Junction Road, formed an important feature of the original layout of Bayswater. Numbers 78 to 106 are an early 19<sup>th</sup> century terrace in brown brick with stucco to the ground floor. The four storey houses form a symmetrical composition on the grand scale with Doric porches, pilastered entrances, cornices and other architectural enrichment. Numbers 163 to 213 are similar but with a mix of Tuscan and Ionic porches. Both terraces have group value with the other listed terraces in Sussex Gardens.
350. Sussex Gardens is an architectural set piece, the various listed terraces effectively contributing to each other's settings in a mutually reinforcing way through group value. The wider setting contributes to significance to the extent that it allows views of the historic development, including the buildings and the gardens.

#### Numbers 24 to 42 Norfolk Square (listed Grade II)

351. This terrace, probably dating from the 1850s, forms part of a designed development around the garden square. The houses are of brick with stucco and of four storeys with an attic and basement. They feature Tuscan porches with other enrichment and front railings.
352. Norfolk Square is an architectural set piece, the various listed terraces effectively contributing to each other's settings in a mutually reinforcing way through group value. The wider setting contributes to significance to the extent that it allows views of the historic development, including the buildings and the gardens.

#### Numbers 3 to 33 Orsett Terrace (listed Grade II)

353. This is a terrace of mid-19<sup>th</sup> century houses, built in brick with stucco dressings. The houses are of four storeys with a concealed roof and the whole terrace forms a symmetrical composition with Doric porches, panelled doors, other architectural enrichment and front railings.
354. Orsett Terrace is an architectural set piece, the two sets of listed terraces effectively contributing to each other's settings in a mutually reinforcing way through their group value as a designed street. The wider setting contributes to significance to the extent that it allows views of the historic buildings.

#### Numbers 6 and 7 Sale Place (Grade II listed)

355. This is a pair of houses from the early 19<sup>th</sup> century, which are the surviving part of a longer terrace. They are built of brown brick with channelled stucco to the ground floor and stucco first floor architraves and parapet. They feature doors with overlights and other architectural enrichment.
356. The Sale Place houses are the remainder of an architectural set piece, and there is an extent to which their setting is reinforced through their group value as part of a designed street and in the context of nearby buildings of similar date and character. The wider setting contributes to significance to the extent that it allows views of the historic buildings.

### Number 72 St Michael's Street (listed Grade II)

357. This is a house from the early 19<sup>th</sup> century, built in brown brick in Flemish bond, with a concealed roof. It features a door in the gable to St Michael's Street and is plain with sash windows beneath flat gauged brick arches.
358. The immediate setting of this house consists of a context of nearby buildings of similar date and character. The wider setting contributes to significance to the extent that it allows views of the historic building.

### Analysis of indirect impacts

359. In View 5 Sussex Gardens/Sale Place and View 41 Sussex Gardens there is harm to the setting of the Sussex Gardens part of the conservation area since the proposed development infills a remaining area of sky and backdrops the parapet of the listed buildings, appreciation of their historic form against the sky. In View 33 the proposed development introduces a taller element in the centre of the north-western vista down Edgware Road (a Roman Road), which is visually prominent and tends to detract from the appreciation of the historic buildings in the left of the view at Connaught Place. In View 40 Norfolk Square there is harm to the setting of the Norfolk Square part of the conservation area since the proposed development infills a remaining area of sky and backdrops the parapet of the listed buildings, adversely affecting the appreciation of their historic form against the sky. In View 38 Orsett Terrace, harm would be caused to this part of the conservation area, since the proposed development would appear in the winter months at the end of the street, partially blocking a remaining area of open sky and stopping views in the eastern direction. No view is provided in relation to the 6 and 7 Sale Place and 72 St Michael's Street buildings, however, View 5 Sussex Gardens/Sale Place is taken from the road junction immediately to the south west. It is therefore reasonable to assume that the visual impacts will be similar. GLA officers consider that the harm caused to significance is less than substantial at a low level, well below the middle of the spectrum.
360. In Views 5 Sussex Gardens/Sale Place and View 41 Sussex Gardens there is harm to the setting of the listed buildings since the proposed development infills a remaining area of sky and backdrops the parapet of the listed buildings, preventing the remaining possible appreciation of their historic form against the sky. In View 40 Norfolk Square there is harm to the setting of the listed buildings since the proposed development infills a remaining area of sky and backdrops the parapet of the listed buildings, adversely affecting the appreciation of their historic form against the sky. In View 38 Orsett Terrace, harm would be caused to this group of listed buildings, since the proposed development would appear in the winter months at the end of the street, partially blocking a remaining area of open sky and stopping views in the eastern direction. No view is provided in relation to the 6 and 7 Sale Place and 72 St Michael's Street buildings, however, View 5 Sussex Gardens/Sale Place is taken from the road junction immediately to the south west. It is therefore reasonable to assume that the visual impacts will be similar. GLA officers consider that the harm caused to significance is less than substantial at a low level, well below the middle of the spectrum.

*Maida Vale group*

## Maida Vale CA

361. Westminster City Council's document *Westminster Conservation Areas – Character Overview* (2021) describes the significance of the Maida Vale CA as follows:

*“The Grand Union Canal and Regent's Canal dictated the earliest layouts of Maida Vale in the early 19th century. The south of the area, named after the early 19th century public house 'The Heroes of Maida' on Edgware Road, was complete up to Sutherland Avenue by the 1860s. The remaining section in the north was mostly complete by 1900 and in 1915 Warwick Avenue and Maida Vale underground stations were opened.*

*The layout throughout the area uses architecturally significant avenues and crescents with secondary streets infilling between them. Up to the 1860s developments are principally in brick and stucco, whereas later areas are in red stock brick and include early examples of mansion blocks around Elgin Avenue. Nevertheless, the imposing stucco crescents are most notable. Tree-lined streets and large private gardens give the entire area a leafy character. This is further enhanced by Paddington Recreation Ground in the north and Little Venice in the south.”*

362. The setting of the CA contributes to its significance to the extent that it allows the historic buildings, area and spaces to be appreciated in views into and out of the CA.

## Group of listed houses on Warwick Avenue (Grade II listed)

363. These include Nos. 12 and 14 Warwick Avenue; Nos. 32 and 16 Warwick Avenue including the front garden wall and gate piers; Nos. 8 and 10, Warwick Avenue; Nos. 4 and 6, Warwick Avenue and No. 20, Howley Place. These houses are located about 600m northeast of the site. The listed buildings are semi-detached villas in brick with stucco detailing. The terrace was built in early 19th century. The properties in the villas share similar architectural detailing. The properties are two storeys with a basement and a 3 bay composition. The houses have a recess which is framed by columns. Significance is derived from the group value and architectural interest of the terrace as an attractive row (which are also located in the Maida Vale Conservation Area). Historic interest is derived from the association with the development of Maida Vale and Little Venice. The setting of the listed buildings adds to their significance, since the sky behind the buildings remains generally open, allowing their parapet roofline to be appreciated.

## 2 Warwick Crescent (listed Grade II)

364. This is a grand mid-19<sup>th</sup> century house with a stucco facing, consisting of four main storeys and four bays wide. It has a Corinthian portico and a rusticated ground floor with quoins. There is a high degree of enrichment including a balcony with an iron balustrade, Doric pilasters around some windows and a bold cornice.

365. The house has a very mixed immediate setting. Charmingly it backs onto the canal at Little Venice, but to the south it is dominated by the busy Harrow Road and The Westway flyover. The wider setting contributes to significance to the extent that it allows the rooftop features and outline of the building to be appreciated against open sky.

#### Analysis of indirect impacts

366. In Views 6 and 6W Westbourne Terrace Road Bridge, Little Venice and View 36 Delamere Terrace there is harm to the setting of the conservation area, since the proposed development rises well above the tree line, appears taller than and coalesces with the existing buildings to form a short wall of development. In View 35 Blomfield Road just West of Warwick Avenue the effect is particularly serious since the proposed development backdrops the Grade II listed villas at Nos. 4-16 (even) Warwick Avenue and No. 20 Howley Place, detracting from appreciation of their elegant parapet roofline against the sky. In Views 6 and 6W Westbourne Terrace Road Bridge and View 7 Blomfield Road there is some harm to the setting of the conservation area because the proposed development will appear in the winter months as an additional modern element in skyline, detracting from the prominence of the grand listed house at 2 Warwick Crescent in the view. GLA officers consider that the harm caused to significance is less than substantial at a moderate level, below the middle of the spectrum.

367. In View 35 Blomfield Road just West of Warwick Avenue harm is caused to the setting of these listed houses because the proposed development backdrops the buildings, preventing appreciation of their elegant parapet roofline against the open sky. In Views 6 and 6W Westbourne Terrace Road Bridge and View 7 Blomfield Road there is some harm to the setting of 2 Warwick Avenue because the proposed development will appear in the winter months as an additional and incongruous modern element in skyline, detracting from the prominence of the grand listed house in the view. GLA officers consider that the harm caused to significance is less than substantial at a moderate level, below the middle of the spectrum.

#### *Dorset Square group*

#### Dorset Square CA

368. Westminster City Council's document *Westminster Conservation Areas – Character Overview* (2021) describes the significance of the Dorset Square CA as follows:

*“The Dorset Square Conservation Area is situated in the north of the City of Westminster, between the Portman Estate and Regent’s Park Conservation Areas.*

*The centrepiece of the conservation area is Dorset Square itself, a classical Georgian composition of four storey terraced town houses that enclose the central designated London square. Dorset Square, the streets running northwards and the associated mews, originally formed part of the early 19th century Portman Estate development. Buildings are in London stock brick and*

*stucco, set behind lightwells and area railings, which have survived largely unchanged.*

*The remainder of the conservation area is characterised by post 1850 development, with Marylebone Station and former Great Central Hotel complex to the west. To the east are late nineteenth century and early 20th century mansion blocks and flat blocks that emerged with the development of Baker Street Station.”*

369. The setting of the CA contributes to its significance to the extent that it allows the historic buildings, area and spaces to be appreciated in views into and out of the CA.

#### 29 to 40 Dorset Square (Grade II listed)

370. This is a terrace of houses from circa 1815-1820, forming the south side of the square. The houses have notably Greek Revival detailing with Greek Doric columns, Greek fret door heads and anthemion patterned balconies. Significance is derived from the group value and architectural interest of the terrace as an attractive row (which are also located in the Dorset Square Conservation Area). Historic interest is derived from their association with the development of the Portman Estate. Significance is derived from setting through the historical and visual relationship between the buildings and the designed garden square and its trees.

#### The Landmark Hotel, 222 Marylebone Road (Grade II listed)

371. This is a railway hotel associated with Marylebone Station and built 1897-99 to the designs of Colonel R W Edis. The building has historic significance as a well-preserved example of a late Victorian Railway terminus hotel. The building is large (eight storeys) and architecturally elaborate, in a complex and detailed eclectic style with Queen Anne Revival and Flemish influences, forming a symmetrical composition in fourteen main bays in red brick with terracotta dressings under a slated mansard roof. Some elaborate interiors remain, including the ground staircase and entrance hall and dining rooms. Its setting, which is intimately connected with the station, adds to its significance to the extent that it allows views of the historic building to be appreciated.

#### Analysis of indirect impacts

372. In View 34 SE Corner Dorset Square there is harm caused to the setting of the conservation area since the proposed development stops the view to the north, rising above the treeline and interfering with the sylvan character of the square and backdropping part of the Grade II listed hotel at 222 Marylebone Road. In View 43 Melcombe Place the prospect along Harewood Row is curtailed by the proposed development and this is harmful to the view out of the conservation area. GLA officers consider that the harm caused to significance is less than substantial at a low level, well below the middle of the spectrum.

373. In View 34 SE Corner Dorset Square harm is caused to the setting of the listed buildings since the proposed development stops the view to the north, rising



above the treeline and interfering with the sylvan character of the square. GLA officers consider that the harm caused to significance is less than substantial at a low level, well below the middle of the spectrum.

374. In View 34 SE Corner Dorset Square harm is caused to the setting of the railway hotel because the proposed development backdrops part of the hotel, detracting from appreciation of its rooftop outline in this view. GLA officers consider that the harm caused to significance is less than substantial at a low level, well below the middle of the spectrum.

### *Royal Parks group*

#### Hyde Park (Grade I Registered Park and Garden)

375. Hyde Park RPG is located approximately 1 km to the south of the site. The Park is one of eight Royal Parks and is one of the largest parks in London. Hyde Park has historic associations with Henry VIII who acquired the land in 1536 and used the land as a hunting park. The park was opened to the public 1631 and has undergone continuous evolution of landscaping. The formal features of the park, such as the Serpentine, were developed under the reign of George I in the early 1700s. During the Victoria era the park was developed for the Grand Exhibition and the Crystal Palace was constructed in the Park. The significance of Hyde Park is derived from the historic interest as the hunting ground of Henry VIII and the national significance as one of the Royal Parks. Architectural value is derived from the wide range of significant architects and landscape designers whose works are displayed throughout the park.

376. The setting of the RPG contributes to its significance to the extent that it allows the sylvan *rus in urbe* ("country in the city") character of the historic open space to be appreciated in views into and out of the RPG.

377. In View 21 Serpentine Bridge, Hyde Park harm is caused to the setting of Hyde Park RPG (in which the viewpoint is just located) because the proposed development rises well above the tree line and appears taller than the existing buildings compared to the sylvan park character of the RPG. In View 45 West Carriage Drive there is harm to the setting of Hyde Park RPG since the proposed development rises well above the tree line and appears directly ahead through the avenue of trees in an otherwise unspoilt view. This is urbanising and harmful to the sylvan park character of the RPG. In View 22 In the vicinity of Reformers Tree, Hyde Park there is harm to the setting of Hyde Park RPG since the proposed development rises well above the tree line and appears taller than the existing buildings; this is urbanising and harmful to the sylvan park character of the RPG. In View 33 the proposed development introduces a taller element in the centre of the north-western vista down Edgware Road (a Roman Road), which is visually prominent and tends to detract from the appreciation of the historic buildings in the left of the view at Connaught Place. This causes some harm to the setting of the Hyde Park RPG. GLA officers consider that the harm caused to significance is less than substantial at a low level, well below the middle of the spectrum.

#### Kensington Gardens (Grade I, RPG)

378. Kensington Gardens RPG comprises a pleasure ground and park begun in the late 17th century by George London and Henry Wise, incorporating land from Hyde Park. The gardens have a complex configuration derived from multiple phases of development. The majority of the gardens are laid to grass, with radiating paths facilitating access, and two major walks (Lancaster Walk and the Broad Walk). Bodies of water, including the Round Pond and the Long Water, are attributed to Henry Wise, the latter amalgamated from a series of trout pools along the line of the Westbourne. There are a large number of listed buildings within the park, which include the Albert Memorial (grade I), the Orangery (grade I), and Kensington Palace (grade I). At the south extent of the Long Water, the Serpentine Bridge carries the West Carriage Drive, which forms the eastern boundary of the Site. Significance is derived from the park's long history and association with designers and architects of note, including though not limited to Sir John Soane. The association with the royal family, through the habitation of Kensington Palace, also contributes to this special interest.

379. The setting of the RPG contributes to its significance to the extent that it allows the sylvan *rus in urbe* ("country in the city") character of the historic open space to be appreciated in views into and out of the RPG.

380. In View 19 East of Long Water, Kensington Gardens there is harm to the setting of the RPG because the proposed development rises well above the tree line and appears taller than the existing buildings; this is urbanising and harmful to the sylvan park character of the RPG. In View 21 Serpentine Bridge, Hyde Park harm is caused to the setting of Hyde Park RPG (in which the viewpoint is just located) because the proposed development rises well above the tree line and appears taller than the existing buildings; this is urbanising and harmful to the sylvan character of the RPG. GLA officers consider that the harm caused to significance is less than substantial at a low level, well below the middle of the spectrum.

### Royal Parks CA

381. Westminster City Council's document *Westminster Conservation Areas – Character Overview* (2021) describes the significance of the Royal Parks CA as follows:

*"Royal Parks Conservation Area includes Hyde Park, St James Park, Green Park, Buckingham Palace Gardens and Kensington Gardens.*

*The parks today are the creation of the picturesque landscaping tradition of the mid-18th to late-19th century. Hyde Park and St James Park are dominated by their lakes. All the parks are well wooded and many paths in Green Park and Hyde Park are laid out as avenues. There is also informal planting in all the Parks."*

382. The setting of the CA contributes to its significance to the extent that it allows the sylvan *rus in urbe* ("country in the city") character of the historic open space and the historic buildings within the parks to be appreciated in views into and out of the CA.

383. In View 19 East of Long Water, Kensington Gardens, View 21 Serpentine Bridge, Hyde Park, View 45 West Carriage Drive, View 22 in the vicinity of Reformers Tree, Hyde Park and View 33 Marble Arch there is harm caused to the setting of the conservation area, as discussed above in relation to the RPGs. GLA officers consider that the harm caused to significance is less than substantial at a low level, well below the middle of the spectrum.

#### *Regents Park group*

#### Regents Park (Grade I, RPG)

384. Regents Park RPG is located about 1km to the east of the site. The park was designed by John Nash. Nash's design included a park in a grand scheme of redevelopment in the area. The park would create a new processional route and took 17 years to be completed. The RPG has significance as a key element of John Nash's major improvement scheme of 1811-28 for north-west London which also included Regent Street; as one of the most ambitious urban parks of the early C19; for the specific interest of some of its designed landscape elements such as WA Nesfield's Italian Garden of 1864 and the near-contemporary English Garden by his son Markham; as the setting for a large number of listed structures within it including early C19 villas and those of the Zoological Gardens and the surrounding terraces.

385. The setting of the RPG contributes to its significance to the extent that it allows the sylvan *rus in urbe* ("country in the city") character of the historic open space to be appreciated in views into and out of the RPG.

386. In View 23.1 Amended Regents Park in the Vicinity of Parsee Monument, Board Walk, View 24w Long Bridge Across Regents Park Lake, View 25 Queen Mary's Gardens View 27 Regents Park Playing Field and View 28 Terrace of the Hub, Regents Park there is harm to the setting of the RPG because the proposed development rises well above the tree line and appears taller than the existing buildings. The effect is particularly notable in View 25 because of the previously unspoilt nature of this view. GLA officers consider that the harm caused to significance is less than substantial at a low level, well below the middle of the spectrum.

#### Regents Park CA

387. Westminster City Council's document *Westminster Conservation Areas – Character Overview* (2021) describes the significance of the Regents Park CA as follows:

*“John Nash's design still dominates the character and appearance of Regent's Park Conservation Area, with its stucco terraces enclosing extensive parkland, in which there are isolated villas and the ornamental lake at the centre. Although the architecture of the terraces differs in style, they have a uniformity of design which carries forward Nash's townscape concept, although his masterplan was never completed.”*

*During the Victorian era the Park's character changed from that of a private residential estate to its current appearance as a public park, with incidental private dwellings. Today the Park is also home to the Zoological Gardens and to Queen Mary's and Nesfield's Gardens, which all contribute to its unique character."*

388. The setting of the CA contributes to its significance to the extent that it allows the sylvan *rus in urbe* ("country in the city") character of the historic open space and its associated historic buildings to be appreciated in views into and out of the CA.

389. In View 23.1 Amended Regents Park in the Vicinity of Parsee Monument, Board Walk, View 24w Long Bridge Across Regents Park Lake, View 25 Queen Mary's Gardens View 27 Regents Park Playing Field and View 28 Terrace of the Hub, Regents Park there is harm caused to the setting of the setting of the conservation area, as discussed above in relation to the RPGs. GLA officers consider that the harm caused to significance is less than substantial at a low level, well below the middle of the spectrum.

#### *St John's Wood group*

#### St John's Wood CA

390. Westminster City Council's document *Westminster Conservation Areas – Character Overview* (2021) describes the significance of the St John's Wood CA as follows:

*"St John's Wood is a large conservation area, located at the northern extremity of the City of Westminster. To the north of the conservation area, and on its eastern and western fringes, the density of building is relatively low, and the townscape retains a generally consistent and domestic scale. Here a mixture of large detached and semi-detached Victorian villas, set in generous gardens and along a network of wide, tree-lined streets, creates an informal and picturesque townscape.*

*The south-eastern part of the conservation area has a different, busier and more urban character. Here buildings are of a larger scale, generally fronting directly onto the street, with less open space and greenery. There is also a concentration of Edwardian and early 20th century mansion blocks, which contrast in scale and architectural detail with the rest of the conservation area."*

391. The setting of the CA contributes to its significance to the extent that it allows the historic buildings, area and spaces to be appreciated in views into and out of the CA.

#### The Pavilion at Lord's Cricket Ground (listed Grade II\*)

392. The pavilion dates from 1889-90 and was designed by Thomas Verity and Frank T Verity for the Marylebone Cricket Club. It is in the Queen Anne Revival style, in brick with ornate pink terracotta facings. The building consists of a long, two storey centre section with raked, covered seating above between two end

pavilions capped with pyramidal roofs having ornate wrought and cast-iron lanterns. The Long Room occupying much of the ground floor front is of particular interest. The building is listed Grade II\* for the historical association with the game of cricket.

393. The immediate setting of the pavilion is the cricket ground itself, which provides much of its purpose and meaning. The wider setting of the pavilion contributes to significance to the extent that it allows the listed building to be appreciated in views.

#### Analysis of indirect impacts

394. In View 42 Lords Cricket Pavilion there is harm caused to the setting of the listed pavilion and the conservation area since the proposed development rises above the cricket stands in a visually obtrusive way. GLA officers consider that the harm caused to significance is less than substantial at a low level, towards the bottom of the spectrum.

#### *Westbourne CA*

395. Westminster City Council's document *Westminster Conservation Areas – Character Overview* (2021) describes the significance of the Westbourne CA as follows:

*“On the western border of Westminster with the Royal Borough of Kensington and Chelsea, Westbourne Conservation Area is to the south of Westbourne Park Road and the railway. To the west are Bayswater and Queensway Conservation Areas, to the south is Bayswater.*

*The area was laid out and developed largely from 1850-1855, following the earlier rapid urbanisation of Bayswater and Paddington to the south and east. As a result of this, the architectural form and townscape are recognisably coherent, comprising both terrace and villa developments, mainly arranged either side of streets running north to south between Westbourne Grove and Talbot Road. This grid pattern is broken by the area around St. Stephen's Gardens and immediately west of Queensway... The area is primarily residential...the houses being three or four storeys with brick and/or stucco facades. A number of buildings are Grade II listed, including the two churches, St. Stephen's on Westbourne Park Road and St. Mary of the Angels on Moorhouse Road.”*

396. The setting of the CA contributes to its significance to the extent that it allows the historic buildings, area and spaces to be appreciated in views into and out of the CA.

397. No view is provided in relation to this conservation area, however, View 39 Westbourne Grove is taken from a point nearby to the east. It is reasonable to assume that the visual impacts will be similar. In View 39 Westbourne Grove there is harm caused to the setting of the this conservation area since the proposed development rises above the treeline, tending to partially curtail the view and removing an area of open sky. GLA officers consider that the harm

caused to significance is less than substantial at a low level, towards the bottom of the spectrum.

### *Queensway CA*

398. Westminster City Council's document *Westminster Conservation Areas – Character Overview* (2021) describes the significance of the Queensway CA as follows:

*“Queensway lies along the route of the former Westbourne Green Lane which linked the Uxbridge (formerly Bayswater) Road with the village of Westbourne Green. A series of name changes saw the route first become Black Lion Lane, then Queens Road, then finally Queensway.*

*Today, this small conservation area has a mixed character; with a rich variety of building types, styles and uses that contribute to its vibrant atmosphere. To the south, Queensway's character derives in large part from its commercial uses, with a diverse range of restaurants and shops at ground floor level contributing to a lively street scene. Most buildings have residential premises to the upper floors. Moving north, the character of the street is increasingly dominated by larger scale buildings, most notably Whiteley's and the prominent later 20th Century flat blocks opposite. At the northern end, beyond Westbourne Grove, there is a further change in character. Here the street becomes quieter and more residential, with 1930s red brick mansion blocks predominating.”*

399. The setting of the CA contributes to its significance to the extent that it allows the historic buildings, area and spaces to be appreciated in views into and out of the CA.
400. In View 39 Westbourne Grove there is harm caused to the setting of the Queensway Conservation Area since the proposed development rises above the treeline, tending to partially curtail the view and removing an area of open sky. GLA officers consider that the harm caused to significance is less than substantial at a low level, towards the bottom of the spectrum.

### *Portman Estate group*

#### Portman Estate CA

401. Westminster City Council's document *Westminster Conservation Areas – Character Overview* (2021) describes the significance of the Portman Estate CA as follows:

*“The Portman Estate originally comprised about 270 acres. It extended from the present day Oxford Street northwards to approximately the course of the Regent's Canal and, from Edgware Road, eastwards to the western boundary of Regent's Park. The land lying south of the east-west line of Bryanston Place, Montagu Place and Dorset Street remains largely under the ownership of the Portman Family today.*

*Today the Portman Estate retains much of its late eighteenth century residential character. Substantial parts of the original grid layout of streets and squares*

*and the Georgian terraces lining them have survived, which results in a homogenous character. Some of the oldest houses in the area are found in Manchester Square, to the east.*

*Towards the end of the 19th century and early 20th century a grander scale was introduced to parts of the conservation area, with development of mansion blocks and civic buildings focusing on Marylebone Road. Large scale commercial development since the First World War, has been concentrated along the principal routes of Oxford Street, Baker Street and around Portman Square, where only three of the original grand houses survive on the north side.”*

402. The setting of the CA contributes to its significance to the extent that it allows the historic buildings, area and spaces to be appreciated in views into and out of the CA.

#### Samaritan Hospital for Women, Marylebone Road (Grade II)

403. This has significance as a purpose-built hospital for women, dating from 1889-90 by W.C. Habershon and F. Fawkner. The building, in hard red brick and terracotta, is architecturally elaborate, designed in a bold eclectic classicism with a symmetrical front dressed with a giant Corinthian pilaster order and provided with segmental bows. The building derives some significance from its setting, which includes a procession of buildings of similar scale along Marylebone Road, with a degree of consistency in shoulder height and an element of open sky to the end of the street, providing the sensation of a coherent group of buildings lining this major road.

#### Analysis of indirect impacts

404. In View 1 Marylebone Road there is harm to the setting of the conservation area and the listed hospital because the proposed development introduces an element of increased height which is generally uncharacteristic of this view and which draws attention away from the listed building and other historic buildings and towards the dominant form of the proposed building. GLA officers consider that the harm caused to significance is less than substantial at a low level, towards the bottom of the spectrum.

#### *Primrose Hill (Grade II, RPG)*

405. Primrose Hill was originally owned by Eton College but sold to the Crown Commissioners in 1838 to form an extension to Regent's Park. In 1851 it transferred to the Ministry of Works, and improvement work was undertaken between then and 1900 to create an extensive footpath system with lamps, and new planting. The park became a popular place for public meetings by the 1860s, and a Guards Drill Ground and Refreshment Lodge were created. By 1900, the park was surrounded on three sides by development. The park rises steeply to a northern plateau, laid to grass and cut by tarred paths, decorated with ornamental trees.

406. The setting of the RPG contributes to its significance to the extent that it allows the sylvan *rus in urbe* (“country in the city”) character of the historic open space to be appreciated in views into and out of the RPG. Views from the rotunda at the top of the hill are importance to significance and a well-known London panorama location.

407. In View 26 Primrose Hill (LVMF 4A.1) there is less than substantial harm to the RPG since the proposed development rises above the tree line and appears taller than nearby existing buildings in this LVMF protected view, which forms part its setting.

#### Non-designated heritage assets (including Non-listed Buildings of Merit)

408. The submitted TVBHIA and Heritage Statement state that: “Analysis of the ZTI/Heritage Asset Plan overlay at Figure 4.2 and on site indicates that there is no potential for a setting effect on the Unlisted Buildings of Merit.” GLA officers agree with this view.

#### **Archaeology**

409. The site is situated within the Paddington and Lillystone Villages Archaeological Priority Area (APA).

410. London Plan Policy HC1 requires development proposals to identify assets of archaeological significance and use this information to avoid harm or minimise it through design and appropriate mitigation. City Plan Policy 39 states that where development involves excavation in such areas, applicants are required to evaluate the archaeological potential and significance of the site and archaeological deposits would need to be preserved in situ wherever possible.

411. The applicant has submitted an Archaeological Desk Based Assessment (DBA) contained within the ES Technical appendices. The study site falls within the Watling Street Tier II APA, designated for being within the vicinity of a Roman road, with potential for remains of the road and roadside activity. The northern edge of the site extending beyond Newcastle Place and into the adjacent West End Green development falls within the Paddington Tier II APA, designated for its potential to contain remains of the historic settlement of Paddington Green. However, significant archaeological disturbance is likely to have occurred due to extensive post-medieval development on the site including the development of the police station. The main impact would be the excavation for Basement Level 1 across the site, which would remove all archaeological remains within the proposed footprint. The DBA concludes that the archaeological potential of the site is likely to be limited to remains of no more than low significance.

412. However, to safeguard any archaeological assets that may remain, a condition is recommended to secure a Written Scheme of Investigation prior to works commencing. Subject to this condition, the proposed development would be consistent with Policies HC1 of the London Plan and 39 of the City Plan.



### Summary conclusion of heritage impacts

413. The proposed development has a very small beneficial direct impact on the Paddington Green Conservation Area through the impact of the landscaping works to Newcastle Place. The development does not cause harm to the setting of non-designated heritage assets and NPPF Para 203 is therefore not engaged in this case. The proposed development causes harm to the significance of a number of designated heritage assets through harmful impacts to their settings resulting in a minor conflict with Policy HC1 of the London Plan and 39 of the City Plan. GLA officers consider this impact to be less than substantial harm (in a range from low to moderate) in terms of NPPF Para 202. Great weight must be attributed to the heritage harm arising from the development. In accordance with the NPPF, this harm has been weighed against the public benefits of the proposal. In summary, officers consider that the public benefits, which include which are outlined in the Public Benefits section of this report below outweigh the less than substantial heritage harm.

### **Neighbouring amenity impacts**

414. This section assesses the impact of the proposals on the living conditions at neighbouring properties, including impacts on daylight/sunlight, overshadowing, sense of enclosure and privacy, noise and light pollution.

415. 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. London Plan Policy D3 states that the design of new buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings in relation to privacy, overshadowing, wind and microclimate. 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. Noise and light pollution impacts around the building should also not detract from the enjoyment of these spaces. London Plan Policy D14 specifically seeks to reduce and manage noise associated with development.

416. Similarly, Policy 7 of Westminster's City Plan seeks to ensure that development protects and where appropriate enhance amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking. Policy 32 specifically deals with air pollution and Policy 33 with environmental impacts of development such as noise, light pollution, construction impacts and odour.

417. One of the main issues raised in respect of the original application was in terms of daylight/ sunlight impacts on existing properties. This was particularly noted in respect of impacts on the applicant's adjacent development, West End Gate and in particular Blocks A, B, C, E, F, G and H. Westminster officers considered that on balance these impacts were not sufficient to warrant refusal prior to the Mayor calling in the application. Notwithstanding this advice, the impact of the proposed blocks, and the resulting loss of daylight and sunlight to existing residential

properties was ultimately cited as one of the reasons for refusal by the City of Westminster.

418. As highlighted above in the Design Scrutiny section whilst the proposal broadly retains the original design principles, various amendments to layout, design, height and massing have been undertaken to respond to Westminster City Council's reasons for refusal and the concerns raised in the Mayor's Stage 2 report.

419. The main changes are summarised as follows: the heights of the three buildings have increased; the building footprints and positions on site were revised to introduce smaller footprints and increased gaps between buildings that improved daylight/sunlight levels to neighbouring properties; the smaller building footprints also resulted in all north facing single aspect apartments being eliminated from the layouts with a 10% uplift in dual aspect apartments as a result; the gap between Blocks I and J was increased to deliver better quality internal spaces to the proposed homes; finally there will be improved areas public realm between the buildings which due to the smaller building footprints results in an increase in the levels of sunlight and daylight to these areas. These amendments have altered the impacts on neighbouring amenity, and these are discussed in further detail below.

420. In terms of the assessment of these effects regard has been made in relation to the NPPF, the London Plan, and the Mayor of London's 'Housing Supplementary Planning Guidance', which encourage a flexible approach in applying daylight/sunlight policies or guidance where they would otherwise inhibit making efficient use of land for housing, provided the resulting scheme would provide acceptable living standards. Account should be taken of local circumstances, the need to optimise housing capacity, and the scope for the character and form of an area to change over time.

## **Daylight, sunlight and overshadowing**

### Daylight and sunlight

421. The applicants ES includes detailed tables of results for the daylight and sunlight assessments in the appendices, including levels enjoyed in the existing baseline and proposed conditions and the magnitude of impact, expressed as a percentage loss. These are then summarised in the ES.

422. The 2022 amended proposed development has been compared against the future baseline (2030) which assumes future developments currently under construction or have recently obtained planning consent in the baseline condition.

423. The following properties satisfy the BRE guidelines in daylight and sunlight terms:

- 1 Corlett Street
- 17 Bell Street
- 1-80 Hall Tower

- 3 Penfold Street
- 354-380 Edgware Road
- Paddington Green 18
- Network Homes Residential Block A

424. A number of properties are grouped by street, terrace or block, as indicated in the Table 8 below and have the potential to experience a reduction beyond the BRE recommendations.

425. A detailed commentary of the daylight and sunlight effects to each group is provided in the ES, including the number of windows or rooms affected in that group and the magnitude of effect. The ES then ascribes an overall significance to the effects on daylight and sunlight to each group of properties. . GLA officers have considered the effects carefully and agree with the ES's findings.

Table 8 – Significance of daylight and sunlight effects, as stated in the ES.

Address	No. of properties tested in the group	Significance of daylight effects	Significance of sunlight effects
11-64 Penfold Place	Not evident	Negligible	Negligible
131-365 Penfold Place	Not evident	Minor adverse	Minor adverse
1-32 Gilbert Sheldon House	Not evident	Negligible	Negligible
19a-19o Corlett Street	Not evident	Minor adverse	Moderate adverse
33 Bell Street	1	Negligible	Moderate adverse
96-130 Penfold Place	Not evident	Negligible	Negligible
310-312 Edgware Road	2	Minor adverse	Negligible
314 Edgware Road	1	Minor adverse	Negligible
316 Edgware Road	1	Moderate adverse	Negligible
326 Edgware Road	1	Moderate adverse	Negligible
328 Edgware Road	1	Moderate adverse	Negligible
330 Edgware Road	1	Moderate adverse	Negligible
332 Edgware Road	1	Major adverse	Minor adverse
334-336 Edgware Road	2	Major adverse	Minor adverse
338 Edgware Road	1	Moderate adverse	Minor adverse
340 Edgware Road	1	Moderate adverse	Minor adverse
342 Edgware Road	1	Moderate adverse	Moderate adverse
344 Edgware Road	1	Moderate adverse	Moderate adverse

Table 8 – Significance of daylight and sunlight effects, as stated in the ES  
(continued)

346 Edgware Road	1	Moderate adverse	Moderate adverse
348 Edgware Road	1	Moderate adverse	Moderate adverse
350 Edgware Road	1	Minor adverse	Moderate adverse
352 Edgware Road	1	Negligible	Moderate adverse
354-356 Edgware Road	2	Negligible	Negligible
358 Edgware Road	1	Negligible	Minor adverse
360 Edgware Road	1	Negligible	Minor adverse
362 Edgware Road	1	Negligible	Negligible
364 Edgware Road	1	Negligible	Negligible
Green Man Pub	1	Negligible	Negligible
Paddington Green - 18	Not evident	Negligible	Negligible
Network Homes – Block A	Not evident	Negligible	Negligible
Network Homes – Block B	Not evident	Minor adverse	Negligible
WEG – Block A	Not evident	Major adverse	Major adverse
WEG – Block B	Not evident	Moderate adverse	Major adverse
WEG – Block C	Not evident	Minor adverse	Negligible
WEG – Block D	Not evident	Negligible	Negligible
WEG – Blocks E & F	Not evident	Minor adverse	Negligible
14-17 PG Block G	Not evident	Moderate adverse	Major adverse
14-17 PG Block H	Not evident	Major adverse	Moderate adverse

426. The properties with the potential to experience a major adverse reduction in daylight and sunlight are explained in more detail below.

#### 332 – 336 Edgware Road

427. These are the two and three storey properties located across Edgware Road to the north of the development site. Of the 6 windows assessed, 5 will experience a major reduction greater than 40% in the post development condition. The retained VSC levels will be between 10.6% - 11.1%, which is below the suggested alternative midteen benchmark.

428. The NSL results indicate that none of the rooms considered will remain with at least 50% NSL coverage. The sunlight implications to this property are considered minor adverse.

#### WEG – Block A

429. Block A is the oval shaped tower located directly to the north of the site overlooking the lowest part of the development site. Due to the shape and depth of the building most apartments with an aspect of the development site are single aspect with recessed balconies.

430. The 2022 amended scheme affects more rooms than the previous 2021 planning application scheme, although the significance of effect remains unchanged.
431. The VSC results indicate that of the 720 windows considered, 371 (59%) satisfy the BRE guidelines, 16 (3%) will experience minor reduction beyond the BRE guidelines, 48 (7%) will experience a moderate reduction and 293 (41%) will experience a major reduction. The results show that a large proportion of the site facing windows up to floor 11 will experience a reduction greater than 65% with the windows in the recessed balconies losing almost all the sky visibility in the post development condition.
432. The NSL results indicate that of the 450 rooms considered, 329 (73%) satisfy the BRE guidelines, 21 (5%) will experience a minor reduction, 8 (1%) will experience a moderate reduction and 60 (14%) will experience a major reduction.
433. As Block A is situated directly to the north of the site, the APSH implications are significant. Of the 438 rooms assessed, 292 (67%) satisfy the BRE guidelines, all 146 rooms that fall below the suggested BRE guidelines will experience a Major reduction greater than 40%.
434. The design, positioning and layout of Block A does make it unavoidable for significant reduction in daylight to occur if the site is to be optimised. However, it should be noted that the habitable rooms directly facing the site will be poorly lit in the post development condition as the daylight they receive comes directly over the development site and will in some cases be blocked by the proposed massing. However, given the context of the site and the benefits of bringing forward development to optimise this underused brown-field site, the impacts on Block A are considered to be acceptable.

#### 14-17 Paddington Green – Block H

435. This is the consented 6-8 storey residential building located directly to the north of the site. Due to the proximity of this building to the development site, all floors are expected to experience a significant reduction in the potential VSC and NSL levels in the post development condition.
436. The VSC results indicate that of the 153 windows considered, 42 (28%) satisfy the BRE guidelines, 7 (5%) will experience minor reduction beyond the BRE guidelines, 16 (10%) will experience a moderate reduction and 88 (58%) will experience a major reduction. The NSL results indicate that of the 85 rooms considered, 33 (39%) satisfy the BRE guidelines, 12 (14%) will experience a minor reduction, 5 (6%) will experience a moderate reduction and 35 (41%) will experience a major reduction. The APSH results indicate that this building will experience a moderate adverse effect.
437. The reduced width of Block I is likely to have reduced the overall impacts to this building when compared to the 2021 planning application scheme, however, due to proximity of this building in relation to the development site, all floors are expected to experience a significant reduction in the potential VSC and NSL levels in the post development condition. Overall, this building will experience a

moderate adverse effect albeit a number of dwelling within the building would experience major effects, which would be experienced on the lower floors.

#### Sun-on-ground / overshadowing to gardens and amenity spaces.

438. Results of the two-hours sun-on-ground and transient overshadowing assessments for the surrounding amenity spaces are presented on drawings in the ES Appendices and discussed in the ES. There is not a material difference when compared to the planning application scheme. and any increased overshadowing compared to the existing situation is considered acceptable given the overall context of the scheme.

#### Comparison with previous scheme

439. As a result of the 2022 amended massing the following properties will experience no change in the significance of effects in daylight terms.

- 1 Corlett Street
- 3,11-64 and 96-130 Penfold Place
- 131-365 Penfold Place
- 1-32 Gilbert Sheldon House
- 17 and 33 Bell Street
- 1-80 Hall Tower
- 19a-190 Corlett Street
- 310-312, 350 Edgware Road
- 316, 338-346 Edgware Road
- 352-380 Edgware Road
- Green Man Public House
- 18 Paddington Green
- Network Homes Residential Block A and B
- West End Gate Blocks A, D, E and F
- 14-17 Paddington Green Block G and H

440. The following eight properties experience an improvement in the significance of effect.

- 341 Edgware Road

- 348 Edgware Road
- 326-330 Edgware Road
- West End Block B
- West End Gate Block C

441. The following buildings experience an increase in the significance of adverse effect.

- 332 Edgware Road
- 334-336 Edgware Road

442. As a result of the 2022 amended massing the following properties will experience no change in the significance of effects in sunlight terms.

- 1 Corlett Street
- 3,11-64 and 96-130 Penfold Place
- 1-32 Gilbert Sheldon House
- 17 Bell Street
- 1-80 Hall Tower
- 19a-190 Corlett Street
- 33 Bell Street
- 310-312, 314-330, 354-356, 362-380
- Edgware Road
- 342, 244-350 Edgware Road
- Green Man Public House
- Network Homes Residential A and B
- West End Gate Block A, B, C, D, E and F
- 14-17 Paddington Green Block G
- The following two properties experience an improvement in the significance of effect.
- 340 Edgware Road
- 14-17 Paddington Green Block H

443. The following seven properties experience an increase in the significance of effect.

- 131-365 Penfold Place
- 332, 334-336, 338, 352, 358-360 Edgware Road

444. To summarise in daylight terms, the significance of the effects remains the same for 25 neighbouring properties, eight see an improvement and two experience an increase. In sunlight terms, 26 remain the same, two see an improvement and seven experience an increase.

445. The increased height of Block K has caused an alteration in the effects to some of the Edgware Road properties, generally the significance criteria remain largely the same, but the additional height has increased the effects on 332 Edgware Road and 334-336 Edgware Road. WEG Block B experiences an improvement due to the reduced width of Block K and the increased separation distances between the proposed blocks.

446. The 2022 amended massing increases the number of affected units within Block A due to the increased height, there has however been an improvement to the lower floor units as a result of the increased separation distances. Although due to the proximity of the development in relation to this block, the retained daylight levels are low.

447. The significance of effect to 14-17 Paddington Green Block H remains the same but reducing the width of Block I has increased the retained daylight levels. Again, due to proximity of this development in relation to the site the daylight levels to the east part of Block H are expected to be low.

448. Generally, the changes to the proposed scheme have improved the daylight and sunlight effects to some of the neighbouring blocks to the north, but the increased height has resulted in some of the Edgware Road properties slightly worsening. Overall, the daylight and sunlight implications of the 2022 amended scheme do not appear to be materially different even though some properties will experience an improvement when compared to the 2021 planning application scheme. In conclusion, given that this is high density urban development in a very accessible location, the impacts when compared to the existing situation are not so unacceptably harmful to warrant refusal and for these reasons GLA officers consider that the proposal is compliant with Policies H6 and D9 of the London Plan and Policy 7 of the City Plan.

### Overshadowing

449. Results of the two-hours sun-on-ground and transient overshadowing assessments for the surrounding amenity spaces are presented on drawings in the ES Appendices and discussed in the ES. The effects are considered to be correctly stated and all 3 areas considered satisfy the BRE guidelines. The scheme is acceptable in this regard and compliant with Policies H6 and D9 of the London Plan and Policy 7 of the City Plan.



## Internal daylight and sunlight

450. In addition to the above the development proposal has been assessed in relation to the standard of internal daylight and sunlight for the future homes. For daylight, the illuminance within all habitable rooms has been assessed using the spatial daylight autonomy (sDA) methodology, whilst for sunlight the sun exposure on 21 March has been assessed for the windows of all habitable rooms.

## Daylight

451. The results below are based on using 200 lux as the target value for mixed use living/kitchen/dining area. The BRE states that if the kitchen is located to the rear of the room and main purpose of the space is as a living/dining area, then it may be appropriate to use 150 lux as the target values.

452. Of the 1,606 proposed habitable rooms considered for daylight, 1,148 (72%) satisfy the BRE guidelines in sDA terms. Of the 521 living spaces considered for daylight, 376 (72%) satisfy the BRE guidelines, all 35 studios fall short of the recommended standard and of the 1,050 proposed bedrooms, 897 (85%) satisfy the BRE guidelines. Of the 458 rooms that fail, 197 are open plan living/kitchen, 27 are living rooms with separated kitchens and 35 are studios and 199 bedrooms. Those which perform lowest are the homes flats within Block J and on the lower floors of Block K. The proposed flats in the eastern, southern and western façades of Block J will also experience low levels of daylight and sunlight again with those on the lowest floors experiencing the lowest levels.

453. As every unit on all floors have been considered, the overall compliance is increased, and the percentage rate would reduce if only the mid to lower floors where considered. The amendments to Block I have improved the internal daylight levels when compared against the 2021 scheme.

454. The footprint has been redesigned to increase the separation distances between the PGPS blocks, West End Gate and 14-17 Paddington Green, the width of the block has also been reduced. Due to the proximity of the neighbouring buildings to the north and the recessed balconies there are main living areas up to Level 8 that will only receive half the recommended lux levels and several units up to Level 05 will have low levels of daylight in the post development condition.

455. Block J benefits from wider separation distances with the other PGPS proposed blocks. Due to the relationship with the neighbouring blocks and the presence of the south facing recessed balconies, 19 rooms are expected to be poorly lit with less than 1% of their area receiving the target lux levels.

456. When compared to the 2021 scheme, the shoulder element of Block K has been removed and the overall height has increased from 32 storeys to 39 storeys. 19 rooms with recessed balconies directly facing Block J will receive zero lux in the post development condition.

457. The room layouts of each block have been amended to ensure that where possible bedrooms have been positioned facing north towards the neighbouring buildings and generally the main living area are either dual aspect or served by more than one window.

458. When compared to the 2021 scheme, there is a marginal improvement in the overall compliance rate as previously 67% of all rooms tested satisfied the BRE guidelines. However, there is a more noticeable improvement to the rooms that experience sDA levels less than 10% which has reduced from 16% of all rooms considered to 7%. This is considered acceptable.

### Sunlight

459. The sunlight exposure results show that of the 1,606 proposed habitable rooms considered, 666 (42%) satisfy the BRE guidelines. The results indicate that 51% of the main living spaces would meet the BRE recommendations. This is a marginal reduction in compliance levels when compared against the 2021 planning application scheme.

460. Overall, Officers at the GLA are satisfied that the internal daylight and sunlight levels are acceptable in this central London location and in high rise developments. For these reasons the proposal is compliant with Policies H6 and D9 of the London Plan and Policy 7 of the City Plan.

### Overshadowing

461. All areas surrounding the three residential blocks have been considered for the Sun-on-Ground assessment. The results are clearly shown in the report indicating that 32% of the amenity area will see at least 2 hours of direct sunlight on 21 March. The parts that see the suggested BRE standard are located to the east of the development site directly adjacent to Edgware Road.

462. The results indicate that the amenity area will see 2 hours of direct sunlight on 29 March. The revised layouts of the blocks marginally improve the Sun-on-Ground result by 3% when compared to the 2021 scheme. Whilst the results are below the BRE guideline of 50% GLA Officers consider that the overshadowing conditions are acceptable in this highly accessible central London location within a high density development.

### **Privacy**

463. The proposed development is an island site separated from surrounding residential buildings by the widths of Newcastle Place, Edgware Road and Harrow Road/The Westway.

464. The image below shows the separation distances between the application buildings themselves and the adjacent WEG development. Of particular note and due to the reduced footprint the separation gaps between Block I and J has been increased. In addition, both the removal of the bullnose element of Block I improves the privacy levels in relation to the adjacent Block H and the removal of

the shoulder element of Block K significantly increases the separation with Westgate Tower.

465. In addition to the above, it is also important to acknowledge that planning permission has been obtained by the applicant which amends the orientation of homes within Block H in the adjacent WEG development, ensuring that wherever possible living spaces are positioned on the remaining elevations. The south elevation of Block H includes only two south facing living spaces, with the remaining ten bays on this elevation including either a bedroom or dual aspect living space for levels 1 through to 5. Level 6 includes only one living space on the south elevation and level 7 & 8 includes only bedrooms.

Figure 19 – Separation distances

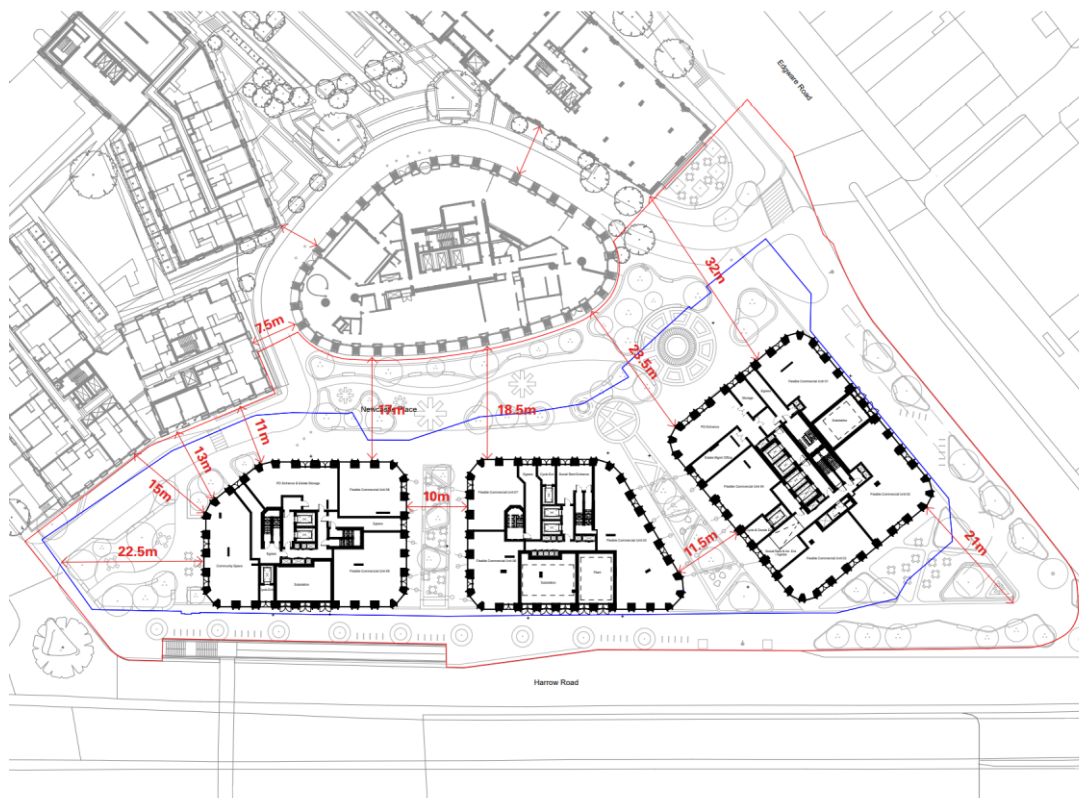


Fig. 6.46 Overlooking analysis

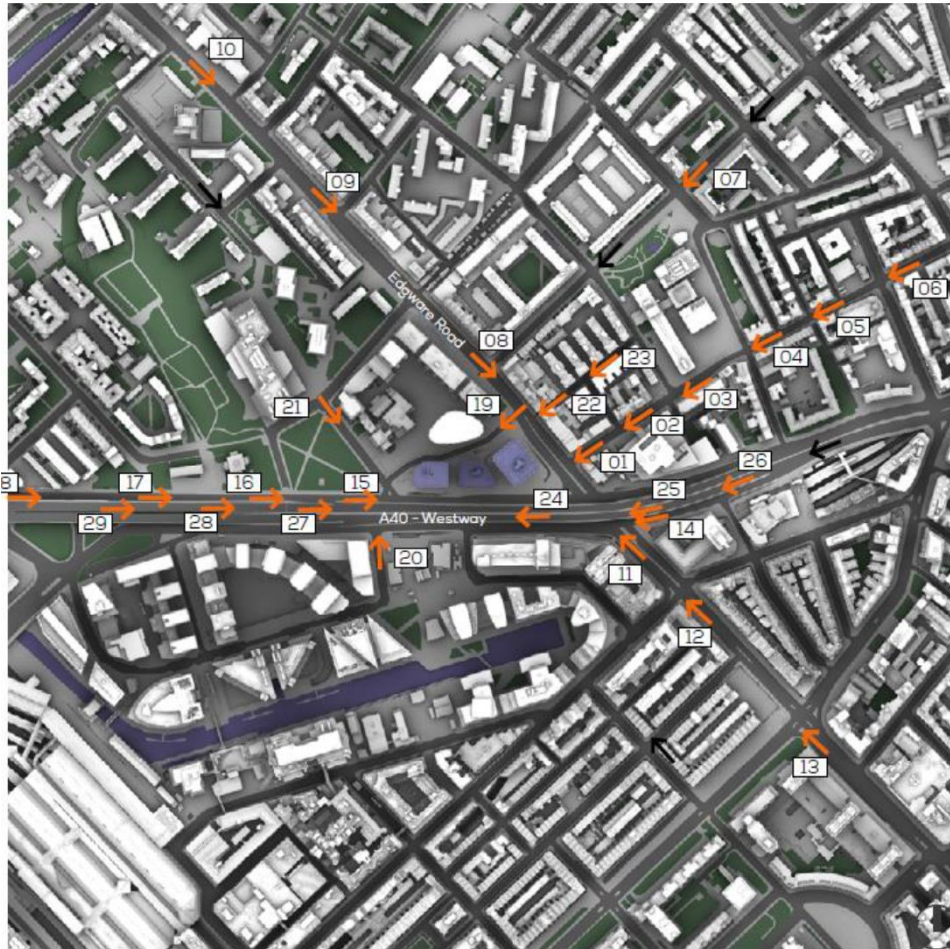
466. In the central London context of this site, the above separation distances are considered acceptable and would avoid unacceptable overlooking and loss of privacy and the proposed development would be consistent with policy 7 of the City Plan insofar as it relates to overlooking and privacy.

467. In summary, the separation distances between the application buildings and in relation to WEG development and those in the surrounding area have increased and for these reasons Officers at the GLA consider that there would be no unacceptable loss of privacy or unacceptable overlooking in compliance with Policy D3 of the London Plan and Policy 7 of the City Plan.

## Solar Glare

468. London Plan Policy D9C(g) requires that tall buildings should not cause adverse reflected glare. An assessment of Solar Glare has been included within ES Volume 1, Chapter 10. The assessment methodology identifies road and rail users as sensitive receptors to solar glare impacts. As such, a total of 19 locations on nearby roads and railways have been identified for assessment (figure 16)

Figure 20: Solar glare sensitive receptors within 600m of the site.



469. Of the 29 viewpoints assessed, eight would experience no effect and seven would experience a negligible effect (the effect would not be noticeable). A further 12 would experience minor adverse effects (the effect would be minimal and is not considered likely to affect driver's vision) and the remaining two, moderate adverse effects (which are likely to affect the driver's vision).

470. Both of the viewpoints which are likely to experience minor adverse impacts in respect of solar glare are located on Harrow Road (points 17 and 18) due to the potential for reflections occurring over a short period of time within 5° of a road users line of sight between 17:00-19:00 at mid-March to mid-May and mid-July and mid-August. However, it is noted that much of the impact would be obscured by a driver's sun visor, should this be deployed. Furthermore, it is noted that there is a marginal improvement in respect of solar glare impacts when compared

within the original submitted 2021 scheme. Overall the significance of the solar glare effects will generally be negligible or minor adverse and for these reasons GLA officers consider that the scheme complies with policy D9C(g).

## **Light pollution**

471. Policy D9C of the London Plan requires tall buildings to minimise light pollution from internal and external lighting. In line with London Plan Policy D9, a Light Spill/Lighting Design Strategy has been submitted dated February 2023, together with a Light Pollution Report dated February 2023 and has assessed the three proposed buildings in terms of light spill for light trespass.
472. The review focuses only on light pollution from internal light sources, as there would be no sky glow as there would be no upward light emitted from internal luminaires; likewise, luminaire intensity and building luminance only apply to external lighting. Therefore, the below review is applicable to light intrusion only.
473. The Site is located within an urban, city centre location and is therefore considered to be environmental zone E4, with a high district brightness. As such, the relevant ILP light intrusion criteria would be 25lux pre-curfew and 5lux post-curfew (typically 11pm-6am). Light intrusion from internal lighting occurs where large areas of glazed elevations are proposed in close proximity (generally within 20 metres) of neighbouring residential windows, for uses where high levels of internal illumination are required, such as offices.
474. The facade design of the proposed development comprises a glazing ratio of circa 67% solid:33% glazed, and glazing is set within deep window reveals, therefore the glazed areas are not to be considered extensive enough to give rise to potential light intrusion effects and the deep window reveals obscure light sources from view. Given the residential nature of the proposed development, the levels of illumination would be low and rooms would be likely to be fitted with blinds or curtains used when the internal lighting is in use during post-curfew hours.
475. In light of the above, Officers consider that the low levels of internal illumination do not have the potential to exceed the ILP guidelines for light intrusion, particularly given the existing high district brightness of the area. Therefore, based on the elevations comprising modest glazed areas and the residential uses of the proposed development having low illumination requirements, light intrusion from internal lighting is not considered to be relevant for further assessment and would not result in unacceptable visual impacts in terms of light pollution in compliance with Policy D9(c).

## **Noise and vibration**

476. 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. At a local level, Policy 33 of the City Plan, which relates to local environmental impacts of development,

specifically references the prevention of adverse effects of noise and vibration in compliance with the Council's noise thresholds.

477. Chapter 8 of the ES deals with noise and vibration effects of the development. The existing noise climate is dominated by road traffic noise from both the Westway (A40) and the Edgware Road. Significant adverse impacts are envisaged to all identified noise sensitive receptors in the vicinity bar one during construction and demolition, most notably, West End Gate and 14-17 Paddington Green. Mitigation measures are therefore proposed to be secured within the Construction Environmental Management Plan including works to be programmed to minimise the overlap of noisy activities, quiet plant selected where possible and noisy activities are screened including piling and production of detailed construction and demolition method statements. Further suggestions are made to further reduce the impact on the West End Gate and 14-17 Paddington Green developments. With these measures in place, the short term impacts are anticipated to be minor adverse.
478. In terms of long terms impacts, all fixed plant is to be fitted with standard attenuation and acoustic screening, details of which are to be secured via condition. The effect of increased traffic as a result of the closure of Newcastle Place is considered to have a negligible adverse impact. Noise transfer between uses would be mitigated using appropriate acoustic attenuation. With mitigation, these impacts are all considered to have a negligible adverse impact.
479. GLA officers are satisfied that the noise and vibration impacts during both the construction and operation phase could be suitably controlled by condition to ensure that no significant impact on health and quality of life, in line with London Plan Policy D14 and City Plan Policy 33.

### **Wind microclimate**

480. London Plan Policy D9 states that tall buildings should not adversely affect their surroundings in terms of (amongst other things) microclimate and wind turbulence. The Mayor's Sustainable Design and Construction SPG identifies the Lawson Criteria as a means for identifying suitability of wind conditions. Policy 41 of the City Plan also states that new tall buildings must mitigate harmful impacts on microclimate and amenity of the site.
481. Chapter 9 of the ES assesses the likely impacts of the proposed development on wind and microclimate, in terms of pedestrian comfort and safety. Wind tunnel tests were undertaken to assess and quantify the pedestrian level wind microclimate at the site against the Lawson Comfort Criteria. The assessment has focused on areas within and around the site at ground level, including areas of outdoor seating. Areas surrounding the site and associated pedestrian crossings, bus stops and thoroughfares have also been tested. The impact of the completed WEG and 14-17 Paddington Green developments as well as cumulative impact of the consented one, six and two Merchant Square developments have been assessed.
482. In respect of the existing scenario during the windiest time of year, most readings around the site are appropriate for 'sitting' with some areas for 'standing'

around Block A in WEG, along Edgware Road. During the summer season, wind levels are notably calmer with a few instances of 'standing' wind speeds, mostly around Block A. There are no instances where wind levels currently exceed the levels appropriate for the location/use.

483. In terms of the proposed development, with mitigation measures in place and the existing surrounding buildings (including the completed WEG and 14-17 Paddington Green developments) readings around the site are mostly 'standing' with several localised instances of 'strolling' appropriate wind speeds around Block K in particular. During the windiest season there are three instances at two entrances (to Block K) and one bus stop location which would experience windier than suitable conditions (strolling rather than standing). By recessing the affected entrances and through the installation of a bus shelter the wind levels in these locations would be acceptable. There are also six instances where proposed seating which would experience windier than suitable conditions ('standing' rather than 'sitting'). However, the assessment suggests the provision of localised screening in the affected seating areas by way of further mitigation. With this in place, the wind conditions in these locations would be acceptable.

484. When including the cumulative surrounding buildings during the windiest period of the year, there are slightly fewer instances of 'strolling' appropriate wind speeds compared to the non-cumulative scenario and these are focused to the south of Block K. During the summer, there are no instances of 'strolling' readings and increased levels of 'sitting.' In this scenario, during the summer period, there are 18 instances where proposed seating areas would experience windier conditions than suitable ('standing' rather than 'sitting'). However, with mitigation in place, this reduces to four isolated seating areas. However, as above with the addition of localised screening in these isolated seating areas the wind conditions would be acceptable.

485. When compared to the original submitted scheme, with the proposed development in place alongside completed WEG and 14-17 Paddington Green developments, it was reported that there were two proposed seating areas which would experience windier than suitable conditions and one terrace area during the summer season with mitigation in place. The effect is unchanged in the cumulative scenario.

486. Aside from the mitigation measures mentioned above, the strategy suggests the use of landscaping including strategically placed trees and shrubs to mitigate wind. Whilst full details of the proposed wind mitigation measures have not been provided at this time, GLA officers are satisfied that through the implementation of a condition, an acceptable environment in terms of wind effects can be secured in compliance with Policy D9 of the London Plan and Policy 41 of the City Plan.

## **Telecommunications**

487. Policy SI 6 and Policy D9 state that developments should take appropriate measures to avoid reducing mobile connectivity and telecommunications in surrounding. In addition concern has been raised from local residents regarding the potential impact on TV, radio and digital reception as a result of the proposal.

488. The application is supported by a Telecommunication Impact Assessment (Feb 2023). This impact assessment, including a baseline television and radio signal survey, was undertaken to determine the potential and likely effects of the 2022 amended proposed development on the existing reception of microwave links and television and radio broadcast services. The assessment has focused on the reception of point-to-point microwave links, VHF (FM) radio and of the two television broadcast platforms that could potentially be impacted by the 2022 amended proposed development - digital terrestrial television and digital satellite television services.

489. The Assessment concludes that no significant telecommunication effects are predicted, however were there to be any then suitable mitigation measures can be implemented to resolve the impacts. Officers have recommended that a planning condition be attached and subject to this the proposal is acceptable.

### **Neighbouring amenity impacts conclusion**

490. In terms of the effects on existing surrounding properties and spaces of the 41 neighbouring properties considered for assessment, 16 have the potential to experience a moderate or major adverse reduction in daylight and 12 have the potential to experience a moderate or major reduction in sunlight when assessed against the future baseline condition.

491. WEG Block A and Block H of the development to north and 332-336 Edgware Road have the potential to experience a major adverse reduction in daylight and Block A and B also have the potential to experience a major adverse reduction in sunlight. These effects remain largely the same when compared to the planning application massing, although parts of Block H do experience an improvement in retained daylight levels. Nevertheless GLA officers consider these effects to be acceptable.

492. There will be no significant adverse effect on sunlight to back gardens or amenity spaces. Solar glare effects will generally be negligible or minor adverse.

493. The design and layout of the WEG site directly to the north means that development within the application site would likely mean that a reduction in daylight and sunlight to WEG is unavoidable if the site is to be similar to the height and massing of neighbouring developments.

494. Nevertheless, whilst the identified loss of light and overshadowing resulting from the proposed development, the revised proposals represent an improvement on the previous scheme, albeit marginal and is acceptable when considered against the existing situation. On balance given that this is high density urban development in a very accessible location, these impacts are not sufficient to warrant refusal and notably the amendments to the scheme have gone some way to address the City Council's reason for refusal. For these reasons, GLA officers consider that the proposal is compliant with Policies H6 and D9 of the London Plan and Policy 7 of the City Plan.



## **Green infrastructure and the natural environment**

### **Trees**

495. Policy G7 of the London Plan requires development proposals to ensure that, wherever possible, existing trees of value are retained. Where planning permission is reliant on the removal of trees, there should be adequate replacement based on the existing value of the benefits of the trees which are removed. New development should include the planting of new trees, particularly large-canopied species. These aims are reflected in Policy 34 of the City Plan.
496. The tree planting proposals have sought to maximise tree planting opportunities across the development which will be delivered in the proposed character areas identified as being Newcastle Place; Edgware Road; Edgware Road & Harrow Road Junction Plaza and Harrow Road as identified by the DAS. The specific species have been selected to be both specific and appropriate to the character types and would also provide environmental improvements providing for shade and assisting in the reduction of pollution via carbon capture and sequestration and for these reasons the scheme complies with Policy G7 and Policy 34 of the City Plan.

### **Ecology and biodiversity**

497. London Plan Policy G6 states sites of importance for nature conservation (SINCs) should be protected and any mitigation measures required to protect SINCs from indirect/ direct impacts should be clearly set out. If it is not possible to avoid impacts, the applicant should set out how they have followed the mitigation hierarchy to minimise development impacts. Policy G6 also states that development should also aim to secure net biodiversity gain. The City Plan Policy 34 also seeks to protect SINCs as well as priority species and habitats and ensure that net biodiversity gain is secured in new developments.
498. The site is adjacent to the St Mary's Church and Paddington Green Borough Grade II SINC. The applicant's ecological impact assessment (ES Technical Appendix 2.4 R) states that whilst no long term impacts are envisaged to the SINC; in the short term however, significant negative impacts are likely due to pollution, noise disturbance, dust and waste run off effects on the SINC during construction. In order to mitigate this, it is recommended that a Construction Environmental Management Plan is prepared via an appropriately worded planning condition as required under the provisions of Westminster's Code of Construction Practice (February 2022).
499. In respect of biodiversity, the existing site consists of several connected buildings with hardstanding and no areas of green space and apart from the presence of 13 street trees, the site is of negligible ecological importance. The proposed scheme includes the provision of landscape planting including biodiverse roofs to each of the three blocks, flower rich perennial planting, evergreen hedgerows, trees, a green wall, managed lawns sown with a species rich grassland mix and raingardens. Additional biodiversity features would be incorporated on the roof such as log piles, stone piles and sand to attract

invertebrates. The proposed scheme is anticipated to result in a net biodiversity gain of 10% and therefore accords with London Plan Policy G6 and City Plan Policy 34 subject to the imposition of a condition securing full details of the landscape strategy.

## **Urban Greening**

500. As set out in Policy G5, the Mayor has developed a generic Urban Greening Factor (UGF) model to assist boroughs and developers in determining the appropriate provision of urban greening for new developments. In the absence of a locally defined target, Policy G5 states that predominantly residential developments should aim to achieve a 0.4 UGF score. In addition to this, Westminster's City Plan Policy 34 identifies the benefits of urban greening.
501. The applicant has provided a calculation of the Urban Greening Factor within the Design and Access Statement, demonstrating a site wide UGF of 0.37 will be achieved for the application site. This is proposed to be made up of 797 sq.m. of biodiverse green roof; 2,182 sq.m. of trees; 895 sq.m. of flower rich perennial planting; 222 sq.m. of raingardens; 24 sq.m. of hedges; 262 sq.m. of grassland; and 32 sq.m. water feature. It is noted that this falls below the 0.4 target for predominantly residential schemes. The applicant has explored increasing the UGF score however, is unable to due to the constraints of the public realm posed, in the main, by the need to retain vehicular access through the site and the lack of available space at roof level due to the move to an air source heat pump energy strategy. Notwithstanding this, it is noted that the original submission proposed a UGF score of 0.06, therefore the revised strategy score represents a significant improvement.
502. Officers consider that the proposed UGF score of 0.37 represents the maximum achievable despite the shortfall and accords with Policy G6 and City Plan Policy 34.

## **Sustainability and climate change**

503. This section assesses the sustainability of the proposals, including air quality, the proposed energy strategy, waste and the circular economy, flood risk and drainage mitigation, and water usage.
504. Sustainable infrastructure policies within the London Plan are set out in chapter 9 and require developments to make the fullest contribution to the mitigation of, and adaptation to, climate change, minimise carbon dioxide emissions and meet the highest standard of sustainable design. The policies set stringent standards regarding air quality, greenhouse gas emissions, energy infrastructure, water infrastructure, waste and the support for the circular economy.
505. The following documents also provide guidance on sustainability and climate change matters: Environment Strategy; Sustainable Design & Construction SPD; Circular Economy Statements LPG; Whole-life Carbon Assessments LPG; 'Be Seen' Energy Monitoring Guidance LPG; Control of dust and

emissions during construction and demolition SPG; Air Quality Neutral draft LPG; Air Quality Positive draft LPG.

506. Westminster's City Plan includes a number of policies relating to climate change and sustainability including 1 (Westminster's Spatial Strategy), 32 (air quality), 36 (energy), and 37 (waste management).

### BREEAM

507. This section assesses the sustainability of the proposals, including air quality, the proposed energy strategy, waste and the circular economy, flood risk and drainage mitigation, and water usage.
508. Sustainable infrastructure policies within the London Plan are set out in chapter 9 and require developments to make the fullest contribution to the mitigation of, and adaptation to, climate change, minimise carbon dioxide emissions and meet the highest standard of sustainable design. The policies set stringent standards regarding air quality, greenhouse gas emissions, energy infrastructure, water infrastructure, waste and the support for the circular economy.
509. The following documents also provide guidance on sustainability and climate change matters: Environment Strategy; Sustainable Design & Construction SPD; Circular Economy Statements LPG; Whole-life Carbon Assessments LPG; 'Be Seen' Energy Monitoring Guidance LPG; Control of dust and emissions during construction and demolition SPG; Air Quality Neutral draft LPG; Air Quality Positive draft LPG.
510. Westminster's City Plan includes a number of policies relating to climate change and sustainability including 1 (Westminster's Spatial Strategy), 32 (air quality), 36 (energy), and 37 (waste management).

### **Sustainability Strategy**

511. The applicant has submitted a Sustainability Statement which sets out the sustainability targets for the site and aspirations for the design and performance of the development. Where appropriate, the themes within the Sustainability Statement have been considered separately in this report under sections addressing energy, flood risk and drainage, air quality, transport, ecology and biodiversity, waste management/circular economy and socio-economics. The remaining themes are considered as follows:

### BREEAM

512. The applicant is targeting a BREEAM 'excellent' rating for the proposed commercial units. A planning condition is therefore required to secure this in line with the requirements of Policy 38 of the City Plan.

## Water consumption

513. The sustainability statement indicates that the proposed dwellings would target a maximum indoor water consumption of 104.5 l/person/day, in line with the optional standard in Part G of the Building Regulations. In respect of the commercial units, it is confirmed that an 'excellent' rating would be targeted for the Wat 01 element of the BREEAM. Furthermore, water efficient fittings water meters and a leak detection system are proposed as well as rainwater and greywater harvesting, which is supported in line with Policy SI5 of the London Plan and Policy 38 of the City Plan

## **Energy**

514. Under paragraph 157 of the NPPF new development is required to comply with local policies for decentralised energy supply unless deemed unfeasible or viable and take account of landform, layout, orientation massing to minimise energy consumption.

515. 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 is reflected in Policy 36 of Westminster's City Plan. as follows:

- Be Lean: use less energy;
- Be Clean: supply energy efficiently;
- Be Green: use renewable energy; and
- Be Seen: Monitor and report on energy performance.

516. Policy SI2 of the London Plan also requires calculation of whole life-cycle carbon emissions.

517. Policy SI 2 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.

518. 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.

519. An updated Energy Statement has been submitted setting out how the development proposed to reduce carbon emissions in accordance with policy and beyond that of the originally submitted proposal. The proposed overall carbon

emission savings have been calculated for each of the stages of the energy hierarchy:

Table 9: Domestic carbon emission savings

	<b>Regulated Carbon Dioxide Emission Savings</b>	
	<b>Tonnes/Year</b>	<b>(%)</b>
Be Lean	<b>93.5</b>	<b>19%</b>
Be Clean	<b>0.0</b>	<b>0%</b>
Be Green	<b>243.3</b>	<b>49%</b>
Total	<b>336.8</b>	<b>67%</b>

Table 10: Non-domestic carbon emission savings

	<b>Regulated Carbon Dioxide Emission Savings</b>	
	<b>Tonnes/Year</b>	<b>(%)</b>
Be Lean	<b>0.5</b>	<b>5%</b>
Be Clean	<b>0.0</b>	<b>0%</b>
Be Green	<b>0.4</b>	<b>4%</b>
Total	<b>0.8</b>	<b>8%</b>

### Be lean

520. A range of passive design features have been incorporated to minimise the energy consumption of the proposed development including: optimising the window to wall ratio to 33% to limit unwanted solar gains; high levels of air tightness and optimum U-values to minimise heat losses from the thermal envelope; glazing with optimum g-value and U-value to reduce heat gains and losses; and recessed glazing and inset balconies for the provision of shading and reduction of cooling demand as well as control of glare.

521. When reviewing the Energy Hierarchy of LEAN, CLEAN, GREEN when compared to Part L 2021 using SAP 2022 methodologies, the proposed development will achieve a 67% carbon reduction across the whole proposed development. The shortfall to being carbon neutral is met through a required offset payment as highlighted in the Planning Obligations section of this report.

### **Air quality**

522. Paragraph 186 of the NPPF states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management

Areas (AQMA) and Clean Air Zones, with further guidance provided in the Government's Planning Practice Guidance (PPG).

523. 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. Policy 32 of Westminster's City Plan requires development to achieve air quality neutral standards and address air quality impacts on future occupiers.
524. An air quality neutral assessment has shown that the proposed development would meet both the building and transport emissions benchmarks and can be considered Air Quality Neutral, which is in accordance with Westminster City Plan Policy 32 - Air Quality and London Plan Policy SI1, which requires major development to be air quality neutral. Mitigation measures will include ground floor landscaping and screening which seek to deliver air quality benefits within the public realm.

### **Contamination**

525. Ground conditions and potential land contamination have been assessed and no significant adverse impacts are anticipated. However, given the scale of the proposed development, Westminster City Council has requested standard conditions around site investigation, remediation and validation measures be imposed to ensure that there would be no adverse impacts resulting from the proposed development in terms of ground conditions.

### **Conclusion on sustainability and climate change**

526. The proposed development would fall short of the on site zero carbon target of the London Plan and a contribution towards the borough's off-set fund will be required and secured to make up for any deficit. The development would not increase flood risk and would deliver sustainable urban drainage benefits over the existing situation at the site. The development has committed to achieve acceptable standards in sustainable design, construction and urban greening/trees. In this respect, the development is in compliance with relevant planning policies regarding sustainability and adapting to climate change.

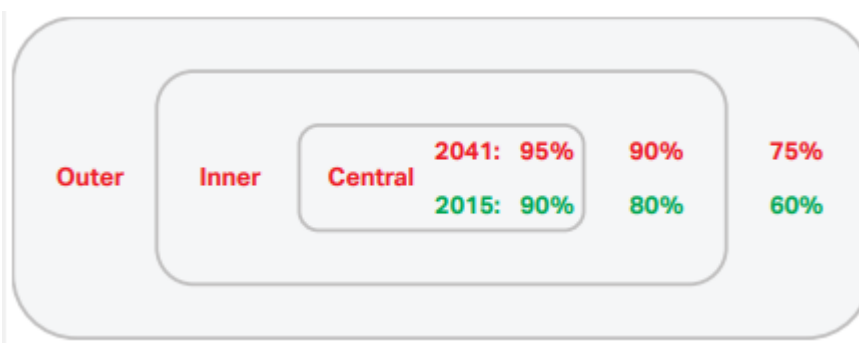
### **Transport**

#### **527. National Policy Context**

528. Chapter 9 of the NPPF 2021, 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.

## Strategic London Policy Context

529. London Plan year (LP) Policy T1 sets out the strategic approach for transport in London. This includes development delivering the Mayor's strategic target of 80 per cent (95% in Central London) of all trips in London to be made by foot, cycle or public transport by 2041. All development should make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes, and ensure that any impacts on London's transport networks and supporting infrastructure are mitigated.
530. Policy T2 Healthy Streets requires development proposals to deliver patterns of land use that facilitate residents making shorter, regular trips by walking or cycling. The application of the Healthy Streets approach should be demonstrated in development design to improve health; reduce health inequalities; reduce car dominance, ownership and use, reduce road danger, severance, vehicle emissions and noise.
531. Policy T5 Cycle Parking requires a minimum standard of high-quality cycle parking and Policy T6 Car Parking requires a car-free or restricted level of general car parking to be provided. Other relevant transport policies are Policies 3,4,7,9 which relate to transport connectivity and safeguarding, mitigating transport impacts, delivery, servicing, and construction. Policy T9 sets out funding transport infrastructure through planning.
532. The Mayor's Transport Strategy (2018) (MTS) seeks to promote sustainable mode shift, reduce road congestion, improve air quality and assist in the development of attractive, healthy and active places. The MTS aims to ensure that by 2041, 95% of trips in Central London will be made on foot, by cycle or by public transport. This is shown in the extract from the MTS as follows;



## Local Policy Context

533. Westminster City Council's City Plan policy S3 Paddington Opportunity Area (OA) sets out the aspiration for the development of the area. The development site sits on the northern boundary of the OA area. The transport aspects of the spatial strategy require new development to deliver public realm improvements to reduce severance and improve legibility and connectivity for pedestrians within and to/from the area. Development should support / deliver enhanced public transport and improve the north to south cycle network. Other key policies are:

534. Policy 24 Sustainable Transport, provides that the council will support a sustainable pattern of development which maximises trips made by sustainable modes, creates safer streets for all, reduces traffic, improves air quality and reflects the objectives in Westminster's Transport and Public Realm Programme and Local Implementation Plan 2019/20 to 2021/2022.
535. Policy 25 Walking and Cycling, explains that new development must promote sustainable transport by prioritising walking and cycling in the city. Development should contribute towards improving legibility and wayfinding.
536. Policy 29 Freight and servicing, states that the council will strongly support provision of servicing needs being met fully within a development site and consolidation of deliveries. Servicing strategies should minimise the effect on the highway, public realm and other uses.
537. Policy 26 Public transport and infrastructure, explains that the council seeks better connectivity legibility, quality, usability and capacity in public transport. Development should improve access to public transport, support cycle hire facilities and other sustainable transport initiatives.

#### Transport context

538. Issues with respect to transport were considered by the City Council within the committee report. This assessment concluded that the London Plan and local plan transport requirements had been satisfactorily addressed, subject to agreement of appropriate planning conditions and section 106 obligations to secure necessary mitigation measures. As such, transport does not feature in the Council's reason for refusal.
539. The Mayor's Stage 2 confirmed that some of the consultation stage issues had been resolved with the exception of the provision of further information regarding the trip generation (specifically cycle mode share) and a pedestrian comfort level assessment. Strategic transport mitigation including contributions towards cycle hire docking capacity improvements and TfL's Joe Strummer subway sustainable urban drainage system initiative were requested as well as conditions and obligations including cycle parking layout details, a Parking Design and Management Plan, Delivery and Servicing Plan, Construction Logistics Plan and Travel Plan. A s278 agreement is required with TfL regarding the highways works associated with the development on Harrow Road and Edgware Road.
540. Following the Mayor's takeover of the application, a revised Transport Assessment has been submitted as part of the ES, which appropriately demonstrates the revisions to the proposal in terms of layout and land use.
541. The site comprises of the former Paddington Green Police Station building which was closed in 2018. It is bound by Newcastle Place, Harrow Road, Edgware Road and Paddington Green to the north, south, east and west, respectively. The site is earmarked for the second phase of the Berkeley Homes West End Gate (WEG) masterplan, which lies on the northern side of Newcastle Place.



542. Edgware Road and Harrow Road are strategic roads. The site occupies the north-western corner of the Edgware Road / Harrow Road junction. The site bounding roads are under multiple jurisdictions; Edgware Road and the Marylebone Flyover (connecting to Harrow Road), form part of the Transport for London Road Network (TLRN). Newcastle Place and Paddington Green are part of Westminster City Council's (WCC) local highway network, Harrow Road is managed by WCC and is part of the Strategic Road Network (SRN), however TfL are the traffic authority.

543. The site has access to public transport; Edgware Road London Underground (LU) stations (Bakerloo, Hammersmith & City, Circle and District LU lines) lie on the opposite side of Edgware Road / Harrow Road junction, c.40m east. Paddington National Rail and LU Station (Bakerloo, Hammersmith & City, Circle and District, National Rail and Crossrail) lies 650m to the south-west of the site. Marylebone National Rail and LU Station (Bakerloo, Circle, Hammersmith and City, Jubilee and Metropolitan Line and Chiltern Railways) lies 800m to the east of the site. Bus stops, neighbouring the site on Harrow Road (service numbers 6,16,98, 332, N16, N98) and Edgware Road (service numbers 18, N18) provide strategic connections throughout London; therefore, the site benefits from a public transport access level (PTAL) of 6b, on a scale of 0 – 6b where 6b is the highest.

544. The closest TfL cycle hire docking station is a 20 point station at Paddington Green Park, Paddington Green, 80m from the site. The site is well positioned to connect to numerous cycle routes; Quietway 3 Harrowby Street to Bayswater is 650m from the site, Quietway 16 Lisson Grove to Regents Park is 1.2km from the site and Cycleway 3 Barking to Lancaster Gate is 1.4km from the site. Site users will be able to connect to Quietway and Cycleway routes in Westminster. Quietway 2, 16 and Cycleway 3 are within 1.4km of the site and accessed from local roads.

#### Transport impacts

545. The site will connect to surrounding roads by the provision of ground floor active frontages on all sides. Between the buildings, new wide boulevards will create pedestrian routes between Newcastle Place and Harrow Road.

546. In order to maximise the public realm within the site, the middle section of Newcastle Place, bounding the site to the north, will be Stopped Up (meaning that the highway land ceases to be a highway), creating play space and a dedicated walking and cycling route. This is an improvement on the 2021 scheme design which proposed a shared space street for vehicles, pedestrians and cyclists. The revised street design offers a safer environment for all users in line with London Plan Policy T2 and Vision Zero.

547. The remaining east and west sections of Newcastle Place will be connected to the WEG loop street, maintaining an east-west vehicle route as Newcastle Place historically provided. Loop street will operate one-way westbound, with vehicles entering from Edgware Road, via a managed bollard system, and exiting onto Paddington Green via Newcastle Place. The street will provide access for residential delivery vehicles, taxi / car drop-off and pick-up.

548. No long-stay car parking is permitted for the full length of loop street, which will be enforced by signage / road markings. The highway proposals have been subject to a Stage 1 Road Safety Audit (RSA). The applicant has modified the highway design as a result of the RSA findings. Specifically, changing the location of the bollards to ensure that vehicles entering Newcastle Place from Edgware Road do not queue back into the flow of traffic, disrupting public transport operations. Within the s106, the Stopping Up works will be secured under a s278 agreement with Westminster City Council as the highway authority for Newcastle Place.
549. The neighbouring WEG development has an existing basement which the development's basement will connect to. This will accommodate the sites' disabled user parking spaces, bulky residential deliveries, commercial servicing, and all refuse collection. It is accessed from Church Street, on the northern boundary of the WEG development.
550. The trip generation and mode share assessment predict that the development is forecast to generate 320 and 303 person trips in the AM and PM peak hours, respectively across all modes. Over 90% of trips will be taken by active or sustainable modes of transport. There are 10 and 9 vehicles trips proposed in the AM and PM peak hours, respectively.
551. The assessment of the likely trip generation and mode split is considered acceptable. Given that most trips would be made by sustainable modes, it is unlikely that the proposals would give rise to significant highway concerns. Moreover, given the range of public transport options available in the Edgware Road / Paddington area, it is not considered likely that the development will give rise to public transport capacity concerns. Overall, it is anticipated that the impact from the development, can be managed on the LU and highway network, in line with Policy T1 of the London Plan and City Plan Policy 24, 25, 26, 27 and 28.

#### Healthy Streets and Vision Zero

552. The development will create a new residential neighbourhood and be a destination in its own right, with the mix of ground floor commercial uses. The site design meets many of the London Plan Policy T2 Healthy Streets Indicators with the provision of high-quality public space, connections to public transport and active travel routes for pedestrians from all walks of life.
553. The boulevard streets incorporate the principles of 'safe streets' within the Vision Zero Action Plan (2018). The site's permeable public realm provides places for people to stop, rest, and enjoy shade and shelter. The playspace, urban greening and introduction of biodiverse landscaping, alongside a proposed water feature provides things to see and do. A 'gateway' plaza will be positioned on the south-eastern corner of the site, at the junction of Edgware Road and Harrow Road.
554. The proposed plaza is positioned over the Joe Strummer Subway entrance which is a TfL asset. TfL has developed a scheme to transform the subway into a Rain Garden which will significantly enhance the public realm and environment for pedestrians and cyclists. Originally, the 2021 site design did not

accommodate the Rain Garden layout. The applicant and TfL have been working collaboratively to ensure the design of the plaza accommodates both the proposed public realm and the Rain Garden. The landscaping details are subject to an Arboricultural Method Statement, secured by condition. The details of the delivery and maintenance of the Rain Garden are secured as an obligation between the applicant and TfL in the s106 agreement. The works will be delivered via a s278 agreement with TfL, in tandem with the wider landscaping proposals on the TLRN. These works will improve the pedestrian and cycle environment in line with Policy T1 and Policy T2 of the London Plan

555. The applicant has demonstrated that the development design maximises space for people travelling by foot. However, the sites' position adjacent to two high flow, strategic transport corridors is a challenge. In order to improve the street environment, TfL installed a Safer Junction scheme at the Edgware Road / Harrow Road junction in 2020 to provide a crossing experience more conducive to active travel users and to reduce the hostility of the street environment. Advance stop lines for cyclists and widened pavements were installed to reduce the risk of collisions, in line with Vision Zero. The end-users of the development will benefit from this road improvement scheme in compliance with Policy T2.

#### Active Travel Zone (ATZ) Assessment

556. The applicant has undertaken an ATZ in accordance with London Plan Policy T2 which provides an analysis of the local street network. The extended scope of the ATZ includes analysis of key routes to cultural destinations, specific to the socio-demographic of the Edgware Road / Paddington area. Officers welcome the inclusion of a night-time assessment to the key attractors that are in operation after dark, this was absent from the 2021 scheme Transport Assessment. This is in line with the Mayor's commitment for women to feel confident and welcome travelling in London at night-time, as part of the Women's Night Safety Charter (originally launched in 2018).

557. It was highlighted in the ATZ assessment that there are no other at-grade crossing facilities on Harrow Road apart from the major Harrow Road / Edgware Road junction. One of the key destinations for site residents will be Paddington Station, via Paddington Basin. The most direct route from the site is via Harrow Road subway. The ATZ demonstrated that the subway was littered with rubbish / graffiti, creating an uninviting experience for users. To mitigate this, the applicant has committed to delivering improvements to the subway up to the value of £250,000, ensuring it is an attractive, and safe route for users at all times of day and night, in line with London Plan Policy T2 and T4.

558. The ATZ assessment also noted that bus stops bounding the site on both Edgware Road and Harrow Road are equipped with flag poles only. The applicant has committed to providing a financial contribution of £32,000 for bus stop upgrades, including shelters and real-time information. This is an improvement on the 2021 scheme, which delivered no bus stop improvements. This will benefit site users and the local community, particularly vulnerable street users using the stops at night-time in line with London Plan Policy T2 and T4.

559. Another improvement since the 2021 scheme is the commitment to improving pedestrian crossing facilities on Paddington Green at the junction with Harrow Road. This is necessary to provide a safe crossing environment for site users and the existing local community. Subject to detailed design, a raised crossing will be installed to calm traffic and provide a safer crossing point for pedestrians in line with London Plan Policy T4 and Vision Zero. This has been secured by s278 agreement with Westminster City Council as highway authority for Paddington Green.

560. A contribution toward Legible London signage has been secured to enhance wayfinding in the locality. In light of the above, the development accords with London Plan Policy T2 and T4.

#### Pedestrian Comfort Level (PCL) Assessment

561. The PCL assessment is based on a TfL 2018 pedestrian count data set. The assessment result is based on the limited data available, however is a useful tool in highlighting that the proposed development trips can be accommodated with the proposed public realm implemented.

#### Vehicle access and parking

562. The development proposes 17 blue badge car spaces, with no new general car parking. The car club spaces proposed in the 2021 scheme have been removed. Therefore, the car parking strategy meets Policy T6 of the London Plan, 2021 and WCC's City Plan Policy 27.

563. The 2021 scheme proposed that site residents could be eligible to use the general parking within the basement, sharing the WEG provision, contrary to London Plan Policy T6. The revised scheme ensures residents will be restricted from parking within WEG, which will be managed through the Parking Design and Management Plan (PDMP), secured by condition in line with London Plan Policy T4.B. A layout plan of the basement should be provided in the PDMP. It should specifically set out how the layout accommodates multiple users needs safely in line with Vision Zero, as this space will be used by HGV's, cyclists, site residents and blue badge holders. The provision of 50% active charging facilities and 50% passive provision for Electric or Ultra-Low Emission vehicles is welcomed and meets Westminster City Plan Policy 26.

564. In order to prevent residents from obtaining car parking permits, adding pressure to the on-street parking in the local area, the City Council are exploring the ability to restrict new residents in this development from obtaining permits. TfL support the site being permit free, in line with London Plan Policy T6 and the applicant has agreed to join any future car free permit scheme if one is in place prior to occupation.

#### Cycling parking and facilities

565. New development should take every opportunity to overcome the barriers to cycling and the provision of good quality, well located cycle parking is an essential element of this. The cycle parking quantum and design / layout of

spaces has been improved compared to the 2021 application. A total of 1012 long-stay and 78 short-stay cycle parking spaces are proposed (compared to the 2021 app's 960 spaces) which exceeds the quantum required by London Plan Policy T5.

566. The cycle parking stands will be split between the WEG basement, the development site basement and the public realm. The design and layout of the cycle storage has been designed in line with TfL's London Cycle Design Guidance, with 11% Sheffield stand provision provided, compared to the 2021 scheme which provided only 5%. The increased Sheffield stand provision meets the LCDS accessibility requirement.

567. The provision of end of journey facilities for employees, such as showers and lockers, are also included. All spaces and complimentary facilities meet the requirements in the London Cycle Design Standards (LCDS).

#### Cycle Hire

568. The rise in residential development in this location will increase demand upon local cycle hire docking stations. To mitigate this, WEG has committed to delivering a new cycle hire station, which the proposed development site will benefit from. A financial contribution of £200,000 is secured from the development which will go towards maintenance and replenishment of cycle hire stations in the vicinity of the site. This will directly benefit site users and local people, ensuring the demand the development creates on cycle hire can be adequately managed.

#### Deliveries and servicing

569. All delivery and servicing will take place within the site in line with London Plan Policy T7. All HGV servicing will take place off-street via the WEG basement. On street, three laybys will be provided on Newcastle Place and loop street. These spaces are for residential pick up / drop off and short-stay deliveries only, a 7.5t weight restriction will be enforced. Should the Class E commercial units require HGV's to service the unit, they will be expected to use the basement in order to protect residential amenity in line with London Plan Policy T4 and T7.

570. A strict Delivery and Servicing Plan (DSP) is secured by condition, which will be approved by the City Council in consultation with TfL. In order to ensure the delivery and servicing trips take account of the post pandemic changes to shopping habits, a sensitivity test has been undertaken using a similar residential site which is acceptable to TfL. The draft DSP objectives and measures, such as consolidation of deliveries between WEG and the proposed site, introducing a booking system and an estate management plan to enforce restrictions are welcomed, in line with Policy T7 and City Plan Policy 28.

#### Demolition and construction

571. Extensive pre-application discussions have been carried out regarding the construction logistics for this site between the applicant, TfL and City Council. The site construction will require access to / from Edgware Road and Harrow

Road over a 6-year phased build period. The measures in the draft Construction Logistics Plan (CLP) generally meet the aims of Policy T7. To ensure full coordination of works in agreement with TfL, and all stakeholders, the applicant has committed to regular construction logistics meetings, this is particularly important to agree the site phasing and specific mitigation for each phase. The applicant is also working with TfL to ensure the construction site 'designs out' crime and reduces opportunities for crime around the construction site and adjacent local area. The final CLP is secured by condition and signed off by the City Council in consultation with TfL for each phase of works.

572. The phased approval process is necessary to ensure the highway permissions and licences are in place to support the development construction and ensure minimal disruption to the strategic highway network. All temporary highway works to the TLRN will require the applicant to enter into a Section 278 agreement with TfL. Additional approvals under the Traffic Management Act 2004 are required by TfL prior to undertaking the works, and all costs must be covered by the applicant.

573. Pedestrian footways and bus stops on Harrow Road and Edgware Road must be protected and maintained as much as possible, with any changes must be agreed in advance with TfL and the borough in line with London Plan, 2021 Policies T4 and T7.

#### Travel Planning

574. A Travel Plan and Sustainable Travel Fund is secured within the s106 agreement in line with London Plan Policy T4. The Travel Plan is an important tool to monitor mode share targets, and whilst the site delivers a high proportion of trips travelling by active modes, specific travel targets should be set to deliver the Mayor's mode shift targets by 2041. This obligation will ensure conformity with Policy 4 of the London Plan, 2021.

#### Conclusion of transport matters

575. The proposed development meets the transport policies of the London Plan. The development delivers a scheme with blue badge parking and high quality cycle parking provision. It delivers exemplar public realm which will vastly improve the current site and surrounding local area. The secured transport mitigation ensures that the adjacent street network and adjacent public transport infrastructure can accommodate the proposed development trips.

576. Subject to transport mitigation measures as described in above Section 106 agreement section of this Report, the application proposal complies with the transport policies in the London Plan, The Mayor's Transport Strategy and the Westminster City Plan.

### **Mitigating the impact of the development through planning obligations**

577. 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 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 statutory tests.

578. 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.”
579. Westminster City Council’s Planning Obligations SPD (2008) provides further guidance on how the Council will secure planning obligations, where these are necessary to mitigate the impacts of development. However, some of this has been superseded by the Community Infrastructure Levy.
580. 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 in full at paragraph 3 of this report. GLA officers are confident 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. A full list of the obligations is provided under paragraphs 3 above, and where appropriate there is detailed consideration given in the relevant topic section of the report.

## **Legal considerations**

581. Under the arrangements set out in Article 7 of the Order and the powers conferred by Section 2A of the Town and Country Planning Act 1990 the Mayor, acting under delegated authority, is the Local Planning Authority (LPA) for the purposes of determining this planning application ref: 1/AP/4171.
582. 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 the Mayor takes over, the Mayor must give the applicants 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.
583. 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.

584. In carrying out his duties in relation to the determination of this application, the Mayor must have regard to a number of statutory provisions. Listed below are some of the most important provisions for this application.
585. 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.
586. Section 70(4) defines “local finance consideration” as:
- a) 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
  - b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
587. 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.
588. 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.
589. Officers are satisfied that the current report to the 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.
590. As regards to the Community Infrastructure Levy (CIL) considerations, the Mayoral CIL payment associated with this development is estimated to be up to £2,767,000 whilst the Westminster CIL payment is estimated to be £15,899,000.
591. 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.

592. 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.
593. 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.
594. The key Articles to be aware of include the following:
- (a) 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.
  - (b) 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.
  - (c) Article 1 of the First Protocol - Protection of property: Every person is entitled to the peaceful enjoyment of his possessions.
595. 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.
596. 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.
597. 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.

598. 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.
599. 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 accessible housing and parking bays, the provision of appropriate housing and the protection of neighbouring residential amenity.

## Conclusion and planning balance

600. 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.
601. 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 and be satisfied that the importance of the predicted effects and the scope for reducing them, are perfectly understood.
602. GLA officer consider that the proposal complies with most relevant planning policies at national, regional and local level, and whilst there are some adverse impacts resulting from the scheme, with regards to neighbour, nevertheless, and as set out in paragraph 2 above, GLA officers consider that the proposal is in overall conformity with the development plan.

## Heritage balance

603. As detailed in the Heritage section of this report and summarised in paragraphs 425, the proposed development would result in less than substantial harm to the significance to a number of heritage assets surrounding the site (in a range from low to moderate) in terms of NPPF paragraph 202. Great weight must be given to that harm
604. The proposals would provide the following public benefits, which would weigh in favour of the scheme:

Strategically significant housing delivery of London-wide importance, delivering 556 new homes in total.	<i>Significant weight</i>
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219 affordable homes on site, 38% on site affordable housing provision (by habitable room, 39% by unit) comprising 60% social rented and 40% intermediate homes (by habitable room).	<i>Significant weight</i>
67% carbon reduction on site.	<i>Moderate weight</i>
Provision of a community use within Block I offered at peppercorn rent.	<i>Moderate weight</i>
£200,000 towards cycle hire docking stations within the vicinity of the site; £250,000 towards Joe Strummer pedestrian subway; £32,000 for improved bus shelters on Harrow Road; £20,000 for Legible London wayfinding signage.	<i>Limited weight</i>
Apprenticeship, training and skills opportunities, over 450 construction jobs. - . Associated local employment and training financial contribution. New retail and town centre uses providing local services and employment opportunities (60 on site jobs) and an active ground floor Financial contribution of £401,793 towards local employment training and skills development.	<i>Moderate weight</i>
Stopping up and part-pedestrianisation of Newcastle Place, provision of significant new public realm, landscaping and greening around the site, new seating and dwell/amenity spaces. Planting of over 77 new trees around the site, retention of all existing trees, new safe lighting and accessible, safe and inclusive environment. Public art and new public spaces. New pedestrian routes through and around the site, further opening up of the site with 69% of the site area comprising public realm. New and additional cycle routes through and around the site.	<i>Moderate Weight</i>

605. Considerable and individual weight and importance must be attached to the harm caused by the proposals to surrounding heritage assets in any balancing exercise. Considering the extent of the harm that would be caused, which would be 'less than substantial' at the low to moderate end of the scale, and the public benefits outlined above, it is concluded that the public benefits delivered by the scheme would clearly and convincingly outweigh the heritage harm.
606. The balancing exercise under paragraph 202 of the NPPF is therefore favourable to the proposals and the proposal would be acceptable in terms of impact on heritage assets.

## **Overall planning balance**

607. As noted above, the proposals do not fully comply with development plan Policies HC1 of the London Plan and City Policy 39 concerning heritage, although the NPPF paragraph 202 balancing act is favourable to the scheme.
608. In addition to the conflict with heritage policies identified above, there would be some minor conflict with Policy 13D in relation to offices not being provided within the site. There would also be some identified harm to the neighbour amenity, nevertheless the proposal is considered to comply with relevant London Plan and Westminster City Plan Policies relating to amenity and public realm, as detailed within this report.
609. The package of public benefits would also be significant in terms of the development plans strategic aims, in particular policies GG1, GG2, GG3, GG4 and GG5 of the London Plan (March 2021) and Policies 1, 6, 8, 9, 12, 17, 19, 24 and 30 of the City Plan (April 2021). Subject to conditions, the proposed development also meets all other relevant development plan policies, including Policies SD5, D3, D5, D12, H1, H4, H5, H10, E1, E2, E3, G1, G5, G7, SI1, SI2, SI7, SI13, T4, T5, T6 and T7 of the London Plan (March 2021) and policies 25, 28, 29, 32, 33, 34, 35, 36, 37, 38, 44 and 45 of the City Plan (April 2021). Overall, the proposed development is in accordance with the development plan when read as a whole.

## **Conclusion**

610. This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy, and has found that the proposed development is acceptable.
611. Accordingly, it is officers' recommendation that planning permission should be granted for planning application reference 21/02193/FULL, subject to the obligations set out under 'Section 106 legal agreement' and 'Conditions' at the start of this report.

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and engaging all communities in shaping their city.