

6 February 2017

Paddington Quarter, 31 London Street

in the City of Westminster

planning application no. 16/09050/FULL

Strategic planning application stage II referral

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

The proposal

Comprehensive redevelopment comprising an 18-storey office building (74 m high) and adjacent two-storey building, to contain 44,352 sq.m. (GEA) of B1 office space, 7,375 sq.m. (GEA) retail, cafe/restaurant space together with public realm works comprising new piazza, re-profiled and re-aligned London Street, new underground station entrance, Bakerloo Line Ticket Hall, with associated infrastructure and interface highway/ transport works. (*Listed building consent also sought for works associated with curtilage of Paddington Station*)

The applicant

The applicant is **Great Western Developments Ltd** and the architect is **RPBW**.

Key dates

Stage 1 representations issued: 31 October 2016

Westminster City Council planning committee decision: 6 December 2016

Strategic issues summary

The scheme is supported in terms of its contribution to **CAZ** and **Paddington Opportunity Area** employment and regeneration objectives, and enhancing London's **World City** status. The scheme is acceptable in **townscape** terms and the less than substantial harm to **heritage assets** is justified in light of the substantial **public benefits**. **Transport** is a key strategic issue in terms of the **station works** in particular, and the resolution of the access to St Mary's Hospital A&E by ambulances, and these measures have been secured. TfL will be a signatory to the section 106 legal agreement.

The Council's decision

In this instance Westminster City Council has resolved to grant permission but giving delegated authority for officers to refuse permission if the Section 106 agreement is not signed within three months of the committee meeting.

Recommendation

That Westminster City Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.

Context

1 On 26 September 2016 the Mayor of London received documents from Westminster City Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under the following Categories of the Schedule to the Order 2008:

1B(c)- Development which comprises or includes the erection of a building or buildings in Central London and with a total floorspace of more than 20,000 square metres;

1C(b) - Development which comprises the erection of a building that is more than 30 metres high and is outside the City of London;

3E – Development which does not accord with one or more provisions of the development plan in force in the area and includes the provision of more than 2,500 sq.m. of Class A1/A3/A4/B1 uses;

2 On 31 October 2016 the Mayor considered planning report D&P/3723a/01, and subsequently advised Westminster City Council that the application was generally acceptable in strategic planning terms but that there were elements of the scheme that require addressing in order to ensure full compliance with the London Plan, as set out in paragraph 91 of the above-mentioned report.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. On 6 December 2016 Westminster City Council decided that it was minded to grant planning permission but giving delegated authority for officers to refuse permission if the Section 106 agreement is not signed within a specified date, and on 12 December 2016 the Mayor was notified of this decision, with the referral received complete on 24 January 2017. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct Westminster City Council Council under Article 6 to refuse the application or issue a direction to Westminster City Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 6 February 2017 to notify the Council of his decision and to issue any direction.

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

5 The decision on this case, and the reasons will be made available on the GLA's website www.london.gov.uk.

Update

6 At the consultation stage, Westminster City Council (WCC) was advised that the application generally complied with London Plan policies in relation to opportunity areas, the Central Activities Zone, employment, social infrastructure, heritage, strategic views, tall buildings, urban design and access. There were some outstanding technical details that required further discussion and information in relation to energy and transport matters as below:

Energy

7 When assessing at the initial consultation stage, the energy strategy was found to generally be acceptable in ensuring carbon savings that would exceed targets in the London Plan. Further information was sought in relation to the renewable energy proposals, which the applicant has supplied. This confirms that the net (cell) area of the PV panels is 1,077 sq.m. and the expected peak output of the PV array is 184kW. There are no outstanding issues in relation to energy.

Transport

8 **London Underground:** At Stage 1, TfL strongly supported the proposed improvements to the Bakerloo line station, which would only be deliverable in the context of a comprehensive redevelopment of the site such as this. The applicant has committed to carry out all works associated with these improvements, with the exception of fit out works on the paid side of the gateline. An £8.5m contribution has been secured towards this through the Section 106 agreement, which TfL is a signatory to. The draft Section 106 also contains restrictions ensuring that a specification and detailed design for the works is agreed and a Development Agreement entered into prior to commencement of works on site, and that the works are complete and the leases that would be necessary for TfL to operate the station are offered prior to occupation.

9 **Site Access, Public Realm and Highways:** There are a number of competing highway demands in the area arising from this and other neighbouring land uses (including St Mary's Hospital), buses, taxis, service vehicles (particularly those associated with the mainline rail station) and significant numbers of pedestrians. As such, as well as securing works to the station to enable Network Rail to move service vehicles away from the site, the Section 106 agreement will also establish a Transport Steering Group, which will have TfL representation. The remit of this group will be to produce a report recommending interventions on the local highway network, including matters such as the bus relocation (which was raised at Stage 1) and the applicant has agreed to pay the reasonable costs of any such works.

10 In addition, following concerns raised by the local NHS Trust over ambulance access to St Mary's Hospital along the temporary road proposed at the eastern end of the site, the applicant has agreed to fund provision of a permanent route to an agreed specification through the St Mary's hospital estate, should the NHS Trust obtain the appropriate consents and changes to their facilities that would be necessary to deliver this within a reasonable timescale. TfL is confident that this approach can address the concerns that were raised over access at Stage 1, should it be implemented. But it should be noted that this route can only be achieved with the agreement of the Trust. At present, the Trust is maintaining its objection to the scheme and has stated that it does not believe the solution proposed is capable of being delivered.

11 Whilst it is intended to relocate an existing cycle hire docking station on Winsland Street to facilitate the development of the site, it has not proven possible to agree a scheme to increase its size to accommodate the additional demand for cycle hire that the proposals will generate, as the Council did not feel that this could be successfully integrated into the public realm. This is regrettable, but in the context of the other transport improvements secured is accepted.

12 **Other Transport Mitigation:** As requested at Stage 1, a Travel Plan, Delivery and Servicing Plan and Construction Management Plan have all been secured, along with London Plan compliant cycle parking, showers and lockers. A Crossrail contribution of £3,996,626 (index linked) has also been secured.

13 Based on the above, there are no outstanding strategic transport matters and the scheme accords with the London Plan.

Response to consultation

14 The application was advertised by site and press notices, with consultation letters sent to over 4,000 adjoining neighbouring properties. Approximately 250 responses were received (including late letter after report publication), of which over 110 comprised objections, with around 140 responses in support.

15 **Objections:** Concerns raised by objectors related to the following issues. This includes comments/objections from nearby resident associations and amenity groups:

- Heritage: loss of the existing sorting office building; impact of proposed building on the surrounding area; out of keeping with surrounding character; would adversely impact upon setting and character of Conservation Area and Listed Buildings, including Brunel's Grade 1 listed Paddington Station;
- Scale of development: overdevelopment of the site; over dominant and too tall; dominates the skyline;
- Design: the proposed "cube" building is a bulky glass box that is out of keeping with the area and has little architectural merit; all the public benefits are underground;
- Land use: no housing or affordable housing proposed; the scheme proposes a shopping mall with no local benefits; missed opportunity for regeneration; further office space is not needed; the public benefits could be delivered without demolition of the existing building;
- Amenity: loss of sunlight; overshadowing impact; light pollution; privacy/noise issues; impact upon views; overheating of surrounding buildings; impact upon hotel guests.
- Traffic: impact upon servicing arrangements; impact on ambulance route to the hospital; inadequate facilities for pedestrians and cyclists; safety/conflict for pedestrians; impact of construction traffic; does not solve congestion problems and/or would add to congestion problems; .
- Other matters: any development should be planned in tandem with St Mary's Hospital; dust nuisance during construction; the benefits do not outweigh the negative impacts; contrary to planning policy; does not resolve other outstanding issues in the area including hospital complex, canal, water and sewage; extent of community engagement;

16 **Support:** Responses in support of the scheme raised comments in relation to design, land uses, amenity and transport. The key point is that the scheme will bring major and essential improvements to Paddington through the new piazza and that to deliver these benefits a scheme of the scale proposed in an iconic building is required. Offices, retail and jobs are welcomed, creating a vibrant mixed use destination. This includes support from the Paddington Business Improvement District (representing over 350 businesses), which notes that this site is critical in the context of image and accessibility of Paddington.

17 **Ward councillors:** Responses have been received from four nearby ward councillors, one in support, four objecting and one on behalf of the Labour Group. The objections support the views of Historic England, raising particular concerns about the Blue Light route and access for emergency vehicles, that the scheme is mediocre in terms of its design, and that the scheme should not be dependent upon any approval or agreement with the hospital. Also consider that the scheme should trigger an affordable housing contribution. The support confirms that the evolution of scheme is such that the scheme now responds to comments and concerns of interested parties, and that it will open up regeneration of the hospital and improve the public realm. Three Labour ward councillors have written to the Mayor directly expressing concern about the closure of London Street and the proposed solution for the blue light/emergency route.

18 **Other responses:** WCC's Committee report sets out a list of standard consultees from some 80 local amenity groups, societies or other statutory consultees from which no response was received. No responses were received from adjoining boroughs. The following responses have been received from other statutory consultees:

- **Network Rail:** supports the principle of development but notes reservations about reducing the use of the Arrivals Road and whether capacity can be addressed in Car Park 1 and tunnel works. Raises issues around delivery and servicing and that effective management is essential. Requires costs for management and other obligations to be addressed through the s106, noting that Network Rail would be a signatory.
- **Crossrail:** the site is occupied by Crossrail until end of 2018. The potential for early phased hand back of the site (between September 2017 and April 2018) is being discussed with the applicant. Conditions and informatives requested relating to construction and concurrent method statements and concurrent method statement have been requested and are included in the draft decision notice.
- **London Fire and Emergency Planning Authority:** no objections.
- **Environment Agency:** no comments made on basis that there is a low risk in respect of environmental constraints.
- **Thames Water:** requested conditions and informatives included in draft decision notice.
- **Canal & River Trust:** no comment.
- **Natural England:** no objection on basis that scheme is unlikely to affect any statutorily protected site or landscapes.
- **Sport England:** site does not fall within remit and no response provided.

19 **Heritage groups:** WCC received responses from the following statutory consultees and heritage groups were also received:

- **Historic England (HE):** objects to the scheme, with concerns relating to the loss of the existing Edwardian building on the site, which is considered to make a positive contribution to the conservation area. Whilst accepting there are public benefits, HE is not convinced that these can only be achieved through the current approach. Considers that the proposal will have a major harmful impact on the Bayswater Conservation Area, due to the height, massing and design which is out of keeping with prevailing character. Advises the Council that it needs to clearly and convincingly justify the proposals and that the harm caused is necessary and outweighed by public benefit.
- **Historic England (Archaeology):** notes that the site is in an area of archaeological interest due to the presence of underground railway remains. Suggested conditions are included in the draft decision notice.
- **Victorian Society:** objects to the demolition of the existing building and impact of the proposed development, stating that it would cause substantial harm to the character and appearance of the Bayswater Conservation Area and would harm the setting of numerous listed buildings. Considers that such a high level of harm has not been demonstrated as strictly necessary to deliver the scheme's public benefits and therefore cannot be justified.
- **Save Britain's Heritage:** objects to the application, stating that demolition and redevelopment proposal would cause harm to designated and undesignated heritage assets, by virtue of design being imposing and alien to its surroundings. Does not consider that the public benefits outweigh the harm and that it should be refused. SAVE

has subsequently launched a petition calling on the Secretary of State to call in the planning application. At the time of writing, the petition had over 1,000 signatures.

20 **Response to heritage related objections:** Officers remain of the opinion, as set out in paragraphs 31 to 43 of the Stage 1 report that the scheme accords with relevant heritage legislation and policies. There are a limited number of locations where the development would cause less than substantial harm to the settings of conservation areas and there are also locations in which the development would have a positive impact on those settings. Given that there are substantial public benefits that can only be delivered by a scheme of this nature and scale, it is considered that the “less than substantial harm” caused to heritage assets are justified.

21 In relation to the demolition of the existing building, as previously advised the wholesale demolition of an unlisted building within the CA would amount to some harm to the Bayswater CA particularly where it relates to the 1890’s element and facade that was previously proposed to be retained. However, it is acknowledged that the nature of the proposals and scheme aspirations for opening up the public realm and addressing the level changes to the platforms mean that the retention of the building is not possible. Overall, it remains the view and as concluded by Westminster City Council that the substantial social, economic and regeneration benefits together comprise substantial public benefits, which outweigh the less than substantial harm to heritage assets.

22 **Imperial College Healthcare NHS Trust/St Marys Hospital:** Has objected to the scheme, specifically in relation to the closure of London Road (to enable the new piazza) and the relocation of the hospital blue light route further to the east. The Trust considers that the deterioration in access conditions to the hospital would arise through the proposed diversion, to the detriment of the safe operation of the hospital, thereby risking the long term future of the hospital’s trauma centre status. In particular, the Trust considers that the introduction of two 90 degree bends would result in delays and potential conflict with pedestrian, resulting in a longer and circuitous route. The Trust considers that the concentration of parking could also lead to congestion and there would be a loss of parking across the area and concludes that the journey time for ambulances would be increased. Technical comments have been made by the Trust’s transport consultant regarding construction traffic, delivery and servicing, junction modelling and that a Road Safety Audit is required. It also notes that the issue of the bus stop relocation remains outstanding.

23 Additional representations were sent in the lead up to the WCC planning committee, seeking a deferral until all parties have had the opportunity to consider and address outcomes of a Road Safety Audit. It notes that revisions to the access road have been suggested by the applicant but that these need to be formally drawn up and agreed in advance of the planning application being heard. Seeks full and active membership of the proposed Transport Steering Group. Notes that whilst the Trust is developing proposals for a new Winsland Street route, it is inappropriate to rely on this as mitigation for the proposed development.

24 At committee, the applicant made an offer to construct, or pay for the construction of, the Hospital's preferred alignment of the access road further to the east, as indicated in its on-going masterplan proposals. This would include the demolition of the existing buildings (forming part of the Mary Stanford Wing) and the costs of temporary buildings. The Trust has more recently confirmed in a letter to the applicant dated 13 January 2017, and copied to GLA officers that it maintains its position that the late offer falls some way short of providing a suitable mitigation for the Trust’s concerns. The Trust has more recently written to the Mayor requesting that he take the application over and become the local planning authority for the application. At the time of reporting, it maintains its position that unsafe traffic conditions

would be created by the “interim road” that is proposed/required, to the detriment hospital operations. This is largely due to safety concerns about the visibility from the proposed loading bay and at the Praed Street junction resulting potential conflict between users of the new road.

25 **London Ambulance Service NHS Trust:** Through Westminster’s consultation process, LAS has raised concerns in relation to the access route that would be created via the new road, to replace the existing London Street. It is unable to support the road unless measures are in place to ensure the delivery of a new preferred Winsland Street route. The LAS has stated that the proposed route would worsen the existing constrained access arrangements, increasing journey times for ambulances, due to the size of vehicles relative to the road, the concentration of parking, servicing, loading and access, and the potential for these to cause congestion and delays.

26 **Response to objections re London Road closure/new access route:** In reporting on the objections from the Trust and LAS, Westminster City Council (WCC) has concluded that the removal of London Street and creation of a new two way road is acceptable in principle. WCC notes that significantly more (four times as many) ambulances travel east-west and that these journeys would be shortened (as the new road would be closer than London Street) and that this accounts for 80% of such journeys. The current congestion and activity which already occurs on London Street and its surrounds is noted, which is likely to affect existing ambulance journey times. As noted by the applicant, it is also considered that the scheme would also improve accessibility of pedestrians to St Mary’s Hospital. As noted, St Mary’s Hospital is one of London’s major trauma centres and as such, maintenance of a safe Blue Light access to the A&E department is essential for its continued provision and enhancement of its major trauma service.

27 TfL has reviewed the proposed access road, and considers that the relocation of pedestrian activity away from London Street (where it meets the current underground entrance) would assist in reducing pedestrian conflicts, providing additional footway capacity and addressing the servicing issues that currently exist at the Arrivals Ramp. Whilst acknowledging that the resultant congestion cannot be captured through traditional traffic modelling, it is expected that this would bring benefits to journey time improvements for access to the hospital, notwithstanding the slightly longer travel distances for ambulances approaching from the west. TfL also notes that a number of the concerns that the Trust have raised about the safety of the new road, are pre-existing, given the amount of users and conflict at London Street. Overall, whilst the Trust’s concerns are understood, TfL is of the view that the proposals will deliver benefits for all road users in the area, including for those associated with the hospital.

28 Regarding the late offer from the applicant to deliver a route further to the east within the hospital campus, this was made in an effort to address the Trust’s objections to the scheme. This is despite the fact that the applicant’s access arrangements and new Blue Light route have been concluded as an acceptable transport solution by WCC and TfL technical officers in place of the existing London Street route. The suggested “hospital route” seeks to respond to discussions between the two parties (as requested by the Mayor) to coordinate efforts to deliver a more direct emergency and servicing route that reflects the longer term regeneration aspirations for the area. Indeed, the “hospital route” specifically responds to St Mary’s own masterplan proposals for a new alternative access between Praed Street and South Wharf Road. As such, its objections to the late offer are not considered sustainable in planning terms as it achieves the desired objectives for a revised, jointly delivered route as discussed to date. WCC has stated that this suggested hospital route is acceptable in principle and will secure its delivery in the s106 agreement.

29 Other highways points that have been raised by the Trust’s consultant have been reviewed by TfL and WCC officers, who are satisfied that all highways impacts can be

satisfactorily mitigated by conditions and the appointment of the steering group. Following concerns raised over the safety of the proposed access road, the applicant has carried out a "Stage 1" Road Safety Audit, which have also been independently reviewed by a third party transport consultant on behalf of the applicant. This has identified some issues of detail with the proposal, although this is not unusual at this stage of scheme design and the points raised appear resolvable with minor amendments to the road layout, including the removal of one parking bay and a change to the layout of motorcycle parking. The applicant has agreed to make these changes and has produced working drawings showing a revised layout plan, which has been shared with all parties, including the Trust. Along with TfL colleagues, Westminster City Council transport officers have confirmed that they are also satisfied with the audit.

30 Based on the analysis undertaken of the proposed route, and the minor amendments required to meet road safety audit requirements, it is felt that the proposals can be taken forward on this basis. As such, it is not considered that there are grounds for the Mayor's intervention on this planning application based on the Trust's objections to the proposed access route.

31 **Conclusion on objections:** the concerns raised by ward councillors, neighbours, local residents and amenity groups, Historic England, other heritage organisations and statutory consultees are acknowledged and have been carefully considered. The application has been subject to detailed scrutiny and the issues raised have been fully addressed in the Council's committee report. Strategic planning issues have been assessed in this report and in the stage one report. Having considered all relevant material considerations, and the information contained in the Environmental Statement, the matters raised through the consultation process do not warrant a Mayoral direction to refuse planning permission or that he take the application over for his own determination.

Article 7: Direction that the Mayor is to be the local planning authority

32 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance the Council has resolved to grant permission with conditions and a planning obligation, which satisfactorily addresses the matters raised at stage 1, therefore there is no sound planning reason for the Mayor to take over this application.

Legal considerations

33 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

34 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government Planning Practice Guidance emphasises that parties usually pay their own expenses arising from an appeal.

35 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

36 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

Conclusion

37 Having regard to the details of the application, the matters set out in Westminster City Council's committee report, draft s106 legal agreement, and its draft decision notice, the scheme is supported in strategic planning terms. It delivers much needed public realm improvements, regeneration and jobs in the Paddington Opportunity Area, in a high quality scheme. Any harm caused to heritage assets is outweighed by the public benefits. The Blue Light route for the hospital has been reviewed by WCC and TfL and is considered acceptable and in addition a s106 obligation would potentially deliver an improved route (although only with the agreement of the Trust, which is currently not forthcoming). Further information has been provided, which together with conditions and planning obligations imposed by Westminster City Council, address the outstanding issues that were raised at Stage 1 and the scheme accords with the London Plan.

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