



City of Westminster

Committee Agenda

Title: **Planning Applications Committee (4)**

Meeting Date: **Tuesday 29th March, 2016**

Time: **6.30 pm**

Venue: **Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP**

Members: **Councillors:**

Tony Devenish (Chairman)
Jonathan Glanz
Robert Rigby
Jason Williams

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Tristan Fieldsend, Committee and Governance Officer.

**Tel: 020 7641 2341; Email: tfieldsend@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Legal & Democratic Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note that Councillor Robert Rigby has replaced Councillor Angela Harvey.

2. DECLARATIONS OF INTEREST

To receive declarations by members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

3. MINUTES

To sign the minutes of the last meeting as a correct record of proceedings.

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|---|--------------------------|
| 1. DEVELOPMENT SITE AT 221-235 LANARK ROAD, LAND TO NORTH OF 235 LANARK ROAD AND LAND AT SCOTTISH TOWERS, MAIDA VALE, W9 | (Pages 7 - 48) |
| 2. WHITELEYS CENTRE, QUEENSWAY, LONDON, W2 4YH | (Pages 49 - 102) |
| 3. 421 OXFORD STREET, W1 | (Pages 103 - 128) |
| 4. 7 WARWICK AVENUE, W9 | (Pages 129 - 156) |
| 5. 66 CHEPSTOW ROAD, W2 | (Pages 157 - 182) |
| 6. ALHAMBRA HOUSE, 27-31 CHARING CROSS ROAD, WC2 | (Pages 183 - 222) |

- | | | |
|----|---|------------------------------|
| 7. | HYDE PARK CORNER LODGE, HYDE PARK CORNER,
W1 | (Pages 223 -
240) |
| 8. | 39 SUTHERLAND PLACE, W2 | (Pages 241 -
258) |

**Charlie Parker
Chief Executive
17 March 2016**

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Agenda Item

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 29 MARCH 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
1	RN 15/11007/FULL Maida Vale	DEVELOPMENT SITE AT 221-235 LANARK ROAD, LAND TO NORTH OF 235 LANARK ROAD AND LAND AT SCOTTISH TOWERS, MAIDA VALE, W9	<p>Redevelopment of site spanning 221-235 Lanark Road and land to the north of 235 Lanark Road, involving demolition of existing buildings and erection of part 3, part 4, part 5 storey building, plus lower ground floor, containing a community/sports building (Use Class D1/D2) and associated plant at the north end of the site, and 67 residential units (Class C3) (private and affordable) across the remainder of the site and across the top floor of the proposed community/sports building, together with car parking, landscaping and associated works.</p> <p>Reconfiguration of front curtilage of the Scottish Towers (Glasgow House, Falkirk House, Edinburgh House) to provide additional parking, re-landscaping and associated works. Removal of existing trees and replacement tree planting.</p>	
<p>Recommendation</p> <p>1. Grant conditional permission, subject to:</p> <ul style="list-style-type: none"> i) Notice of commencement of development (three months prior to commencement). ii) Provision of 44 on-site affordable housing units to the tenure and mix advised by the Housing Development Manager prior to the occupation of the market housing units. iii) Provision on site of a Community/Sports floorspace of a minimum 1,649sqm (GIA) Use Class D1/D2, and community facility of a minimum 690sqm (GIA) Use Class D2, provided by the City Council or a local service provider. iv) Provision at a peppercorn rent of the social and community floorspace (North Paddington Youth Club and Maida Centre). v) Both sports and community floorspace to be fitted out to a Category B finish and leased either to the City Council or qualifying tenant prior to the occupation of either the social and community floorspace or residential units within the development. vi) A financial contribution of £32,000 per annum index linked to be paid to fund all works undertaken by the Environmental Inspectorate in relation to assessment of documents prior demolition phase and the development in respect to the SEMP, monitoring of air quality, dust and noise generated by works until the issue of the certificate of practical completion by the owner to the Council. vii) Tree planting contribution of £5000 to replace those lost through the construction of the development in priority as shown on tree investment plan. viii) Provision of car club membership (25 years) for 67 residential units. ix) Provisions to ensure a minimum of 67 annual parking permits for onsite parking spaces are available to all households in the new development (but for the avoidance of doubt the possession of a parking permit shall not guarantee the availability of a parking space as onsite parking is on an unallocated basis). x) Provision of a minimum of 41 onsite parking spaces for new residential development and re provision of a minimum of 40 on-site parking spaces for existing residents. xi) Payment for the cost of highways works necessary to facilitate the development including the reinstatement of pedestrian highway. xii) Provision of non-residential part of development in accordance with submitted BREEAM assessments xiii) Provision of site wide reduction of Kg/C02 on 2013 Building Regulations of 25%, plus a payment of £113,400 to go toward the Council's Carbon off setting fund. xiv) Adherence with the Council's local procurement code. xv) Provision of costs for monitoring the agreement (£500 per head of term). xvi) Provision of communal TV aerial. xvii) Demonstration of compliance with Code of Construction Practice and signing up to the Considerate Constructors Scheme. <p>2. If within six weeks of the resolution to grant conditional permission the S106 planning obligation has not been completed or there is no immediate prospect of the planning obligation being completed, then</p>				

CITY OF WESTMINSTER
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ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
2	RN 15/10072/FULL RN 15/10069/LBC Lancaster Gate	WHITELEYS CENTRE, QUEENSWAY LONDON W2 4YH	Demolition of and redevelopment of building behind retained and refurbished facades to Queensway and Porchester Gardens facades to provide a mixed use development comprising three basement levels, ground floor and up to 10 upper floor levels, containing 103 residential units (Class C3), retail floorspace (Class A1 and A3) facing Queensway and arranged around a new retail arcade below re-provided central atrium and central retail courtyard, public car park, hotel (Class C1), cinema (Class D2), gym (Class D2), crèche (Class D1), with associated landscaping and public realm improvements, provision of 139 basement residential parking spaces, cycle parking and associated basement level plant and servicing provision.	
<p>Recommendation For Committee's consideration:</p> <ol style="list-style-type: none"> 1. Does Committee accept the proposed loss of retail floorspace within Whiteleys, and that the proposed mixed uses of retail (Class A1/A3), hotel, cinema, gym, crèche, public car park and residential flats are acceptable in land use terms. 2. In respect of the affordable housing, Members views are sought in the light of the conclusions of the Council's independent consultant on the applicant's viability case which will be reported verbally to Committee. 3. The less than substantial harm to the special architectural and historic interest of this listed building is outweighed by the public and regeneration benefits of the scheme. 4. The bulk, massing and detailed design are acceptable, and the impacts on the light to adjoining residents in Kensington Gardens Square and Redan Place are acceptable in the light of the regeneration benefits. 5. If Committee agree to 1-4 above, resolve to grant conditional permission subject to the concurrence of the Mayor of London and the completion of a S106 legal agreement to secure the following: <ol style="list-style-type: none"> a) Financial contribution of £6,000,000 (index linked and payable on commencement of development) towards public realm improvements to Queensway. b) Affordable housing contribution (sum to be agreed at Committee) (index linked and payable on commencement of development). c) Costs of the highways works including Stopping Up Order. d) Crossrail CIL contribution of £1,814,150. e) Financial contribution of £200,000 (index linked) towards improvements to play space in the vicinity of the development. f) Comply with the Construction Code of Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £44,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers. g) Unallocated car parking. h) Provision of the public car park at basement level 3 prior to the retail use commencing and the submission of a management plan including pricing. i) Provision of the cinema and ready for occupation before the retail use commences. 				

CITY OF WESTMINSTER
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ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
			j) Provision of the gym and crèche prior to occupation of the residential accommodation. k) Installation of public art within the retail court (sum to be reported verbally) and to secure its maintenance. l) Employment, training and skills. m) S106 monitoring costs.	
3	RN 15/11925/FULL West End	421 OXFORD STREET, W1	Erection of extensions at first, second and part third floors on 15/11925/FULL Balderton Street and Lumley Street facades, recladding of existing building at ground and first floors, use of lower ground to third floors as retail (Class A 1), installation of plant at second and third floor levels and other associated works.	
Recommendation Grant conditional permission				
4	RN 15/08069/FULL RN 1508070/LBC Little Venice	7 WARWICK AVENUE, W9 (Addendum Report)	Excavation of new basement beneath existing single family dwelling, extension to existing lower ground floor level and associated internal and external alterations to building including demolition and replacement of existing conservatory. Installation of ventilation plant.	
Recommendation 1. Grant conditional permission and conditional listed building consent. 2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.				

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 29 MARCH 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
5	RN 15/07328/FULL RN 15/07329/LBC Bayswater	66 CHEPSTOW ROAD, W2	Excavation of a two storey basement extension below front garden, enlargement of front lightwell, provision of new front boundary treatment, excavation of single storey basement below rear garden with rooflights within rear garden and new landscaping to rear garden, including green wall to rear boundary. Internal alterations.	
Recommendation 1. Grant conditional permission and conditional listed building consent. 2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.				
6	RN 15/09858/FULL St James's	ALHAMBRA HOUSE, 27-31 CHARING CROSS ROAD, WC2	Use of part basement, ground and upper floors (first to new tenth floor) as a 123 bedroom hotel (Class C1), enlargement of ground floor retail unit (Class A1), and associated alterations including the erection of an additional storey, re-cladding of the building, replacement windows, alterations to ground floor elevation, installation of mechanical plant, and creation of terraces on seventh, eighth and tenth floors.	
Recommendation 1. Grant conditional permission subject to the completion of a S1 06 legal agreement to secure: i) A financial contribution towards affordable housing of £378,457 (index linked and payable on commencement of development); 2. If the S106 legal agreement has not been completed within two months of the date of this resolution then: a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not; b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.				
7	RN 15/09174/FULL RN 15/09175/LBC West End	HYDE PARK CORNER LODGE, HYDE PARK CORNER, W1	Removal of Condition 3 and variation of Condition 1 and 11 of planning permission dated 30 July 2013 (RN:12/08526/FULL) for use of Lodge as a cafe (Class A3) with basement infill extension, external seating area and erection of a new ticket and tourist information kiosk adjacent to Lodge; namely, to allow the continued use of part of the kiosk for the sale of tickets for London tourist attraction; to extend the opening hours of the Café to between the hours of 08:00 and 22:30 daily; and retention of external lighting.	
Recommendation 1. Grant conditional permission and conditional listed building consent. 2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.				

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 29 MARCH 2016
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ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
8	RN 15/10383/FULL Bayswater	39 SUTHERLAND PLACE, W2	Excavation to lower the level of the existing lower ground floor slab and rear garden, erection of rear three storey closet wing and two storey glazed infill extension, erection of mansard roof, and alterations within front garden including excavation to provide a bin store and to extend vault. All works in association with the use of the building as a single family dwelling house.	
Recommendation Grant conditional permission.				

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Agenda Item 1

Item No.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 29 March 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Maida Vale	
Subject of Report	Site At 221-235 Lanark Rd, Land To North Of 235 Lanark Rd And Land At Scottish Towers, Maida Vale, London, W9,		
Proposal	Redevelopment of site spanning 221-235 Lanark Road and land to the north of 235 Lanark Road, involving demolition of existing buildings and erection part 3, part 4, part 5 storey building, plus lower ground floor, containing a community/sports building (Use Class D1/D2) and associated plant at the north end of the site, and 67 residential units (Class C3) (private and affordable) across the remainder of the site and across the top floor of the proposed community/sports building, together with car parking, landscaping and associated works. Reconfiguration of front curtilage of the Scottish Towers (Glasgow House, Falkirk House, Edinburgh House) to provide additional parking, re landscaping and associated works. Removal of existing trees and replacement tree planting.		
Agent	Gerald Eve		
On behalf of	DOLPHIN SQUARE CHARITABLE TRUSTEE		
Registered Number	15/11007/FULL	Date amended/ completed	2 December 2015
Date Application Received	25 November 2015		
Historic Building Grade	Unlisted		
Conservation Area	Adjacent to Maida Vale and St John's Wood Conservation Areas		

1. RECOMMENDATION

Grant conditional permission, subject to a S106 legal agreement to secure:

- i) Provision of 44 on-site affordable housing units.
- ii) Provision on site of Community/Sports floorspace.
- iii) A financial contribution of £32,000 per annum (index linked) toward monitoring of the construction project by the City Councils Environmental Inspectorate.
- iv) A financial contribution of £5000 (index linked) toward tree planting in the vicinity of the site.

- v) Car club membership (25 years) for each flat.
- vi) Unallocated parking for residential development
- vii) Cost of highways works necessary to facilitate the development including the reinstatement of pedestrian highway.
- viii) A financial contribution of £113,400 (index linked) to go towards the City Council's Carbon off-set fund
- ix) The costs of monitoring the aS.106 legal agreement.

If within six weeks of the resolution to grant conditional permission the S106 planning obligation has not been completed or there is no immediate prospect of the planning obligation being completed, then Agreed

a) The Director of Planning shall consider whether it would be possible and appropriate to issue permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not

b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete a S106 planning obligation within an appropriate timescale, and that the proposal is unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

The site is currently in the ownership of City Council and is occupied by the Maida Centre, North Paddington Youth Club and some temporary off-site education use by St Georges School. The existing community facilities are popular and well used community assets that are in need of modernisation. Permission is sought by Dolphin Square Charitable Trust who are in the process of acquiring a long lease from the City Council to deliver a mixed use scheme providing a new replacement Sports and Community facility as well as 67 new residential units. The scheme has brought about 110 representations, plus petitions, and objections from Ward Councillors Crockett and Begum. The Community benefits are considered to be significant in this scheme and whilst there will be some impact upon the surrounding residential properties, there are sufficient mechanisms to mitigate this harm which are detailed in the report and recommended conditions, and the application is recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

Ward Councillors for Maida Vale

WARD COUNCILLER BEGUM

Current Youth facilities are in need of upgrading, proposed centre would have significant local benefits particularly for young people. Provision of affordable housing is welcome. The proposals however would cause significant problems in terms of privacy, overlooking, and losses of light for Carlton Vale and Randolph Avenue. Proposals suffered lack of public consultation. Westminster City Council should look at possibility of using affordable housing fund to assist in delivery of Lanark Road scheme.

WARD COUNCILLER CROCKETT

Support the refurbishment of Council properties on Lanark Road which are dilapidated and in need of upgrading. Social and intermediate housing needed in Maida Vale. Large number of legitimate concerns from residents; scale and density of development with impacts on parking, surrounding trees and character of Maida Vale Conservation Area, overlooking, losses of light and sense of enclosure. Suggested site visit to assess proposals.

HIGHWAYS PLANNING MANAGER

No objections subject to unallocated parking, secured as part of section 106 agreement.

ENVIRONMENTAL HEALTH

No objection to proposal on environmental and nuisance grounds provided recommended conditions and informatives are included.

ARBORICULTURAL MANAGER

Objection to loss of trees, encroachment of setting of Scottish Towers for car parking

AFFORDABLE HOUSING SUPPLY MANAGER

Housing tenure and mix has been prepared in consultation with Affordable Housing Manager to meet the Boroughs identified housing need. Scheme provides 68% affordable housing (above 35% minimum sought through policy).

SPORTS AND LEISURE

Support the scheme.

ADULT AND COMMUNITY SERVICES

Any response reported verbally.

DESIGNING OUT CRIME

No objection.

BUILDING CONTROL – DEVELOPEMNT PLANNING

No objection to structural statement. Without benefit of fire strategy, plans do not appear to comply with building regulations with respect to travel distances, open plan flats with cooling facilities adjacent to exit points, inner rooms without means of escape.

ENVIRONMENT AGENCY (THAMES REGION)

No constraints which fall within Environment Agencies remit for comment.

CHILDREN'S SERVICES

Welcome proposals.

PADDINTON WATERWAYS AND MAIDA VALE SOCIETY**Objection**

Supportive of the proposals for sports and youth club facilities however the mass and scale of development will cause irreversible harm in terms of character on adjacent Conservation Area, unacceptable level of enclosure to all properties surrounding site, retaining wall to create amenity space likely to cause fatal harm to the tree root system.

Widening of footpath necessary to accommodate increased density on site.

Construction management plan to be sympathetic to school so teaching is not impacted

Elevation design treatment does not sit comfortably in contrast to Conservation Area

THAMES WATER

Scheme should incorporate sustainable drainage and SUDS (Sustainable urban drainage) to limit surface water runoff from the site.

TRANSPORT FOR LONDON – BOROUGH PLANNING

Any response to be reported verbally

SPORTS ENGLAD

Supportive of scheme.

LONDON BOROUGH OF BRENT

Any response to be reported verbally.

ST JOHN'S WOOD SOCIETY

Any response reported verbally.

CLEANSING – DEVELOPEMNT PLANNING

No objections.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 764

Total No. of replies: 124

No. of objections: 110 + 7 x template type letter objections with multiple signatures and additional comments. Listed in background papers

Character and Appearance

Overdevelopment

Unsympathetic with surrounding area

Density of scheme is too great

Loss of street trees unacceptable

Poor quality of accommodation proposed

Lack of dedicated onsite playspace

Amenity

Sense of enclosure for adjoining occupiers

Overlooking of neighbouring properties

Loss of light to adjoining properties

Highways

Lack of parking

Congestion as a result of increased activity

Floodrisk

Lack of SUDS, risk to neighbouring properties

Other

Inaccurate tree survey relating to existing trees

Lack of public consultation

Lack of participation in preparation of scheme

No. in support: 7

Affordable housing needed in the area

Community facilities in need of upgrading

Youth centre provide activities your young people, reduce crime

Design of scheme is high quality

ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site is located on the western side of Lanark Road at its northern end, extending from adjacent to No.201 Lanark Road to where it abuts the rear of 1 Carlton Vale (on the corner of Carlton Vale and Lanark Road). The site comprises of a number of (5) smaller sites/buildings/uses including i) an external car parking area (6 spaces approximately), operated by City West Homes to local residents, ii) the Maida Centre; iii) Sports hall; iv) North Paddington Boys club (NPYC) and v) portacabins used by St Georges School.

The Maida Centre to the south is a community building, mainly serving the local residents and community groups; the facility provides a meeting place for local residents and a number of regular classes for local children such as ballet and Taekwondo. The facility can also be booked for private social events. The facility includes a hall, kitchen and an office which is used by the Residents Association. The Centre is available for bookings from 9am to 9pm on weekdays and to 11pm at weekends. City West Homes standard rates apply which are £12ph for community groups, 15-18ph for statutory use and £25ph for private functions. To the south of the Maida Centre is a small car park (approx. 6 spaces) operated by City West Homes.

The NPYC sits within a two storey building with semi basement in the middle of the site. The Youth Centre provides an informal educative service to the young people of Maida Vale and surrounding areas. The facilities include a kitchen, an I.T. Suite, a manager's office, a gymnasium, a nursery area, a music room, a multi-purpose room (used for games, toilets, showers, a sports hall, a multiple-purpose area (used for pool, table tennis), a multiple-purpose room used for group work sessions. The users are primarily young people aged between 11 -19. There is also a Junior Club which works with children aged 8 – 11. The youth provision operates from Wednesday to Sunday. Wed & Thurs- 6.30 - 9.30, Fri - 7.00 - 10.00, Sat - 6.00 - 9.00 and Sun- 4.00 - 7.00

The St George's School site sits directly opposite the main school site. It has been used as a temporary ancillary site for St George's School providing a range of uses including decant teaching space and site offices to enable the improvement and expansion of St George's School under the Building School's for the Future (BSF) programme commenced in 2009.

In addition to this main site on the opposite side of Lanark Road the external car parking and landscaping areas to the residential tower blocks of Edinburgh, Falkirk and Glasgow Houses, also form a secondary part of the proposed site.

None of the buildings within the site are listed and the site falls outside of a Conservation, although lies between and therefore adjacent to both the Maida Vale and St John's Wood Conservation Areas.

The site is surrounded predominantly by residential properties including those on Randolph Avenue to the rear (west), Carlton Vale to the north, Lanark Road dwellinghouses to the south and on the opposite side of Lanark Road the residential tower blocks of Edinburgh, Falkirk and Glasgow Houses and St Georges School. To the north west of the site is a small community landscaped green.

6.2 Recent Relevant History

Lanark Road Planning History Schedule

North Paddington Youth Club

Reference	Address	Description of development	Decision	Decision Date
2865/N	235 Lanark Road	Erection of a building to house sports play area.	Granted	24/08/1982
TP/2865	235 Lanark Road, W.9.	The use of the North Paddington Boys' Club No. 235 Lanark Road, W.9. as a private day nursery	Granted	12/09/1967
TP/79289/W	231-243 (odd) Lanark Road, Paddington	Erection of a Boys' Club on sites of Nos. 231-243 (odd) Lanark Road, Paddington.	Granted	25/02/1965

St Georges RC School Portacabin Site

Reference	Address	Description of development	Decision	Decision Date
02/07892/COFUL	St Georges RC Secondary School Lanark Road London W9 1RB	Erection of a single storey temporary building to house a Behaviour Management Team.	Granted	02/04/2003
7002	St Georges School, Lanark Road, W9	The extension of existing temporary classroom accommodation by the addition of one additional classroom at St Georges School, Lanark Road, W9	Granted	16/08/1977
7009	St Georges School, Lanark Road, W9	The erection of 2 temporary classrooms at St Georges School, Lanark Road, W9	Granted	1976

Maida Centre and Covered Tennis Courts

Reference	Address	Description of development	Decision	Decision Date
08/04354/COFUL	221 Lanark Road	Installation of access to fire escape including retaining wall and concrete path.	Granted	02/07/2008
05/03545/COFUL	221 Lanark Road	Graded tarmac ramp and handrails to front elevation of Maida Centre Tenants Hall.	Granted	27/07/2005
04/09312/COFUL	221 Lanark Road	Addition of two new ramps and handrails to side and front of tenant's hall (Council's Own Development).	Granted	18/01/2005

Scottish Towers Car Parking Area

Reference	Address	Description of development	Decision	Decision Date
No applications of relevance				

7. THE PROPOSAL

Permission is sought for the redevelopment of the site, consisting of the demolition of existing buildings on site and the erection of a mixed use development comprising, replacement sports and community facilities and a residential scheme providing 67 self contained residential units. The scheme also proposes the reconfiguration of the existing parking area within the forecourt of the Scottish Towers to provide additional parking for the residents of the new development.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Community uses

The new sports and community uses have been designed in consultation with the NPYC and Maida Centre to design replacement facilities that best fit their current and future needs. The specific uses within the building are specified in section 14 of the Design and Access Statement. The principle of the redevelopment of the site to provide a replacement purpose built sports and community facility of increased floorspace (2385sqm compared to 1827sqm) together with 67 new residential units (private and affordable) is acceptable, in accordance with Policy S34 of Westminster's City Plan: Strategic Policies, and SOC1 of the UDP.

In terms of the continued function of the uses during the development period, the demolition and construction programme is anticipated to commence in the last quarter of 2016, and be completed

in the last quarter of 2018, lasting approximately 2 years. It is understood that City West Homes are providing assistance to the NYPC to temporarily re-locate to the St Augustine's Sports Centre in Kilburn, whilst it is not known if the resident's group users in the Maida Centre will be seeking temporary occupancy somewhere else.

Residential Accommodation

A total of 67 new residential units are proposed across a range of tenure, private, social rent and intermediate rent.

Table 1 – Mix of proposed residential units size

Unit Type	Social Rent	Intermediate rent	Private	Total	% unit mix
1-bed 1 person	0	7	0	7	10%
1-bed 2 person	0	13	7	20	30%
2-bed	3	10	10	23	34%
3-bed	7	4	6	17	25%
Total	10	34	23	67	

The development proposes a mix of sizes whilst only 25% are family sized (policy requires 33%). The mix of units has been developed with the City Council's Housing Manager and reflects the current need in the Borough. Within the context of the site, this mix of unit sizes is considered acceptable.

The density of the proposed development is 934 habitable rooms per hectare (hr/ha). The recommended density in the UDP is 250 – 500 hr/ha whilst London Plan policy 3.2 provides a higher density range for development of between 650 – 1100 hr/ha for urban locations with a good Public Transport Accessibility Level. The Ptal level for the site is 5.

Whilst the density for the proposed development is higher than the UDP range, it is within the London Plan range and therefore is not grounds to withhold permission.

Affordable housing Provision

A total of 44 of the 67 residential units proposed is as affordable housing, in the form of social and intermediate rent (34 units). This provision exceeds the policy requirement that 35% of the floor space should be provided as affordable housing.

Whilst the tenure split proposed; 23% social rent and 77% intermediate rent, differs from our policy requirement under Policy H4 of the UDP which seeks a 60:40 split, the City Councils Housing Manager is satisfied that the proposed Affordable Housing tenure reflects the Councils Housing need and justifies a flexible approach to this policy.

Quality of Residential Accommodation

All units within the development comply with the National Housing Technical Standards with respect to internal floor area. Most units have access to private external amenity space, with the exception of 7 x 1 bed intermediate units. This shortfall is disappointing.

Whilst 98 % of the rooms within the proposed development would be provided with adequate daylight – some flats would contain rooms that do not meet the BRE guidelines for minimum levels of daylight. Whilst regrettable, these rooms experience only a marginal deviation on the standard and serve predominantly secondary bedrooms.

The City Council's Environmental Health Officer has raised concerns with respect to a number of rooms within the proposed development being remote rooms in terms of fire escape. This is a matter for Building Regulations could be addressed through a sprinkler system.

8.2 Townscape and Design

The application site lies on the west side of Lanark Road. It is not within a conservation area, but lies on the boundary with the Maida Vale Conservation Area, with the buildings to the north, south and west all within the conservation area. The St John's Wood Conservation Area lies to the east on the east side of Maida Vale. There are no listed buildings within the immediate vicinity of the site

The section of Lanark Road between Elgin Avenue and Carlton Vale is largely a product of post war (1960s and later) development, with the earlier Victorian villas and terraced houses, which formerly existed, having been swept away. It has quite an open and green character, with the tower blocks to the east set within landscaped grounds and the semi-detached villa style properties on the west side separated by generous gaps, with views into the gardens beyond. The soft landscaping, street trees and many of the trees within private gardens make a significant contribution to the character of the area.

The existing buildings on the site are of relatively utilitarian character and low quality and the principle of their demolition is uncontentious in townscape terms.

The proposal effectively comprises two attached buildings occupying a relatively narrow and elongated plot. The northern part of the site includes the community/sports hall, which has a deeper floor plan and the remainder of the site contains the residential flats. The residential element of the scheme has a lower ground floor and is then mainly 5 storeys in height (i.e. ground plus four upper storeys), although it steps down to 3 storeys at its southern end. The community/sports hall is the same height as the 5 storey residential element and includes a storey of residential accommodation over sitting the sports and community facilities.

The predominant facing material is brick, with the two buildings being distinguished by using a stock brick for the residential element and a light grey brick for the community / sports hall. Set-back rooftop elements, infill panels and the stair and lift cores (to the rear) will be in anodised aluminium.

The massing of the residential element as it faces Lanark Road is broken up into brick bays, distinguished by differing heights, recessed balconies and a set-back roof storey for part of façade. The community / sports hall is more monolithic in massing, although some relief to the

Lanark Road façade is provided by upper level panels of brick and slot windows. The relief and modelling to the front façade does not extend to the rear façade, where the treatment is flatter.

In terms of height and massing, the building is considered to be acceptable in height terms, although some further work to relieve the massing to the rear would improve the design. The scale of buildings in the immediate vicinity is variable, ranging from the four storey 'villa style' flats to the south of the site to the very tall tower blocks on the east side of Lanark Road. The proposed building is more closely aligned in height with the buildings in Randolph Avenue to the west and St George's School to the east. This height is considered to be consistent with the wider Maida Vale townscape and thus in design terms is considered acceptable.

The massing of the proposed building is more challenging in that it introduces to the street a long, uninterrupted development in a street which has a more open character. Nonetheless the proposal maintains the historic building line and would effectively re-establish the continuous run of buildings, that formerly existed on the site, when Victorian terraced houses ran the full length of this side of the street. Also in streets such as Randolph Avenue, which reflect more typically the character and appearance of the surrounding townscape and of the Maida Vale Conservation Area, the nature of the massing is generally one of a continuous run of terraced houses or flats and thus the proposal responds to this wider context. Nevertheless, the long runs of buildings within the conservation area, still have relief within their facades, brought about by various architectural devices, such as bay windows, projecting bays etc. and it is considered important that the new building should also break up its massing. This has been relatively successfully done to the Lanark Road elevation where the modelling has created a vertical emphasis to match the elongated massing and also provided some depth to the façade. The rear is less successful and as a consequence has a more monolithic appearance.

In terms of the choice of facing materials it is considered that brick is entirely appropriate as the principal facing material and that the proposal to use differing brick types for the two main building elements is equally appropriate. The type of brick and the bond of brick are all considered to be key factors in ensuring design quality, and further details to secure mock-up samples will be sought. Similarly, the use of anodised aluminium is considered acceptable as the main metal cladding component, but the detailing and finish of this also needs to be resolved by way of condition.

The façade treatment to Lanark Road is ordered and has an acceptable proportion and rhythm, but the rear façade is less successfully resolved. It is considered that there is merit in seeking amendments to the rear façade to secure a more successfully resolved design, which would seek to reduce the monolithic nature of the design and introduce greater verticality and order. An amending condition is recommended to secure greater order by way of elevation design treatment.

The roof of the building is shown as maintaining the metal cladding onto the flat roof surface. It is understood a large proportion of the roof will be used for the placement of photovoltaic panels to improve the buildings onsite renewable energy generation.

Overall and with some refinement suggested, the proposal is considered acceptable in design terms and the scheme would not harmfully effect the setting of the nearby conservation areas. The proposal would accord with design policies S25 and S28 of our City Plan; and DES 1, DES 4 and DES 9 of our UDP.

8.3 Residential Amenity

Sunlight and Daylight

Randolph Avenue

Daylight

All 21 properties on Randolph Avenue were assessed, 11 properties between Nos. 222 – 242 experience no significant reduction daylight in accordance with the BRE guide. The remainder of the terrace would see losses of daylight above and beyond that set out in the BRE guide. Affected windows are mainly lower ground level within closet wing at ground level.

Table 2 – daylight reductions (Randolph Avenue)

Loss of daylight				
Property	Window	Existing VSC	Proposed VSC	% loss
244 Randolph Avenue	Lower ground	28.5	21.3	30%
	Lower ground	8.5	6.3	30%
246 Randolph Avenue	Lower ground	22.7	16.3	30%
248 Randolph Avenue	Lower ground	13.7	9.9	30%
250 Randolph Avenue	Lower ground	26.3	18.1	30%
	Lower ground	22.3	15.9	30%
252 Randolph Avenue	Lower ground	19.2	14.0	30%
254 Randolph Avenue	Lower ground	11.2	7.2	30%
	Ground	33.6	23.8	30%
256 Randolph Avenue	Lower ground	11.2	7.2	40%
	Ground	33.6	24.0	30%
258 Randolph Avenue	Lower ground	11.6	7.5	40%
	Ground	33.4	24.5	30%
260 Randolph Avenue	Lower ground	11.6	7.5	40%
262 Randolph Avenue	Lower ground	11.1	7.1	40%

The greater losses of daylight are predominantly to lower ground and ground floor rear facing closet wing windows within Nos. 252 – 262. The rear building line of these properties are closer to the development site boundary, between 10m – 15m, compared with the remainder of the terrace which is a distance of some 22m. These properties are split level maisonettes spread across ground and lower ground floor level. The affected rooms are user for bedrooms and study's. Given that that the principle ground floor windows would be unaffected with only ground floor

secondary closet wing windows and lower ground floor windows experiencing a loss, overall these small deviations are considered acceptable within the context of the scheme.

Sunlight

The surrounding properties have also been assessed for sunlight. Nos. 252 – 262. Only 3 windows at first floor within Nos. 254, 256 and 262 Randolph Avenue would see a reduction in sunlight.

Table 3 – Reductions in sunlight (Randolph Avenue)

Loss of Sunlight Annual/Winter					
Property	Window	Existing	Proposed	% Annual loss	% Winter loss
254 Randolph Avenue	First floor	16	11	31.3%	50%
256 Randolph Avenue	First floor	14	9	35.7%	50%
262 Randolph Avenue	First	16	11	31.3%	50%

In terms of impact upon the rear gardens, the proposal would not result in any significant changes.

1 – 7 Carlton Vale & 201 Lanark Road

These properties would see no significant reduction in daylight, sunlight or overshadowing of rear garden area.

Sense of Enclosure

The proposed building spans the length of the site at a height of 13m (taken from the rear garden level), with an additional set back storey adding a further 3m onto the height. The existing buildings on site range in height from 3m at the north end of the site, 5.5m in the middle for the main building and sports building, and 4.6m for the lower rise building at the south of the site, measured from the same point. The proposed buildings would clearly result in a substantial increase in scale when viewed from these rear gardens along Randolph Avenue and the rear gardens of Carlton Vale.

With regards to Nos. 222 – 250 Randolph Avenue, the development would retain a separation of approximately 27m between the facing rear facades. The difference in height between the proposed and existing buildings on part of the site would be between 4.1m – 7.2m owing to the existing taller buildings on this part of the site. At the south end of the site the building is stepped down to part 3, part 4 storeys. Whilst the impact would be significant, these site characteristics lessen the impact in terms of enclosure.

With regard to 252 – 262 Randolph Avenue, the development would retain a separation of between 11.5m – 15.2m to the site boundary, and occupiers would experience a greater impact in terms of enclosure, given they are closer to the building and currently face the most low lying part of the development site. Similarly the rear elevations of adjoining Carlton Vale properties are a distance of 18.7m to the flank elevation of the sports and community building.

Overall these surrounding properties would see a significant increase in sense of enclosure, compared to the existing situation which is regrettable.

Overlooking/ Privacy

Objections have been received on grounds of overlooking arising proposed residential habitable room windows and balconies on the rear elevation facing Randolph Avenue properties, some of which are single aspect units. Concerns have also been raised from the Governor of St George's School on grounds of future residents having views toward classrooms within the School.

With regard to the Randolph Avenue properties, it is acknowledged that the proposed development will alter the current situation, introducing a large number of windows and balconies at upper levels where presently the existing buildings have little if any fenestration to the rear. The site is constrained in that its long and thin form does not provide adequate space for a substantial rear garden that could provide a greater buffer between the rear facades and the rear garden boundaries. The building is set back 4.5m from the boundary.

Notwithstanding this, the proposed building, being a linear development across the length of the site, has vertical symmetry in terms of the distribution of flats, which responds to the pattern of terrace housing, most of which are now flats, found on Randolph Avenue to the rear of the site. With distances up to 27m separating directly facing facades between 222 – 250 Randolph Avenue, and 18m separating the edge of balconies on top of the sports and community building with the rear façade of those 252 – 262 Randolph Avenue, the separation is not unlike other traditional terraced streets with facing gardens found in the area, nor the original terraced house layout of the site which existed prior to its development in the 1950's. In addition, the existing tree canopy at the rear of gardens in Randolph Avenue provides an element of screening. Measures are sought through planning conditions (35) to seek to reduce this overlooking

8.4 Transportation/Parking

Car Parking – residential use

Car parking is provided across the road from the main development site through the reconfiguration of the existing off street parking within the forecourt of the existing Scottish Towers. A total of 87 car parking spaces are proposed; 41 for the proposed 67 residential units, and 40 car parking spaces for the existing Tower Block residents.

The site has a high level of public transport accessibility (PTAL level 5), although households with 1 or more car in the Madia Vale Ward is 44% (2001 Census figures). This indicates that residents in the area do own cars, along with the fact that during the day on street residential bays have a high level of occupancy.

Based on the ward car ownership figure, it is expected that 67 residential units in this location would generate 30 vehicles. The proposed parking provides 41 car parking spaces, meaning 11 additional car parking spaces for the new residential units. The applicant has confirmed that the 41 spaces for the new residential units would be provided on an unallocated basis.

The revised Car Parking Management Plan and Landscape/Parking layout plan explain that the 41 parking spaces for new residents of the development will be demarcated within the parking area and secured for new residents only, on an unallocated basis, through the provision of bollards which residents will have a communal key to enable them to access. Similarly, the remaining spaces for existing Scottish Tower residents will be secured with bollards. These provisions safeguard sufficient levels of off street parking for future residents on an unallocated basis and safeguard existing parking for Scottish Tower residents. It is acknowledged that this parking arrangement may have its difficulties in practice owing to residents having to unlock respective bollards before parking their cars, however it is considered to an acceptable arrangement within the constraints of the site and is considered consistent with TRANS23. The details will be secured through legal agreement.

Six disabled parking spaces are provided within the proposed 41 spaces which is consistent with London Plan policy

Car Parking – Non-residential uses

The community uses are indicated to have a capacity of approximately 180 people (including staff). The existing site provides 6 off street parking spaces at the south end of the site. This is reduced to 2 disabled parking spaces within the site although these are reserved for the residential use. No car parking is proposed for the non-residential uses. Given the sites good public transport accessibility and cycle parking as discussed below, this is welcomed and consistent with TRANS21 and TRANS22.

Arboricultural / Landscaping consideration

Main site

The submitted tree removal/retention plan, identifies trees that would be required to be removed as a result of the development inside and outside the site. There is no objection to the removal of trees occupying the main site shown to be removed their removal is integral to enabling the development.

A Group of trees identified as G10 in the rear gardens of 252 – 262 Randolph Avenue are shown to be removed. There is some confusion regarding which trees within the group are to be felled owing to a discrepancy on the plans. This discrepancy was reported to the applicants who clarified that it is the northern part of the group G10 is to be felled only, and not the southern section.

The City Council Tree Officer objects to the felling of these trees owing to their value in amenity and townscape terms. The appointed Arboricultural Consultants response to these objections is that trees provide a lack of effective screening as they are deciduous, and lack of function as are not native. The City Council advises that whether the loss of these trees is justified will ultimately be determined by the Planning Committee.

Further to the protection of trees adjacent to the site, the City Council's Tree Officer advises that the likely damage and loss of trees will be greater than anticipated on the proposals, listing the following at risk;

- Rear of 252-262 Randolph Avenue: 7, 10, 11, all of G10
- Rear of 1-5 Carlton Vale: 13, 14, 15,

The appointed Arboricultural consultant disagrees with the potential scope of damage to trees, referring to the trial pit excavations as informing the design of the footprint of the scheme and selective felling.

The evidence put forward by the Arboricultural consultant with regard to tree removal and retention is comprehensive and benefits from multiple bore hole testing surveys results. The discrepancy in the existing site survey with regard to group G10 is acknowledged however the response clarifies that it is only trees in its north section, which would be felled. In the context of the entire scheme and weighing up the community benefits it would result in, and with sufficient tree replacement secured through the section 106 agreement, the loss of selected trees within this range is considered to be on balance acceptable. Precise details will need to be secured through planning condition to address any discrepancy. Moreover, the removal of any tree outside of the site will be subject to a separate process outside of the planning application and would require the owners consent.

With regard to trees on Lanark Road, the City Council Tree Officer advises that trees would have to undergo substantial pruning to accommodate the construction activity and that accurate sections showing the street tree canopies in relation to the proposed building would assist in assessing the likely impact. The Arboricultural consultant identifies that a good number of the Columnar pear trees on Lanark Road have been trimmed back to the street boundary without damage.

The City Council's Tree Officer maintains that the impact is likely to be substantial. Notwithstanding this, a further Arboricultural Method Statement has been recommended to be sought through planning condition, as well as a supervision schedule for a suitably qualified Arboricultural professional. With such provision secured the trees are considered to be afforded sufficient protection.

In terms of landscaping on the site itself, the full coverage on the site presents little opportunity for ground floor landscaping. A green roof was considered however this would conflict with the provision of PV panels which are necessary to achieve the required level of onsite renewable energy generation. The provision of private amenity space for the individual units accords with London Plan private open space requirements. Further details of landscaping within these spaces site will be secured by planning condition.

Glasgow, Falkirk and Edinburgh House

A walnut (29), a whitebeam (40) and a Cherry (41) are proposed to be removed to accommodate car parking. Their loss would have limited impact on amenity and these are not objected to, subject to suitable replacements which will be secured through planning condition.

In terms of landscaping, the parking arrangement will occupy a portion of the existing setting for the Scottish Towers. The Towers however will retain a large portion of undeveloped setting

commensurate with their scale, whilst the proposed parking is integral to the holistic development of the site for housing. The provision is therefore considered necessary.

In terms of detailed design, the proposed hedging and tree planting was regarded by the City Council's Tree Officer to be somewhat uniform and regimented, in addition proposing an unrealistic number of replacement trees. A revised landscaping/parking plan was provided reducing the number of proposed replacement trees to a realistic amount, although the overall landscaping approach remained the same. The overall layout is considered to be acceptable in terms of the setting of the parking spaces, subject to further detail which will be secured through planning condition.

8.5 Economic Considerations

The economic benefits of the proposed development are welcome, in that the development contributes to economic and social regeneration of this part of the City.

8.6 Access

The proposal makes provision for 10% wheelchair adaptable residential units, 100% lifetime homes and disabled access car parking spaces, all of which is welcomed.

8.7 Other UDP/Westminster Policy Considerations

Plant

No objection to proposal on environmental and nuisance grounds provided recommended conditions and informatives are included.

Refuse /Recycling

Cleansing manager is satisfied with the arrangement for refuse and recycling.

Sustainability

Policy 5.2 of the London Plan refers to Minimising Carbon Dioxide Emissions and states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

City Plan Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints.

The application is accompanied by a Sustainability Statement and Energy Strategy which sets out the sustainability credentials of the building.

The applicant proposes a combination of roof mounted Photovoltaic (PV) panels, and a CHP system in the plant room within the Sports and Community Use plant room . The applicant has

also provided a consideration of allowing future connection to a district heating network, although is not considered appropriate for a development of this scale.

Through enhanced energy efficiency standards the development is set to achieve an overall reduction of 25% in regulated CO2 emissions compared to a 2013 Building Regulations compliant scheme. This falls short of the London Plan target of 35%. The applicant has agreed to a payment of £113,400 to go toward the Council's Carbon off setting fund. This is calculated on the basis of a 15tCO2 per annum shortfall in relation to the 35% target, and the Westminster City council's current rate of £7,560/tCO2.

In terms of onsite renewables, the scheme will deliver a 12% saving in regulated CO2 emissions compared to a 2013 Building Regulations compliant scheme. This is considered to be a realistic proportion of the roof space so is acceptable and will be subject to further details through planning condition.

The residential component of the development is listed as achieving equivalent Code for Sustainable Homes level 4 in relation to the standard accreditation. This is acceptable pursuant to raising the environmental performance of the building, however as the Code for Sustainable Homes has been withdrawn by Communities and Local Government, this cannot be secured through planning condition or legal agreement.

In terms of the non residential uses, the application is accompanied by a sustainability statement and BREEAM pre assessment which scores the development as achieving 'Very Good' status. This will be secured through planning condition.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.10 Planning Obligations

On 06 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development;
- (c) fairly and reasonably related in scale and kind to the development.

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of the development; ensure the development complies with policy requirements within the development plan; and if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures that the overall delivery of appropriate development is not compromised.

From 06 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 06 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council has consulted on the setting of its own Community Infrastructure Levy, which is likely to be introduced in 2016. In the interim period, the City Council has issued interim guidance on how to ensure its policies continue to be implemented and undue delay to development avoided. This includes using the full range of statutory powers available to the council and working pro-actively with applicants to continue to secure infrastructure projects by other means, such as through incorporating infrastructure into the design of schemes and co-ordinating joint approaches with developers.

Heads of Terms

In this case, the principle “Heads of Terms” of the legal agreement are proposed to cover the following issues:-

- i) Provision of 44 on-site affordable housing units.
- ii) Provision on site of Community/Sports floorspace.
- iii) A financial contribution of £32,000 per annum (index linked) toward monitoring of the construction project by the City Councils Environmental Inspectorate.
- iv) A financial contribution of £5000 (index linked) toward tree planting in the vicinity of the site.
- v) Car club membership (25 years) for each flat.
- vi) Unallocated parking for residential development
- vii) Cost of highways works necessary to facilitate the development including the reinstatement of pedestrian highway.
- viii) A financial contribution of £113,400 (index linked) to go towards the City Council's Carbon off-set fund
- ix) The costs of monitoring the aS.106 legal agreement.

Statement of Community Involvement

The objections received have criticised the lack of participation and public consultation prior to the submission of the application. A statement of Community Involvement has been submitted with the application which outlines participation with the community and key stakeholders including meetings with members of the Maida Centre, the North Paddington Youth Club and Ward Councillors. Two public exhibitions were held on the 7th and 9th November 2015 and surveys were undertaken to gauge public opinion. The Council encourages public consultation on major developments prior to the submission of the application although this falls outside of the statutory application period. In terms of the application, the City Council have undertaken consultation with surrounding residents, posted site notices in multiple locations and put an advert in the local newspaper. Additional consultation was undertaken to advise on some minor revisions to the proposals and additional supporting information that was provided by the applicant over the course of the application. Officers have uploaded revised details onto the public website when received.

Construction impact

The applicant has submitted a Construction Management Plan (CMP) prepared by Arcadis which sets out a preliminary construction methodology along with an assumed construction logistics strategy for the works. It is proposed that the principle contractor (when appointed) would use the plan as a basis for further development, agreement and implementation of a working logistics strategy. The construction programme is proposed to take around 28 months. The plan sets out sufficient details of the construction process to help mitigate the impacts of construction on the surrounding area. Representatives from St George's School have commented that the construction period may conflict with proposed development of the school site. It is considered this could be revisited at a later date as advised in the plan if future developments come forward simultaneously.

With regards to the structural method statement, this has been reviewed by the City Councils Building Control department who raise no objection to its detail.

Crime and security

The scheme has been developed in consultation with Metropolitan Police to incorporate 'designing out crime' elements. The City Council's Designing out Crime consultant raises no objection to proposals subject to conditions to secure the scheme for Secure by Design (section 2 and 3 (part compliance)).

Flood Risk

The flood risk assessment identifies the site as being in flood risk zone 1 and is less than 1 hectare in size. The Environment Agencies identifies the site as being within a medium to high surface water runoff location. Thames water have advised that the site should include measures to mitigate surface water runoff such as sustainable urban drainage. The response provided by consultants Price and Myers advise that due to the sites coverage including the basement, the site is not capable of providing SUDS. Notwithstanding this, the level of impermeable surface on the site is already extensive and the proposed development would have a neutral impact in this

respect. Given the neutrality of the proposed situation in comparison to the existing, the impact is considered acceptable.

8.11 Conclusion.

The principle of the redevelopment of the site for mixed community and residential purposes is acceptable in land use terms. Overall the scheme is acceptable and the applicant's planning benefits offered is considered generally acceptable. As such a favourable recommendation is made, subject to conditions and a S106 legal agreement to secure planning obligations.

BACKGROUND PAPERS

1. Application form
2. Response (x2) from Plant And Equipment, dated 30 December 2015, 26 February 2016
3. Response (x2) from Waste and Servicing Team, dated 17 December 2015, 17 December 2015
4. Email from Saeed Oluwadipe (waste Planning), dated 18 February 2016-03-11
5. Response (x2) from Tree Section dated 26 January 2016, 08 March 2016
6. Response from Highways Planning Manager, dated January 2014
7. Response from Public Protection and Licensing, dated 20 January 2016
8. Response from Building Control - Development Planning, dated 13 January 2016
9. Response from Designing out Crime, dated 12 January 2016
10. Response from Paddington Waterways and Maida Vale Society, dated 24 December 2015
11. Email (x2) from Energy Strategy Officer dated 27 January 2016, 17 February 2016
12. Email from Children's Services, dated 14 December 2015
13. Email from Sports England, dated 8 December 2015
14. Response from Brent Council, dated 8 December 2015
15. Email from Environment Agency dated 7 December 2015
16. Response from Cllr Crockett, dated 6 January 2016
17. Response from Cllr Begum, dated 8 February

18. Letter from occupier of 246a Randolph Avenue, London, dated 9 December 2015
19. Letter from occupier of 240A Randolph Avenue, London, dated 14 December 2015
20. Letter from occupier of 240 Randolph Avenue, London, dated 14 January 2016,
21. Letter from occupier of 220 Randolph Avenue, London, dated 14 December 2015
22. Letter from occupier of 220 Randolph Avenue, London, dated 15 December 2015
23. Letter from occupier of 220 Randolph Avenue, London, dated 15 December 2015
24. Letter from occupier of Glendower, Cokes Lane, dated 15 December 2015
25. Letter from occupier of 1 Elgin Mews North, Maida Vale, dated 16 December 2015
26. Letter from occupier of 238B Randolph Avenue, London, dated 17 December 2015
27. Letter from occupier of 2nd storey FLAT D, 1 Carlton vale, dated 19 December 2015
28. Letter from occupier of 6 Edinburgh House, 155 Maida Vale, dated 21 December 2015
29. Letter from occupier of Flat 1, 236 Randolph Avenue, London, dated 21 December 2015
30. Letter from occupier of 250 Randolph Avenue, London, dated 21 December 2015
31. Letter (x2) from occupier of Flat 1, 236 Randolph Avenue, dated 21 December 2015
32. Letter from occupier of 236a Randolph Avenue, London, dated 23 December 2015
33. Letter from occupier of 177c, Randolph Avenue, London, dated 23 December 2015
34. Letter from occupier of 246 Randolph Avenue, Maida Vale, dated 14 January 2016
35. *Letter on behalf of occupiers of 256, 260 and 262 Randolph Avenue, London, dated 23 December 2015
36. Letter from occupier of 1B Carlton Vale, dated 1 January 2016
37. Letter from occupier of 197c Lanark Road, 197c, dated 2 January 2016
38. Letter from occupier of 21 Elgin Mews North, Maida Vale, dated 2 January 2016
39. Letter from occupier of 192B-192E Randolph Avenue, London, dated 3 January 2016
40. Letter from occupier of 250 Randolph Avenue, London, dated 5 January 2016

41. Letter from occupier of Flat 1, 236 Randolph Avenue, dated 6 January 2016
42. Letter from occupier of 254B Randolph Avenue, LONDON, dated 6 January 2016
43. Letter from occupier of 224A Randolph Ave, Maida Vale, dated 8 January 2016
44. Letter from occupier of 240A Randolph Avenue, London, dated 8 January 2016
45. Letter from occupier of Flat 1, 236 Randolph Avenue, London, dated 9 January 2016
46. Letter from occupier of Flat 1, 236 Randolph Avenue, dated 10 January 2016
47. Letter from occupier of 197B Lanark Road, London, dated 10 January 2016
48. Letter from occupier of 197B Lanark Road, London, dated 10 January 2016
49. Letter from occupier of 22 Helmsdale House, 43 Carlton vale (Maida Vale Estate Residents Association), dated 11 January 2016
50. Letter from occupier of Essendine mansions, London, dated 11 January 2016
51. Letter from occupier of 236 Randolph Avenue, London, dated 11 January 2016
52. Letter from occupier of 81 Falkirk House, Lanark Road, dated 11 January 2016
53. Letter from occupier of 254a Randolph Avenue, London, dated 11 January 2016
54. Letter from occupier of 216 E Randolph avenue, London, dated 11 January 2016
55. Letter from occupier of 83 Warrington Crescent, W9 1EH, London, dated 11 January 2016
56. Letter from occupier of 218a Randolph Avenue, Maida Vale, dated 11 January 2016
57. Letter from occupier of 42 Southwold Mansions, Widley Rd, dated 11 January 2016
58. Letter from occupier of 129 Randolph Avenue, London, dated 11 January 2016
59. Email from Lanark Road resident, dated 12 January 2016
60. Letter from occupier of 183a Lanark Road, London, dated 12 January 2016
61. Letter from occupier of 8 Stafford House, Maida Avenue, dated 12 January 2016
62. Letter from occupier of 36 Edinburgh House, 155 Maida Vale, dated 12 January 2016
63. Letter from occupier of 238A Randolph Avenue, London, dated 12 January 2016
64. Letter from occupier of 181D Lanark Road, London, dated 12 January 2016
65. Letter from occupier of 6a Elgin Gardens, Seaford, dated 13 January 2016
66. Letter from occupier of Flat 1, 232 Randolph Avenue, dated 13 January 2016
67. Letter from occupier of Flat 4, 236 Randolph Avenue, London, dated 13 January 2016
68. Letter from occupier of Flat 6, Oxford Court, dated 13 January 2016
69. Letter from occupier of 12 Ashworth Mansions, Elgin Avenue, dated 13 January 2016
70. Letter from occupier of 191c Lanark Road, London, dated 13 January 2016
71. Letter from occupier of 60 Edinburgh House, 155 Maida Vale, dated 13 January 2016
72. Letter from occupier of 14 Denbigh Road, London, dated 13 January 2016
73. Letter from occupier of 219, Elgin Avenue, dated 13 January 2016
74. *Petition letter template (1) from occupiers of 3C Carlton Vale (1 occupier), 3D Carlton Vale (1 occupier), 5b Carlton Vale (1 occupier), 5a Carlton Vale (3 occupiers) dated 14 January 2016
75. *Letter on behalf of occupiers (6 occupiers) of 240 Randolph Avenue, London, dated 14 January 2016
76. Letter from occupier of 94 Edinburgh House, Lanark Road, dated 14 January 2016
77. Letter (x2) from occupier of 246a Randolph Avenue, Maida Vale, dated 14 January 2016
78. Letter from occupier of 2 Carlton mansions, 217 Randolph Ave, dated 14 January 2016
79. Letter from occupier of 242a Randolph Avenue, Maida vale, dated 15 January 2016
80. Letter from occupier of 212 Randolph Avenue, London, dated 15 January 2016
81. Letter from occupier of 238D, Randolph Ave, dated 17 January 2016
82. Letter from occupier of 242A Randolph Avenue, London, dated 18 January 2016
83. Letter from occupier of 216 E Randolph Avenue, London, dated 21 January 2016
84. Letter from occupier of 114 Hamilton Terrace, London, dated 21 January 2016
85. *Letter on behalf of 5 occupiers of 258 Randolph Avenue, London, dated 22 December 2015
86. Letter from occupier of 22 Lauderdale mansions, Lauderdale Road, dated 22 January 2016
87. Letter from occupier of First Floor Flat, 172, Randolph Avenue, dated 22 January 2016
88. Letter from occupier of 12a Union Street, Edinburgh, dated 23 January 2016
89. Letter from occupier of 19 Falkirk House, 165 Maida Vale, dated 24 January 2016
90. Letter from occupier of 12 Ashworth Mansions, Elgin Avenue, dated 25 January 2016
91. Letter from Governor of St George's RC School, Lanark Road, dated 26 January 2016
92. Email from Chairman of St George's School, dated 9 February 2016

93. Letter from occupier of 56 Falkirk house, 165 Maida Vale, dated 28 January 2016
94. Letter from occupier of Flat 12 Lampard House, 8 Maida Avenue, dated 31 January 2016
95. Representation forwarded to Officers by Cllr Prenergast, dated 2 February 2016
96. Letter from occupier of 258A Randolph Avenue, London, dated 3 February 2016
97. Letter from occupier of 1 Croxley Road, London, dated 3 February 2016
98. *Petition letter template (2) from occupiers of Nos. 65, 79, 81, 87, 94, 95, 102, 104 Falkirk House, dated 3 February 2016
99. *Petition letter template (3) on behalf of Nos. 75, 84, 90, 91, 92 Glasgow House, dated 3 February 2016 dated 3 February 2016
100. *Petition letter template (4) on behalf of Nos. 19, 22, 24, 27, 29, 38, 47, 51 67, 74, 79, 84, 85, 85, 97Endinburgh House, and Basement Flat 244 Randolph Avenue dated 4 February 2016 and 26 February 2016
101. Letter from Head teacher of St George's School, Lanark Road, dated 4 February 2016
102. Letter from occupier of 80 Ashworth Mansions, London, dated 6 February 2016
103. Letter from occupier of 12 Denholme Rd, London, dated 6 February 2016
104. Letter from occupier of 108 Dibdin house, Maida vale, dated 6 February 2016
105. Letter from occupier of 117 Lanark Road, London, dated 11 February 2016
106. Letter from occupier of 78 Shirland Rd, London, dated 11 February 2016
107. Letter from occupier of 238, Randolph Avenue, dated 11 February 2016
108. Letter from occupier of 238 B, Randolph Avenue, dated 11 February 2016
109. Letter from occupier of Landlord (Octavia Housing) of 248 Randolph Avenue, dated 12 February 2016
110. Letter from occupier of 250 Randolph Avenue, London, dated 12 February 2016
111. Letter from on behalf of occupier of un numbered ground floor flat on Randolph Avenue, dated 13 February 2016
112. Letter from occupier of 42 Grove Avenue, London, dated 13 February 2016
113. Letter from occupier of 26 Leith mansions, Grantully Road, dated 14 February 2016
114. Letter from occupier of 82 Edinburgh House, London, dated 14 February 2016
115. Letter from occupier of 218c Randolph Avenue, London, dated 15 February 2016
116. Letter from occupier of Flat 1, 292, Elgin Avenue, dated 15 February 2016
117. Letter from occupier of 180a Sutherland Aveue, London, dated 15 February 2016
118. Letter from occupier of Flat 73, John Aird Court, London, dated 16 February 2016
119. Letter from occupier of Calle Andalucia, 91, Nerja, Malaga, dated 16 February 2016
120. Letter from occupier of Flat 8, Atholl house, 125 Maida Vale, dated 16 February 2016
121. Letter from occupier of Flat 73, John Aird Court, London, dated 16 February 2016
122. Letter from occupier of 32 Abinger Mews, London W9 3SP, dated 17 February 2016
123. Letter from occupier of 110 Sutherland Avenue, dated 17 February 2016
124. Letter from occupier of Flat A 14 Northwick Terrace, London, dated 18 February 2016
125. Letter from occupier of 66 Welbeck Road, Barnet, dated 19 February 2016
126. Letter from occupiers of 258 Randolph Avenue, dated 24 February 2016
127. Letter from occupier of Flat 5, 192 Randolph Avenue, dated 25 February 2016
128. Letter from occupier of 260 a Randolph avenue, London, dated 26 February 2016
129. Letter from occupier of 223 Elgin avenue, London, dated 26 February 2016
130. Letter from occupier of 220 Randolph Avenue, London, dated 26 February 2016
131. Letter from occupier of 46 Carlton Mansions, 207 Randolph Avenue, dated 27 February 2016
132. Letter from occupier of 256b, Randolph Avenue, dated 29 February 2016
133. *Petition letter template (5) on behalf of occupiers of Nos. 223a Randolph Avenue, 119 Hamilton Terrace, Melrose Avenue, 119 Hamilton Terrace, 88 Falkik House, 204 Randolph Avenue, 204 Randolph Avenue, 222 Randolph Avenue, 256b Randolph Avenue, dated 1 March 2016
134. Letter from occupier of 5 Carlton Vale, London, dated 1 March 2016
135. Letter from occupier of 200 Randolph Avenue, Flat 5, dated 6 March 2016
136. *Petition letter template (6) on behalf of occupiers of Nos. 199A Lanark Road, 197B Lanark Road, 199A Lanark Road,

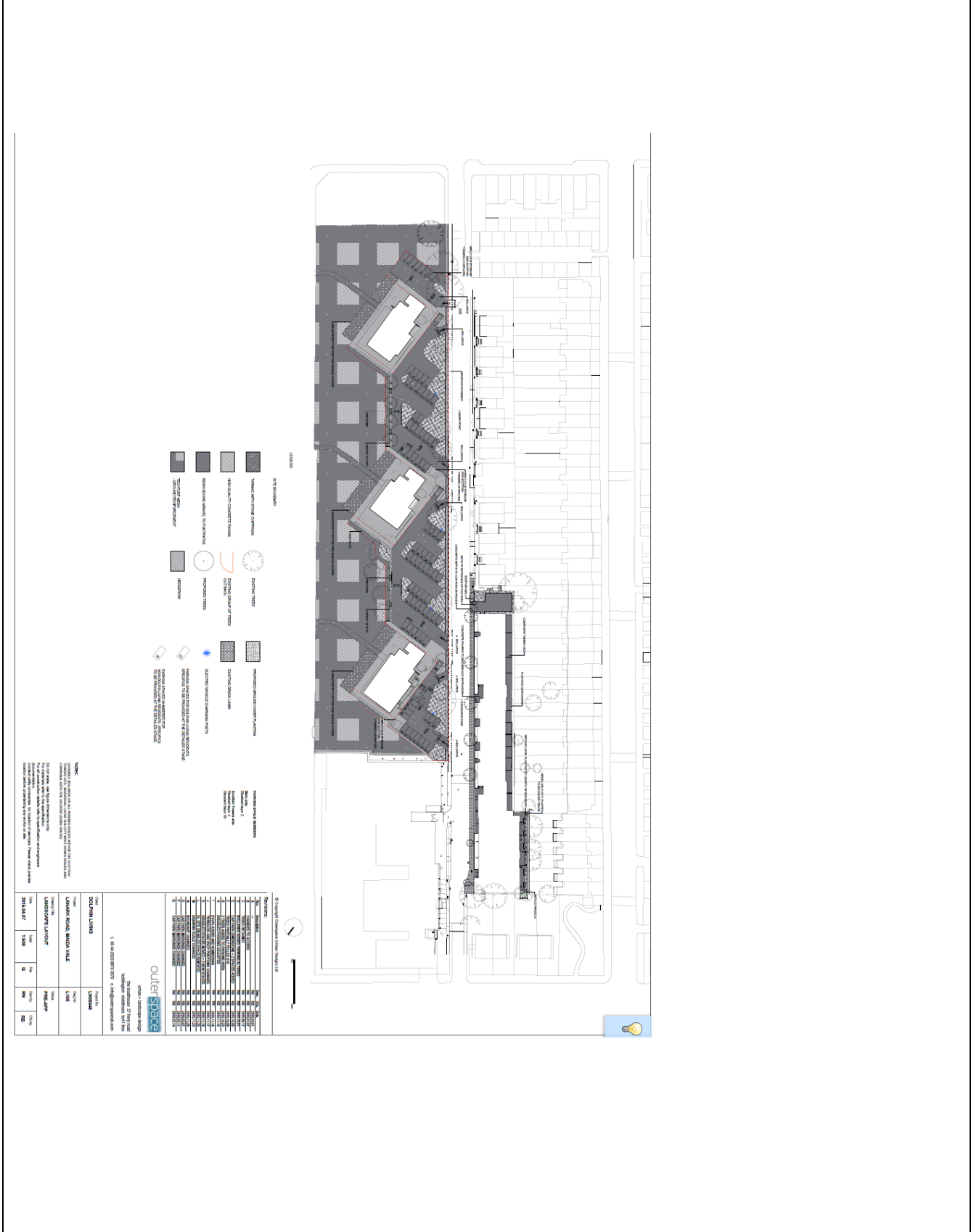
- 137. Letter from occupier of 207 Randolph Avenue, dated 10 March 2016
- 138. Letter from occupier of 12 Elgin Mews, dated 14 March 2016
- 139. Letter from occupier of 59 Carlton Mansions , dated 14 March 2016
- 140. Letter (x3) from occupier of 258 Randolph Avenue, dated 15 March 2016
- 141. Letter from occupier of 80 Southwold Mansions, dated 15 March 2016

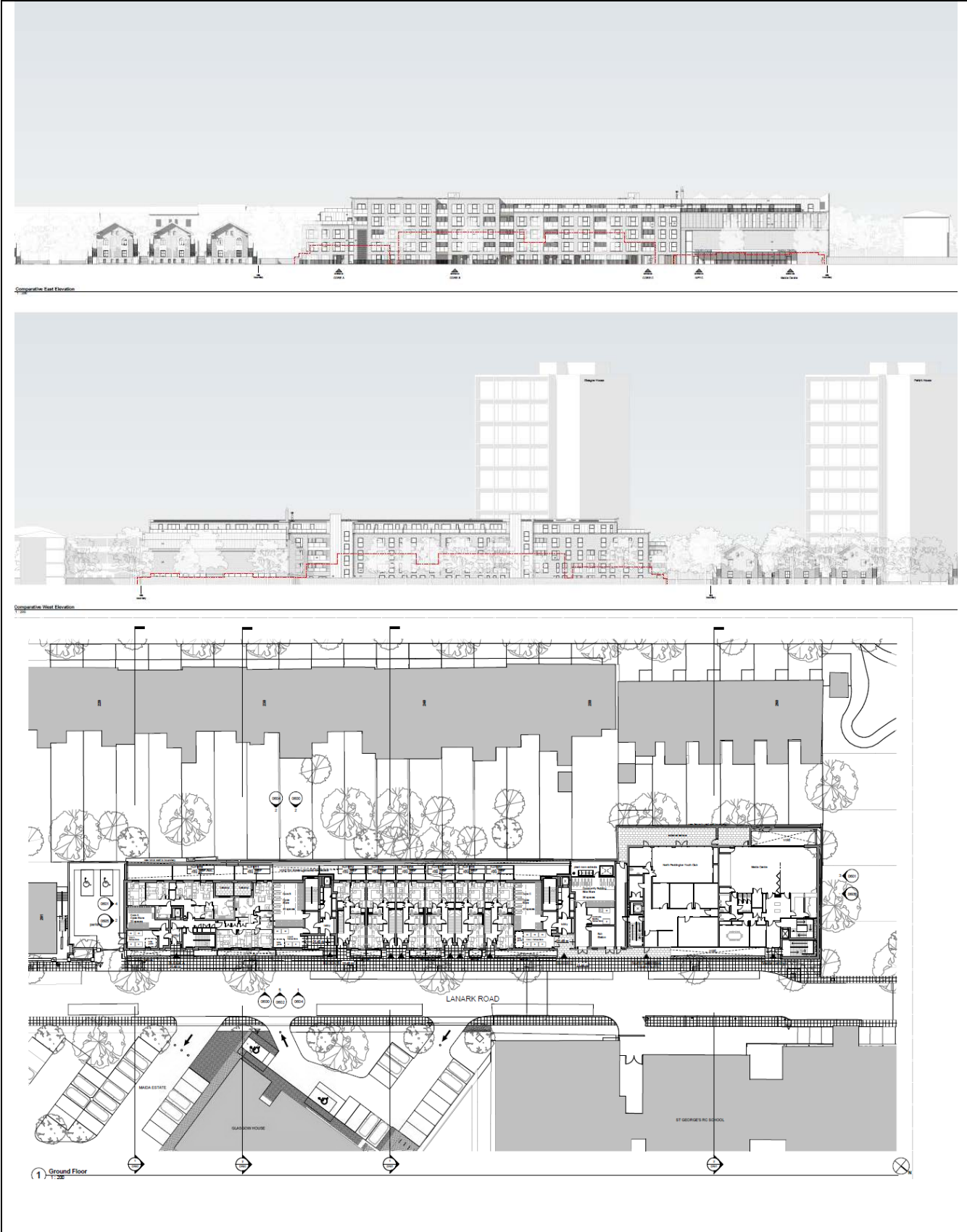
Selected relevant drawings

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT SAMUEL GERSTEIN ON 020 7641 4273 OR BY EMAIL AT sgerstein@westminster.gov.uk

6 KEY DRAWINGS





DRAFT DECISION LETTER

Address: Dev Site At 221-235 Lanark Rd, Land To North Of 235 Lanark Rd And Land At Scottish Towers, Maida Vale, London, W9,

Proposal: Redevelopment of site spanning 221-235 Lanark Road and land to the north of 235 Lanark Road, involving demolition of existing buildings and erection part 3, part 4, part 5 storey building, plus lower ground floor, containing a community/sports building (Use Class D1/D2) and associated plant at the north end of the site, and 67 residential units (Class C3) (private and affordable) across the remainder of the site and across the top floor of the proposed community/sports building, together with car parking, landscaping and associated works. Reconfiguration of front curtilage of the Scottish Towers (Glasgow House, Falkirk House, Edinburgh House) to provide additional parking, re landscaping and associated works. Removal of existing trees and replacement tree planting.

Reference: 15/11007/FULL

Plan Nos: 0100 A, 0101 A, 0102 B, 0103 B, 0104 A, 0105 A,
0106 A, 0108 A, 0109 B, 0110 B, 0111 B, 0112 B,
0113 B, 0200 D, 0201 C, 0202 C, 0203 C, 0204 C,
0205 C, 0206 C, 0210 B, 0600 B, 0601 C, 0602 A,
0603 A, 0604 B, 0605 B, 0700 B, 0701 B, 0800 A,
0801 A, 0802 A, 0803 A, 0804 A, 0805 A, 0806 A,
0807 A, 0808 A, 0809 A, 0810 A, 0811 A, 0812 A,
0813 A, 0814 A, 0815 A, 0816 A, 0817 A, 0818 A,
0819 A, 0820 A, 0821 A, 0822 A, 0823 A, 0824 A,
0825 A, 0826 A, 0827 A, 0828 A, 0829 A, 0830 A,
0831 A, Planning Statement prepared by Gerald Eve, Design and Access Statement prepared by Cartwright Pickard, Design and Access Statement Refuse Strategy Amendment dated February 2016, Statement of Community Involvement prepared by FTI, Planning Noise Report prepared by AECOM, Operational Management Plan prepared by Dolphin Living, Daylight and Sunlight Report prepared by EB7, Daylight and Sunlight Addendum Report prepared by EB7 dated January 2016, Transport Statement prepared by Iceni Projects, Construction Management Plan prepared by Arcadis and Iceni Projects, Environmental Sustainability Benchmarking Report prepared by AECOM, Energy Strategy prepared by AECOM (revised dated 12 February 2016), Structural Methodology Statement prepared by Price and Myers, Flood Risk Assessment prepared by Price & Myers, Historic Environment Assessment (Archeology) prepared by MoLA, Arboricultural Impact Assessment Report prepared by Landmark Trees, Landscape Layout (L100 rev Q), Parking note dated prepared by Iceni Projects dated March 2016, Affordable Housing Statement dated 15 January 2016, Letter dated 19 January 2015 NTH/HMU/SRO/J7280, Landmark Trees additional letter DSF/LNK/AIA/Ltrr/01b, Air Quality Report date February 2016 prepared by Air Quality Consultants

Case Officer: Samuel Gerstein

Direct Tel. No. 020 7641 4273

Recommended Condition(s) and Reason(s):

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:, * between 08.00 and 18.00 Monday to Friday;, * between 08.00 and 13.00 on Saturday; and, * not at all on Sundays, bank holidays and public holidays., , You must carry out basement excavation work only:, * between 08.00 and 18.00 Monday to Friday; and, * not at all on Saturdays, Sundays, bank holidays and public holidays., , Noisy work must not take place outside these hours. (C11BA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme;, , Revised rear elevation design treatment to introduce greater verticality and order., , You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 5 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 6 You must apply to us for approval of details of public art (as set out in your design and access statement) including drawings, materials, samples etc and any other supporting documents as appropriate. You must not start work on the relevant parts of the development until we have approved what you have sent us. You must then carry out the work in accordance with these details and you must install the public art in accordance with the details approved prior to occupation, unless we approve an alternative timeframe in writing.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 7 You must apply to us for approval of a external lighting strategy for the development. This must include drawings (plans and elevations), manufacturers specification, and lighting level details, to show the location, position, appearance (including material) and lighting levels of all external light fixtures, including hours of operation. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work in accordance with the details the we approve.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 8 **Pre Commencement Condition.** You must apply to us for approval of details of suitable security measures for the development. You must not start work until we have approved what you have sent us. You must then carry out the work according to the approved details before anyone moves into the building.

Reason:

To reduce the chances of crime without harming the appearance of the building as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R16AC)

- 9 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 10 Notwithstanding the details submitted, you must apply to us for approval of detailed drawings of a hard and soft landscaping scheme for all parts of the site at ground and lower ground level that are not covered by buildings, including the parking areas within the curtilage of the Scottish Towers. This should include the number, size, species and position of trees and shrubs and details of any hard surfacing. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one year of completing the development (or within any other time limit we agree to in writing)., , If you remove any trees or find that they are dying, severely damaged or diseased within five years of planting them, you must replace them with trees of a similar size and species.

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30BC)

- 11 (a) You must arrange for an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered,

to supervise the development. You must apply to us for our approval of the details of such supervision including:

- o identification of individual responsibilities and key personnel.,
- o induction and personnel awareness of arboricultural matters.,
- o supervision schedule, indicating frequency and methods of site visiting and record keeping,
- o procedures for dealing with variations and incidents.

You must not start any work until we have approved what you have sent us. You must then adhere to the approved supervision schedule.

(b) You must produce written site supervision reports as detailed in part (a) after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included. You must send copies of each written site supervision record to us within five days of the site visit.

Reason:

To make sure that the trees on and adjacent to the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 12 You must not use the Class D1/D2 floorspace for any purposes other than those listed on the Page 21 (section 14) of the submitted Design and Access Statement. You must not use it for any other purpose, including any other uses within Class D1 or Class D2 of the Town and County Planning (Use Classes) Order 2015 or any equivalent class in any order that may replace it. (C05AB)

Reason:

Insufficient information has been submitted to demonstrate in land use and amenity terms the acceptability of unrestricted Class D1 and Class D2 uses. In the absence of such information the City Council considers that it would be premature to allow unrestricted Class D1 or D2 within the development. This is in accordance with S3, S29 and S34 in Westminster City Plan: Strategic Policies that we adopted in November 2013 and ENV6 and SOC1 in the Unitary Development Plan that we adopted in January 2007.

- 13 Customers shall not be permitted within the Sports and Community uses buildings before 07:00 or after 23:00 each day.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of

Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 14 The plant/machinery hereby permitted shall not be operated except between 7:00 hours and 23:00 hours daily.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 15 You must apply to us for approval of an operational management plan to show how you will prevent customers who are using the facilities and or arriving at or leaving the Sports and Community buildings, from causing nuisance for people in the area, including people who live within the development and within surrounding buildings. You must not operate the Sports and Community Building until we have approved what you have sent us. You must then carry out the measures included in the operational management plan at all times that the Sports and Community Building is in operation. (C05JB)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, SOC1 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 16 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster., , You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed., , Phase 1: Desktop study - full site history and environmental information from the public records., , Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property., , Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution., , Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate., (C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

- 17 All servicing must take place between 07:00 - 21:00 on Monday to Saturday and 07:00 - 19:00 on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 18 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include: (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in

conformity to BS 7445 in respect of measurement methodology and procedures;; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 19 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the IN; use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., , (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the IN; use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., , (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) The location of most affected noise sensitive receptor location and the most affected window of it;; (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;; (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted, in conformity to BS 7445 in respect of measurement methodology and procedures;; (d) The lowest existing L A90, 15 mins measurement recorded under (c) above;; (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;; (f) The proposed maximum noise level to be emitted by the activity.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in nearby noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 20 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 21 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 18 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 22 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 23 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime, and inside bedrooms 45 db L Amax is not to be exceeded no more than 15 times per night-time from sources other than emergency sirens.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 24 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Conditions 22 and 23 of this permission. Particular attention shall be given to the issues of low frequency noise and vibration through Structure-Borne pathways and the design and mitigation shall also ensure that room modes (standing waves) are not created within the new residential dwellings as a result of low frequency noise from the substation. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.,

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 25 You must not occupy the residential properties, until you have provided for our approval, a statement from a suitably qualified engineer to confirm that the Electro Magnetic Frequency (EMF) levels associated with the substation are in accordance with current legal requirements and/or appropriate guidance.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013.

- 26 The external areas associated with the community and sports facilities shall not be used between

the hours of 09:00 - 21:00 and there shall be no live or recorded music played that can be heard within the external areas, at any time.

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29, S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV6 and SOC1 of our Unitary Development Plan that we adopted in January 2007.

- 27 The design of the separating wall should be such that the received value in the residential habitable spaces, with music playing, should be 10 dB below that measure without music events taking place, at the quietest time of day and night, measured over a period of 5 minutes and in the indices of Leq & LFM_{ax} in the octave bands of 63 Hz & 125 Hz.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 28 Before anyone moves into the development, you must provide the separate stores for waste and materials for recycling shown on drawing number 627-CPA-ZZ-GF-DR-A-0200 Rev D. You must clearly mark them and make the respective waste stores available at all times to everyone occupying the residential accommodation and non-residential uses within the development. (C14 FB)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 29 Prior to occupation of the development a car parking strategy shall be submitted for approval and shall include:- , A car parking plan to show the location of car parking access arrangements and 81 car parking spaces., Details of the location, appearance (including manufacturers specifications) and operation, of any car park barriers, signal systems etc. , Details of the location of 41 unallocated car parking spaces for the residential occupiers of the development. , Details of the location of 40 unallocated car parking spaces for residents of the Scottish Towers., Details of the location of car parking spaces (A minimum of 20%) with access to electric vehicle charging points. , , The car parking and access arrangements shall be provided prior to occupation of the residential part of the development and thereafter be maintained for such use., ,

Reason:

To provide parking spaces for people living in the residential part of the development and to provide for the existing residents of the Scottish Towers as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 30 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 31 Prior to the commencement of this part of the development, you must submit for approval in writing by the City Council, details of the location and appearance of the photo voltaic panels. The development shall thereafter be carried out in accordance with these approved details and maintained in situ.

Reason:

To ensure the development achieves carbon reduction through the use of onsite renewable technology, in accordance with S40 in Westminster's City Plan: Strategic Policies that we adopted in November 2014.

- 32 The non residential parts of the development shall achieve BREEAM 'very good' rating of higher (or any such national measure of sustainability for non residential design that replaces that scheme of the same standard). You must not occupy the non - residential units within the buildings until a copy of a Building Research Establishment (or equivalent independent assessment) Final post Construction Stage Assessment and Certification, confirming that the non-residential building has achieved BREEAM 'Very Good' rating or higher, has been submitted to an approved by us.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

- 33 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the

programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

To prevent increased risk of flooding and improve and protect water quality in accordance within Policy S30 in Westminster's City Plan: Strategic Policies that we adopted in November 2013.

- 34 Prior to commencement of development, you must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme, , Alterations to the rear elevation to incorporate measures to reduce overlooking to neighbouring properties to the rear in Randolph Avenue., , You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 35 The development shall be carried out in accordance with the Construction Management Plan, by Dolphin Living dated November 2015, unless otherwise agreed in writing by the City Council.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 36 You must not put up satellite dishes or aerials without our permission. This is despite the provisions of Classes H; of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development (England) Order 2015 (or any order that may replace it).

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

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Agenda Item 2

Item No.

2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 29 March 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	Whiteleys Centre, Queensway, London, W2 4YH,		
Proposal	Demolition of and redevelopment of building behind retained and refurbished facades to Queensway and Porchester Gardens to provide a mixed use development comprising three basement levels, ground floor and up to 10 upper floor levels, containing 103 residential units (Class C3), retail floorspace (Class A1 and A3) facing Queensway and arranged around a new retail arcade below re-provided central atrium and central retail courtyard, public car park ,hotel (Class C1), cinema (Class D2) gym (Class D2), crèche (Class D1), with associated landscaping and public realm improvements, provision of 139 basement residential parking spaces, cycle parking and associated basement level plant and servicing provision		
Agent	Mr Laurence Brooker Turleys		
On behalf of	Queens Road W2		
Registered Numbers	15/10072/FULL 15/10073/LBC	Date amended	3 March 2016
Date Applications Received	23 October 2015		
Historic Building Grade	Grade II listed		
Conservation Area	Queensway		

1. RECOMMENDATION

<p>For Committee's consideration</p> <ol style="list-style-type: none"> Does Committee accept the proposed loss of retail floorspace within Whiteleys, and that the proposed mixed uses of retail (Class A1/A3), hotel, cinema, gym, crèche, public car park and residential flats are acceptable in land use terms. In respect of the affordable housing, Members views are sought in the light of the conclusions of the Council's independent consultant on the applicant's viability case which will be reported verbally to Committee The less than substantial harm to the special architectural and historic interest of this listed building and the character and appearance of the Queensway Conservation Area and adjoining Conservation Areas are outweighed by the public and regeneration benefits of the scheme. The bulk, massing and detailed design of the new building behind the retained facade and the additional floors to the frontage building are acceptable in design terms The losses of daylight and sunlight and increased sense of enclosure to a number of adjoining

residents at the rear in Kensington Gardens Square and Redan Place are on balance acceptable in the light of the regeneration and public benefits of the proposal.

6.If Committee agree to 1-5 above, resolve to grant conditional permission subject to the concurrence of the Mayor of London and the completion of a section 106 legal agreement to secure the following :

- a) Financial contribution of £6,000,000(index linked and payable on commencement of development)towards public realm improvements to Queensway.
- b) Affordable housing contribution(sum to be agreed at Committee) (index linked and payable on commencement of development)
- c) Costs of all the highway works associated with the development including the Stopping Up Order and the dedication of land.
- d) Crossrail CIL contribution of £1,814,150.
- e) Financial contribution of £100,000 (index linked) towards improvements to play space in the vicinity of the development.
- f) Comply with the Construction Code of Practice, to provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £40,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers.
- g) Unallocated car parking.
- h) Provision of the public car park at basement level 3 prior to the retail use commencing and the submission of a management plan including pricing.
- i) Provision of the cinema and ready for occupation before the retail use commences
- j) Provision of the gym and crèche prior to occupation of the residential accommodation.
- k) Installation of public art within the retail court (sum to be reported verbally) and to secure its maintenance.
- l) Employment , training and skills
- m) Management of the shopping centre, including controls over the distribution of the Class A1 (70%of floorspace and Class A3 (30%) and to control further changes of use within the centre.
- n) Management strategy for the hotel including servicing/drop off arrangements.
- o) S106 monitoring costs.

7..If the Section 106 legal agreement has not been completed before 1 May 2016 then

- i) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers , however, if not;
- ii) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposal is unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the planning application and agree the appropriate reasons for refusal under Delegated Powers.

8..Grant conditional listed building consent.

9. Agree reasons for granting conditional listed building consent as set out in Informative 1 attached to the draft decision letter.

10. The Committee authorises the making of a draft order pursuant to Section 247 of the Town and Country Planning Act 1990 for the stopping up of the highway required to enable the development to take place.

11. That the City Commissioner for Transport be authorised to take all necessary procedural steps in conjunction with making of the stopping up order as proposed , if there are no unresolved objections to that draft order .

2. SUMMARY

Permission and listed building consent are sought for the demolition of this Grade II listed building behind the retained principal elevations facing Queensway(including the returns to Porchester Gardens and Redan Place) in connection with the demolition and redevelopment of this shopping centre to provide a mixed use building of retail floorspace(Class A1/A3) a 30 bedroom hotel, cinema, gym, crèche and 103 private residential units .The proposal has been amended to include a smaller public car park(36 spaces), to remove the residential garages in Redan Place and reduce the parking from 146 to 139 spaces, other changes include reducing the height of the upper storeys on the Queensway elevations and cutting back the roof extension behind the southern cupola by half a metre, and the use of Portland Stone .

The applicant cites that due to viability reasons it is not possible to provide any affordable housing either on site, off site or make a contribution in lieu. The applicant's case is currently being tested by the Council's independent viability consultants or their conclusions will be reported to Committee.

The proposal has attracted strong objections from Karen Buck MP, Councillors Hug and McKie, the local amenity societies, the Victorian Society, Twentieth Century Society, Ancient Monuments Society, Save Britain's Heritage and local residents .In addition to the objections raised by over 160 local residents, there are two on line petitions, one organised by the Save Whiteleys Heritage group and the other by Get Whiteleys Right Campaign. Councillor Smith is also concerned about the impact of loss of light to residents at the rear in Kensington Gardens Square. This proposal is referable to the Mayor of London .The Mayor of London in his Stage 1 response is supportive of the principle of a housing led mixed use development, albeit has raised concerns regarding lack of affordable housing, play space, and requested more information regarding energy and flood risk.

The objections relate to the lack of affordable housing; the substantial harm caused to the listed building as a result of the proposed alterations in particular the loss of the atria, the octagonal and round domes inside the building, the relocation of the internal staircase and the relocation of the decorative entrance to the new hotel .The objectors conclude that this harm is contrary to advice in the NPPF and Council policy. The objectors also consider that the new building behind the retained facade rising to 10 storeys above ground is too tall and bulky resulting in harmful and significant losses of daylight and sunlight well in excess of the BRE guidelines. The objectors consider that the additional floors to the frontage building and the scale and massing at the rear to be harmful to the character and appearance of the Queensway Conservation Area and views from adjoining Bayswater and Westbourne Conservation Areas.

The key issues are:

- The reduction in retail floorspace within this shopping centre and its impact on the viability and vitality of the Queensway/Westbourne Grove Major shopping centre
- The acceptability of the proposed uses which include a small boutique hotel which is contrary to policy and whether the mixed use development is acceptable in land use terms
- Whether the applicant's viability case that it is not viable to provide any affordable housing either on site, off site or a financial contribution in lieu is justified in the light of the conclusions of the Council's own consultant.
- Whether the proposal represents an over development of the site
- The impact of the proposed demolition and rebuilding on the special architectural and historic interest of this landmark Grade II listed building and whether these works will result in less substantial or substantial harm when assessed in the light of NPPF advice , and the weight given to the applicant's cited public benefits
- The impact of the additional bulk, height and design on the appearance and character of this part of the Queensway Conservation Area and its impact on views on neighbouring

conservation areas

- The impact of the additional bulk, height and massing on the amenities of surrounding residents, in particular the loss of light, enclosure and overlooking to neighbouring residents in Kensington Gardens Square and Redan Place
 - Impact on traffic and parking in the local area, and the impact on construction on local residents and businesses.
 - The acceptability of the applicant's package of benefits in particular the public realm works to Queensway.
 -
- The applications are reported to Committee's consideration

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3. LOCATION PLAN



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4. PHOTOGRAPHS



View looking north from Queensway



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5. CONSULTATIONS

KAREN BUCK MP: Requested an update on the proposal .Received a number of objections in respect of loss of light in particular the impacts on residents in Kensington Gardens Square, the bulk/height of the development, the effect on the listed building and the lack of affordable housing.

COUNCILLOR MCKIE: Object .This is a major re-development for the rear and its outcome will impact on both the local and wider community in Westminster .There is no provision for affordable housing .Given 103 units this should provide 30 affordable units. The proposal also provides a small hotel and this should also be taken into account in the calculation of affordable housing .There is room for affordable housing on site, particularly as it is intended to make Redan Place a residential area .

GREATER LONDON AUTHORITY (GLA): Stage 1 response received .The principle of a housing led mixed use redevelopment of this site is supported; however there are a number of strategic concerns and the proposal does not comply with the London Plan. The lack of affordable housing is a concern and it is not possible at this stage to determine whether this will render the scheme unviable applicant to provide more details of play space- how local play areas will meet the demands of different age groups and pay a financial contribution towards upgrade. The applicant and the Council should ensure that the pedestrian environment on Redan Place is safe and inclusive and Council should secure high quality detailing and materials by condition .Applicant needs to provide further information on flood risk and surface water drainage in order to satisfy London Plan policies. The energy strategy does not accord with London Plan policies and further information required regarding the energy centre, heat network and bio fuel system. Applicant needs to provide further information on air quality and the Council needs to secure mitigation measures. In order to comply with the London Plan, applicant is requested to reduce car parking provision for the residential element with car parking management and vehicle charging points to be secured by condition .Cycle facilities shall be provided in accordance with the London Plan and a contribution towards increasing local cycle hire capacity .Further financial contributions should be secured towards bus stop upgrades and Crossrail. The city Council should impose conditions to secure delivery and servicing plan and construction logistics plan. Further S106 obligations are required to secure permit free scheme and travel plan.

TRANSPORT FOR LONDON (TfL): No adverse impacts upon the TLRN or SRN given the location of the site .The Council needs to assess the appropriateness of the delivery and servicing strategy for the site given the varying land uses proposed .Request a Delivery and Servicing Management Plan and Construction Logistics Plan to be reserved by condition and for TfL to be consulted .There is a bus lane along Queensway and 2 bus stops which should not be adversely affected during construction.

In terms of construction impacts, request that the applicant commits to ensure that all vehicles are at least FORS Silver accredited. Support the public realm improvements to Queensway and the way finding could be enhanced by additional Legible for London signage and a site specific contribution is requested .Also request a site specific S106 contribution may be required for a new cycle docking station or to extend the existing docking station along Queensway .Cycle parking must be in accordance with London Plan standards .Cycle facilities (showers, lockers and changing areas) should be provided for staff of the commercial uses. Whilst some aspects of the proposal are car free which is supported, the parking for the residential is wholly excessive and strongly encourage that this is reduced given the high PTAL rating of the site Residents should be exempt from applying for residents parking permit and this should be secured by the S106 .The council needs to assess whether there is sufficient Blue Badge parking to meet the increased

demand from the commercial uses and request a car parking management plan is secured by condition or legal agreement .

A financial contribution may be required for capacity enhancements in particular bus stop improvements and further details will be set out in the Mayors Stage 1 response .A travel plan will need to be secured in consultation with TfL and this Plan be secured, enforced, monitored and reviewed as part of the S106 . The proposal triggers a Community Infrastructure contribution and this needs to be included in the draft Heads of Terms of the section 106

HISTORIC ENGLAND :Considers that the proposals would result in some harm being caused to the special interest of the grade II listed and the special character and appearance of the Queensway conservation area .The proposed scheme would result in major changes to the existing building , in terms of its use, fabric, plan form and appearance .Whilst the BDP scheme of the 1980's eroded some of the special interest and integrity of the building, certain notable elements of significance from the original building were retained and these will now be either lost or altered as a result of the proposal .The main aspects which raise concern are: the extensions at roof level, the loss of the two surviving atriums , the loss of the octagonal dome, the partial relocation of the central entrance screen and the relocation of the central staircase. Both atriums and their respective domes are clearly intrinsic part of the building.

The creation of a new central atrium and the re-use of the round dome goes some way to mitigating the harm, however the proposed insertion of the canopy at second floor level will clearly compromise the spatial quality of the round atrium and also result in a less generous setting for the historic dome .It is also regrettable that the historic dome could not be integrated within the scheme.

Whilst welcome the retention of the staircase, note that it was designed in response to the atrium setting and question its new location.

The removal and relocation of the existing entrance screen is an area of concern and certainly erodes the integrity of the originally intended composition of the principle elevation .The re-use of the entrance screen (provided it can be removed without damage) to the entrance to the proposed hotel helps to mitigate the harm of the intervention, but does not eliminate the impact.

The highly visual alterations is the additional storeys at roof level which will provide the residential accommodation .Whilst the southern cupola and central tower will be preserved, raise concerns over the bulk and massing of the new roof extensions which are overbearing, crowd the cupola and detract from Whiteleys historic profile and distinctive silhouette, particularly in local views south of Queensway which is recognised in the Conservation Area Audit.

The Audit identifies that a roof extension to the front part of Whiteleys is unlikely to be acceptable .The rear of the site which includes the car park is noted as being potentially suitable for roof extension.

The significance of the listed building is primarily derived from the architectural quality of its external elevations and the building's pivotal role in the townscape. Nevertheless , the surviving atrium, domes and staircase also make a clear contribution to its special interest and the interventions and roof additions proposed would be considered harmful, albeit to a degree that could be considered less than substantial .This would also be the case in terms of the impact upon the special character and appearance of the Queensway Conservation Area .The impact here could be lessen through a reduction in the scale of the roof and a greater degree of setback from the cupola .In line with paragraph 134 NPPF where harm is identified , this should be weighed against the public benefits of the proposal including securing the assets optimum use. The applicant's heritage statement suggests the proposals are necessary to secure a vibrant and sustainable future for Whiteleys and also to secure the long term conservation of the retained elements of heritage significance .However, it has not been clearly demonstrated than an

alternative visible scheme (one which would result in less harm to the special interest of the listed building could not be achieved)

It is recognised that there will be some direct heritage benefits in terms of the general repair and restoration of the historic elevations (including the windows). The applicant also proposes that the scheme will deliver considerable public benefits and the activation of Queensway and Redan Place.

HISTORIC ENGLAND (ARCHAEOLOGY): Conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. It is unlikely that archaeological remains would survive beneath the existing basement.

THE VICTORIAN SOCIETY: Object due to the substantial and unjustified harm the proposal will cause to the listed building and the deleterious impact on the Queensway Conservation Area, contrary to the advice set out in Paragraph 133 of the NPPF. Whiteleys was founded in 1863 but it was not until 1908 when much of the building was constructed to the designs of Belcher and Joass that it found the grandiose accommodation that William Whiteleys 'universal provider'. And London's first great department store, truly warranted. Whilst the 1980's handling of the remodelling of the historic building might appear heavy handed, it did at least acknowledge and spare the most significant elements of the listed building and its interior.

The extent of loss of historic fabric would be seriously harmful to the integrity of the building, erode the interest of the building to a critical degree and would render it a mere historic veneer. The relocation of the staircase and the entrance vestibule screen and the re-siting of the circular dome would fail to preserve their significance, which relies in their being experienced sequentially and as an ensemble. The space was, and remains, the most significant in the building and must be preserved.

The removal of the decorative entrance and vestibule to the northern portion of the building and its replacement with a large entrance would undermine the drama of one's entry to the building in a way that its reuse elsewhere could not mitigate. Advise there are far less harmful locations for the new entrance.

The proposed roof extensions would be highly visible and fundamentally alter the proportions of the principal elevations of the building being identified as a landmark in the Queensway Conservation Area. It would also weaken the dramatic impact of the various roof structures, particularly the corner turret and central tower. Furthermore, it would have a detrimental impact on a key local view identified in the Conservation Area Appraisal. Whiteleys is only one of three listed buildings in the conservation area and is by far the most prominent and important. Its role as a characterful protagonist in streetscape would be seriously jeopardised by the proposal. Any redevelopment of the building must involve the retention of the historic windows. The loss of the 1920's fabric, particularly the loss of the roof top restaurant defers the Twentieth century Society.

The substantial harm the application will cause has neither been demonstrated to be necessary nor would be mitigated by substantial public benefits and none of the four tests laid down by paragraph 133 of the NPPF can be said to apply to this case.

THE TWENTIETH CENTURY SOCIETY: Objects to the loss of the 1922 attic storey which retains its original decorative ceiling plaster. The justification for this loss is virtually non-existent. The proposal contemplates irreversible and detrimental alterations to a Grade II listed building contrary to paragraph 132 of the NPPF and this application should be refused. Endorse the Victorian Society's position.

ANCIENT MONUMENTS SOCIETY (AMS) Object, the proposal would represent substantial harm to the significance of the building and the conditions set out in paragraph 133 of the NPPF have not been met Object to the loss of historic fabric, the galleried courts, octagonal atrium, the circular atrium, the staircase, the loss of the screened entrance onto Queensway, including tiling, further details required on any replacement windows. No arguments have been put forward to justify the remodelling of the 1920's Curtis Green façade and concern regarding the loss of the elaborate plasterwork in the roof top restaurant.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION (SEBRA) Objection .Bulk and height is excessive and should be reduced substantially. Effect on light, overlooking and sense of enclosure on adjoining residential properties in Redan Place and Kensington Gardens Square, Porchester Gardens, Queensway and Westbourne Grove .Effect on the listed building, including the loss of one of the domes and raising the other domes, loss of main central staircase, loss of main entrance stonework and doors and as well as the loss of the two corner entrances into Whiteleys Detrimental impact on the Queensway Conservation Area and the adjoining Bayswater and Westbourne Conservation Areas

No affordable housing either on site or elsewhere in Bayswater

A number of flats are too big and should be smaller to provide more housing

No public toilets are being provided for the shopping centre, essential for the needs of the elderly, disabled and persons with children, and should be provided on the main ground floor

No public car park

Construction Management Plan, years of noise, dust, dirt and disruption to neighbours, not addressed. No basement excavation on Saturdays. Concern that heavy trucks will pass through residential streets and need a contact number for the contractor.

Opening hours should be restricted for all units including the cinema and health club from 08.00 to midnight except the hotel use .Do not want any restaurants or cafes to open beyond the Council's core hour's .Any outside tables and chairs need to be controlled and require an annual planning application and be limited from 08.00 to 23.00 hours. Cannot evaluate this proposal without details of the proposed public realm improvements.

Concerned regarding the location of the entrance to the hotel and not enough space for dropping off/picking up .Consider that lamp columns in Redan Place should be mounted on the walls of the development to give more space for pedestrians .Parking provision in Redan Place needs to be addressed and the location of proposed replacement trees in Redan Place .Requested further information regarding the nightly closure every day of Redan Place at the southern end of 22.00 will continue .Deliveries and collections shall be via a dedicated driveway in Redan Place and restricted from 08.00 to 20.00 (no deliveries on Sunday or if allowed only between 10.00 to 16.00 hours in order to protect residential amenity Conditions to prevent delivery vehicles waiting in Queensway/Redan Place if they arrive early , as caused great nuisance to residents in the past as a Noise Abatement Notice had to be passed .

Trust signage strategy will cover external signage to the shops and hotel be covered by a condition .Shopfronts will also need a design strategy .External signage needs to be turned off by midnight.

Concerned about the mix of Class A1 and A3 units, do not want A3 uses to dominate .More details required on the noise and odour associated with plant and hours of use

BAYSWATER RESIDENTS ASSOCIATION: Comments will follow after their committee meeting- but further response received to date.

NOTTING HILL EAST NEIGHBOURHOOD FORUM: Support the objections made by South East Bayswater Residents Association and the Bayswater Residents Association.

SAVE WHITELEYS HERITAGE : (This organisation has been formed to ensure that the heritage assets of this historic landmark building can be preserved for present and future generations to enjoy)

Object to the loss of the octagonal atrium, the round atrium and the Italianate staircase below it which are principal elements which contribute to the special interest and significance of the Grade II listed building .Internal parts of the original early 1900's design and the redevelopment in the 1980's recognised by English Heritage as being extremely significant and of special interest for their architectural and heritage status of the historic Grade II listed building. These architectural features are truly delightful sight for the community to enjoy and must be retained in any development of Whiteleys.

Their main arguments are 1) Whiteleys is a listed historic landmark building in the Queensway Conservation Area Audit , and the octagonal atrium, the round atrium and the staircase must be retained .2.The proposal plans will dismember this much loved historic building .It will cause substantial harm to and in some cases total loss of significance of many of the heritage assets enjoyed by the local community and beyond .In particular the repositioning of the central pillared entrance will be harmful; in its place is a Dubai Disneyland style architectural tunnel with a glass canopy below .The loss of the central round atrium , loss of the unique octagonal atrium and Italianate staircase is moved to the side of the building away from the central round atrium . Trust that Historic England will advise the City Council that the heritage architectural elements which contribute to the significance of the landmark building and are of special interest in their architectural and historic status are preserved in the Whiteleys redevelopment
Request that the developers conserve and enhance this heritage asset.

CLEANSING: Object to the operational waste management strategy .Applicant has not demonstrated how the waste and recyclable material shown to be stored in basement 02 will be managed in line with the council's requirements .The waste management strategy proposes to store waste in compactors which is not acceptable and do not encourage the proposed chute system .Suggest that the applicant submit revisions.

ENVIRONMENTAL HEALTH (LANDUSE/MAJOR SCHEMES) Holding objection. Request that means of escape arrangements need to be reviewed and reassessed for fire protection to ensure there is safe and sufficient means of escape especially for the levels beyond the second floor .Require more information on the ventilation for the 146 basement car parking spaces to ensure no build-up of fumes .The proposal includes A1-A3 uses and request further information regarding the point of discharge of any extract ducts. In respect of plant , the acoustic report has not provided information as to the plant and predicted levels at the nearest noise sensitive receptor and therefore require a supplementary acoustic report to demonstrate compliance with the Council's noise conditions .Also recommend supplementary noise report to address daytime noise levels in respect of the proposed flats .In respect of noise from deliveries, there have been noise complaints in the past with vehicles queuing on Redan Place before 07.00 and allowing vehicles to access the site at any time rather than queuing should improve the situation for existing residents .Historical maps indicate a chimney towards the north west corner of the site and due to the age of the building and the former commercial uses on site , it is possible that the site may have contained asbestos or boilers associated with hydrocarbon storage tanks or similar .Therefore request a condition to secure land contamination measures .In respect of air quality , in respect of construction advise that with appropriate best practice mitigation measures in place there is likely to be a negligible effect from must generating activities .Construction vehicles are unlikely to have a significant impact due to temporary nature .The scheme will have negligible impact on traffic and therefore air quality impacts associated with the operational phase are to be

negligible .Increases in pollutant concentrations as a result of onsite combustion plant are negligible

ENVIRONMENTAL HEALTH (S106): Request that the yearly costs for the Environmental Inspectorate (merged services Environmental Sciences and Environmental Inspectorate) will be £40,000 per annum. Request a full SEMP (Site Environmental Management Plan) is covered by the legal agreement and submitted at least 2 months prior to any works starting on site

ARBORICULTURAL MANAGER: No objections to the proposal including the 5 Privets on Redan Place .Understand that the two Sycamores and one Plane tree within the site and the six Alders on Queensway are to remain .The tree protection measures, precautions and site supervision is complicated and request a condition .Full details of all new soft landscaping including planting inside the building needs to be submitted for the Council's approval.

THAMES WATER: Identified an inability of the existing wastewater infrastructure to accommodate the needs of this application and request a Grampian style condition to ensure that no development is commenced until a detailed drainage strategy has been submitted to and approved by the Council in consultation with Thames Water .Prefer all surface water is disposed on site using SUD's as per the London Plan. Also suggest no piling takes place until a piling method statement has been submitted and approved .The applicant needs to address what measures will be taken to minimise groundwater discharges into the public sewer.

BUILDING CONTROL: To be reported verbally

HIGHWAYS PLANNING MANAGER: Undesirable in transportation terms .On balance the reduction in Whiteleys public car park will not have a significantly adverse impact on parking pressures and therefore no objections to the loss of the existing car park, The unallocated basement parking for the flats needs to be secured in the legal agreement .Require the provision of at least 20% of the car parking spaces to have electric car charging points .The proposed cycle parking is acceptable. No justification for the creation of new vehicle access points in Redan Place and cannot be justified as a highways need and neither can be considered to be an improvement to the pedestrian environment , the overall design of the drop off and parking facilities are considered acceptable .Applicant will need to apply for a Stopping Up Order to Redan Place and raise an objection to this .In principle the 2 way working of Redan Place is considered acceptable but will require a separate statutory TMO process and these highway works will need to be secured by a legal agreement .Concern raised regarding coaches associated with the hotel use and parking on the highway .Suggest a number of conditions and informatives

AFFORDABLE HOUSING SUPPLY MANAGER: To be reported verbally.

NHS CENTRAL LONDON: To be reported verbally

DESIGNING OUT CRIME OFFICER: To be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 1376

No. of objections: 96 received to date No. in support: 3

There are also two on line petitions –i) 'Save Whiteleys Heritage' with over 620 signatures

(The website indicates there are 620 supporters, but only 192 comments are listed on the on line petition and it is understood there is a paper petition with 400 signatures which will be submitted shortly to the Council.

ii)'Get the Development of Whiteleys Right' with 618 signatures (An update on the number of signatures to these two petitions will be reported verbally to Committee, and the petitions received to date are set out in the background papers.)

Objections received on the following grounds:

Land Use

Overdevelopment of the site, the density is too great.

There must be affordable housing within the scheme .No affordable housing will be a mockery of the planning system .Affordable housing is much needed in the area Question the applicant's viability case.

No social community gain – missed opportunity.

Loss of the covered all weather shopping mall which includes some major retail spaces in favour of an open area with small specialist retail units which are unlikely to offer little to permanent residents.

Disagree with the applicant's case that the revised and reduced retail units with units opening onto Queensway will improve the street as most of the existing retail units have doors onto Queensway .People prefer to walking in from the street compared to a covered mall .

No community benefit.

Loss of existing shops in Queensway.

Design.

Scale and nature of the proposal is wholly disproportionate to the existing Whiteleys footprint. Proposal (10 storeys high) is far too big and dwarf neighbouring buildings.

The historic features must be retained; many of the features including the staircase, dome and entrance which are proposed to be removed must be kept.

Whiteleys is a superb listed building and just because it is not economically viable is not a reason to allow it to be so altered.

Towers will destroy the symmetry of Whiteleys.

Proposal will destroy the appearance of Whiteleys – loss of iconic skyline.

Overbearing impact on the surrounding area and harm the gardens in Kensington Gardens Square.

Request that the original theatre of 1911 be reinstated and suggest a roof garden.

Ten storey residential towers are too high and in excess of the height controls for this area. The proposal should be a maximum of six storeys.

Harm to the Conservation Areas.

Amenity

The proposal will severely affect light and sunlight to the rear windows of properties in Kensington Gardens Square.

Applicant's Daylight and Sunlight report acknowledges there will be significant impact on daylight levels to the majority of Kensington Gardens Square properties that back onto Redan Place.

Disagree with the applicant's case that the loss of light is acceptable in a dense urban environment .Kensington Garden Square is a leafy garden square.

Residents have Ancient Rights of Light.

Residents' homes will be severely undermined by the proposal in terms of their amenities and their quality of life.

The developers have made no effort to contact affected residents in Kensington Garden Square.

Loss of light to the central communal garden in the Kensington Gardens Square .The gardens are not mentioned in the application and a 10 storey building will block out sunlight.

Residents to the north at No's14-16 Westbourne Grove have not been tested in respect of loss of light.

Request more information on the height of the building as it may affect light to flats in Inver Court. Flats in Inver Court will lose daylight and sunlight as a result of the new building. Consider a 5 storey building to be more appropriate.

Loss of light to residents at 26 Redan Place flat will lose over 50% of light in excess of the BRE Guidelines .Sunlight will also be reduced by more than 80% in the winter months

Loss of privacy to residents in Inver Court, Westbourne House 140-16 Westbourne Grove, Kensington Gardens Square, Redan Place.

Four year construction programme will blight the area and surrounding streets, with up to 90 major construction movements each day (one every six minutes).

Redan Place .Noise and disruption caused by the construction on local residents .Do not consider that the applicant has fully assessed this, especially during the summer months when residents will have their windows open .No details of noise monitoring.

Developer must not work at weekends or compensate affected residents for the loss of value to their properties.

Transportation

Object to the loss of public car park, in an area which is already hard pressed for residential or occasional parking.

Increased pressure on residents parking bays.

The townhouses planned for Redan Place will create additional traffic

Any redevelopment of Queensway must include designated cycle lanes preferably in both directions.

Large number of construction vehicles and none must be permitted to travel through any part of Kensington Gardens Square.

Impact on up to 90 major construction movements each day(one every six minutes)and the impact on Westbourne Grove which is subject to frequent traffic jams and is a major bus route
Question whether Transport for London been consulted?..

Redan Place is a narrow street and cannot accommodate the extra traffic.

Request that the Fire and Emergency Services are consulted on the impact of using Redan Place.
What measures can be put in place to ensure that the developer adheres to the construction routes.

Impact of such construction traffic on local children cycling to school.

Increased noise caused by construction vehicles

Trees

Existing trees on the east side of Redan Place will be destroyed by this proposal.

Disruption will have a detrimental effect on the trees and planting in Kensington Gardens Square.

Other Matters

Loss of property values

The proposed three storey basement is against Westminster's current policy to limit basements to a single storey

Three storey basements will bring a significant risk of subsidence as well as noise and disturbance.

Vibrations caused by the excavation.

Increased noise and air pollution

Residents' views will be affected by the scaffolding/construction works

Cannot see how the Council can approve a project in a residential area with children where it cannot be reliably demonstrated that the development does not put them at risk.

Proposal involves demolition and involves asbestos removal in close proximity to residents.
 .More needs to be done to address the impact on residents.
 Requesting more time to comment on the proposal as three weeks is not enough time.
 Description of development of up to 10 storeys is deeply misleading as there are 11 storeys
 when viewed from Kensington Gardens Square Proposal to have a single entrance to the retail
 area will create a tunnel which will be unpleasant

No consultation with residents in Bentley Court, Kensington Gardens Square by the developer.

Comments in support

Generally in favour of the proposal and look forward to seeing Whiteleys being restored to its former glory

Welcome the redevelopment of Whiteleys as part of continued improvements to local facilities and infrastructure .Short term inconvenience associated with construction will deliver a building and facilities that will hopefully act as a catalyst for ongoing economic regeneration and improved local services.

Welcome cinema and the accessibility of restaurants at ground level and the development of the higher levels of the building

ADVERTISEMENT/SITE: Yes

Revised Scheme (design changes, inclusion of a public car park, reducing car parking to 139 spaces, additional information submitted)

COUNCILLOR HUG: This is a scheme that is increasingly a matter of concern for local residents as evidenced by the petitions [Save Whiteleys Heritage](#) (610 signatures at time of writing) and [Get the Development of Whiteleys Right!](#) (574 signatures) and concerns from SEBRA, the Victorian Society, Heritage England, the Twentieth Century society and a number of other groups. Many of the local residents' groups do not feel the developers have been responsive enough to their concerns. The proposal makes no provision for affordable housing (either on or off-site), despite creating 103 luxury units and a hotel as part of the redevelopment, is a matter of deep concern. The legacy of William Whiteley was the creation of Whiteleys Village manager by the Whiteleys Homes Trust, which provided homes for nearly 500 'older people of limited means'; therefore it is not in the in keeping with the spirit of Whiteleys to ignore affordable housing in the way the developer plans. Westminster Labour group cannot accept a position for a major development such as this, which is not at the very least compliant with the Council's planning policy, which would provide for at minimum 30 affordable homes. There is a real risk also that such properties could be sold off-plan overseas, so Westminster Council must insist as part of any scheme that any housing is locally marketed. There is also a risk that with no affordable housing and overseas sales much of the housing will become a dead space, rarely occupied and dragging vibrancy from the area. Whatever the eventual retail/housing mix in the new scheme, there must at the very least is a policy-compliant level of affordable housing delivered as a result. The loss of retail space from 13,204 sq.m to only 4,775 sq.m is of great concern. The developers own papers describe the existing use of Whiteleys as an anchor for local retail, and this is an anchor that has been allowed to rust by the running down of the property prior to redevelopment (with the long-term plans limiting the desire for stores to locate within the centre). The claim that the gym and crèche provide social and community use stretches credibility unless there is a clear plan set out about how these facilities can be used by the wider public. The retention of the cinema (although there are issues about its position discussed later) and the A3 restaurant space is however welcome, as is the desire to better integrate the frontages with the street (though concerns remain about the loss of covered internal space providing shopping opportunities in bad weather). As Save Whiteleys Heritage

and others note, the existing ground floor atria and staircases are well liked and valuable elements of an important grade II listed heritage asset, while some elements are being retained (including being incorporated into the hotel with limiting public access) other important features are being lost. Although some steps have been taken to amend the plans to keep more of the existing roofline and façade, the distinctive roofline will be radically altered by the addition of extra floors on top of the existing building adding an additional 10 metres (42.47m to 51.69m) of housing units on top of the existing roofline (with further additions of a pavilion at 56.37m and the dome at 61.49m adding almost an additional 20 metres over the current roof at its highest point). The changes to the western elevations in particular would cause a significant and worrying impact on the residents of Kensington Gardens Square, who would suffer a significant loss of light in breach of BRE guidelines, and the development would significantly change the way of life in this quiet residential area.

The provision of 139 parking spaces at a ratio of 1.35 spaces per unit seems excessive and a poor use of space. There is real local concern about the impact of building down to create three floors of basement (expanding from the existing one floor of basement) with the impact on the water table and the risk of local flooding. Local residents want assurances that this point has been fully examined. There does not seem to be a clear plan to generate local employment in the construction phase and future management of commercial opportunities in the building. Also it should be noted that the floated Section 106 contribution of funding towards public realm improvements on Queensway, while significant and welcome, would also significantly benefit the developers' own property values, a point to be strongly considered when agreeing an appropriate level of contribution.

Given these outstanding concerns and the strength of local feeling, strongly urge the Council to look at delaying the committee meeting from its provisional date of 29th March to enable further discussions with the residents and more work to take place to improve the scheme.

COUNCILLOR SMITH: Received a number of documents from residents of Kensington Garden's Square highlighting their concerns about the impact of the proposed redevelopment of the Whiteley's shopping centre. Their objections are focused on the loss of light to flats on the Eastern side of the square; the scale of the development and its impact on the sense of enclosure for residents of these flats; the impact of increased noise from users of the development on Redan Place and the lack of public benefit from the scheme. The daylight, sunlight report which has been commissioned by residents raises a number of significant concerns about the impact of the development on habitable rooms within flats on Kensington Gardens Square. The survey highlights that the scheme causes numerous reductions of 30%-40%+ in daylight in rooms in some of the flats which is significantly higher than the BRE guidance of no loss over 20%. 50% (85 out of 158) of the windows facing the Whiteleys site will experience a noticeable reduction in daylight.

Over 35% of the windows suffer reductions in total annual sunlight hours greater than those recommended in the BRE Guidelines and around 15% for winter sunlight hours. These rooms will thus experience noticeably less sunlight. Most concerning is that the report makes it clear that 29 out of the 158 windows will be left with, not only a noticeable reduction, but a level of VSC, between 5% and 15% VSC, which according to the BRE Guidelines will make it "very difficult to provide adequate daylight". Therefore, according to the BRE Guidelines, 29 windows will be left with an inadequate level of daylight, arguably so low as to be uninhabitable.

As the report highlights many of these rear facing windows serve habitable rooms, including principle bedrooms and studies. As these are often small, one-bedroom flats, the adverse reductions in daylight and sunlight would be widely felt by many residents in key habitable spaces.

Also concerned about the massing of the proposed development, and the applicants are in the process of developing verified views which would show the impact of the development on views from Kensington Gardens Square.

GREATER LONDON AUTHORITY: to be reported verbally

HISTORIC ENGLAND: to be reported verbally

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION: Object .Attach press articles setting out their views on this major application .Regret the loss of historic fabric as many of the existing features and being lost or relocated .The loss of the iconic hexangular glass dome is a great pity and should be retained or relocated within the development and support many of the points raised by Save Whiteleys Heritage.

Note to the reductions in height to the frontage but consider that at least 2 more metres need to come off as the floor to ceiling heights for the flats are too generous. Consider the attic floor appears to be too heavy from long views and the design should be changed to a more traditional mansard and should be finished in traditional grey slates .New floor below the attic floor should be in Portland Stone Assume condition will be imposed on a shop front/signage strategy

In respect of the rear elevation. The residential buildings are very high and should be reduced in height and do not know the results of the loss of light, overlooking and sense of enclosure to flats in Kensington Gardens Square , Porchester Gardens and Westbourne Grove .

Very concerned in respect of the impact on views from the Queensway Conservation Area and Bayswater Conservation Area, especially from the west side of Kensington Gardens Square – no visuals have been submitted.

Some of the residential units are very large

Welcome the omission of the garages in Redan Place.

Disappointed that no public toilets are being provided in the shopping area.

Disappointed that no affordable housing, but trust that affordable housing contribution in lieu is made

Too many A3 units on the ground floor and many of the units may operate as A1/A3.

Trust that a condition will control tables and chairs on the highway and hours to control use, no use after 23.00 hours

In respect of the public car park awaiting revisions to show the space but welcome this change Assume that hours of operation, management and pricing will be controlled .Assume parking for the residential will be on unallocated basis.

Disappointed that no cycle parking within the building /public car park.

Understand that applicant has agreed to controls over hours of opening of the shops.

Assume deliveries will be controlled from 8am to 6 p.m with shorter times on Sundays.

Little information on the public realm improvements, and the applicant should be funding all the Redan Place paving as the west and north pavements are not included .Assume that sufficient funds to complete all the public realm works

The revised CMP is still flawed as the new secondary route is via Hereford Road .All vehicles should enter/exit via Queensway/Redan Place with no vehicles using the existing southern exit on Redan Place .More details required and applicant to pay for construction monitoring.

BAYSWATER RESIDENTS ASSOCIATION: To is reported verbally.

SAVE BRITAINS HERITAGE: Object as a result of the harm caused to the listed building and the Queensway Conservation Area and request that the planning application be refused Support and

endorse the Victorian Society's objection. Consider that significant harm will be caused as a result of both the removal and repositioning of original features and new build additions. Contravene both local and national planning policies. There is significant local opposition to these applications and due weight must be given to these comments. Whilst not opposed to the principle the current building is underutilised and deserving and indeed capable of being revived as a West London landmark, befitting its historic importance. The current proposals fail to preserve or enhance the building's significant heritage value and special qualities, and the proposed public benefits do not mitigate the harm caused.

NOTTING HILL EAST NEIGHBOURHOOD FORUM: To be reported verbally

QUEENSWAY RESIDENTS' ASSOCIATION: Object support the comments made by South East Bayswater Residents Association. Areas of real concern being raised by residents living immediately opposite Whiteleys is the increase in height and the proposed attic floor. These additions will be seen from the upper floor flats opposite.

SAVE WHITELEYS HERITAGE : All the major heritage organisations –Save Britain's Heritage, The Victoria Society, the Ancient Monuments Society, the Twentieth Century Society, Historic England, Barbara Weiss Architects, Save Whiteleys Heritage and the Community object and request that the Council refuse the applications. The Council should ask the developer to reconsider the scheme in order to incorporate and retain the heritage architectural features which the community has viewed and enjoyed for over 100 years. The community should not be deprived of this huge public benefit. Committed to take whatever action that is necessary including asking for a detailed Public Inquiry to preserve this heritage asset. Objective is that the principal heritage features of the landmark listed building along with the retail arcade on the ground floor are retained for the benefit of the community. The arcade provides access to the public and shoppers to view and enjoy the three magnificent Edwardian domes and these domes, together with the Italianate staircase and the north, south and central pillared entrances with intricate stonework and bronze statues. Proposal contrary to advice set out in the NPPF. The proposed development is against the community interest. The public and shoppers have had access to this historic building for over a century. The current plans will mean that the historic building and its heritage features will not be accessible for the public, shoppers and the community. The proposals are highly detrimental to the interests of the community. The application could be amended to retain the heritage assets (octagonal atria and dome) and the first floor could be used as flats and this would create 27 flats, and compensate for the loss of the flats in the atrium. The suggested alterations will benefit the community, economy, culture and heritage, retain the principal heritage architectural features. The community want these features preserved and the ground floor shopping arcade. Whiteleys arcade on the ground floor will allow public access to the community and provide a unique shopping experience. Whiteleys is the jewel in the Crown of Queensway and it can be made to have international appeal so to make it a tourist destination with a Royal Pavilion to attract tourists all around the world, a boost for the economies of Westminster, London and the UK. Make Whiteleys a film and television production location. Alternative scheme will be an economically viable and profitable development. Confirmation of a petition with 646 supporters and a paper petition with 400 supporters (which will be reported verbally to Committee).

GET WHITELEYS RIGHT: Object; submitted a detailed report on behalf of 120 residents, including a detailed Daylight and Sunlight Report which is set out in the Background Papers Loss of Light- a significant loss of light to 200 plus dwellings which far exceed acceptable BRE and WCC recommendations. An expert light report, commissioned to analyse developer's GIA

report, highlights that the materiality and number of homes, and rooms impacted by loss of light has been represented more favourably than the underlying technical data shows. National planning guidance and several council policies are breached by the resultant loss of light.

Inappropriate Scale & Over-development – The development plans show the resident blocks towering 50 feet above the top of the adjacent Victorian buildings. This together with the switch from retail to primarily residential usage means occupants in adjacent buildings will suffer a loss of privacy and a sense of enclosure. Concerns are also focused on risk to fabric of Grade II listed buildings less than 30 feet from the mass excavation driven from digging down 3 basement levels.

Adverse On-going Noise – Focus of concerns over noise disruption are driven primarily from increased noise levels once the development has completed and directly linked to inappropriate distribution of uses. Namely the late night traffic into the narrow Redan Place from Hotel drop offs and the Town Houses; Redan Place acts as an echo chamber – which is why it is currently closed to traffic after 10pm.

Lack of Public Benefit – The provision of incremental housing does not outweigh the significant negative impacts and dis-benefits of the scheme. Dis-benefits include: the lack of affordable housing, loss of public space, the reduction of retail space and the likely 'buy-to-leave' nature of new residents purchasing units which will not fuel local Bayswater economy and social community.

Disregard of Heritage & Conservation Mandate – Whilst most of the original Whiteley's facade is maintained; many of the other iconic heritage assets are marginalised. The mandate of the Bayswater Conservation Area seems to have been largely ignored given the bulk, massing and scale of the development. The adverse heritage impacts are in breach of statutory obligations to preserve and or enhance designated heritage assets.

Also cite whether the proposal should be the subject of an Environmental Impact Assessment (EIA). The City Council has not carried out a balancing exercise and has pre-determined the impacts. Query procedural matters and lack of community engagement.

Any decision to grant will be potentially unlawful and premature to report these applications to Committee.

Proposed hotel is likely to result in increased traffic and noise in Redan Place.

New building at the rear will be 50 feet higher than the neighbouring houses.

Fabric of the listed buildings in Kensington gardens Square will be undermined by a three level basement only 30 feet away.

Request that the applications be refused, or at the very least be delayed until such time as we are able to review with both the LPA and the developer, what it considers to be an appropriate scale and form of development. We would welcome a meeting with the LPA and a site visit from them to our properties to discuss their concerns further.

CLEANSING: To be reported verbally.

ENVIRONMENTAL HEALTH: To be reported verbally

HIGHWAYS PLANNING MANAGER To be reported verbally

ADJOINING OWNERS/OCCUPIERS: No consulted 1376 No Replies 50 (to date)

The following objections have been received to date and any further representations will be reported verbally to Committee

Land Use

Do not need such a large increase in housing.

Residents will not benefit from the building of 103 luxury flats, spa and restaurant.

No benefit to the local community.

Residents will lose the existing retail shops when Whiteleys close down

Reduce retail space by over 50% and the new units will not be affordable for local independent businesses.

Request that the Council modifies the current application

Whiteleys should be treated as an Asset of Community Value

This area needs affordable housing and not luxury flats.

Flats will be brought as investments and be left empty

Community needs more office space and low income and family residences.

Loss of jobs through inappropriate change of use.

Anti-social development forcing the retail/cinema underground.

Design/Listed Building

Harm to the listed building to the inside and outside- destruct a landmark listed building

Proposal will destroy the historic character of the area and the Queensway and Bayswater conservation areas.

This building should be developed in a more historic way.

No montage of the view of the proposed building from Kensington Gardens Square

Proposal is poor quality over-developed buildings.

Although supportive of the redevelopment 11 storeys is too high.

Additional bulk when viewed from the street

Height is out of keeping with the area and sets a terrible precedent

Building should be no more than 5 storeys.

Amenity

Loss of light and skyline to residents in Kensington Gardens Square .The 10 storey building will have an adverse effect on light, outlook and cause overlooking.

Impact on residents could be mitigated if the height of the townhouses onto Redan Place are reduced and reducing the overall number of luxury flats.

The loss of light will be detrimental to residents' health.

Short and long term adverse impacts to the environment through pollution and traffic congestion.

Transportation

The revised scheme incorporating public car park does not address the objections raised by residents.

Proposal reduces parking available in the area for public use and adds more flats which will increased car traffic in the area

Other Matters

Redevelopment will cause 4 years of disruption for local residents –traffic, noise, dust and pollution.

Negative impact on property values.

The local community and residents have been ignored in the conception of this project

Question the need to excavate down three storeys and should be no more than 1 or 2 storeys.

Request that Westminster without permission until the developers have amended their plans to ensure it offers real benefits to the community and is a scale in keeping with the conservation area, protects the light of existing residents and is managed in a way which minimises noise and disruption.

6. BACKGROUND INFORMATION

6.1 The Application Site

Whiteleys is a landmark Grade II listed building located on the western side of Queensway, within the Queensway Conservation Area. It is bounded by Porchester Gardens to the south and Redan Place to the north and the west .The building is currently in use as an indoor shopping centre with a public car park located at the rear at second floor level accessed from Redan Place. It covers approximately 1.42 hectares in area .The site is well served by public transport with the

Bayswater and Queensway underground stations close by. The application site is located outside the Central Activities Zone (CAZ), and within the Queensway/Bayswater Stress Area.

The building currently comprises of basement, ground and four upper floors .The building is laid out as an inward facing shopping centre with pedestrian access via three main entrance points along Queensway. The existing basement includes ancillary retail floor space, servicing areas and the All Stars bowling lanes (Class D2 use) .The ground floor comprises of a mix of commercial retail units, dominated by Class A1 units, including several large units currently occupied by Marks and Spencer, H&M, Zara and a range of mainly fashion retailers, there is also a bank and coffee shops. The first floor is predominantly retail .The second floor is the main food hall and is predominantly Class A3 units and is also home to the 4 screen cinema .The third floor comprises of the remainder of the cinema and office floorspace, and the fourth floor comprises of office use.

The application site is located within the Core Frontage of the Queensway/Westbourne Grove Major Shopping Centre.

6.2 Recent Relevant History

Whiteleys has an extensive planning history. The building was originally used as a department store in 1911.Following the decline and closure of the department store, a planning permission was granted on 30 March 1988 for the redevelopment of the building to provide a new retail shopping centre incorporating offices, a cinema, restaurants, hot food take-aways and car parking. This 1988 approved scheme was for the comprehensive redevelopment behind the retained façade. This permission restricted the amount of retail and restaurant floorspace to 23,500 sq.m and subject to a legal agreement .This legal agreement covered a range of issues including highways works, controls on the amount of uses in restaurant /hot food takeaway and in relation to the management of the centre and the public car park.

Permission granted in January 1989 for a multi-screen cinema on the second and third floors.

Permission granted in July 1997 for use of part ground floor and basement as a health club and alterations to the shopfronts on the Porchester Gardens elevation.

Permission was granted in March 2008 to use part of the basement as a bowling alley/restaurant/drinking establishment /private members club (sui generis use) together with associated alterations to the roof top plant area.

10 August 2015 Request for Screening Opinion pursuant to Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) in connection with the comprehensive redevelopment of the site to include demolition of existing structures (retention of historic facade and key historic elements of the fabric of the building), and provision of retail (Class A1) restaurant (Class A3) hotel (Class C1), assembly and leisure (Class D2) and residential (Class C3) uses, with associated landscaping, public realm works, cycle and car parking, plant and other associated works. (Ref 15/06074/EIAOP)

The City Council concluded that the proposal would not result in significant environmental impacts and therefore an EIA would not be required.

7. THE PROPOSAL

The proposed development involves the demolition of the existing Whiteleys Centre behind a retained façade and the re-provision of a smaller retail development (19 units) at basement, ground and first floor. A cinema is being re-provided at basement level with a crèche and a gym ...A new 30 bed hotel is proposed at the northern end of the site .The predominant proposed use across the site will be residential providing a total of 103 flats ranging from apartments, duplexes and townhouses .The applicant has submitted a viability statement which concluded that the proposed scheme cannot viably sustain affordable housing provision.

The proposal involves the completion of the fourth floor attic storey at roof level .A further set back style mansard style storey is proposed to be added to the attic storey, with the addition of a further set back roof level pavilions set either side of the relocated main glass dome. Behind the Queensway façade, the building extends from ground to nine upper floors in the centre of the site .These taller elements read as two separate structures .Townhouses are proposed facing onto Redan Place .The proposal involves three levels of basements accessed via a ramp from the north side of Redan Place which provides access to the basement car park, servicing, plant and cycle parking.

The proposal has been amended following discussions with officers, and the main changes are summarised below:

The top new upper floors to the Queensway elevation (the mansard and the penthouse storey) have been reduced in height by 0.5m to address the concerns raised to its bulk and height.

The southern Cupola (south eastern corner), the mansard has been set back from 0.5m to address the concerns raised by Historic England.

Cut backs to the mansard and attic storeys to remove the sheer wall to improve the relationship between the Whiteleys Building and Porchester Court.

Use of Portland Stone.

Remove the car parking garages on the ground floor of seven of the townhouses on the western side of Redan Place and the garages are now additional living space. Residents of these townhouses will use the car park at basement Level 3

Reducing the overall numbers of car parking spaces from 146 spaces to 139 spaces for the 103 residential units

Electric Vehicle charging points (40% of spaces) and secure long term cycle storage provided at basement level 3.

Public car park (36 spaces) is now being provided at basement Level 03.

The applicant has submitted a further clarification document to address the points raised by the GLA in respect of the energy and climate change mitigation measures further information has been submitted in respect of Flood Risk Assessment, setting out the preferred option to mitigate basement flood risk with a temporary flood barrier at the top of the basement ramp.

8. DETAILED CONSIDERATIONS

8.1 Land Use

This proposal raises a number of land use issues, in respect of the overall reduction in retail floor space, the loss of the existing offices, the amount of private residential accommodation being proposed and the lack of affordable housing.

8.1.1. Loss of Retail Floorspace

Objections have been received to the loss of retail floorspace and the reduction of shopping for local residents. The applicant states the proposal represents a reduction around 60% of the retail floorspace in the centre compared to the existing. A total of 19 units are shown to be provided ranging in a mix of sizes from 30 sq.m to over 300 sq.m .These larger units are shown to be located along the Queensway frontage, and will open onto the street.The proposed retail will be split between uses, with 70% of the floorspace being Class A1 shops and 30% being Class A3 restaurants and cafes.

Policy S21 states that new retail floorspace will be directed to the designated shopping centres and existing retail will be protected except where the Council considers that the unit is not viable as demonstrated by long term vacancy. Regard has also been had to policy SS6 in the UDP in the determination of this proposal.

It is considered in this instance that weight has to be given to current trading problems the centre is facing with the closure of a number of high street operators and the vacant units and changing shopping habits, and the emergence of Westfield in Shepherds Bush and the West End .It is recognised that the centre is experiencing difficulties maintaining the current level of retail floorspace, and the applicant argues that the principal driver for this project is to ensure that the retail offer remains successful, and it is proposed to create higher quality retail space to create a more attractive local centre, with complimentary uses such as a hotel, cinema and gym.

Whilst it is recognised that the proposal represents a significant reduction in floorspace, but it is not considered that this will harm the retail character and vitality of the shopping centre .The focus of activity will now be on the ground floor fronting onto Queensway, within the atrium arcade and the retail court, and it is considered that the creation of 19 units will not harm the shopping centre.

None of the Class A3 units will be greater than 500 sq.m. and therefore will accord with policies TACE 8 and TACE 9 in the UDP.

In respect of the comments raised by the South East Bayswater Residents Association controls can be imposed in a legal agreement to limit the distribution of Class A1 and Class A3 uses (70:30) to ensure that retail shops predominate. This can also control the hours of use of Class A3 uses given this site is located within the Stress Area .There was a detailed management strategy included in the 1988 legal agreement , and it is suggested that if Members are minded to approve a similar strategy could be used in respect of this latest proposal .

The proposal includes environmental improvements to the shopping area and these have been developed with the wider public realm improvement scheme for Queensway, and the applicant is making a financial contribution of £6m towards this .It is considered that these improvements in addition to opening up the retail units onto Queensway will result in significant wider public benefits to the shopping centre and the area in generally, improving the attractiveness of the shopping centre as a whole.These benefits are considered to outweigh the loss of retail floorspace. Members' views are therefore sought regarding the loss of retail floorspace.

8.1.2 Loss of Existing Offices

The proposal involves the loss of 3,400 sq.m of Class B1 office floorspace located on the upper floors. In land terms, whilst the loss of this commercial floorspace is regretted, offices in this part of the City Council are not protected, and residential uses are normally supported.

8.1.3 Cinema

The existing cinema is being re-provided within the proposed development, and will have a bespoke ground floor entrance through the retail court with staircase and lift access to basement level 1. This will accord with policy TACE 5 in the UDP which relates to Art and Cultural uses and policy S22 in the City Plan .If Members are minded to approve this facility must be provided before the retail uses commence and be secured in a legal agreement. A condition is proposed to limit the use to a cinema only and no other user in Class D2.

8.1.4 Crèche and Gym

There is an existing crèche (150 sq.m) at second floor level and this proposal for a replacement crèche at first floor level involves a significant uplift in the amount of floor space (1200 sq.m).A gym is also proposed .Both social and community uses are welcomed and acceptable in terms policies S33 in the City Plan and SOC1 in the UDP.

8.1.5 Hotel Use

A 30 bed hotel is proposed at the northern end of the site and ancillary facilities such as restaurant, bar, and a sizeable amount of flexible business floorspace. In land use terms, policy S23 in the City Plan does not specify that Major Shopping Centres are appropriate locations for new hotels and directs such uses to areas which do not have a predominantly residential character. Policy TACE 2(C) in the UDP advises that outside CAZ, CAZ frontage, the PSPA and NWWSPA permission for new hotels will not be granted .Therefore the proposed hotel use is contrary to policy.

However, in this case a hotel use of this size within a mixed use development is not considered to harm the retail centre and subject to conditions should not harm the amenities of nearby residents. Such a use will provide employment opportunities and also provide a service to visitors, workers and local residents. Therefore, it is considered that an exception to policy could be made in this instance .The management of this hotel will need to be addressed by a legal agreement and in particular its dropping off arrangements both during the day and at night in order to safeguard the amenities of residents in Redan Place and Kensington Gardens Square .

8.1.6 Play Space

Although the development incorporates private amenity space for the new residential units, policy SOC6 (Children's Play Space) requires play space and facilities to be provided as part of new housing developments of 25 or more family units .The Major of London's child yield model in the Play and Informal Recreation SPG (2012) estimates a requirement for 179 sq.m of playspace .The application site is partly located in an area of open space deficiency.

The applicant states that due to the mixed nature of the site, its size and arrangement it is not possible to make on site playspace provision, and is offering a financial contribution to either provide or improve playspace in the vicinity of the site There is a nearby facility at Hallfield Estate and its improvement will mitigate the increased demands this residential scheme may generate .It is recommended that a contribution of £100,000 be used to improve play facilities if Committee are minded to approve and this will be secured in a legal agreement..

8.1.7 Residential use

This proposal is for 103 private residential units, predominantly flats with townhouses in Redan Place. The mix 6x1 bed, 28x2 bed 41x3 bed, 19x4 bed and 9x5 bed are heavily weighted to the larger size units. This proposal provides 67% of units as family sized dwellings in excess of 33% required by policy H5 in the UDP .The size of flats are very generous and it is possible that significantly more units could be accommodated with the proposed footprint, albeit this may have

implications for parking and traffic generation .It is accepted that the creation of 103 flats is a significant contribution to the housing stock in the City.

The proposed accommodation will be of high quality. The majority of the units (80%) will be dual aspect and there are no north facing single aspect units .Most units will have their own private amenity space in the form of balconies, terraces and winter gardens .Two rooftop communal gardens for residents are also proposed at second floor level (250 sq.m) and will accord with policy H10.

All units will have level access and are all Lifetime Homes compliant. It is noted that in March 2015 the Government introduced new technical housing standards which came into effect in October last year and this has removed the Lifetime Homes standard with a requirement that 90% of homes meet Building Regulations in relation to accessible and adaptable dwellings.

8.1.8 Residential Density

Objections have been raised on overdevelopment grounds that too much residential accommodation is being created .The proposed 103 units on a 1.4 ha site will create a density of 577 habitable rooms per hectare (hrh) .The adopted density range for this part of the City in the adopted UDP is 250-500 hrh. This proposal is just over this range, but below the London Plan density requirements which are much higher than the City Council's .Overall, in terms of density alone, this proposal is considered acceptable, and the main issues relate to the lack of affordable housing, the impact on the designated heritage assets and on the amenities of surrounding residents.

8.1.9 Affordable housing

The lack of affordable housing within this development has attracted strong objections from Councillors Hug and McKie , the local amenity society and local residents. The City Council's adopted planning policies (S16)states that the Council will aim to exceed 30-% of new homes to be affordable and the Interim Guidance advises that in this location 35% of the residential floorspace be affordable.

This proposal represents a significant uplift of residential floorspace and based on the current policy this amount of floorspace would generate a requirement of 18,868 sq.m of affordable housing floorspace , which would equate to 235 units (based on a flat size of 80 sq.m)

Policy S16 normally requires that the affordable housing is provided on site If the Council considers that it is not practical or viable to provide on site ,affordable housing should be provided off site in the vicinity of the site will be sought . Only when these two options are not practical or viable, the City Council may accept a financial contribution to the Affordable Housing Fund in lieu .The payment generated by the current proposal would be £103,025,538 .

It is most regrettable that a development of this scale cannot provide any affordable housing on site. The applicant's viability report is currently being tested by the Council's independent consultants GVA .The Council's consultant's report has yet to finalise given the recent changes made to the proposal and discussions are ongoing. Therefore the results of this analysis will be reported verbally to Committee.

Councillor McKie requests that the proposed hotel use should also provide affordable housing, but given this site is located outside the CAZ there is no policy requirement to request this

8.2 Townscape and Design

As set earlier in this report Whiteleys Centre is a Grade II listed building located within the Queensway Conservation Area. Within the immediate vicinity of the application site are grade II listed buildings at No's 63-71 and 75-85 Kensington Gardens Square, which lie immediately to the west with the rear elevations fronting Redan Place. Additionally Porchester Court, which is a grade II listed terrace, abuts the application site on Porchester Gardens. The site lies on the southern border of the Westbourne Conservation Area and the eastern and northern borders of the Bayswater Conservation Area.

The proposals constitute a significant intervention to the established townscape and heritage assets. In the context of the current proposals, the heritage issues which arise include the impact on the special interest of the listed building, the impact on the character and appearance of the Queensway Conservation Area and the impact on the setting of nearby heritage assets.

8.2.1 Legislation and Council Policy

In considering whether to grant planning permission for development which affects a listed building or its setting, Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires the local planning authority to have "*special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses*". Likewise, in accordance with Section 16, in considering whether to grant listed building consent special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

With regard to the impact of the development in conservation area terms, Section 72 of the same Act indicates that "*In the exercise, with respect to any buildings or other land in a conservation area . . . special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*".

Chapter 12 of the National Planning Policy Framework (NPPF) requires great weight to be given to a heritage asset's conservation when considering the impact of a proposed development on its significance; the more important the asset, the greater the weight should be given to its conservation. Paragraphs 133 and 134 specifically address the issues of harm to designated heritage assets; Paragraph 133 states where a proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the harm is necessary to achieve substantial public benefits, whilst Paragraph 134 states that where a proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. The public benefits would have to be of a magnitude that would outweigh the substantial weight that has been given to the protection of the significance of the heritage asset. In the case of this application, the designated heritage assets comprise of the application site, the Queensway Conservation Area and the listed buildings and other conservation areas in the immediate setting.

The City Council's City Plan strategic policies S25 and S28 recognise the importance of Westminster's historic townscape and the need to conserve it and require exemplary standards of sustainable and inclusive urban design and architecture. Policy DES 1 of our UDP set out

principles of urban design and conservation to ensure the highest quality in the form and quality of new developments in order to preserve or enhance the townscape of Westminster.

Policy DES 4 of the UDP sets out criteria to ensure the highest quality of new development in order to preserve or enhance Westminster's townscape. The policy sets out considerations whereby new infill developments must have due regard to the prevailing character and quality of the surrounding townscape, particularly in conservation areas and conforms to or reflects urban design characteristics such as building lines, storey heights, massing, roof profiles and silhouettes of adjoining buildings, distinctive forms or architectural detailing prevalent in the local area, existence of set piece or significant building groups.

Policy DES 5 of the UDP seeks to ensure the highest standards of design in alterations and extensions. The policy aims for new building works to successfully integrate with their surroundings.

Policy DES 6 of the UDP seeks to ensure the highest standards of design for roof level alterations and extensions. It states, not exhaustively, that the form and details of additional storeys should be in sympathy with the existing buildings architectural character and the materials found on the existing building should be reflected.

Policy DES 9 of the UDP aims to preserve or enhance the character and appearance of conservation areas and their settings and indicates that development proposals should recognise the special character or appearance of the conservation area.

Policy DES 10 of the UDP seeks to ensure that planning permission is not granted for proposals which have an adverse impact on the setting of listed buildings.

The Queensway Conservation Area Audit was adopted as a Supplementary Planning Document in June 2008 is a material consideration in the determination of this proposal. In the Audit Whiteleys is identified as being the most notable landmark building in the Conservation Area. The Audit also identifies buildings where roof extensions are unlikely to be acceptable; Whiteleys is identified in two parts, the historic core and the 1980s redevelopment, and the audit indicates that a roof extension is unlikely to be considered acceptable above the main historic facade, however the 1980s structure is identified as being a more suitable location for a roof extension.

8.2.3 The Significance of the Affected Heritage Assets

A detailed heritage appraisal has been submitted with the application which has identified the special interest of Whiteleys and assessed the contribution the site makes to the conservation area and the setting of nearby heritage assets.

The Queensway Conservation Area is a linear area, focusing on Queensway but also consists of adjoining streets including Redan Place. This area of Bayswater became increasing commercial in the mid-late 19th century, with modern shops being introduced along Queensway (previously called Queen's Road). It was during this time William Whiteley opened the original Whiteleys

department store on Westbourne Grove, before expanding southwards onto Queen's Road and becoming London's first department store.

By 1880 William Whiteley had earned the reputation of being 'the Universal Provider' as he provided shoppers with a range of goods in numerous departments across different stores along Westbourne Grove and Queen's Road. In order to compete with the emerging department stores, Whiteleys took the opportunity to build a store to rival their competitors. Belcher and Joass were appointed as architects for the new building, as Belcher's practice was pioneers for steel frame construction in Britain, having previously designed the Royal Insurance Building in Piccadilly and Mappin and Webb's premises in Oxford Street. This type of construction was desired as there was a continual threat of fire damage. The drawings initially published show the complete redevelopment of the Whiteleys site with a frontage of eleven bays, in the Edwardian High Baroque style, symmetrical in composition with the steel frame concealed by stone including two tiers of columns; the interior was designed around four-storey lightwells covered by double skinned domes. The building was constructed in phases; the first phase was the construction of the southern two thirds in accordance with the Belcher and Joass design and which was opened in 1911. The complete vision for the store was never fully realized as Belcher died before the first phase had been completed. A restaurant, replacing the originally intended Italian Roof garden was added in 1922. The second phase of development, to the north of the Belcher and Joass building was by Curtis Green consisted of remodeling the façade of the Douglas Place, retaining the form of the buildings behind in 1925. Green's design reflected the style of the Belcher and Joass section however it did not form a completely symmetrical elevation.

Following extensive damage during World War II the building went into a period of decline. During the mid-late 20th century the upper floors were changed from retail to office space, resulting in the atria spaces being covered over. The use of the building continued to decline as did the condition of the building. Finally in 1980s the Whiteleys Partnership acquired the building and commissioned BDP to redevelop the site. This resulted in a scheme which retained the historic façade as well as the features which were considered to be of historic or architectural interest. The scheme responded to a change in retail requirements, creating an inward-looking mall.

Whiteleys continues to be a landmark building which significantly contributes to the character and appearance of the conservation area. The conservation area has a commercial character with the ground floor levels contributing to a lively shopping street and the upper floors primarily being residential. Architecturally, the conservation area consists of a range of architectural styles, most dating from the mid-late Victorian period and the early-mid 20th century. Despite the variety in style, most have a palette of yellow or red stock brick with stucco or stone dressings.

The listed buildings in Kensington Gardens Square and Porchester Court date from the mid-19th century and are fine examples of a planned layout of stuccoed terrace houses of 4no storeys with attics and basements. The Bayswater Conservation Area covers a large area and can be characterised as primarily residential, however it is composed of sub-areas and in this instance the buildings in Kensington Gardens Square are characteristic of those in the immediate setting of Whiteleys. The area primarily contains large scale terraced houses, architecturally displaying classical influences, stuccoed and in a number of cases set around a garden square.

The Westbourne Conservation Area is fairly regular in character, having been developed over a short period of time in the 1840's. The area was built up by individual builders under the guiding influence of either a great estate or a single landowner. The area is primarily residential with a range of semi-detached villas and terraced housing of different grades. In the immediate setting to Whiteleys the residential buildings within the Westbourne Conservation Area are similar in scale and form to those in the Bayswater Conservation Area. In the mid-late 19th century Westbourne Grove was established as a shopping street to rival the West End; this was where Whiteleys was first located before relocating to its current site.

In accordance with paragraph 129 of the National Planning Policy Framework (NPPF) the significance of the heritage asset which will be primarily affected by the proposal, principally Whiteleys, has been identified and discussed in accordance with values identified in English Heritage's (now referred to as Historic England) guidance document Conservation Principles, Policies and Guidance.

Historic England identifies that the Whiteleys building can be seen to have three distinct phases of development; the initial 1908-12 Joass and Belcher building, the 1925 Curtis Green addition and the redevelopment of the site in the 1980s. Architectural value is found in the building's conscious composition in the free beaux-arts style, steel frame construction, materiality and evolution in terms of Green's response to the architectural style of the original building. Following the 1980s scheme, which in part comprised façade retention, much of the interior of the building was lost; however key architectural components which were considered to contribute to the building's significance were retained, these include the central and southern atria, the domes that surmount them, the 1920s dining room and the grand central staircase. Consequently interest is also generated from the building's role in understanding the local pattern of development of the Queensway area. Whilst no longer a complete system, elements of the original fireproofing measures survive and these are considered to contribute to the evidential value as the system was installed in response to the threat of fire, which had damaged the original Whiteleys department store building.

Historical value is found through illustration and association. Not only is Whiteleys associated with its founder but also the architects who designed and progressed the building. The building illustrates the historic role of department stores and how they were designed to be landmark buildings functioning as a shopping destination. This is not only true of London but also in response to the changing models of retail in America, of which malls inspired the replacement building. The need for historic redevelopment and the resulting shopping mall demonstrates the change in society's requirements and how the building needed to be adapted in response. These components, in addition to the building being a landmark building and an active meeting place, contribute to the communal value of Whiteleys. Therefore the special interest of the listed building derives from its evidential, historical, aesthetic and communal values.

In summary, the primary significance of Whiteleys include its history, including evolutionary phases, it's fabric (notably, the main facades, the atria, the steel-frame construction, the dining room and the staircase), it's contribution as a community building in the sense that the community

identify it with the area and history of the area and their ability to access and interact with the building.

8.2.4 The Proposed Development

The proposed development constitutes a significant alteration to the established townscape and can be summarised as a façade retention scheme, with redevelopment to provide a mixed use scheme comprising residential units, a hotel, a retail arcade and central court with associated ancillary functions.

The scheme proposes the demolition of the building behind the retained Whiteleys historic façade, which includes the Queensway elevation and the returns to Porchester Gardens and Redan Place. The historic elevation is to be restored, with the windows to be retained and refurbished where possible following a detailed condition assessment. At present the existing floor slab is visible behind the windows on the Curtis Green elevation. It is proposed to level the existing balconies to conceal the slab and to introduce a new clerestory, which matches the existing window details, between the balconies and window below. Whilst the 1980s scheme was principally a redevelopment of the site, it did recognise architectural features which are considered to be of special historic or architectural interest and ensured their retention; these features being the central and octagonal domes and atria, elements of the steel frame associate with these, the central staircase and the 1920s dining room. This scheme proposes complete redevelopment behind the facades, including the relocation of the staircase and main entrance screen, the repositioning of the central dome and reconstruction of the circular atrium; the loss of the octagonal dome and atrium and loss of the 1920s dining room.

An external retail court is to be introduced within the site and will be accessed via a retail arcade from Queensway. The arcade comprises a double height space incorporating the re-positioned dome and central atria, between the atrium and the retail space there will be a glazed 'cap', which is being introduced by the applicants primarily to overcome bird nuisance. A general shopfront strategy has been proposed which principally will be glazed shopfronts with bronze-coloured metal transoms and mullions. In association with creating a retail arcade it is proposed to relocate the central entrance screen to the hotel entrance on Redan Place. The screen will be recorded and dismantled before being reconstructed within a Portland stone elevation, positioned on the recessed section of the north elevation underneath a projecting canopy. Whilst the hotel entrance responds to the architectural character of Whiteleys, it is contemporary in approach; however the Portland stone screen will be set against the same materiality. The central staircase, which consists of a pair of sweeping flights of stairs and 2no elliptical landings, which is currently positioned in the central atria is to be relocated within the hotel lobby.

Above the retained facade it is proposed to introduce 3no additional storeys, namely an attic storey, a mansard storey and 2no. glazed pavilions. The new attic storey replaces the 1920s dining room structure which lies to either side of the central tower and will replicate the arched window design. This element is to be faced in reconstituted stone. The penultimate storey has been designed as a recessive roof level, mansard style in approach, which will be slate coloured reconstituted stone. The introduction of glazed pavilions is a reference to the original Belcher and Joass vision which was never realised in its entirety; they will sit either side of the relocated

central dome. It is also proposed to replace the missing northern cupola, the detailed design of which will match the southern cupola.

To the rear of the site it is proposed to erect townhouses fronting Redan Place. The townhouses comprise of 2no terraces and a semi-detached pair with an access road running behind. They will be of 4no storeys; the upper storeys will be brick with the base being reconstituted stone. Further residential units are provided behind Redan Place in the form of apartment blocks. These vary in form and scale, with the 2no centrally located blocks being 10no storeys and 2no 5no storey buildings in between. Architecturally the new build elements have responded to the style and characteristic features of the historic façade; the buildings have a strong vertical emphasis combined with the formation of bays, some of which are recessed. The fenestration references the multi-pane detail of the original windows whilst being set within a frame of reconstituted stone, the materiality of the buildings respecting the prominent materials present. Amenity spaces are created either in the form of terraces or rooftop gardens.

8.2.5 Assessment

There have been a number of objections to the development proposals, which relate to the impact upon the significance of the listed building and to the surrounding townscape. With respect to the listed building there is concern that the impact on historic fabric is harmful and that the architectural features that were retained as part of the 1980's scheme should be retained in situ and incorporated into the development proposals. With respect to the impact on the wider townscape the concerns relate to the additional roof top storeys and to the height and massing of the new build to the rear.

The impact of the proposals on the significance of the listed building is considered to result in harm. This impact is noted by, amongst others, Historic England, The Victorian Society, The Ancient Monuments Society, The Twentieth Century Society, and the local interest group Save Whiteleys Heritage whose concerns extend beyond the loss of the fabric to the removal of public access to the interior (i.e. changing the building from one that can be enjoyed both internal and externally, to one which is primarily experienced from the exterior) and to the loss to the community of what it regards as unique heritage features, which have provided a public benefit for many years. That harm is caused to the listed building is also acknowledged by the applicants in their heritage statement. It is recognised by the heritage-interest consultees that the 1980s scheme eroded some of the special interest of the heritage asset however the features which form an intrinsic part of the original interior design of Whiteleys were retained. The atria are considered to provide an intangible link to the original design of Whiteleys with the volume of space maintaining the historic experience of the interior. The central staircase responds to the atria setting whilst the entrance screen, which contains intricate and highly decorative stonework, not only contributes to the aesthetic values of the façade, but also marks the threshold into the landmark building. The decorative statues are to be repositioned to the side of the arcade, whilst the detailed design of the marble floor will be replicated as will the soffit.

It is officers' view that the degree of harm caused by the proposals amounts to less than substantial harm, which is also the view of Historic England. It is noted that others consider the impact to amount to substantial harm. However, whilst there is harm resulting from the alterations,

as the entrance screen, central dome and staircase are to be retained some of the harm is mitigated. Whilst higher and in an altered position the recreation of a central atria and the dome is welcomed, however the introduction of a glazed cap which limits the interpretation of the volume of space is regrettable, particularly given the proposed justification. There would be a loss of historic fabric and features, notably complete loss of the octagonal dome and the 1922 Joass restaurant with its decorative interior however this does not amount to total loss of significance, hence the view that less than substantial harm is caused. Alternative proposals incorporating these features have not been produced, which is an issue which has been raised by the Save Whiteleys Heritage campaign, who suggest that alternative designs might deliver similar outcomes, but reduce the harmful impacts to the listed building.

In respect of the impact of the proposal on the wider townscape, the additional height and massing is also a common aspect to many of the objections as the resultant bulk and mass is considered to detract from the profile and silhouette of the historic façade and that the height of the new development to the rear of the site has a harmful impact on the townscape. During the course of the application Officers raised this concern as well as the impact of the footprint of the roof extensions on the cupolas and Porchester Court. The applicant has sought to address these concerns by introducing some set back to the attic and mansard roof storey around the cupola and pulling back the massing adjacent to Porchester Court as well as reducing the height of the pavilion structures. The applicant has produced verified views showing the impact of this development on views principally from the north, east and south. The relationship between the roof extensions and the architectural features which contribute to skyline is broadly considered to be acceptable with the roof having a subordinate character and ensuring that the cupolas, central tower and central dome remain prominent in the immediate and wider views. However it is considered that there is scope for further height reduction notably to the attic and mansard elements, which would improve this relationship and increase the subordinate nature of the rooftop additions. If this further reduction in height, together with improvements to the facing materials for the rooftop floors can be provided, then it is considered that, notwithstanding the conservation area audit's initial assessment, that roof additions can be successfully accommodated above the historic façade.

The scale and mass of the apartment blocks have commonly been cited in objections to the scheme as the overall height is considered to be out of keeping with the character of the area, exceeding the established height of the area and therefore will have an intrusive impact on the skyline. As noted previously Whiteleys has been identified as a landmark building within the Queensway Conservation Area and the wider setting. The new higher level buildings have been positioned within the centre of the site so as reduce the impact on the surrounding buildings, with the introduction of the terraced houses on Redan Place providing an appropriate scale to this secondary street frontage and also mediating the massing of the new development with the properties on Kensington Gardens Square. The height and position of the building has also been kept below and behind the central dome so as not to compete with this historic and architectural element. Whilst it is recognised that the scale does not conform to the established heights of the surrounding area, it is considered that the development will be interpreted in isolation and within the context of being a landmark site. Therefore it is officer's view that the scale of the apartment

buildings will have a limited impact on the townscape. Furthermore this has been demonstrated by the verified views which show the increase in scale of the site to be marginally visible from within the wider setting.

8.2.6 Conclusion

In the heritage statement the applicants recognise the proposal, including the amount of demolition and the loss of features of historical and architectural interest will result in a degree of harm to the special interest of the heritage assets. Caselaw has indicated that for harm to be 'substantial', the impact on the significance of a heritage asset must be such that 'very much, if not all, of the significance was drained away' (Bedford Borough Council v Secretary of for Communities and Local Government and Nuon UK Ltd). In this context, officers consider the proposals to result in less than substantial harm to the heritage assets.

Where the harm is less than substantial, it may be considered in terms of the NPPF tests set out in paragraph 134; the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. This scheme does present heritage benefits in the form of the repair and restoration of features of historic or architectural interest; however these should not be seen in isolation. Public benefits should be of a nature or scale to be of benefit to the public at large; however benefits do not always have to be visible or accessible to the public in order to be genuine public benefits. With respect to wider public benefits the applicants have identified these to be the creation of high quality homes, the transformation of Bayswater neighbourhood, the creation of a vibrant pedestrian street and a newly defined retail offering and destination. It should be noted that these suggested benefits are not accepted by some of the objectors.

8.3 Residential Amenity

Strong objections have been received from neighbouring residents in particular those in Kensington Gardens Square and Redan Place to the overall scale and massing at the rear and the resultant impact on their daylight and sunlight, outlook and privacy .Councillor Smith shares the concerns of these residents.

It is accepted that due to the increase in bulk and height, the proposal affects a significant number of existing residents in neighbouring streets .The applicant has submitted and detailed Daylight and Sunlight Analysis using the BRE Guidelines and the case officer has also visited a number of affected properties in Kensington Gardens Square and Redan Place to assess the impact..

8.3.1 Sunlight and Daylight

Despite the objection received it is not considered that the proposal will materially affect sunlight to the recently converted flats at No's 14-16 Westbourne Grove (located on the north side of the road) because of the distances involved .It is accepted that the new buildings behind the retained facades will be visible from the top floor flat but this is not a ground to refuse permission. Objections have also been raised to loss of light to the private communal gardens in Kensington Gardens Square, but again because of the distances involved there will be no material impact.

The main areas of concern related primarily to the residential properties located at the rear in Kensington Gardens Square and Redan Place and to a slightly lesser extent the flats above the shops on the opposite side of Queensway and those flats immediately to the south in Porchester

Gardens .There is an existing hotel at 78-82 Kensington Gardens Square which will lose between 20-50% of daylight to rear bedroom windows, given many of these rooms already have very low levels of daylight, therefore losses are not considered to be so material to warrant refusal of permission.

The applicant's Daylight and Sunlight report has identified 68 sensitive properties and concludes that 26 of the properties will fully adhere to the BRE Guidelines (38%) and these are located in Porchester Gardens, Queensway, Queens Mews, Inverness Terrace and Westbourne Grove. A further 34 properties will experience according to the applicant minor (slightly noticeable) or moderate (noticeable) transgressions of the BRE Guidelines, including a number of properties in Queensway, Kensington Gardens Square and Porchester Gardens .The remaining 8 properties will experience moderate to major transgressions where the impacts will be very noticeable, and these include properties mainly in Kensington Gardens Square and Redan Place .The applicant argues that these losses are consistent with the dense urban environment in this location and neighbouring properties are very close to the application site in Redan Place where existing levels of sunlight and daylight are already low .The applicant also cites that the rear of Whiteleys is already open with the existing car park and properties in Kensington Gardens Square are more susceptible to larger percentage losses .In addition , the majority of the affected windows serve non habitable spaces or serve bedrooms which are less sensitive than other habitable rooms ,

The Get Whiteleys Right group have commissioned by their own Daylight and Sunlight Report which disagrees with the applicant's results in respect of the impact on flats which back onto Whiteleys in Kensington Gardens Square .Their report highlights that the scheme causes numerous reductions of 30%-40%+ in daylight in rooms in some of the flats which is significantly higher than the BRE guidance of no loss over 20%. Fifty % (85 out of 158) of the windows facing the Whiteleys site will experience a noticeable reduction in daylight. Over 35% of the windows suffer reductions in total annual sunlight hours greater than those recommended in the BRE Guidelines and around 15% for winter sunlight hours. They also state that 29 windows will be left with an inadequate level of daylight, arguably so low as to be uninhabitable.

Kensington Gardens Square

It is clear that a number of windows serving habitable rooms in the rear elevations of No's 63-77 Kensington Gardens Square (6 storey terraced properties) will experience noticeable losses of daylight and sunlight in excess of the BRE guidelines. A number of these affected windows serve habitable rooms such as bedrooms, kitchens and studies. The City Council cannot protect losses of light to non-habitable rooms such as staircases and bathrooms.

In respect of No 63 which comprises of 7 flats, of the 15 windows tested, 7 will experience reductions in Vertical Sky Component (VSC) between 21.4 % to 37% from ground to fourth floor levels and the worse affected are located at the ground and first floors. However, the affected windows will receive daylighting levels between 13.5-17 VSC which is considered on balance reasonable for this part of the City .Six windows will suffer reductions in their annual probable sunlight hours (APSH) falling under 25% and two windows will experience reductions in their winter sunlight hours of 33.33% and 50% in excess of the BRE Guidelines .It is accepted that these losses will be noticeable by the occupants.

In respect of No 64 which has been subdivided into 6 flats, 10 of the 18 tested windows will experience reductions in VSC between 22% to 41% from ground to fourth floor levels .The majority of the affected windows will receive daylighting levels between 10.5 VSC to 27 VSC which is considered on balance acceptable. A couple of the affected windows have relatively low,

for example 8 VSC and therefore a loss of light will be expressed as a relatively large percentage. Eight windows fail to meet the BRE Guidelines for annual sunlight hours and three will not meet the winter guidelines.

In respect of No 65, this property is in use as 8 flats .8 of the 15 windows tested will suffer reductions in VSC between 27.5% to 35.2% on the ground, to fourth floor levels, with the lower floors being the worse affected .In terms of the ground and first floor windows these windows will receive between 14 VSC to 17.5 VSC which is considered on balance acceptable. A number of windows as per the other properties will experience losses of sunlight in excess of the BRE guidelines.

In respect of No 66 which is subdivided into 6 flats, 11 of 16 windows will lose daylight ranging from 21.7%to 39.2% from the ground to fourth floors. Although the percentage losses are high, again the resultant levels of daylight between 8 VSC to 28 VSC is considered acceptable

No 67(also subdivided into flats) 16 windows will lose daylight ranging from 21% to 39 % affecting the ground to fifth floors. The worse affected window in terms of percentage loss is a second floor window which will lose 39% of its VSC, but this window will still receive a VSC of 15.5 % which is considered reasonable in this location.

No 68 will also experience very similar losses between 21% to 35% from the ground to fifth floors, but the resultant VSC figures between 12.5 VSC and 29 VSC are again considered acceptable.

No 69 is in use as 5 flats, 9 of the 15 windows tested will experience reductions in excess of the 20% set out in the BRE guidelines from the first to fifth floor levels Reductions range from 22.5% to 41.2 % .The worse affected window is understood to be a kitchen window and the VSC will be reduced from 17 to 10. This is not ideal, but it is considered on balance acceptable .Windows on the second and third floors will experience losses of annual and winter sunlight in excess of the BRE guidelines

No 70 comprises of four flats, 9 of the 17 windows tested will not comply and experience losses between 24% and 37.8% from the second to fifth floors .The worse affected windows are those on the second and third floor levels, but these windows have reasonably high levels of VSC for a central london location at the proposed VSC levels between 11.5 and 21.45 are considered acceptable.

No 71 is subdivided into 7 flats, 7 of the 17 tested windows from second to fourth floor levels will experience reductions from 23.8% and 34.8% .It is accepted that the these reductions will be noticeable by the occupants, but overall no so severe to warrant refusal of permission .

No's 72-74 all the windows tested between ground and sixth floor levels will lose daylight in excess of the BRE guidelines ranging from 22.7% to 33.3%. Whilst these reductions are noticeable, the majority of just in excess of the BRE guidelines and the affected windows which lose approximately a third of their sunlight will continue to receive reasonable daylight.

No 75 which is subdivided into 6 flats, 12 windows from ground to fourth floor levels will experience losses between 24.7% to 39.4%, and a first window will experience the greatest loss. In respect of sunlight 9 of the 19 windows tested will fail to meet the BRE Guidelines. Again these losses are considered on balance acceptable.

No 76 is also subdivided into 6 flats and 8 windows will experience losses between 25.4% and 38.5% VSC .It is understood that many of the worse affected windows at first floor level serve a hallway which is not a habitable room. One window at first floor which appears to serve a habitable room will lose nearly 39% loss of its daylight with a reduction from 16.5 VSC to 10 VSC. However this loss is considered on balance acceptable. In terms of loss of sunlight, 1 window will fail to meet the BRE Guidelines.

No 77 is in use as 5 flats, windows on the first to fourth floor will experience losses between 24.7 % and 46.2 % .Again the worse affected window is a first floor window and VSC will be reduced from 13 VSC to 7 VSC. Again as with other properties, two windows serving habitable rooms will experience reductions in annual probable

Redan Place

A number of flats which front onto Redan Place will be affected, in particular No's 22, 23-27 38-39(Bourne House) and 45 in terms of their loss of sunlight and daylight.

No 22 Redan Place is a 8 storey building in commercial use , however prior approval was granted in 2014 to convert the offices into thirty three residential flats .Therefore the likely impact on these future residents needs to be tested .One hundred and twenty three windows have been tested and 97 windows will comply with the BRE guidance. The windows that fail, the majority of the losses are considered to be minor and only one window will result in a major loss losing 44% of its daylight Existing daylighting levels to this ground floor window are very low, therefore any loss will be represented as a large percentage. It is considered that these windows will continue to receive adequate levels of daylight and sunlight.

No 23-27 Redan Place is in mixed use and the ground floor is in office and the upper 5 floors in residential use Out of a total of 1515 windows tested, 50 will comply with the BRE guidelines, 16 will suffer minor losses, 44 will suffer moderate losses and 41 suffer major losses. The worse affected windows are those located at first ,second, third and fourth floors and be in the region of 40 to 50% .Such losses will be noticeable by the occupants of these flats, albeit it is considered on balance that the resultant daylight levels will be acceptable for a central London location

Bourne House at No 38-39 comprises of three storeys and the ground floor is occupied by a restaurant with residential above and No13-15 Westbourne Grove sits behind with residential windows on the first, second and third floors . Of the 9 windows tested, 8 fails to comply with the BRE guidelines, however these windows are currently poorly lit and as a result have low levels of VSC Whilst further losses of light to these windows is not ideal given their existing low levels of light , it is considered on balance that these losses are acceptable .

No 45 Redan Place, the first to sixth floors are in residential use as flats and 42 windows have been tested, of which 7 will suffer minor losses, 30 will suffer moderate losses and 3 suffer major losses. Again the impact is considered acceptable.

Queensway

In respect of the flats on the opposite side of Queensway, and number of the first and second floor windows will experience losses in excess of the BRE guidelines, but these windows already have low levels of daylight/sunlight, therefore any loss will be expressed as a high percentage .After assessing the impact, it is not considered that the loss of amenity to these residents will be so material to warrant refusal of planning permission.

Sense of Enclosure

It is accepted that neighbouring residents in Queensway, Redan Place, Kensington Gardens Square and Porchester Gardens will be affected in terms of their outlook, and the worse affected properties are those located at the rear in Kensington Gardens Square and Redan Place which will experienced an increased sense of enclosure from the additional height and bulk at the rear. Committee's views are sought in respect to the reductions of light and increased sense of enclosure to these residents.

Privacy

Despite the strong objections received, it is not considered that the proposal will result in a material loss of privacy to neighbouring residents .It is recognised that residents in Kensington Gardens Square and Redan Place will be looking onto the rear elevation of the new flats compared to the existing open public car park, but it is not considered to result in such material harm to warrant refusal of permission.

8.4 Transportation/Parking

Public Car Park

Although the Highways Planning Manager raised no objections to the loss of the existing public car park (177 spaces) on the second floor, the loss of this facility was objected to by the local amenity societies who considered that an element of public parking was necessary to serve the retail, hotel and other commercial uses proposed .As a result the application has been amended to include a smaller public car park at basement level 3 with 36 spaces. The reduction in capacity is considered acceptable given its level of use (peak occupancy rate 45% on Saturday) and the reduced amount of retail floorspace .There are other public car parks in Queensway.

The Highways Planning Manager has raised concerns about the operation of the car park and possibility of any queuing on the highway which may arise from vehicles waiting to be allowed to enter the car park. However, on balance it is not considered that the reduction of the capacity of the existing car park will not have a significantly adverse impact on car parking pressures in the area. A vehicle signalling system will be required for the basement car park including its maintenance will need to secure by condition.

The Highways Planning Manager also requests that the applicant needs to provide further information on how this car park will operate to minimise delays at the street level ramp entrance, reduce conflicts with servicing vehicles and public car park users, prevent long stay parking, no commercial parking, no commuter/worker parking . The management of this car park, including hours of operation, tariffs will need to be controlled by a legal agreement if Members are minded to approve

Car Parking Levels

Although the GLA has requested that the applicant reduce parking provision for the residential, the latest revised scheme is considered acceptable in terms of the Council's parking policies. All parking for all the residential units are now located at basement Level 3 and will be on an unallocated basis. The level of parking 139 spaces for 103 units represents a car parking ratio of 1.35 spaces per dwelling. The applicant's Transport Assessment demonstrates that this level of parking will not have any adverse impact on trip generation and the capacity of local roads. No car parking is being provided for the non-residential uses and this is compliant with policies TRANS 21 and TRANS 22 .The applicant has amended the scheme to ensure that 40% of the spaces have electric car charging points.

Cycle Parking

The Highways Engineer raises no objections to the cycle parking proposed, 232 parking spaces for the residential and 96 spaces for the commercial uses, and the quantum and layout is considered acceptable.

Access Points

The proposal involves creating a new vehicle access point in Redan Place, one on the western facade as a vehicle drop-off, two on the north façade, one to access the basement and the other as a drop off .The proposal removes two existing access points.

The Highways Engineers does not consider these new drop off points as neither are justified or represent an improvement to the pedestrian environment and could obstruct through traffic. The applicant has been requested to provide further information and this matter will be reported verbally to Committee.

Coach Parking for the Hotel

The applicant has confirmed that the size and type of hotel is unlikely to generate arrivals or departures by coach, and this can be covered by condition.

Servicing

The proposal provides a larger servicing bay within the basement which accords with policies S42 and TRANS 20.A Servicing and Delivery Strategy will need to be controlled by condition, which also addresses the comments made by Transport for London.

Stopping up of the Highway/Dedication of Land

The Highways Planning Manager advises that the proposed stopping up works within Redan Place are considered on balance acceptable .under Section 247 of the Town and Country Planning Act 1990 .An area of land (hatched in blue) on drawing number A13039-T-106 in Redan Place (northern and western arms) will need to be dedicated to the City Council prior to the occupation of the development at no cost to the City Council. The rationalisation of the building line and increased width of the pavement is welcomed by the Highways Planning Manager.

Travel Plan.

Although Transport for London has requested that a Travel Plan be secured by a legal agreement, if Members are minded to approve, it is considered that a travel plan for the commercial uses could be reserved by condition.

8.5 Economic Considerations

It is recognised that the loss of the existing shops and offices during the redevelopment will affect local employment, however, the proposed new uses and the construction will offer employment and secure economic benefits for the local area .These benefits need to be weighed against the less than substantial harm to the listed building and the impact on the amenities of neighbouring residents.

8.6 Access

Disabled access is being provided for all the public uses and all the residential units and disabled parking at basement level.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Archaeology

Historic England (Archaeology) advice that based on the applicant's desk top study it is unlikely that archaeological remains would survive beneath the existing basement.

8.7.2 Air Quality

Environmental Health raises no objections on air quality grounds.

8.7.3 Land Contamination

Residents have raised concerns regarding the implications for asbestos removal. If Members are minded to approve a land contamination condition can be imposed and a condition to address the safe removal of asbestos.

8.7.4 Noise/Plant

An acoustic assessment has been submitted with the application and Environmental Health raises no objections in principle and subject to conditions, it is unlikely that plant associated with this development will result in noise/disturbance or vibration to nearby residents. The majority of the plant will be located at basement level, and the detailed design will address ventilation and extract ducting for the A3 uses and hotel.

A detailed servicing strategy will be submitted to reduce the potential for noise disturbance to nearby residents.

The main concern raised by the local residents is noise during construction and this is dealt with in Section 8.12 of this report.

8.7.6 Refuse /Recycling

The Cleansing Manager has requested revisions and the applicants have submitted an addendum document to provide further justification of the proposed waste management system. The Cleansing Manager has raised concerns about the waste chute .Such systems are normally not recommended , but the applicant has confirmed there will be constant on site management , and this will need to be secured in a detailed refuse strategy .The number and volume of bins has been amended and food recycling facilities will be included in each residential kitchen. The formal views of the Cleansing Manager will be reported verbally.

8.7.7 Biodiversity/Ecological assessment

The site comprises examples of habitats of low ecological value, including buildings, hard standing and street trees of value within the immediate vicinity of the site only. The main ecological constraint is therefore the low potential of the site to support breeding birds. The site was considered unsuitable to support any other protected species. There is no evidence to suggest that the existing building is used as a bat roost. The proposed landscaping will represent an enhancement in biodiversity terms and the provision of green roofs are welcomed .The detailed design of any new landscaping including green roofs and the inclusion of bird boxes can be reserved by condition .

8.7.8 Trees

The Arboricultural Manager raises no objection to the proposal. The landscaping scheme includes new tree planting.

8.7.9 Energy /Sustainability

The applicant's BREEAM pre-assessments confirm that the proposal will achieve an 'Excellent' rating in line with Council policy. The sustainability strategy incorporates energy efficiency

measures to reduce carbon emissions and sustainable construction methods. Water energy measures include SUDs.

The GLA have requested further information on the energy centre, heat network and bio fuel system, as the energy strategy does not accord with London Plan policies. The applicant has provided further details to the GLA and a response will be reported verbally to Committee.

8.8 London Plan

This application raises strategic issues and has been referred to the Mayor of London and in the determination of this proposal regard has been had to the relevant London Plan policies set out in the Further Alterations (FALP) adopted in March 2015.

The Stage 1 response received from the GLA is set out in the Background Papers and summarised in the Consultation Section of this report. The GLA support the principle of the housing led redevelopment, and highlight that there are a number of matters which do not accord with London Plan policies; namely the lack of affordable housing, play space, the pedestrian environment in Redan Place. The applicant needs to provide further information on flood risk and surface water drainage in order to satisfy London Plan policies. The energy strategy does not accord with London Plan policies and further information required regarding the energy centre, heat network and bio fuel system.

If Members are minded to approve this planning application, it will need to be referred back to the Mayor again (Stage 2) and allow 14 days for his decision. The Mayor can decide to direct refusal, take over the determination of the application, or be content for the City Council to determine the application.

8.9 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise. The assessed of the impact of the proposals on the special architectural and historic impact of this listed building and the Queensway and wider conservation areas are set out in detail in Section 8.2 of this report.

8.10 Planning Obligations Regulation 122 of the CIL regulations 2010(as amended) states that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is

Necessary to make the development acceptable in planning terms

Directly related to the development

Fairly and reasonable related in scale and kind to the development.

Regard has also been had to the advice set out in policy S33 in the City Plan which relates to planning obligations. The applicant's draft 'Heads' of agreement are proposed to cover the following issues:

Affordable Housing (subject to viability)

Play space facilities

Highway and public realm works

Employment, training and skills

Code of Construction Practice.

The applicant has identified that after paying Mayoral CIL, £7 million pounds identified for planning obligations. The majority of this sum (£6 million) is earmarked for public realm improvements.

The GLA/TfL has requested further financial contributions should be secured towards bus stop upgrades, Legible London in addition to the Crossrail CIL .It is not considered that the increase in residential population will necessitate such increased in demand for public transport to justification the improvements to bus stops .In respect of cycle parking , it is considered that adequate cycle parking is being provided for the commercial and residential uses and it is not necessary to make this application acceptable in planning terms .

Community Infrastructure Levy (CIL)

This planning application if approved will attract a Mayoral CIL payment of £ £1,814,150 based on the floorspace in the revised submission. City Council's own CIL Regulations are due to come into force on 1 May 2016, and will affect decisions granted after this date.

8.11 Environmental Impact Assessment

Despite the comments raised by the Get Whiteleys Right, this proposal will not trigger an Environmental Impact Assessment (EIA) under the current EIA Regulations and the Council has already issued its screening opinion last year, that the proposal is unlikely to cause significant environmental impacts.

8.12 Other Issues

8.12.1 Basement Excavation

Strong objections have been raised to the principle of further basement excavation to create a three level basement compared to the existing single basement, in particular the adverse impact on residents amenities during construction , and the impact on the structural integrity of nearby listed buildings in Kensington Gardens Square .

The applicant has submitted a Basement Impact and Structural Methodology Statement in accordance with the Council's SPD, which addresses the ground conditions, hydrology, the impact on the retention of the existing retained listed structure and the impact on the neighbouring buildings .The formal views of Building Control are awaited and will be reported verbally to Committee.

8.12.2. Construction impact

Many of the objections raised by local residents and the amenity societies relate to the construction impact and the traffic associated with the redevelopment .It is recognised that the construction work will affect local residents and businesses over a four year period given the scale of the proposal. A detailed Construction Management Plan will be required and the applicant has agreed to pay for the construction monitoring costs. A Construction Logistics Plan will be required to address the comments raised by Transport for London and further information on construction routes to ensure that construction vehicles use the main roads.

8.12.3 Crime and security

The formal views of the Designing out Crime Officer are awaited and will be reported verbally to Committee. Given the retail, hotel and the other uses are crowded places secure by design measures will need to be secured by condition if Members are minded to approve.

8.12.3 Flood Risk Assessment

Objections have been raised to the proposed three level basement increasing flood risk and the GLA have requested further information in relation to flood risk and surface water drainage. A Flood Risk Assessment has been submitted due to the nature of the proposal and its location within Flood Zone 1. The highest risk of flooding comes from surface water flooding associated with high intense rainfall. The design of the basement ramp now includes a barrier to address flooding and the design incorporates SUDS. The formal response from GLA is awaited and will be reported verbally to Committee.

If Members are minded to approve a Grampian condition can be imposed address flood risk and a detailed drainage strategy to address the comments made by Thames Water.

8.13.4 Statement of Community Involvement

The applicant's held a two day public exhibition in the summer of 2015 attended by over 250 people including local residents and visitors. The applicant's statement of community involvement sets out a summary of the responses received. The applicant advises that 84% of the respondents agreed that the proposal would be a positive enhancement to the area, 78% agreed that the mix of uses suggested are suitable for the area, 80% agreed that the retail element will make a positive contribution to the shopping experience in the area and 83% agreed that the amenity space and court are appropriate and welcomed the additions to the public realm.

8.12.5 Environmental Conditions

The applicants have submitted a report to assess the environmental conditions in the light of comments received regarding the micro climate of the proposed retail courtyard and whether the proposed new buildings will create a windy environment. The applicant's report advises that wind simulations have been carried out and confirm that the results for the retail court will be favourable, and that court will receive adequate levels of sunlight.

8.12.6 Public Art

The applicant's Landscape strategy includes the inclusion of public art within the retail court. The applicant has been asked to clarify sum dedicated for public art and this will be reported verbally to Committee.

8.12.7 Lack of Montages

Objections have been received on the grounds that no visual assessment has been undertaken from views within Kensington Gardens Square. The applicant has been requested to submit additional visuals, however this has been assessed on site by the case officer, and it is not considered that the proposal will have any adverse impact on these views.

8.12.8 Legal Challenges

It has been raised by the Save Whiteleys Heritage and Get Whiteleys Right that any decision to grant will be the subject of a legal challenge as such a decision will be flawed, as the proposal is contrary to adopted policy and the Council has failed to assess the proposal correctly. The Save Whiteleys Heritage requested that a Public Inquiry be held.

It is considered that the objections received have been fully considered that this proposal is being reported for Committee's views.

8.12.9 Public Consultation

Requests have been made that this application should be not being reported to Committee and that residents be given more time to comment. There has been extensive public consultation, and it is not considered reasonable to delay the determination

BACKGROUND PAPERS

1. Application forms
2. Email from Karen Buck MP dated 7 March 2016
3. Email from Councillor McKie dated 24 February 2016
4. Stage 1 response from the Greater London Authority dated 6.1.2016
5. Letter from Historic England Archaeology dated 7 December 2015
6. Letter from Historic England dated 15 December 2015.
7. Letter from the Victorian Society dated 22 January 2016
8. Letter from the Ancient Monuments Society dated 29 January 2016.
9. Letter from Transport for London dated 3 December 2015.
10. Letter from the Twentieth Century Society dated 16 February 2016
11. Memorandum from Highways Planning Manager dated 8 March 2016
12. Response from Environmental Health (S106)_ dated 25 November 2015
13. Response from Environmental Health dated 5 January 2016
14. Response from Cleansing dated 10 December 2015.
15. Response from the Arboricultural Manager dated 25 November 2015.
16. Email from South East Bayswater Residents Association dated 4 January 2016
17. Email from the Bayswater Residents Association dated 18 November 2015.
18. Email from Notting Hill East Neighbourhood Forum dated 16 January 2016. Email from Save Whiteleys c/o March House 14 Westbourne Street London W2 dated 16 and 17 December 2015
19. Email from Thames Water dated 3 December 2015.
20. Letter from Beaufort house, 25 Queensborough Terrace, London W2 dated 19 November 2015
21. Email from Flat 18, Inver Court, Queensway London W2 dated 24 November 2015
22. Email from Flat 24 Inver Court, Queensway London, dated 24 November 2015
23. Email from Flat 20, Inver Court Queensway London W2 dated 24 November 2015
24. Email from Flat 18, Inver Court, Queensway London W2 dated 24 November 2015
25. Email from Trustees 41 Queens Gardens London W2 dated 25 November 2015
26. Email from a resident (no address given) dated 27 November 2015.
27. Email from 58 Kensington Gardens Square London W2 dated 1 December 2015
28. Email from Flat 2, 61 Kensington Gardens Square, W2 dated 7 December 2015
29. Email from of Flat 1, 70 Kensington Gardens Square, London, W2 dated 6 December 2015
30. Email from Flat 1, 70 Kensington Gardens Square, London, W2 dated 7 December 2015
31. Email from 58 Kensington Gardens Square, London, W2 dated 7 December 2015
32. Email from 11 Bentley Court, 72-74 Kensington Gardens Square, London W2 dated 7 December 2015.
33. Email from a resident on Redan Place/Kensington Gardens Square London W2 dated 7 December 2015.
34. Email from occupier of Flat 4, 66 Kensington Gardens Square, London W2 dated 7 December 2015.
35. Email from Flat 2 Inver Court, Inverness Terrace, W2 dated 7 December 2015
36. Email from Flat 5 14 Kensington Gardens Square, London W2 dated 7 December 2015.
37. Email from 63 Kensington Gardens Square, London, W2 dated 7 December 2015
38. Email from 58 Kensington Gardens Square, London, W2 dated 7 December 2015
39. Email from Flat 19 Inver Court, London, W2 dated 7 December 2015
40. Email from Flat 15, 27 Kensington Gardens Square, London W2 Dated 7 December 2015
41. Email from Flat 1 70 Kensington Gardens Square London W2 dated 7 December 2015.
42. Email from Flat 3 69 Kensington Gardens Square, London W2 dated 7 December 2015.
43. Email from Flat 6, 61 Kensington Gardens Square, London, W2 dated 9 December 2015
44. Email from occupier of Flat 5 65 Kensington Garden Square, London W2 dated 8 December

2015.

45. Email from 66a Kensington Gardens Square, London,W2 dated 8 December 2015
46. Email from 66 Kensington Gardens Square, London,W2 dated 8 December 2015
47. Email from Flat G 26 Redan Place, London,W2 dated 8 December 2015
48. Email from 63 Kensington Gardens Square, London, W2 dated 8 December 2015
49. Email from March House, 14 Westbourne Street, London W2 dated 8 December 2015
50. Email from Flat 4, 13 Kensington Gardens Square, London W2 dated 8 December 2015
51. Email from 2 Kensington Gardens Square, London, W2 dated 8 December 2015
52. Email from 13 Kensington Gardens Square, London,W2 dated 8 December 2015
53. Email from the Penthouse , Westbourne House, 14 - 16 Westbourne Grove, London W2 dated 8 December 2015
54. Email from Flat 8, 61 Kensington Gardens Square, London W2 dated 8 December 2015
55. Email from Flat 5 13 Kensington Gardens Square London W2 dated 9 December 2015.
56. Email from Flat 6 61 Kensington Gardens Square London W2 dated 9 December 2015.
57. Email from Flat 2 69, Kensington Gardens Square London W2 Dated 10 December 2015.
58. Email from Flat 2 77 Kensington Gardens Square London W2 dated 10 December 2015
59. .Email from 148A Queensway, London, W2 dated 10 December 2015
60. Email from Flat 27, 50 Kensington Gardens Square, London W2 dated 11 December 2015
61. Email from 2 Elsie Lane Court, Westbourne Park Villas, London dated 17 December 2015
62. Email from 66a Kensington Gardens Square, London,W2 dated 17 December 2015
63. Email from March House, 14 Westbourne Street, London W2 dated 17 December 2015
64. Email from 55 Cleveland Square, Bayswater, W2 dated 18 December 2015
65. Email from 21 Louraine Road, Holloway, London dated 18 December 2015
66. Email from 26 Redan Place London W2 dated 21 December 2015.
67. Email from Flat 1, 66 Kensington Garden Square, London W2 dated 21 December 2015.
68. Email from Flat 3, 77 Kensington Gardens Square, London, W2 dated 25 December 2015
69. Email from Flat 4, 70 Kensington Gardens Square London W2 dated 4 January 2016.
70. Email from 101 Gloucester Terrace, London, W2 dated 9 January 2016.
71. Email from 49 Knightdale Road Ipswich Suffolk dated 11 January 2016.
72. Email from 39 Reading House, Hall field Estate, London W2 dated 5 January 2016
73. Email (no address given) dated 16 January 2016.
74. Emails x2 from Save Whiteleys Heritage dated 18 January 2016.
75. Email from Lower Ground Floor Flat 63 Kensington Gardens Square London W2 dated 28.January .2016
76. Email from Save Whiteleys Heritage dated 29January 2016.
77. Email from resident (no address given) dated 27 December 2015.
78. Email from Flat 2, 64 Kensington Gardens Square, London W2 dated 31 January 2016
79. Email from freeholders of 77 Kensington Gardens Square London W2 dated 8 February 2016
80. Email from Flat 2 63 Kensington Gardens Square London W2 DATED 8 February 2016.
81. Email from Flat 1, 64 Kensington Gardens Square, London W2 dated 3 February 2016
82. Email from 24 Cleveland Square London W2 dated 1 February 2016
83. .Email from Flat 2 64 Kensington Gardens Square London W2 dated 31.January 2016.
84. Email from Flat 2 63 Kensington Gardens Square London W2 dated 8 February 2016.
85. Email from 29 Tufton Street, London, dated 8 February 2016.
86. Email from occupier of 51, Highlever Road, North Kensington dated 10 February 2016
87. Email from 14B Kensington Gardens Square, Bayswater, dated 10 February 2016.
88. Email from 25B Durham Terrace, London W2 dated 10 February 2016
89. Email from 512 Balmoral Apartments, 2 Praed Street, London, dated 10 February 2016
90. Email from 75 Kensington Gardens Square London W2 dated 10 February 2016.
91. Email from the Kensington Gardens Square Garden Association dated 9 February 2016.

92. Email from 75 Kensington Garden Square, London, dated 11 February 2016
93. Email from 75 Kensington Gardens Square London W2 dated 11 February 2016.
94. Email from 14b Kensington Garden Square, Bayswater, dated 11 February 2016
95. Email from 51 Barlby Road, London, dated 11 February 2016
96. Email from 55 Kensington Gardens Square, London, dated 11 February 2016
97. Email from 2 Lancaster Road, London, dated 11 February 2016
98. Email from local resident c/o 2 Broadgate London EC2M 7UR dated 15 February 2016
99. Email from 41 Leinster Square London W2 dated 15 February 2016
100. Email from Inver Court dated 16 February 2016
101. Email from 66 Kensington Gardens Square London W2 dated 18 February 2016
102. Email from Flat 21 Inver Court Inverness Terrace London W2 dated 10 February 2016
103. Emails X2 from Save Whiteleys Heritage dated 18 February 2016
104. Email from Flat 5 13 Kensington Gardens Square London W2 dated 14 February 2016
105. Email from local resident in Kensington Gardens Square dated 18 February 2016 G t
106. Letter from occupier of Flat 4, 13 Kensington Gardens Square, dated 29 February 2016
107. Email from 95 Gloucester Mews West London W2 dated 22 February 2016
108. Email from 15 St Olaves Court, London, dated 22 February 2016
109. Email from Garden Flat, 6 Alexander Street, dated 22 February 2016
110. Email from 2 Cervantes Court Inverness Terrace London W2 dated 23 February 2016.
111. Email from local resident(no address given) dated 23 February 2016
112. Email from Save Whiteleys Heritage dated 24 February 2016.
113. Email from Flat 5, 68 Kensington Gardens Square, London, dated 22 February 2016
114. Email from local resident|(no address given) dated 25 February 2016
115. Email from 29 Kensington Gardens Square London W2 dated 26 February 2016
116. Email from Flat 1, 71 Kensington Gardens Square, dated 26 February 2016
117. Email from a resident in Kensington Gardens Square, dated 28 February 2016
118. Email from 71 Kensington Gardens Square, London, dated 27 February
119. Email from 19 Artesian Road , London W2 5DA, dated 29 February 2016
120. Email from 43 Kensington Gardens Square, London, dated 29 February 2016
121. Email from local resident dated 1 March 2016
122. Email from Flat 2 61 Kensington Gardens Square London W2 dated 1 March 2016
123. Email from local resident dated 1 March 2016.
124. Email from a local resident dated 1 March 2016
125. Email from 38 Bark Place London W2 dated 2 March 2016.

Revised Scheme

126. Email from Flat 12A Inver Court, Inverness Terrace, dated 1 March 2016
127. Email from Flat 4, 44 Kensington Gardens Square, dated 4 March 2016
128. Email from Flat15, 27 Kensington Gardens Square, dated 13 March 2016
129. Email from Flat 3 87 Sutherland Avenue London W9 dated 5 March 2016
130. Email from 19a Sutherland Place London W2 dated 5 March 2016
131. Letter from 71-75 Shelton Street London WC2H 9JQ dated 7 March 2016
132. Email from 212 Holmefield house, Hazelwood Crescent, London dated 6 March 2016
133. Email from Flat 11, 86 Westbourne Terrace, dated 6 March 2016
134. Email from 11 Porchester Gardens, London, dated 6 March 2016
135. Email from 75 Ladbrooke Grove, London, dated 7 March 2016
136. Email from Flat 6, Oxford Court, Elmfield Way London W9 dated 6 March 2016
137. Email from Flat 1 70 Kensington Gardens Square London W2 dated 7 March 2016
138. Email from 94 Elgin Mansions,, Elgin Avenue, dated 7 March 2016
139. Email from Flat 2 77 Kensington Gardens Square London W2 dated 7 March 2016
140. Email from Flat 1, 143-145 Gloucester Terrace, London, dated 7 March 2016

141. Email from Residents of Kensington Gardens Square and Get Whiteleys Right Group dated 8 March 2016
142. Email from 14B Kensington Gardens Square, Bayswater, dated 8 March 2016
143. Email from Flat 1 77 Kensington Gardens Square London W2 dated 8 March 2016
144. Email from 55 Kensington Gardens Square London W2 dated 8 March 2016
145. Email from Flat 4 64 Kensington Gardens Square London W2 dated 9 March 2016
146. Email from a resident in Bark Place dated 8 March 2016
147. Email from 133 Chinbrook Road Grove Park Eltham dated 14 March 2016
148. Email forwarded by the South East Bayswater Residents Association from a resident at 2 St Petersburg Mews London W2 dated 14 March 2016
149. Email from 54 Arthur Court Queensway London W2 dated 14 March 2016
150. Email from 66a Kensington Gardens Square London W2 dated 14 March 2016
151. Response from South East Bayswater Residents Association dated 15 March 2016.
152. Petition from Save Whiteleys Heritage c/o March House 14 Westbourne Street London W2
153. Petition Get Whiteleys Right with 618 signatures c/o Flat 1 70 Kensington Gardens Square London W2 dated 16 March 2016.
154. Email and attachments(including correspondence Save Whiteleys Heritage Report, Save Britain's Heritage letter The Victorian Society letter ,the Ancient Monuments Society letter , the Twentieth Century letter from Save Whiteleys Heritage, c/o March House 14 Westbourne Street London W2 dated 16 March 2016
155. Email from Queensway Residents' Association c/o 142 a Queensway London W2 dated 16 March 2016.
156. Email from 4 Bathurst Street London W2 dated 15 March 2016
157. Email from Flat 13 2 Porchester Gardens London dated 15 March 2016
158. Email from 70 Kensington Gardens London W2 dated 15 March 2016
159. Email from 32 Carroll House Craven Terrace London W2 dated 15 March 2016
160. Email from Flat 4 91 Westbourne Terrace London W2 dated 15 March 2016
161. Email from 98 Westbourne Terrace London W2 dated 16 March 2016
162. Email from 49 Hereford Road London W2 dated 16 March 2016
163. Email from Flat 5 14 Cleveland Square London W2 dated 16 March 2016
164. Email from 23 Trinity Court Gloucester Terrace London W2 dated 16 March 2016
165. Email from Flat 2 13 Westbourne Gardens London W2 dated 16 March 2016
166. Email from 14 Lancaster Gate London W2 dated 16 March 2016.
167. Email from 14 Lancaster Gate London W2 dated 16 March 2016.
168. Email from 26 Cleveland Square London W2 dated 16 March 2016
169. Email from Flat 5 14 Cleveland Square London W2 dated 16 March 2016
170. Email from Flat 2 39 Craven Hill Gardens London W2 dated 16 March 2016
171. Email from Flat 7 105 Westbourne Terrace London W2 dated 16 March 2016.
172. Email from 26 Redan Place London W2 dated 16 March 2016
173. Email from Flat B 4 Moorhouse Road London W2 dated 16 March 2016 .
174. Email from Get Whiteleys Right Campaign and enclosures and appendices dated 16 March 2016.
175. Email from Councillor Andrew Smith dated 16 March 2016
176. Email from 63 Arthur Court Queensway London W2 dated 16 March 2016.
177. Email from Flat 2 61 Kensington Gardens Square London W2 dated 16 March 2016.
178. Email from 130 Westbourne Terrace Mews and 132 Westbourne Terrace Mews London W2 dated 16 March 2016.
179. Email from 8 Alexander Street London W2 dated 16 March 2016.
180. Email from 70 Kensington Gardens Square dated 16 March 2016 .

Item No.
2

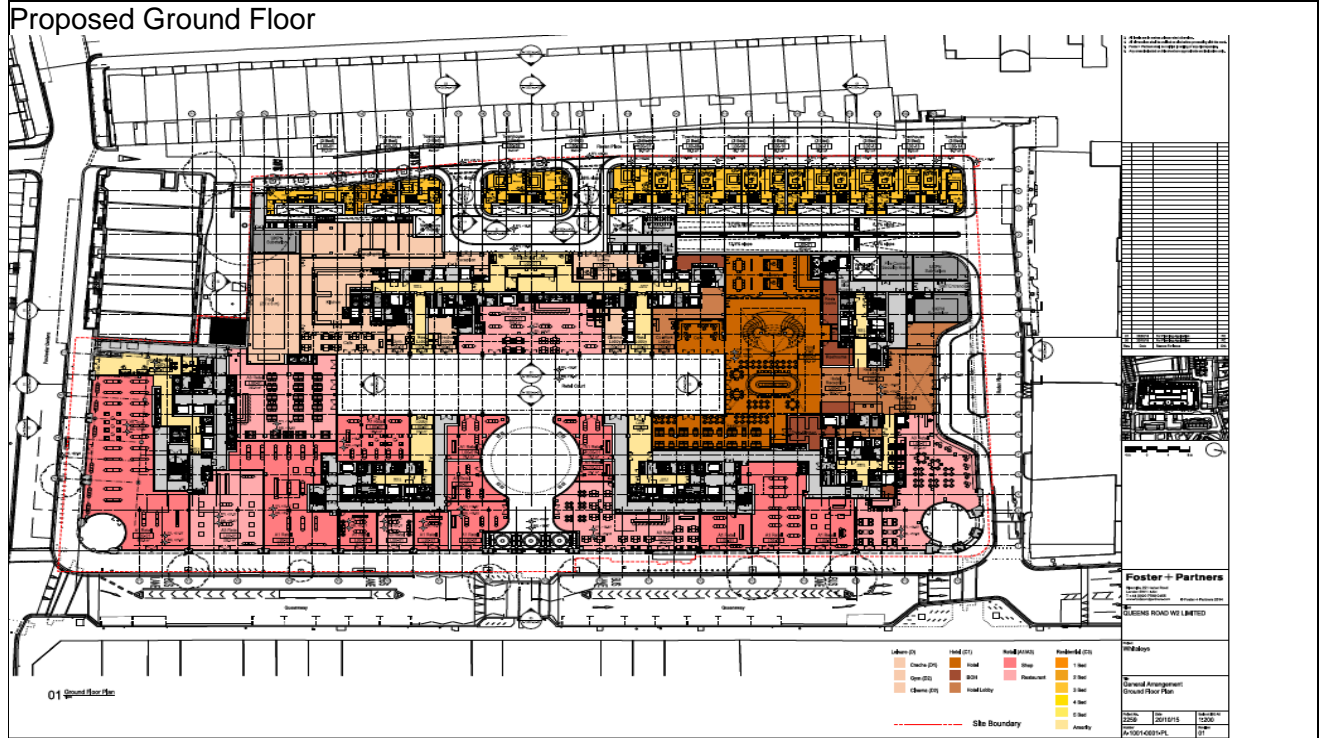
Selected relevant drawings

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

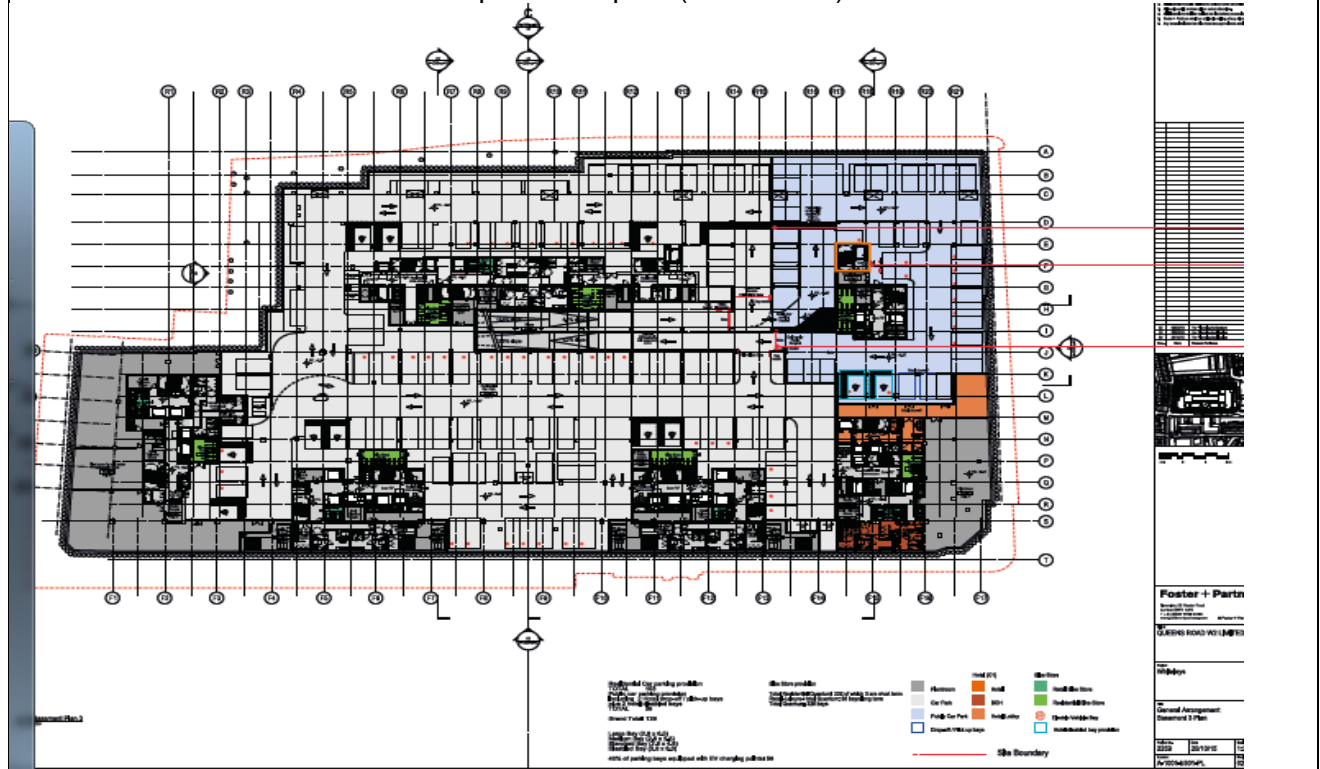
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT OLIVER GIBSON ON 020 7641 2680 OR BY EMAIL AT NorthPlanningTeam@westminster.gov.uk

9. KEY DRAWINGS

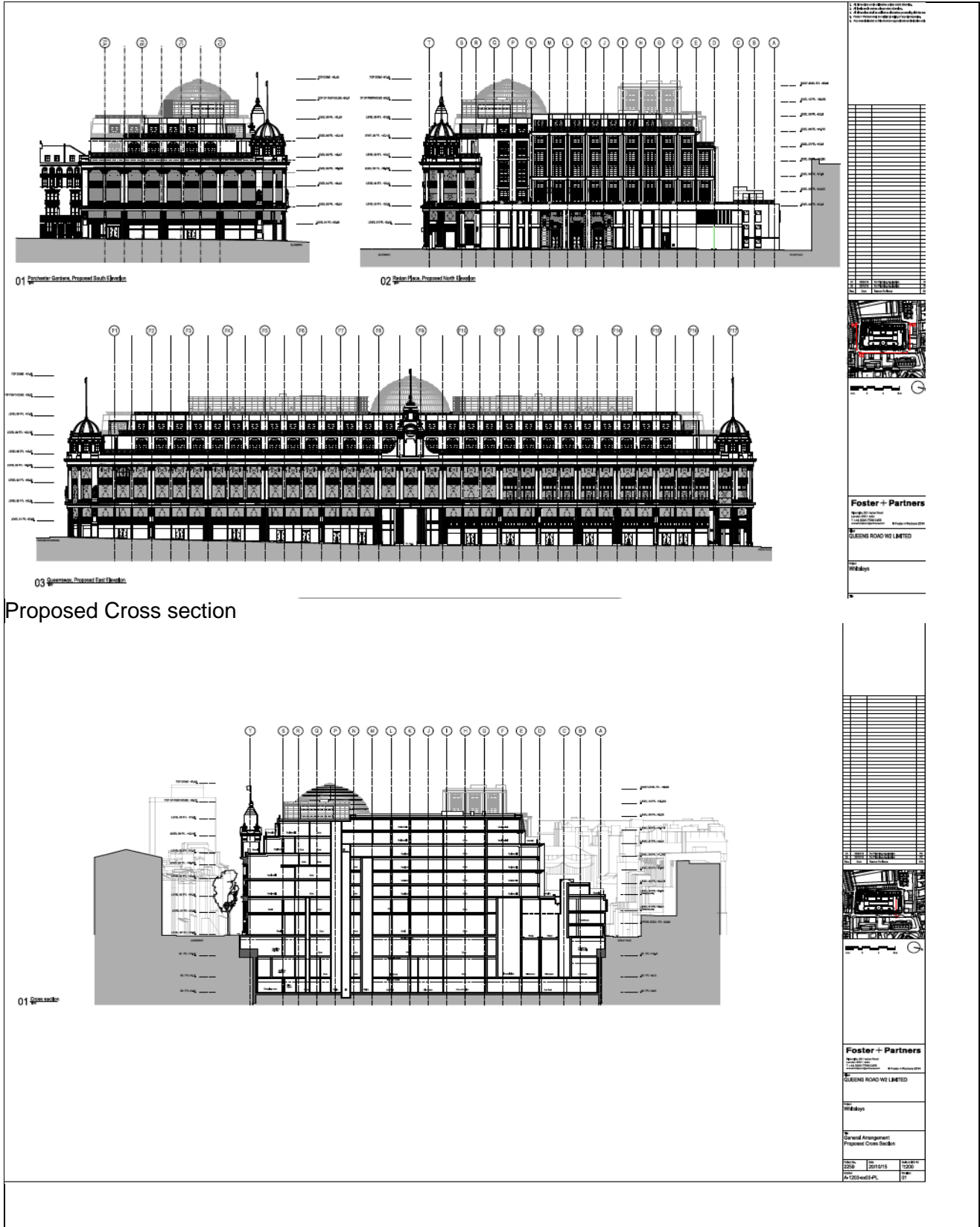
Proposed Ground Floor



Amended Basement Level 3 – show public car park (shown blue)



Proposed elevations



Proposed Cross section

Massing & Height
Central Dome + Pavilions

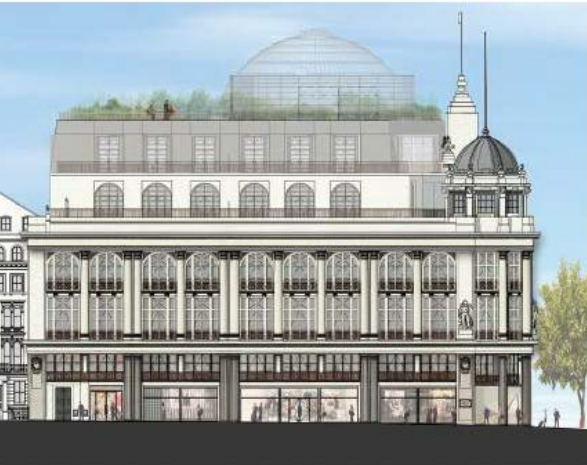


Submitted Planning Application
Queensway Elevation



Proposed Amendment
Queensway Elevation

Roof top pavilions lowered by 500mm.



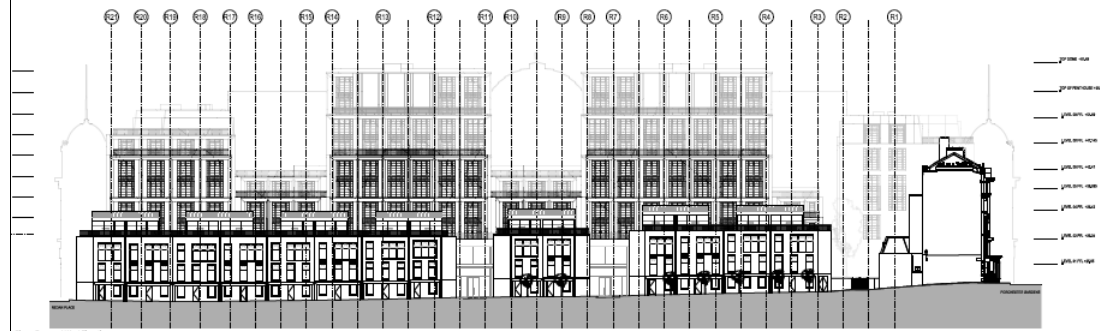
Submitted Planning Application
Porchester Gardens Elevation



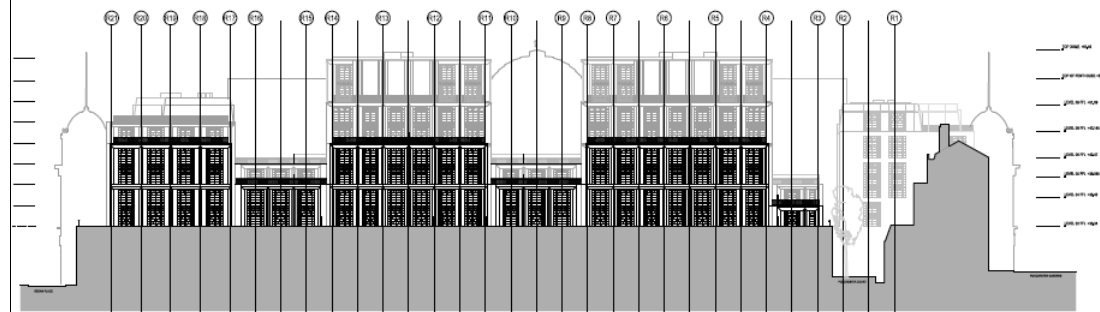
Proposed Amendment
Porchester Gardens Elevation

Roof top pavilions lowered by 500mm

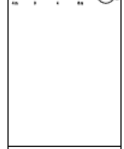
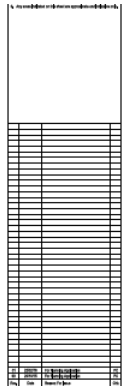
Proposed Rear elevation



1/Scale, Proposed West Elevatio



and West Elevatio



Foster + Partners
Architects
100 Broad Street
New York, NY 10004
+1 212 611 4000
www.fosterpartners.com

QUEENS ROAD #2 LIMITED

File: Wtdays

General Arrangement
Proposed West Elevations

Scale:	1:200	1:200
Sheet:	20/1015	1/200

Visual of the Queensway frontage



.11 Dome and Atrium

An enclosed mixed-use atrium: division between retail and residential



DRAFT DECISION LETTER

Address: Whiteleys Centre, Queensway, London, W2 4YH,

Proposal: Demolition of and redevelopment of building behind retained and refurbished facades to Queensway and Porchester Gardens facades to provide a mixed use development comprising three basement levels, ground floor and up to 10 upper floor levels, containing 103 residential units (Class C3), retail floor space (Class A1 and A3) facing Queensway and arranged around a new retail arcade below re-provided central atrium and central retail courtyard, hotel (Class C1), cinema (Class D2) gym (Class D2), crèche (Class D1), public car park, with associated landscaping and public realm improvements, provision of 139 basement residential parking spaces, cycle parking and associated basement level plant and servicing provision

Reference: 15/10072/FULL and 15/10073/LBC

Plan Nose: To be completed

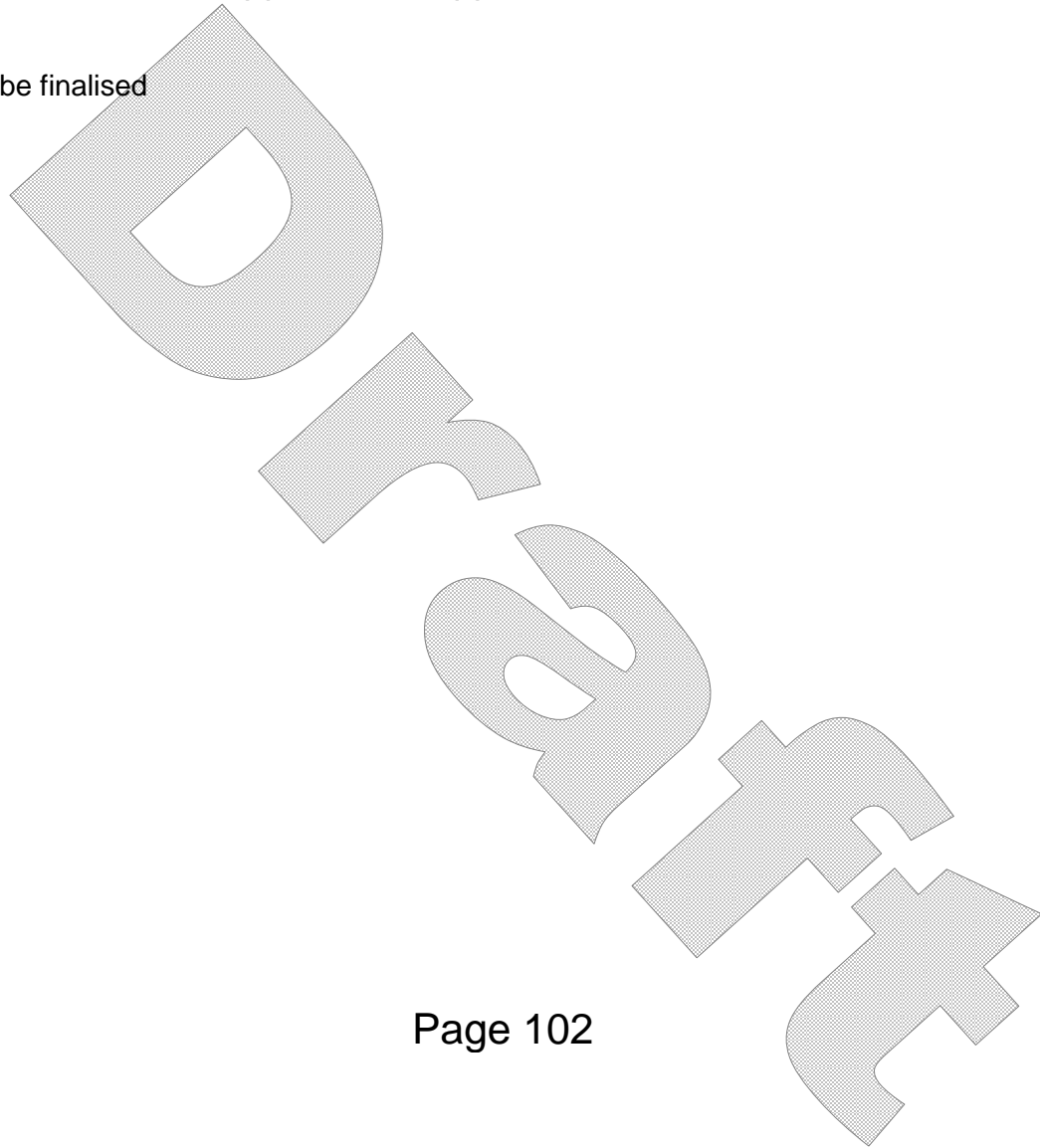
Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

Recommended Condition(s) and Reason(s):

- 1
- 2
- 3
- 4

To be finalised



CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 29 March 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	421-429 Oxford Street, London, W1C 2PJ		
Proposal	Erection of extensions at first and second floors on Balderton Street and first, second and part third floors on Lumley Street, recladding of existing building at ground and first floors, use of lower ground-third floors as retail (Class A1), new shopfronts, installation of plant at second and third floor levels and other associated works.		
Agent	Gerald Eve LLP		
On behalf of	20 Balderton Street Project 1 Limited		
Registered Number	15/11925/FULL	Date amended/ completed	22 December 2015
Date Application Received	22 December 2015		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The proposals involve the amalgamation of the existing retail accommodation at 421-429 Oxford Street and the use of the first, second and third floors to create a single flagship retail store for Adidas. Extensions are also proposed with plant and new double height shopfronts.

The key issues in this case are:

- * The impact of the proposal on the appearance of the building and on the character and appearance of the conservation area.
- * The impact of the scheme on the amenity of neighbouring occupiers.
- * Servicing arrangements

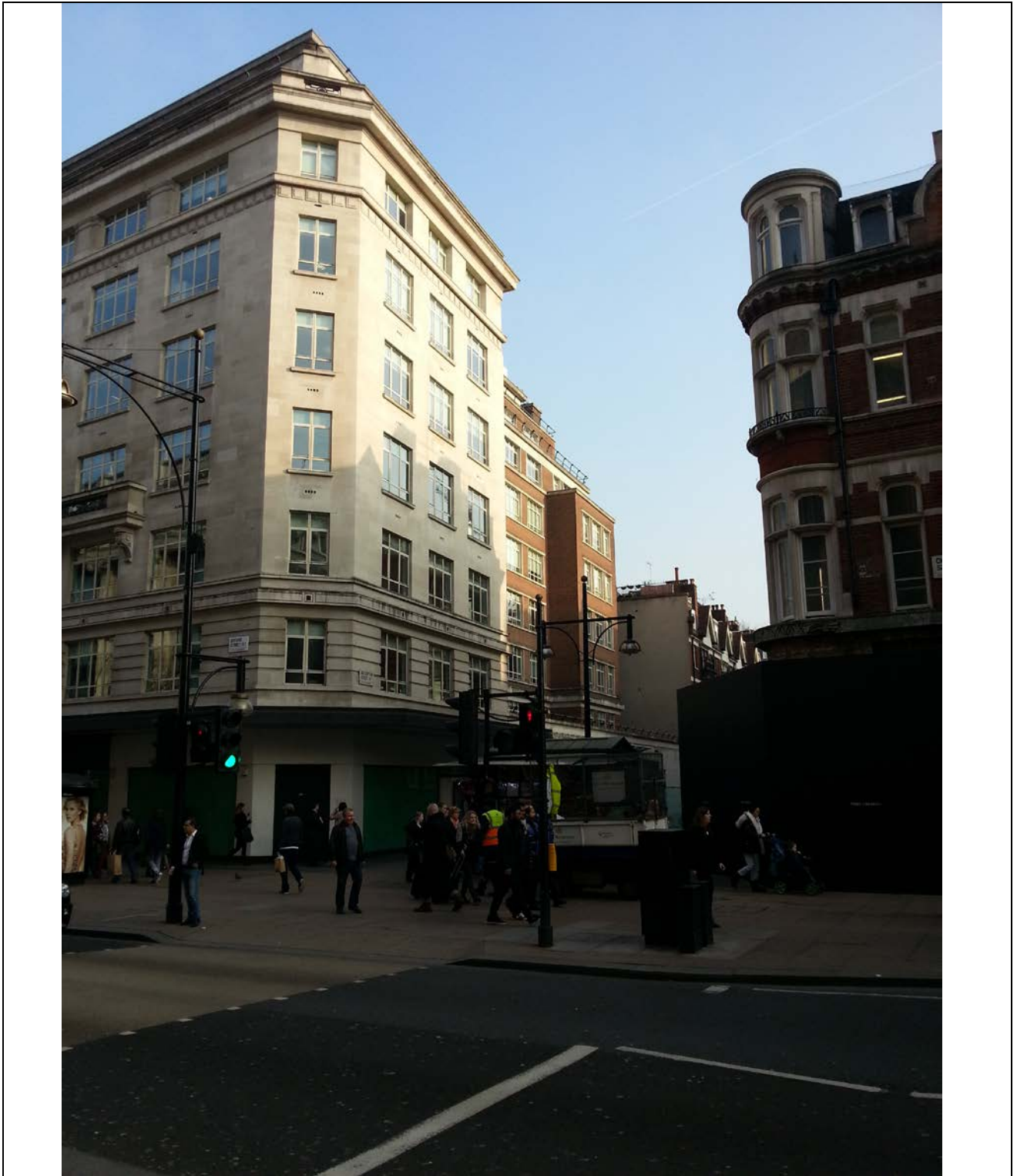
The proposals are considered acceptable in design terms and whilst objections have been raised on the grounds that the enlarged retail use would cause disturbance and noise from deliveries and plant, it is considered that appropriate conditions can be imposed to ensure that the use would not be harmful to residential amenity.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

LONDON UNDERGROUND

No objections raised.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

No objections raised.

CLEANSING

No objections raised.

ENVIRONMENTAL HEALTH

No objections raised.

HIGHWAYS PLANNING MANAGER

No objections raised

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 191

Total No. of replies: 7

No. of objections: 19; No. in support: 0

Objections received on the following grounds:

Amenity

- *Late night noise during store fit-outs, external works and seasonal decorations
- *Noise and anti-social behaviour during Adidas celebrity events
- *Planning permission should be contingent on the provision of an Operational Management Plan to be agreed with residents and/or the residents' association
- *The acoustic survey measures noise from an eighth floor balcony and not the courtyard with Balderton Flats
- *Noise from deliveries
- *Conditions should be imposed restricting delivery hours, hours of plant and notification must be given to residents when events are planned
- *Crowd control marshals and litter patrols must be used when large events are planned
- *Noise from amplified music
- *Noise from plant
- *Third floor roof is an inappropriate location for heat exchangers and vents
- *Requests made for restrictions during construction (all heavy/large plant and materials to be delivered to Oxford Street, no deliveries from Lumley or Balderton Street between 8pm and 8am, security guards and banksmen to be employed, heavy work to be performed on a one hour on/one hour off basis, dusts sheets and safety netting to be used and 24 hour site management contact details to be displayed)
- *Insufficient insulation against noise and vibration from the lift and plant on the third floor roof
- *Internal noise disturbance

Design

*Insufficient information about how the extension will interface with Balderton Flats

Highways

*The local narrow roads are not suitable for use of 10.4m long vehicles for deliveries

*A revised Servicing and Deliveries Plan is required to cover waste collections, delivery times, a quiet deliveries code and shorter vans than the 10.4m length ones proposed

*Reversing vehicles must have banksmen

Other Issues

*Security during construction

* Noise during construction

*Scaffolding should not extend higher than the third floor

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application relates to 421-429 Oxford which lies on the south side of Oxford Street opposite Selfridges. The building, formally known as Keysign House, together with Balderton Flats to the immediate south, forms an island block bound by Oxford Street to the north, Lumley Street to the east, Balderton Street to the west and Brown Hart Gardens to the south.

The building comprises four vacant retail units fronting Oxford Street at basement and ground floor levels. The remainder of the building, from first to eighth floor level, comprises office accommodation which is accessed from Balderton Street.

Whilst Oxford Street is highly commercial in nature with the buildings either side accommodating retail and office accommodation, the buildings immediately to the south on Lumley Street and Balderton Street, are in residential use.

The site is situated within the Mayfair Conservation Area and is located within the Core Central Activities Zone (CAZ) and West End Special Retail Policy Area (WESRPA) as defined in the City Plan.

6.2 Recent Relevant History

In May 1999 permission was granted for works of demolition, alterations to elevations; erection of full height extensions to Balderton Street; extensions from first to fourth floor levels on Lumley Street elevation and to rear; all for Class A1 (retail) and Class B1 (office) use. Creation of servicing area to rear and new roof level plant. (Unimplemented).

In October 1999 permission was granted for demolition of existing building behind retained Oxford Street facade and redevelopment of site to provide new building comprising basement, lower ground, ground and 8 upper storeys, with roof level plant. Use of part lower ground and part ground floors as Class A1 retail and Class A3

restaurant; use of first floor as Class A1 retail; use of second floor as Class A1 retail and/or Class B1 offices; use of third to eighth floors as Class B1 offices. Creation of servicing area at rear ground floor level. Provision of plant on part lower ground and at basement level. (Unimplemented).

In August 2000 permission was granted for the use of part ground floor as either Class A1 retail and/or Class B1 office and for external alterations including new windows to all elevations, a new office entrance and new roof level plant. This permission has been implemented.

7. THE PROPOSAL

The proposals involve the amalgamation of the existing retail accommodation at basement and ground floors and the use of the first, second and third floors as additional retail accommodation to create a single flagship retail store for Adidas.

The proposals also include the addition of extensions to the first and second floors to Balderton Street and first, second and part third floors to Lumley Street, plant at second and third floor levels, new double height shopfronts onto Oxford Street and re-cladding of ground and first floors.

The existing office entrance fronting Balderton Street is to remain with associated cycle storage and changing room facilities to be provided at lower ground floor level.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The existing and proposed land uses can be summarised as follows:

Use	Existing (m2)	Proposed (m2)	Change
Offices	3,090	940	- 2,150
Retail	2,082	4,479	+ 2,397
Overall commercial	5,172	5,419	+247

Loss of office use

The proposal will result in the loss of 2,150m² of office floorspace on the site. There are no policies within the UDP or City Plan which safeguard the existing office use. However, the City Council recognises that adopted development plan policies relating to office and mixed use policies are out of date and that, given recent pressures to convert office buildings to residential use, there is now an under-supply of office accommodation within the borough, eroding the character of commercial areas and resulting in a need to protect existing office floorspace. Consequently, interim measures, (set out in an initial statement dated 1 March 2015), have been drawn up in relation to the consideration of applications involving the replacement of offices with new residential floorspace. From 1 September 2015, any such applications are determined under a 'presumption in favour of sustainable development' in line with national policy. A further statement (dated 22

July 2015) confirmed that the loss of offices will be acceptable where they are to other commercial uses, or outside of the Core CAZ or other specified locations. As the application results in retail use with an overall uplift of commercial floorspace, in these circumstances the loss of the B1 office accommodation is considered acceptable in principle.

Proposed retail floorspace

The proposed retail accommodation is arranged across basement, ground, first and second floor levels with ancillary office/back of house accommodation at third floor level. The intended occupier is Adidas who occupy the retail store at 419 Oxford Street immediately to the east of the site. The new store would be a global flagship store increasing the retail provision at the site by 2,150m². This increase is supported under City Plan Policy S21 and UDP Policy SS4, both of which aim for more shopping provision anywhere within the Central Activities Zone (CAZ).

In addition to this general policy support, the increased retail provision would also achieve the objectives of shopping policies for the WESRPA. Policy S7 states that the priority for this area is the promotion of retail growth including the provision of A1 shops at least at basement, ground and first floors in new developments. The proposals would achieve this aim by providing four floors of shopping where there are currently only two.

Mixed Use Policy

The proposals involve a net increase of 247m² of commercial floorspace. As the increase is less than 400m² threshold set out in Policy S1, the mixed use policy does not apply.

8.2 Townscape and Design

The building is an attractive structure faced with Portland Stone and brick. It stands on the south side of Oxford Street in the Mayfair Conservation Area and is opposite Selfridges which is a Grade II listed building. The building has side facades to Lumley Street (east) and Balderton Street (west) the latter is opposite the grade II listed Clarendon Flats. The rear (south façade) is visible between Balderton Flats.

Although there is no conservation area audit for Mayfair, the building is considered to make a positive contribution to the character and appearance of the Mayfair Conservation Area and it is an important part of the setting of neighbouring listed buildings.

The proposed alterations have the most substantial impact on the Oxford Street façade where the existing ground and first floors are to be remodeled to create double-height shopfront. These extend to the side facades where there also to be some infill extensions.

In design and heritage asset terms, the new shopfronts are similar to others approved elsewhere in Oxford Street and the principle is also acceptable in this case. The detailed design of the shopfronts maintains the architectural hierarchy of the façade and is suitable enriched with frame details to ensure that they do not dominate their surroundings on Lumley Street or Balderton Street.

The alterations and extensions on Lumley Street and Balderton Street have been designed to harmonize with the architecture of the existing building and will suit the appearance of the building and surrounding conservation area. A concern has been raised on the grounds that there is insufficient information about how the extensions will interface with Balderton Flats. The building already abuts these neighbouring properties, and there is no objection in principle to the upward extension in these locations. However, for the avoidance of any doubt it is considered reasonable to secure the detailed design by condition.

The proposal accord with UDP polices DES 1, DES 5, DES 9 and DES 10 and are acceptable in design and heritage asset terms.

8.3 Residential Amenity

The closest affected residential properties are within Balderton Flats immediately to the rear of the application site. There are also residential flats to the east of the application site in Lumley Street (Stallbridge Flats) and to the west on Balderton Street (Clarendon Flats).

Daylighting and Sunlighting

A daylight and sunlight report has been commissioned by Jones Lang LaSalle which examines the impact on daylight and sunlight conditions to the adjacent residential properties.

UDP Policy ENV 13 aims to protect and improve residential amenity and Part (E) of the policy aims to resist new developments that would materially worsen sunlighting and daylighting levels for residential occupiers. Principally, the policy seeks to ensure good lighting levels for habitable rooms as recommended in published advice by the Building Research Establishment (BRE).

No objections have been received to the proposals on the grounds of loss of light, and the sunlight and daylight report submitted with the planning application demonstrates that the proposals would not breach BRE recommended natural lighting levels with regard to the neighbouring flats in Balderton and Lumley Street.

Sense of Enclosure

UDP Policy ENV13 also aims to ensure that new developments do not unacceptably increase overlooking of neighbouring residential properties or sense of enclosure due to overbearing proximity. Whilst an additional floor is proposed adjacent to Balderton Flats, given that this is set immediately in front of the existing 9-storey building, it is considered that there would be no harmful increased sense of enclosure as a result of these proposals.

Plant

External plant is proposed at second and third floor levels including an area immediately adjacent to the flats in Balderton Street. Following concerns raised, a revised acoustic report has been submitted that provides further background noise readings within the Balderton Flats Courtyard. Environmental Health officers are satisfied that the projected noise levels of the plant would comply with the City Council's standard conditions and as such should not be audible from the nearest noise sensitive windows.

The plant at second floor level adjacent to Balderton Flats consists of low level ductwork which provides ventilation to the ground floor refuse store. Concerns have been raised on the grounds that this is an inappropriate location for vents and that there is insufficient insulation against noise and vibration from the lift and plant on the third floor roof. The vents would be screened by the boundary parapet wall and Environmental Health confirm that the plant would operate in accordance with the Council's standard noise conditions. There is therefore no objection in principle to plant in this location. The Council's standard vibration condition is also to be imposed to address the concerns about vibration.

Servicing

Residents have expressed concern about the potential impact of deliveries to the site, particularly in relation to the use of 10.4m length vehicles and the subsequent noise and exhaust pollution from vehicles reversing and manoeuvring, and from traffic being held up in Brown Hart Gardens. Reference is also made to past experience with Adidas deliveries taking over an hour. There is concern that hours of delivery should be strictly limited to between 9am and 4pm.

The applicants have advised that the number of deliveries is anticipated to be low with one or two deliveries per day. The applicant also acknowledges that there are significant servicing and delivery limitations associated with the existing Adidas store as the current store is reliant on an existing passenger lift to transport stock to the second floor stock room through a ground floor door that is too small to properly accommodate the unloading of delivery vehicles. The proposed development will have a dedicated loading area at ground floor level designed to fully accommodate the planned size of deliveries. Given the improved servicing facilities, the limited number of expected deliveries, and subject to appropriate controls over the timing of deliveries, it is not considered that proposals to service the development from Lumley Street would affect residents' amenities to a degree that would justify a recommendation for refusal.

The Operational Management Statement suggests hours of servicing until 22:00, however, it is considered that hours for deliveries, including collection of waste, should be restricted from 08:00 to 20:00 Monday to Saturday and from 11:00 to 17:00 hours on Sundays. This is secured by condition.

Operational management

Residents have expressed concern about potential nuisance from store refits and external facade works that currently start late evening and go on through the night with noise nuisance from van engines, doors banging, radios and use of power tools. Concern is also raised in relation to Adidas celebrity signing events that attract large crowds who block access to Balderton and Stalbridge Flats and cause noise and anti-social behaviour.

The applicant argues that the new store will not be subject to large re-fits and that whilst there will be an on-going programme of window campaigns and seasonal updates, these will be subject to appropriate (but yet unspecified) working hours. As these hours have not yet been specified, a revised Operational Management Plan is therefore to be secured by condition.

The applicants have confirmed that they intend to adopt an Event Management Strategy in relation to the management of planned events. This will cover crowd management, dealing with inappropriate activity and behaviour, the collection of litter and security and access arrangements. The Event Management Strategy will form part of the revised Operational Management Plan. A condition is also in place to ensure that any amplified/recorded music would not be audible to occupiers of adjoining residential properties.

Internal Noise

The office occupiers at fourth floor have raised concerns on the grounds that the third floor should only be used for office purposes as a retail use could cause noise and disturbance. Whilst the plans indicate that the third floor would only be used for ancillary office purposes, there would be no objection in principle to a retail use at third floor in this location, and it would be unreasonable to restrict this floor to ancillary office purposes only. However, it is understood that the applicant has signed up to clauses within their lease to prevent disturbance to the office occupiers.

8.4 Transportation/Parking

Site servicing

In terms of servicing, Policy TRANS 20 states that the City Council will require convenient access to premises for service vehicles and will normally require that “vehicular servicing needs of developments are fully accommodated on-site and off-street ... sufficient to cater for the size, type and frequency of arrival of the vehicles likely to be servicing the development”.

No off-street servicing is provided for the development. The site is located within a Controlled Parking Zone, which means that single yellow lines in the vicinity allow loading and unloading to occur. Proposed on-street servicing will be carried out in a similar fashion to nearby properties. A Servicing Management Plan (SMP) has been submitted which helps to indicate how the site will be serviced including by what type of vehicle. Given the unique nature of the servicing requirements of the properties along Oxford Street it is considered that the submitted SMP should help to minimise the impact of the proposal on the surrounding highway network. However, there would be concerns if the proposed retail space were used as a foodstore or supermarket, which would be likely to require a significant increase in servicing, and this should therefore be restricted by planning condition.

The Highways Planning Manager considers that a reason for refusal based on servicing arrangements could not be substantiated given that there is very little increase in retail floor area and that as only one retail unit is proposed, in place of the four existing units, it is anticipated that there would be a subsequent reduction in the overall number of deliveries. The inclusion of a dedicated service entrance and associated Back of House areas is welcomed and will help to speed delivery entry.

Despite the objections received, the Highways Planning Manager considers that a vehicle of 10.4m should be able to attend the site (albeit with a banksman) which will help reduce the number of service vehicles attending. Objectors are concerned that reversing vehicles must have banksmen and this is set out within the SMP which will be secured by condition.

Cycle storage

Cycle storage for the retained office use is provided at basement level and for the extended retail use at third floor accessed via the goods lift. These spaces would be secured by condition.

8.5 Economic Considerations

The economic benefits generated are welcomed.

8.6 Access

The proposed building has been designed to meet the relevant access requirements of the Building Regulations. The building entrances are level with the public pavement and wheelchair accessible lifts provide level access to all floors.

8.7 Other UDP/Westminster Policy Considerations**Refuse /Recycling**

The retail unit and office space will have separate waste stores, both located at ground floor level. All retail waste collections will take place on-street from Oxford Street and office waste collections from Balderton Street, as they do at present. This is considered acceptable. Hours of collection will be restricted from 08:00 to 20:00 Mondays to Saturdays and 11:00 to 17:00 on Sundays to address the concerns raised.

8.8 London Plan

The London Plan supports a strong, partnership approach to assessing need and bringing forward capacity for retail development in town centres.

8.9 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application.

8.11 Environmental Impact Assessment

Policy 5.2 of the London Plan refers to Minimising Carbon Dioxide Emissions and states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

City Plan Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to

achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints.

The application is accompanied by an Energy Strategy and Sustainability Statement which sets out the sustainability credentials of the building and states that with the installation of air source heat pumps, passive design measures and energy efficiency measures that the building's total CO2 emissions are predicted to show a reduction of 35% over Building Regulations Part L 2013 baseline emissions.

A BREEAM pre-assessment has been carried out on the proposed development and it is predicted that, if enhancement measures are introduced, the proposed development could achieve a BREEAM 'Very Good' rating.

8.12 Other Issues

Construction impact

Objectors are also concerned about noise from construction and requests have been made for restrictions during construction (with all heavy/large plant and materials to be delivered to Oxford Street, no deliveries from Lumley or Balderton Street between 8pm and 8am, security guards and banksmen to be employed, heavy work to be performed on a one hour on/one hour off basis, dusts sheets and safety netting to be used and 24 hour site management contact details to be displayed).

A revised CMP has been submitted that provides an updated logistics plans showing how deliveries will access and exit the site during the construction phase. It also sets out that 'Best Practicable Means' will be adopted to mitigate potential noise pollution with the use of quieter demolition techniques such as diamond sawing of concrete and stitch drilling with diamond tripped core drilling equipment to carry out as much work as possible. As inevitably some impact breaker type work will still be required during the demolition and structural alteration works the intention is to carry out these specific works working in two hour shifts, i.e. two hours of noisy works followed by two hours of quieter normal construction works.

To address the other concerns raised, the CMP also sets out that sheeting will be installed within the building to prevent the spread of dust, deliveries will be coordinated and booked in via a "delivery management process" to minimise waiting, it includes a construction programme including a 24 hour emergency contact number, and limits hours of work. It is considered that the CMP is robust and would be secured by condition. The applicant has also agreed to sign up to the considerate contractor's scheme and conditions are also recommended restricting hours of construction.

Crime and security

The office occupier of the fourth floor has raised concerns about security during building works. The CMP includes a section on security and sets out measures dealing with maintaining a secure perimeter and preventing unauthorised access.

Other issues

The office occupier also raises concerns about scaffolding affecting their rights to light. This is a private matter.

9. BACKGROUND PAPERS

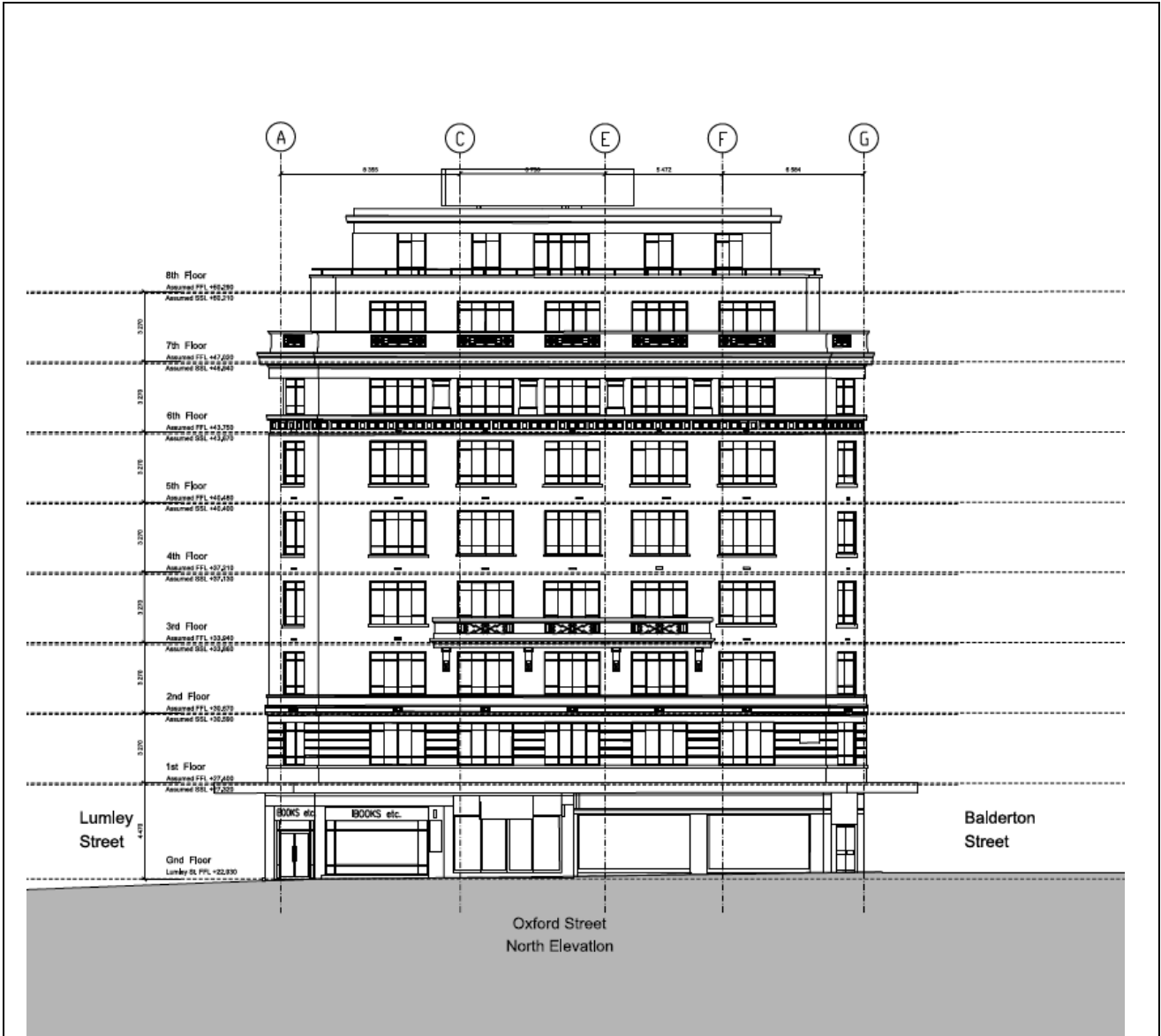
1. Application form
2. Response from Residents Society Of Mayfair & St. James's, dated 2 February 2016
3. Memo from Environmental Health dated 2 March 2016
4. Memo from Cleansing dated 19 January 2016
5. Letter from London Underground dated 12 February 2016
6. Memo from Highways Planning Officer dated 17 February 2016
7. Letter from occupiers of 16, 17, 19 and 21 Balderton Flats, Brown Hart Gardens, dated 26 January 2016
8. Letter from occupiers of 19, 20, 21, 22, 24, 13, 16, 17, 23 and 35 Stallbridge Flats, Lumley Street, dated 26 January 2016
9. Letters from occupier of 19 Balderton Flats, Brown Hart Gardens, dated 29 and 31 January 2016
10. Letter from occupier of Attestor Services Limited, 20 Balderton Street, dated 27 January 2016
11. Letter from occupier of 16 Stalbridge Flats dated 27 January 2016
12. Letter from local resident dated 25 January 2016

Selected relevant drawings

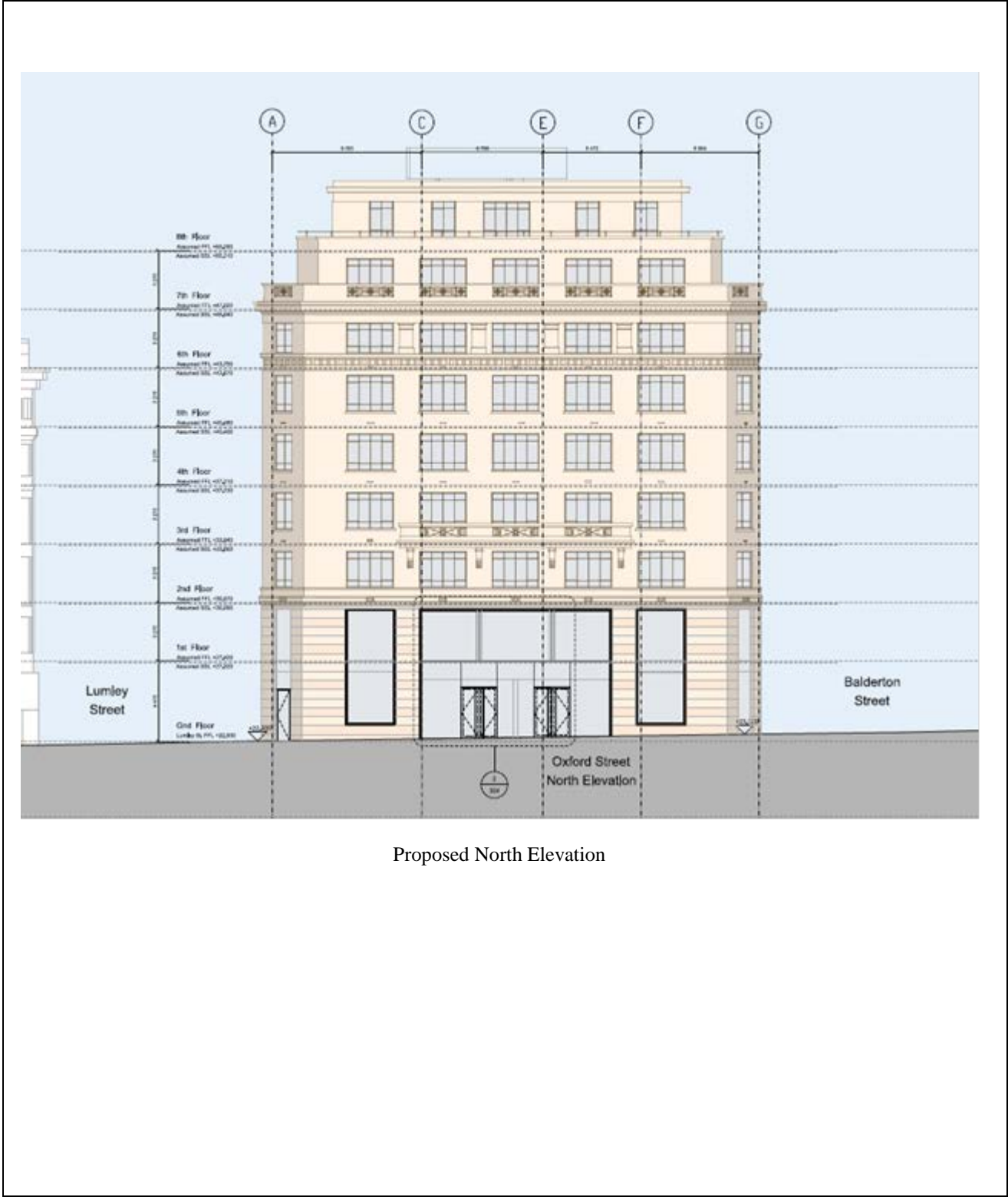
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT JO PALMER ON 020 7641 2723 OR BY EMAIL AT CentralPlanningTeam@westminster.gov.uk

10. KEY DRAWINGS



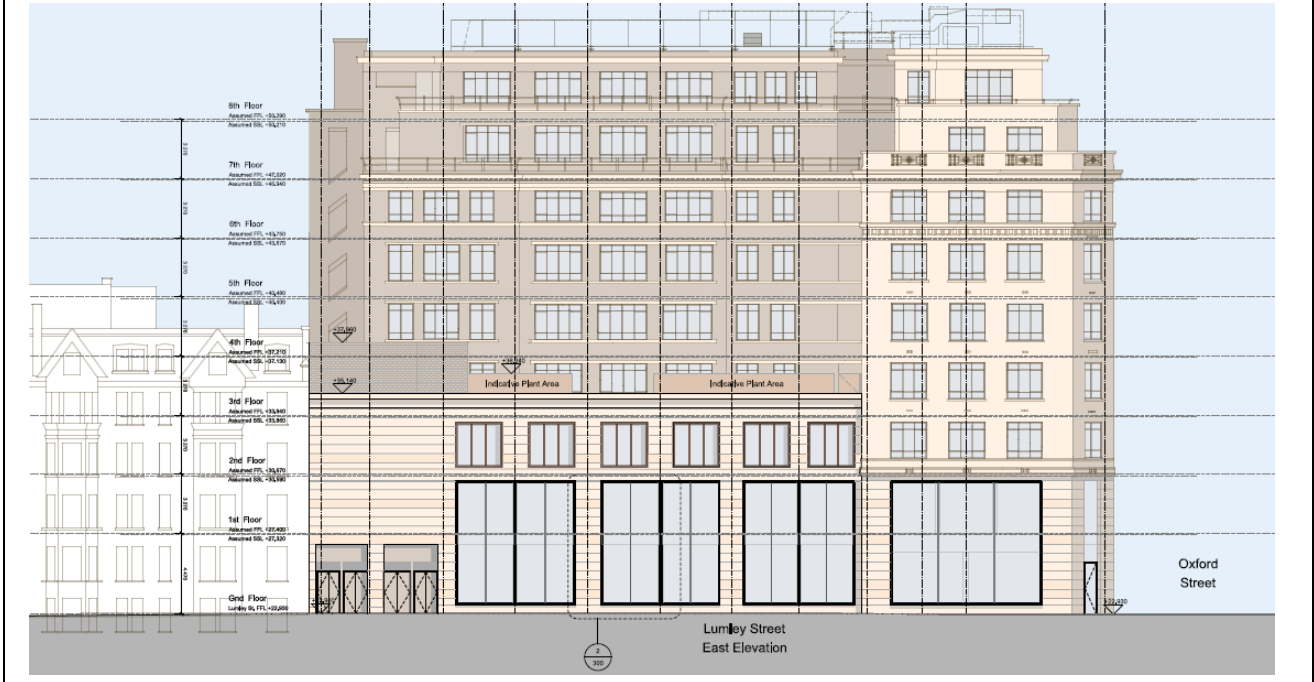
Existing North Elevation



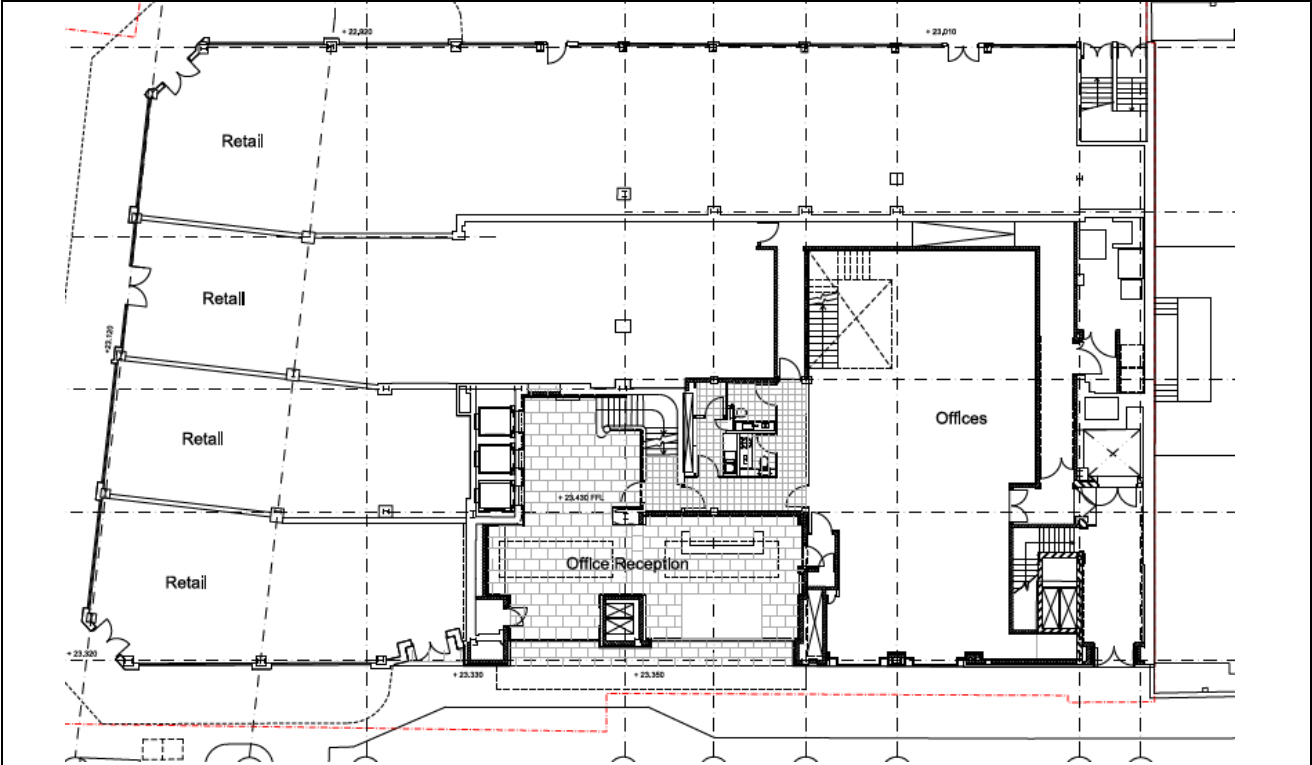
Proposed North Elevation



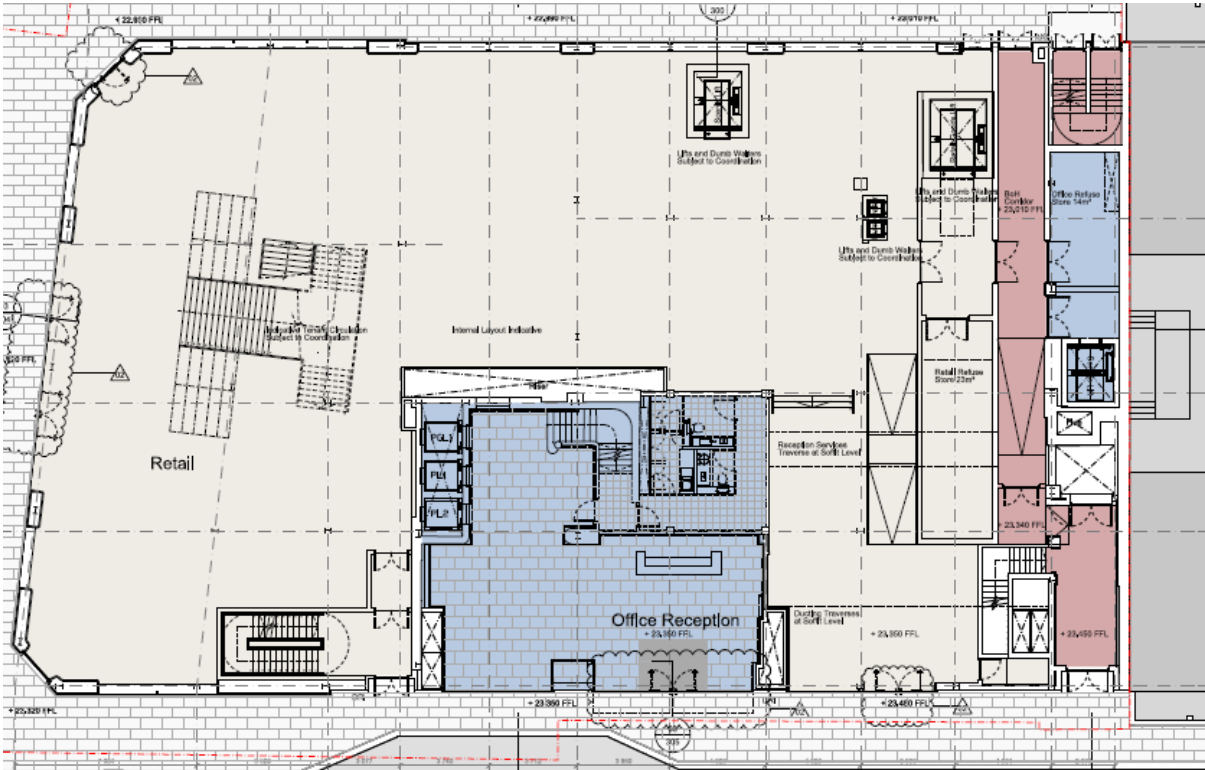
Existing East Elevation



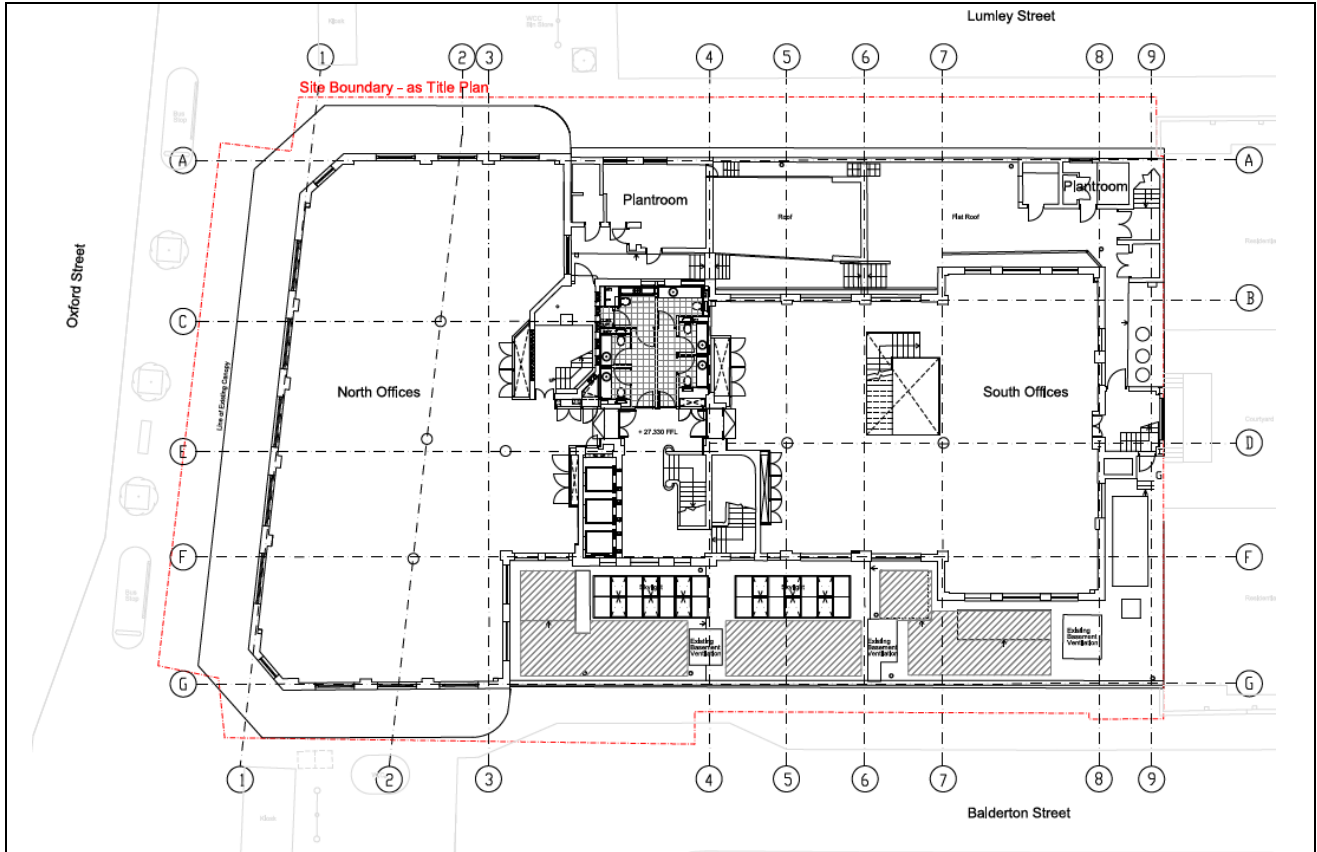
Proposed East Elevation



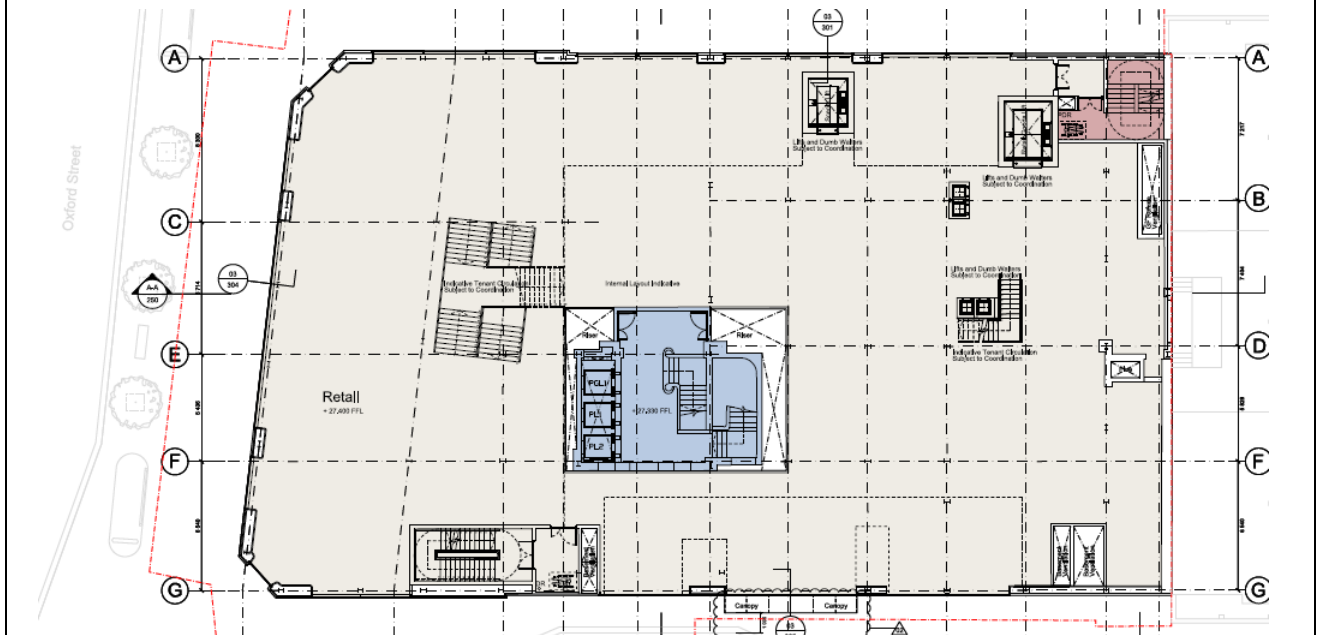
Existing ground floor plan



Proposed ground floor plan



Existing first floor plan



Proposed first floor plan

DRAFT DECISION LETTER

Address: 421 Oxford Street, London, W1C 2PJ,

Proposal: Erection of extension at first and second floors on Balderton Street and Lumley Street facades, recladding of existing building, use of lower ground-third floors as retail (Class A1), installation of plant at third floor level and other associated works.

Reference: 15/11925/FULL

Plan Nos: 1380-A-PLN-020, 1380-A-PLN-099 Rev 01, 1380-A-PLN-100 Rev02, 1380-A-PLN-101 Rev 02, 1380-A-PLN-102 Rev 02, 1380-A-PLN-103 Rev 02, 1380-A-PLN-104, 1380-A-ELE-200 Rev 01, 1380-A-ELE-203 Rev 02, 1380-A-ELE-202 Rev 02, 1380-A-ELE-201 Rev 02, 1380-A-SEC-260 1380-A-SEC-255 Rev 02, 1380-A-DTL-300 Rev 01, 1380-A-DTL-304 Rev 01 1380-A-DTL-305 Rev 01, 1380-A-DTL-500, 1380-A-DTL-501

Case Officer: Jo Palmer

Direct Tel. No. 020 7641 2723

Recommended Condition(s) and Reason(s):

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 You must carry out any building work which can be heard at the boundary of the site only:
 - * between 08.00 and 18.00 Monday to Friday;
 - * between 08.00 and 13.00 on Saturday; and
 - * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of detailed drawings at a scale of 1:10 of the following parts of the development

- a) a typical frame detail of the new shopfronts and windows.
b) a typical detail of where the extended facades on Balderton Street and Lumley Street adjoin the neighbouring Balderton Flats.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must apply to us for approval of a management plan to show how you will prevent the operation of the retail use, including from promotional events and from advertising campaigns, from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the enlarged retail use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the retail store is in use. (C05JB)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 7 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- A schedule of all plant and equipment that formed part of this application;
 - Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - Manufacturer specifications of sound emissions in octave or third octave detail;
 - The location of most affected noise sensitive receptor location and the most affected window of it;
 - Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - The lowest existing L A90, 15 mins measurement recorded under (f) above;
 - Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
 - The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing

excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 8 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 9 All servicing must take place between 08:00 and 20:00 on Monday to Saturday and between 11:00 and 17:00 on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 10 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 11 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 12 You must provide the waste store shown on drawing 1380-A-PLN-100 Rev02 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 13 The floorspace identified as 'retail' on the approved drawings shall only be used for that purpose but not as a foodstore(s) or supermarket(s).

Reason:

To ensure maximum retail provision is made of the appropriate type that does not involve the use of large delivery vehicles which cannot be accommodated on site and may block surrounding streets. This is in accordance with policies S7, S21 and S42 of our Westminster's City Plan: Strategic Policies adopted November 2013 and STRA25, SS4, TRANS20 and TRANS21 of our Unitary Development Plan that we adopted in January 2007.

- 14 All servicing shall be undertaken in accordance with the Delivery and Servicing Plan dated 17 December 2015.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 15 The development hereby permitted shall not be commenced until detailed design, method statements and load calculations (in consultation with London Underground), have been submitted to and approved in writing by the local planning authority which:

- provide details on all structures
- accommodate the location of the existing London Underground structures and tunnels
- accommodate ground movement arising from the construction thereof
- and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2015 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012

- 16 No music or amplified sound played within the building shall be audible outside the premises at any time.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 17 You must then carry out all construction work in accordance with the Construction and Environmental Management Plan dated September 2015

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.
If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.
You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.
- 3 The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; drainage; excavation; and construction methods
- 4 When carrying out building work you must do all you can to reduce noise emission and take

suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 5 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 6 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 7 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

- 8 You need to speak to our Highways section about any work which will affect public roads. This

Item No.

includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
ADDEDNUM REPORT OF PLANNING APPLICATIONS COMMITTEE	Date 29 March 2016	Classification For General Release	
Report of Director of Planning	Ward(s) involved Little Venice		
Subject of Report	7 Warwick Avenue, London, W9 2PS,		
Proposal	Excavation of new basement beneath existing single family dwelling, extension to existing lower ground floor level and associated internal and external alterations to building including demolition and replacement of existing conservatory. Installation of ventilation plant.		
Agent	Mr James Hart		
On behalf of	Mr Oliver Nesensohn		
Registered Number	15/08069/FULL 15/08070/LBC	Date amended/ completed	28 September 2015
Date Application Received	28 August 2015		
Historic Building Grade	Grade II		
Conservation Area	Maida Vale		

1 RECOMMENDATION

1. Grant conditional permission
2. Grant conditional listed building consent
3. Agree reasons for granting listed building consent, as set out in Informative 1 of the draft decision letter.

2 SUMMARY

This application was first reported to the Planning Applications Committee on the 1st of March 2016. Councillor Melvyn Caplan addressed the Committee in his capacity as Ward Member to express some concerns about the application and it was subsequently resolved to defer a decision pending a site visit. A site visit is in the process of being arranged.

No additional representations received since the Planning Applications Committee report of 1st March 2016 was published.

Planning Applications Committee (4) Decisions – Tuesday, 1st March 2016

2 7 WARWICK AVENUE, LONDON W9 2PS

Excavation of new basement beneath existing single family dwelling, extension to existing lower ground floor level and associated internal and external alterations to building including demolition and replacement of existing conservatory. Installation of ventilation plant.

Councillor Melvyn Caplan addressed the Committee in his capacity as Ward Member to express some concerns about the application.

RESOLVED:

That the application be deferred for a site visit.

CITY OF WESTMINSTER - ORIGINAL REPORT FOR COMMITTEE DATED 1 MARCH 2016			
PLANNING APPLICATIONS COMMITTEE	Date 1 March 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Little Venice	
Subject of Report	7 Warwick Avenue, London, W9 2PS,		
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1. RECOMMENDATION

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2. SUMMARY

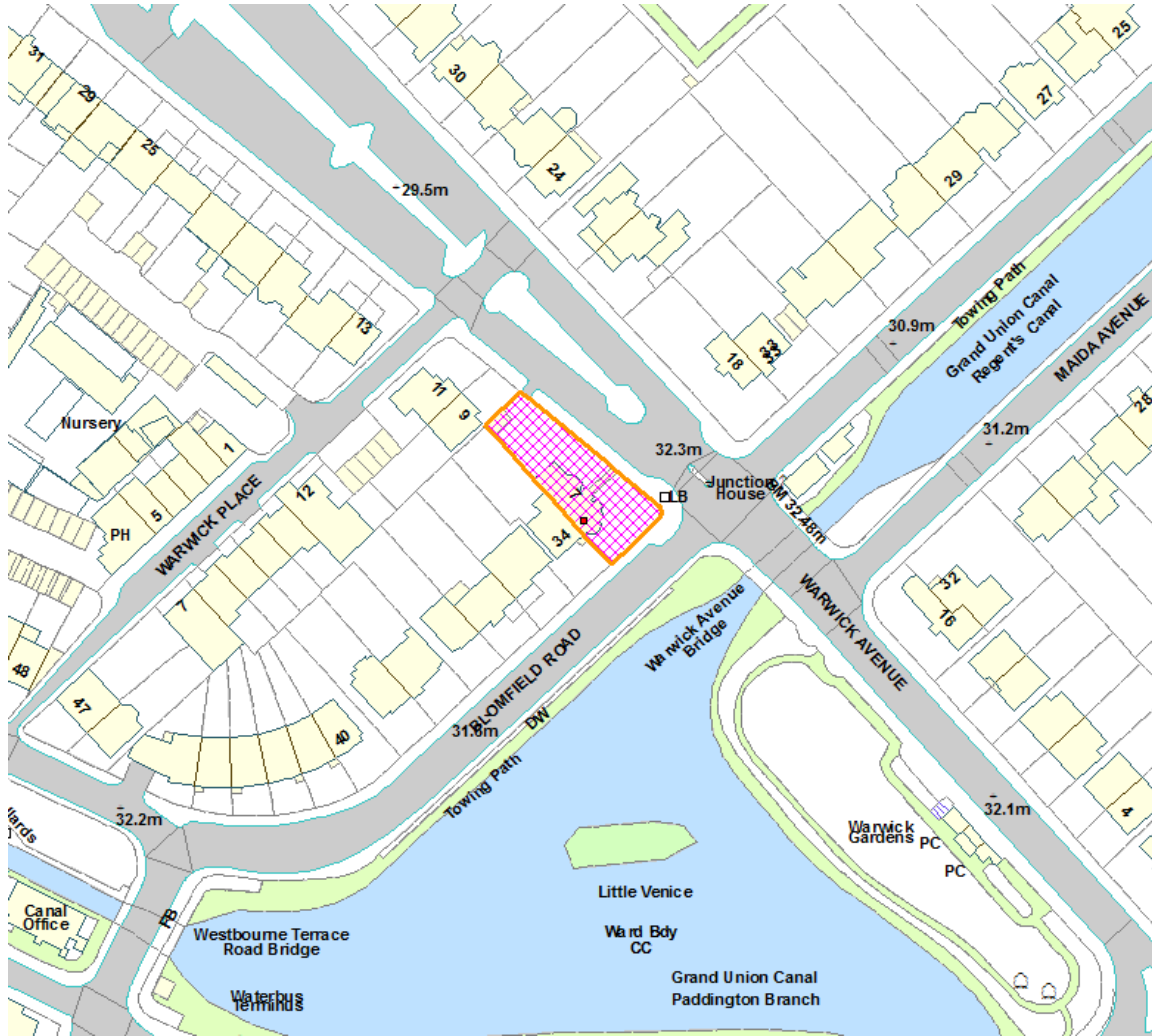
7 Warwick Avenue is a Grade II listed building located within the Maida Vale Conservation Area.

Planning permission and listed building consent are sought for the excavation of a new basement beneath the existing single family dwelling, extension to the existing lower ground floor level and associated internal and external alterations to the building including demolition and replacement of the existing conservatory and installation of associated plant. This application follows an application for a much larger basement which was withdrawn last year.

Several objections have been received on a variety of grounds including structural issues, impact of construction works, impact on the Grade II Listed Building and the Maida Vale Conservation Area, impact on amenity of neighbouring occupiers, sustainability issues, impact on trees, failure to comply with policy and problems with consultation.

Notwithstanding the objections received, the proposed development is considered to be acceptable and would accord with the relevant policies in Westminster's City Plan: Strategic Policies adopted in November 2013 (the City Plan) and the Unitary Development Plan adopted in January 2007 (the UDP).

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

London Underground Limited:

No objections in principle. However, there are a number of potential constraints on the redevelopment of a site situated close to undergrounds tunnels and infrastructure.

Therefore it will need to be demonstrated to the satisfaction of LUL engineers that:

- The development will not have any detrimental effect on their tunnels and structures either in the short or long term;
- The design must be such that the loading imposed on their tunnels or structures is not increased or removed;
- They offer no right of support to the development or land.

Highways Planning:

The proposal is acceptable on transportation grounds.

Building Control:

No objections.

Environmental Health:

No objections on environmental noise and nuisance grounds however, following concerns raised by neighbouring occupiers a condition stipulating the requirement of a post commissioning survey is recommended.

Concerns have been raised in respect of contaminated land following preliminary investigations. Further details on this matter should therefore be sought by condition.

Arboricultural Section:

Further to the receipt of revised plans during the course of the application, no objections are raised subject to the provision of tree protection details and an amended construction method statement, which along with a suitable landscaping scheme, should be secured by conditions.

Ward Councillors for Little Venice:

Any comments to be reported verbally.

Paddington Waterways & Maida Vale Society:

The proposed conservatory is wholly out of context to the host building. Whilst the existing conservatory is not architecturally pleasing it sits more comfortably with the host building and wider conservation area. The elevation is highly visible from Warwick Avenue and the proposals will be harmful to the host building and conservation area.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 6

Total No. of replies: 8

No. of objections: 7

No. in support: 0

Objections were raised on the following grounds;

Structural Issues

- Potential subsidence, especially given proximity to Bakerloo line;
- The buildings are built on clay which is susceptible to movement;
- The land bordering the canal tilts towards the canal and the proposed excavation would further encourage this landslide;
- Most swimming pools have leakage problems which are difficult to identify and this will cause further damage to the soundness of foundations;
- Long terms structural damage to adjoining Grade II Listed Building;
- The estimates of damage to the neighbour's rear wall have been made without the surveyor having access to said wall and hence the conclusions are reliant on their assumptions proving correct;
- The impact of the underpinning has not been modelled;
- The applicant should fund an independent surveyor to properly assess the likely damage to the adjoining building;
- Press articles relating to the effects of basement extensions are provided.

Construction Works

- 78 weeks is an intolerable amount of time for the noise, dust, dirt and vibrations associated with construction works;
- It will destroy the tranquil setting of the area where many occupiers are at home during the day;
- It is alleged that the applicant has not fully considered the problems arising from the proximity of the underground and the canal and therefore the works will take much longer than the anticipated 78 weeks;
- Based on other developments in the area, it is expected that a more realistic estimate is 2-3 years;
- The works would interfere with enjoyment of life in a residential area with many young families;
- Traffic disruption and car parking disruption in an already oversubscribed area;
- The increased traffic from construction vehicles would cause danger especially to young children;
- The proposed hours of work are unsuitable for a totally residential area;
- The CMP includes provisions about community engagement however there has been no evidence of this to date;
- There is insufficient information in the CMP to fully assess the realistic impact of this proposed development.

Design

- Basements under listed buildings should be resisted and some Councils have accordingly banned them. It is questioned why Westminster has not done the same;
- As the building is listed, any alteration should be carefully considered in case irreparable damage occurs;
- The proposal will cause damage to the character of the area;
- The Council has a legal duty and policy requirement to protect listed buildings;
- The creation of a basement level would significantly alter the historic hierarchy of floor levels in the property;
- The site is already over-developed and should not be developed any further;
- The proposed conservatory is grotesque, overly bulky, totally incongruous and obtrusive.
- The proposals would not preserve or enhance the property or the conservation area.

Amenity

- Noise emitted from condenser unit in garden;
- The applicant's sound report is not fit for purpose and a document prepared by Sound Barrier Solutions is submitted in this respect;
- Loss of residential amenity to a large number of people.

Sustainability

- The development would not improve the environmental performance of the property, would increase the energy and emissions of the building and would result in an excessive use of natural resources.

Flooding

- The proposal increases the risk of ground water flooding.

Impact on Trees

- Trees are crucial to the local environment and they may be threatened.

Basement Policy

- The proposal conflicts with policy as it does not provide much needed extra accommodation where room to extend otherwise than by a basement is limited (the property could be extended to the side whilst a pool, hammam and gym cannot really be considered much needed extra accommodation).
- It is suggested that the application may have been rushed through to avoid the implications of the new basement policy;
- The determination of this application should be postponed pending the outcome of the Planning (Subterranean Development) Bill.

Discrepancies in Submitted Documents

- The Environmental Performance Survey (pg. 8) states that all plant is contained in the basement;
- One documents states that the site is within 5m of the Bakerloo Line whilst all other documents state that the tunnels are over 10m away;
- The final Basement Impact Assessment (pg.6) references Gerald Road;
- Such discrepancies raise concerns over the reliability of all of the documents submitted.

Other Issues

- A request has been made by Nursery Amenity Limited, who is the company responsible for managing the rentcharge deed for sixty five properties including 7 Warwick Avenue, for discussion to take place between themselves and the planning officer to ensure that the applicant is not given conflicting advice;
- A request is made by a neighbour to address the committee;
- The application site has been vacant for some time and therefore the works will not impinge upon those who are proposing the works;
- Aggressive attempts of newcomers to destroy the charms and the safety of the old historical London homes;
- The absence of any public benefit to outweigh the harm; a recent appeal decision which addresses this issue has been provided;

- Lack of faith in this particular resident to comply with building regulations and reassurance is sought that regulations will be enforced;
- The Council's procedures are inadequate with the odds stacked in favour of the developer.

Consultation and planning process

- Consultation by the City Council was inadequate;
- Problems with the website, which have prevented neighbours from submitting objections;
- Cavalier attitude to a project which could have a massive negative impact on the neighbourhood particularly since each objection could contain new grounds for consideration;
- Objections received in relation to the previously withdrawn application should be taken into consideration when determining the current application;
- Planning Officers have ignored neighbours' concerns when discussing a revised proposal with the applicant.

Conditions Should Planning Permission be Granted

- In view of emerging basement policy, development should commence within one year;
- Hours of construction to be restricted to 9-12.30 and 13.30-17.30 Mon-Fri with no work on weekends or bank holidays;
- A programme of construction to be agreed with local residents prior to commencement of development;
- A bond (amount to be determined), to be secured should the need arise to repair any structural damage to the adjoining Grade II Listed Building.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

There have been no further representations received since the application was first reported to the Planning Applications Committee on the 1st of March 2016.

6. BACKGROUND INFORMATION

6.1 The Application Site

7 Warwick Avenue is a Grade II listed building located within the Maida Vale Conservation Area. It occupies a prominent corner plot on the corner of Warwick Avenue and Blomfield Road.

6.2 Recent Relevant History

15/08070/LBC

Excavation of new basement beneath existing single family dwelling, extension to existing lower ground floor level and associated internal and external alterations to building including demolition and replacement of existing conservatory. Installation of ventilation plant.

15/04707/FULL & 15/04708/LBC

Excavation of new basement beneath existing single family dwelling, extension to existing lower ground floor level and associated internal and external alterations to building including demolition and replacement of existing conservatory.
Applications withdrawn: 24 July 2015

7. THE PROPOSAL

Planning permission and listed building consent are sought for the excavation of a new basement beneath the existing single family dwelling, extension to the existing lower ground floor level and associated internal and external alterations to building including the demolition and replacement of existing conservatory and the installation of associated plant. This application follows an application for a much larger basement which was withdrawn last year.

Some additional details have been received and minor amendments have been made to the proposal during the course of the application. Given that these details either relate to concerns raised by the Arboricultural Officer or could have been sought by condition, it was not considered necessary to re-consult neighbouring occupiers.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal is considered to accord with Policy H3 of the UDP, which states that extensions to residential properties are acceptable in principle.

Concerns have been raised by neighbouring occupiers in respect of the requirement for a basement especially one that includes a pool, a gym and a hammam as this cannot be considered much needed accommodation. It is therefore suggested in the letters of objection that this proposal is not policy compliant and that the potential for extending above ground should have been explored in the first instance. However, it is not within planning control to resist the proposal on the basis of the alleged non-justified need.

8.2 Townscape and Design

Basement

The basement extension will sit beneath the footprint of the historic core and beneath the extension at lower ground floor level. The staircase down into the new basement would be located by a staircase outside the envelope of the historic core within the lower ground floor extension. It is considered that the basement proposed will not have an adverse impact on the hierarchy of the interior and the original scale of the main house. It is also considered unlikely that the excavation of the basement and the demolition and reconstruction of the vaults would cause unacceptable structural impacts. As such, the basement is considered acceptable in design and conservation terms.

Neighbouring occupiers have stated that basements under listed buildings should have been banned as they have been by some other Councils. However, this is a matter for

wider planning policy in the City Council and not a matter to be discussed as part of the assessment of this individual application.

Conservatory

The scale of the replacement structure has been kept within the built line of the current structure, with a reduction in height due to the introduction of a shallower pitched roof therefore the scale of the replacement conservatory is considered to be acceptable. The introduction of a contemporary design is not considered to detract from the architectural style of the host building as it is interpreted as an honest addition. The use of the timber panelling breaks up the north-west elevation and due to its positioning at lower ground floor level in the less formal area of the outdoor space, it can be interpreted as a garden structure, subservient to the principal building. Notwithstanding objections from Paddington Waterways and Maida Vale Society as well as neighbouring occupiers, it is considered that the proposed replacement conservatory is acceptable in design terms.

External Alterations

Additionally the alterations to the hard and soft landscaping, including increasing the height of the paving, is considered to have a limited impact on the setting of the heritage asset and the character and appearance of the conservation area, as is the introduction of an acoustic enclosure within the setting of trees.

Internal Alterations

To the lower ground it is proposed to recreate the cruciform plan by reintroducing a central hallway and passageway, which in turn generates a cellular arrangement of rooms. This alteration is considered to be acceptable in design and conservation terms. Given the level of alteration that has previously occurred at this level and the limited amount of remaining historic fabric the alterations to create the additional stairs to the basement levels and the insertion of additional partitioning walls is considered to have a limited impact on the special interest of the heritage asset.

At ground floor level it is proposed to remove the existing staircase to the lower ground floor level which is located in the current living room; the current staircase is a modern introduction and therefore its removal is considered to be acceptable with the area to be made good. It is proposed to introduce a staircase in a more traditional location, under the principal staircase, however separate from it. In principle the proposed location is acceptable and whilst its scale and projection at ground floor level could have been reduced, this in itself is not considered to be grounds for refusal.

At present on the first floor one of the principal rooms has been subdivided to create an en-suite and dressing area. Through the proposed scheme the cellular plan form of the level will be restored, with the required subdivision contained within the later addition; this proposal is welcomed in heritage terms as the interpretation of the core is enhanced. The retention of the chimney breast in the proposed master bedroom is welcomed. No alterations are proposed to the second and third floors.

The proposals would therefore preserve the character and appearance of the listed building and the Maida Vale Conservation Area and would comply with policies S25 and S28 of the City Plan and policies DES1, DES5, DES9 and DES10 of the UDP.

8.3 Residential Amenity

Given its limited external manifestations; the proposed basement extension, once built, will have no impact on the amenities of neighbouring properties in terms of loss of daylight, outlook or sense of enclosure, and loss of privacy and would therefore comply with Policy ENV13 of the UDP and policy S29 of the Westminster City Plan.

Given the presence of the existing conservatory that the proposed conservatory would replace, as well as the existing boundary treatment, this part of the proposal does not raise any amenity concerns either.

8.4 Transportation/Parking

The proposal does not represent an increase in residential units or a loss of parking as such the proposal is not contrary to policy TRANS23 of the UDP. Equally, as the proposal does not comprise an increase to the number of residential units on the site, it would not be reasonable to attach conditions requiring details of cycle parking and refuse storage.

Both neighbours and London Underground Limited (LUL) have raised concerns about the impact the proposed excavation of the basement could have on the underground tunnels and infrastructure close to the site. It is recommended that the condition requested by LUL requiring further details on this matter, is attached to this permission.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The proposed works would not affect access to the site.

8.7 Other UDP/Westminster Policy Considerations

Noise/Plant

Objections have been received on the grounds of the unacceptable noise levels associated with plant including the condenser unit in the garden. It is alleged that the applicant's sound report is not fit for purpose and a document prepared by Sound Barrier Solutions has been submitted in support of the neighbour's assertions.

The City Council's Environmental Health Officer has reviewed both the applicant's acoustic report and the neighbour's acoustic report and has confirmed that whilst the applicant's report could have been better, it does not indicate that the plant would materially affect the amenities of neighbouring occupiers in terms of noise and disturbance. Nevertheless, given strong opposition to the proposal, it is recommended that a condition requiring a post commissioning survey is attached to the planning permission. Along with the standard condition on noise levels, this should address concerns raised by neighbours.

Trees

The scheme has been amended to address concerns raised by the City Council's Arboricultural Officer. Subject to conditions requiring an amended construction method statement and a suitable landscaping scheme, the proposal is considered to be acceptable in accordance with policy ENV16 of the adopted Unitary Development Plan.

Sustainability

One objector states that the development would not improve the environmental performance of the property, would increase the energy and emissions of the building and would result in an excessive use of natural resources. However, given the scale of development which relates solely to a single family dwellinghouse, it is considered that the associated increase to energy and emissions etc, would not constitute sufficient grounds to refuse the entire application.

Contaminated Land

Preliminary investigations, comprising three bore holes, have revealed elevated levels of both lead and asbestos on the site. As none of these boreholes were within the footprint of the proposed works, it is recommended to secure further site investigation details by condition.

8.8 London Plan

With the exception of the impact on the London Underground infrastructure, which is addressed elsewhere in this report, this application raises no strategic issues.

8.9 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF.

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application.

8.11 Environmental Impact Assessment

Environmental Impact issues have been covered in section 8.7 above.

8.12 Other Issues

Basement

The impact of this type of development is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. Residents are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding. Such concerns have been raised by many neighbouring occupiers. The numerous letters of objection received refer specifically to the impact on the structural integrity and stability of adjoining buildings, including the adjoining Grade II Listed

Building. They also refer to potential problems with ground water flooding, and increased risk of subsidence given the proximity of the canal and the Bakerloo line and given the properties are built on clay which is susceptible to movement, the problems associated with swimming pools leaking and the inadequate surveys undertaken.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures. To address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

Building Control have assessed the reports provided and consider that, notwithstanding concerns raised by neighbouring occupiers in respect of alleged inappropriate methods of construction, the proximity to the canal, the problems with swimming pools and the lack of faith they have in the inaccurate surveys submitted by the applicant, the proposed construction methodology appears satisfactory. Should permission be granted, these statements will not be approved, nor will conditions be imposed requiring the works to be

carried out in accordance with them. The purpose of the reports is to show that there is no foreseeable impediment to the scheme satisfying the Building Regulations in due course. It is considered that this is as far as this matter can reasonably be taken as part of the consideration of the planning application. Detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations, cited above. To go further would be to act beyond the bounds of planning control.

Notwithstanding the comments received from Building Control, given the proximity to the Barkerloo Lane, London Underground Limited have requested that a condition be attached to require details of the construction methodology specifically relating to its infrastructure. This should go some way towards addressing the concerns of neighbouring occupiers.

The City Council have been preparing guidance and policies to address the need to take into consideration land instability, flood risk and other considerations when dealing with basement applications. Last year the City Council adopted the Supplementary Planning Document 'Basement Development in Westminster' (24th October 2014), which was produced to provide further advice on how current policy can be implemented in relation to basement development - until the formal policy can be adopted. Consultation on a revised formal policy, 'Draft Basements Policy', is currently underway, and will form part of the local plan (replacing the UDP) once adopted.

The basement guidelines and basements policy documents have different status in the planning process. The SPD having now been adopted can be given considerable weight (known as material weight or a material consideration). Weight will be afforded to parts of the new basement policy for applications submitted after 1st November 2015. Neighbours have suggested that this application should be determined in accordance with the new basement policy. However, as the application was submitted before the 1st of November, this would not be reasonable. Others have alleged that the application may have been rushed through to avoid the implications of the new basement however, this appears to be an unfounded allegation and in any event, is not a material planning consideration.

Reference is made to the Planning (Subterranean Development) Bill and it is suggested by neighbouring occupiers that determination of the application for a basement at 7 Warwick Avenue should be postponed pending its outcome. Until such time as this Bill becomes an Act, it holds no weight, and it would be unreasonable to delay the determination on this basis.

Construction Impact

Objections have been received from neighbouring residents regarding the impact of construction work associated with the proposed basement with specific reference to noise, dirt, dust vibrations and traffic, the timescale for the proposed construction phase and general disturbance associated with construction activity.

Whilst planning permission cannot be withheld on the basis of these objections, a Construction Management Plan is required at validation stage and has therefore been submitted with the application. This is considered appropriate and reasonable at application stage. However, a condition is recommended to secure a more fully detailed

construction management plan prior to the commencement of works. A further condition is recommended to control the hours of construction works, particularly noisy works of excavation, which whilst it is inevitable that all construction works will have some impact on neighbours, should go some way to addressing the concerns of residents.

Discrepancies in Supplementary Documents

It was pointed out by objectors that there were discrepancies in some of the supplementary documents submitted with the application. Some of these discrepancies have since been addressed by the applicant. Given that these discrepancies are fairly minor and the plans themselves, which the decision will be based on, did not have the same issues, it is considered that the interests of neighbouring occupiers were not prejudiced and it was not considered necessary to re-consult neighbouring occupiers or to delay the determination of this application pending receipt of any further amended information.

Consultation and Planning Process

Neighbours have stated that consultation by the City Council was inadequate. Nevertheless, the City Council met its statutory obligations by sending letters to all those considered to be directly affected by the proposal as well as displaying both site and press notices. It was alleged that there were problems with the City Council's website which prevented neighbours from submitting objections. However, any temporary problem with the website would not have prevented a representation being sent by email. As the current proposal has sought to address concerns relating to the previously withdrawn application, it would be unreasonable to base this recommendation on any representation that related to the earlier application. Officers have not, at any stage, ignored the concerns of neighbours, however these objections must be considered in light of adopted policy and therefore do not necessarily constitute grounds for refusal.

Other Neighbour Objections

Objections have been raised on the basis of the damage caused by previous extensions at the application site and the lack of faith neighbours have that future work would comply with the relevant regulations. However, the current application should be assessed on its own merits and therefore this is not grounds for refusal. Any breach of regulations would be subject appropriate action by the City Council. A request is made for the planning officer to discuss the proposals directly with the management company however; this is a matter for the applicant to address not the planning officer. With regards to the committee meeting, it is Council policy that no members of the public are permitted to address the committee. Whether or not the applicant lives at no.7 Warwick Avenue is immaterial to the determination of this application; as is the length of time that the applicant has owned the property. The allegation that 'the odds are stacked in favour of the developer' is unfounded. As the proposal is not considered to be harmful to the listed building or surrounding area, the suggested requirement for associated public benefit would not be necessary.

Suggested Conditions

In the event that planning permission is granted, several conditions have been requested by neighbours. However, the suggested conditions are particularly onerous and it is not considered reasonable to impose them on this individual site. The City Council's standard conditions relating to commencement of development, hours of work and construction management should therefore apply. With regard to the requested bond for repairs to

neighbouring buildings, this is something that would need to be addressed through a party wall agreement.

8.13 Conclusion

Notwithstanding the objections received, the proposed development is considered to be acceptable in land use, design, amenity, arboricultural and environmental terms and would therefore accord with the relevant policies in Westminster's City Plan: Strategic Policies adopted in November 2013 and the Unitary Development Plan adopted in January 2007.

9. BACKGROUND PAPERS

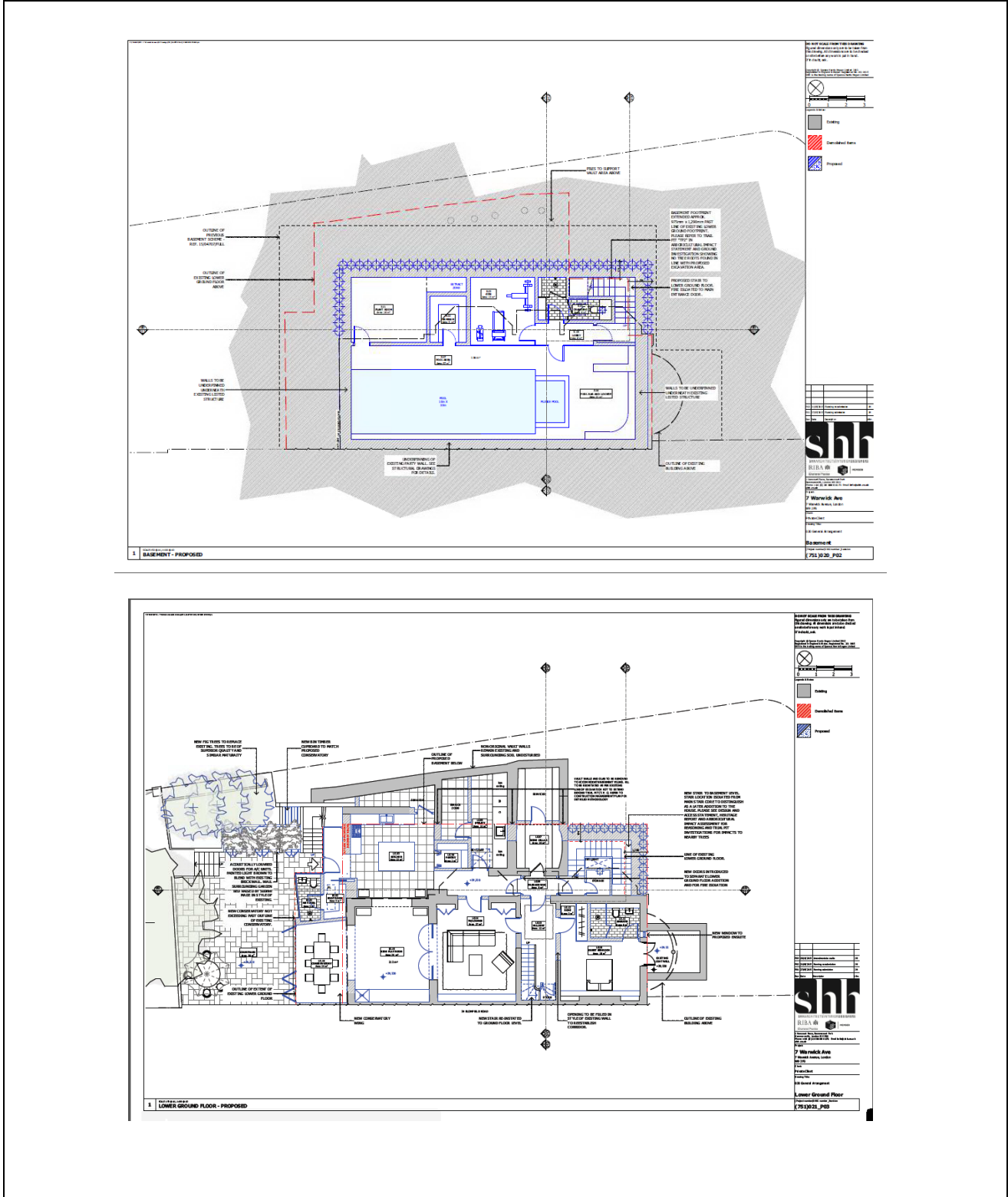
1. Application form
2. Report to Planning Applications Committee, dated 1 March 2016, background papers and minutes of meeting.
3. Response from London Underground Limited, dated 30 October 2015
4. Response from Highways Planning, dated 28 September 2015
5. Responses from Environmental Health, dated 9 October 2015 and 4 December 2015
6. Response from Arboricultural Section, dated 28 October 2015
7. Response from Building Control, dated 8 January 2016
8. Letter from Nursery Amenity Limited, dated 8 July 2015
9. Letter from occupier of 13A Warwick Avenue, London, dated 4 October 2015
10. Letter from occupier of Garden Flat, 38 Blomfield Road, dated 5 October 2015
11. Letter from occupier of 38 Blomfield Road, London, dated 5 October 2015
12. Letters from occupier of 34 Blomfield Road, London, dated 6 October 2015
13. Letter from occupier of 41 Blomfield Road, London, dated 7 October 2015
14. Letter from occupier of The Graden Flat, 11 Warwick Avenue, dated 8 October 2015
15. Letter from occupier of 39 Blomfield Road, London, dated 8 October 2015
16. Letter from occupier of 18 Warwick Avenue, London, dated 13 October & 3 December 2015
17. Correspondence with Karen Buck MP, London.

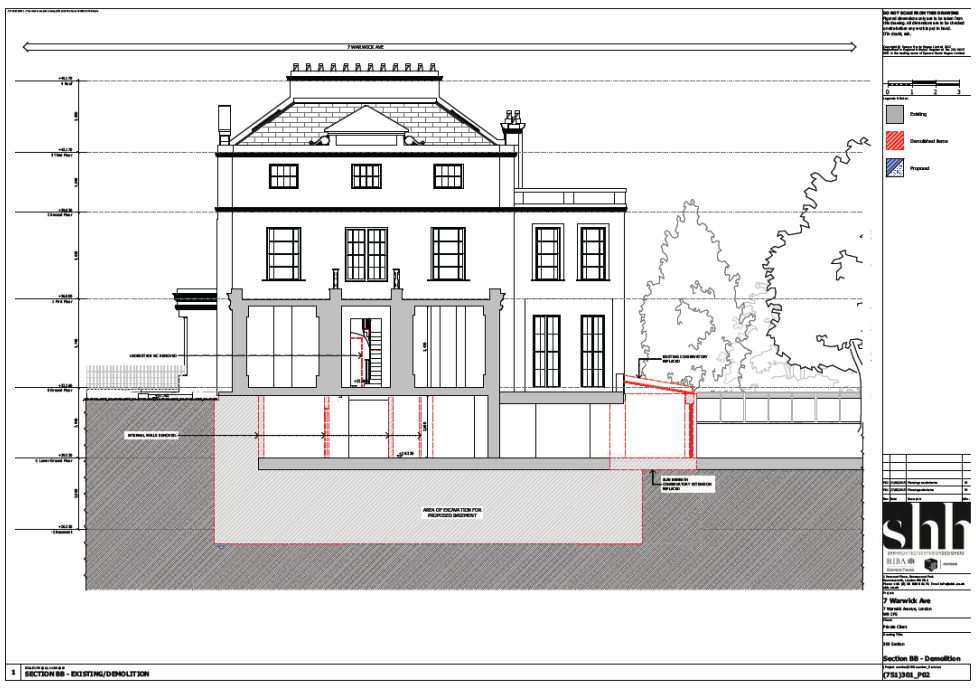
Selected relevant drawings

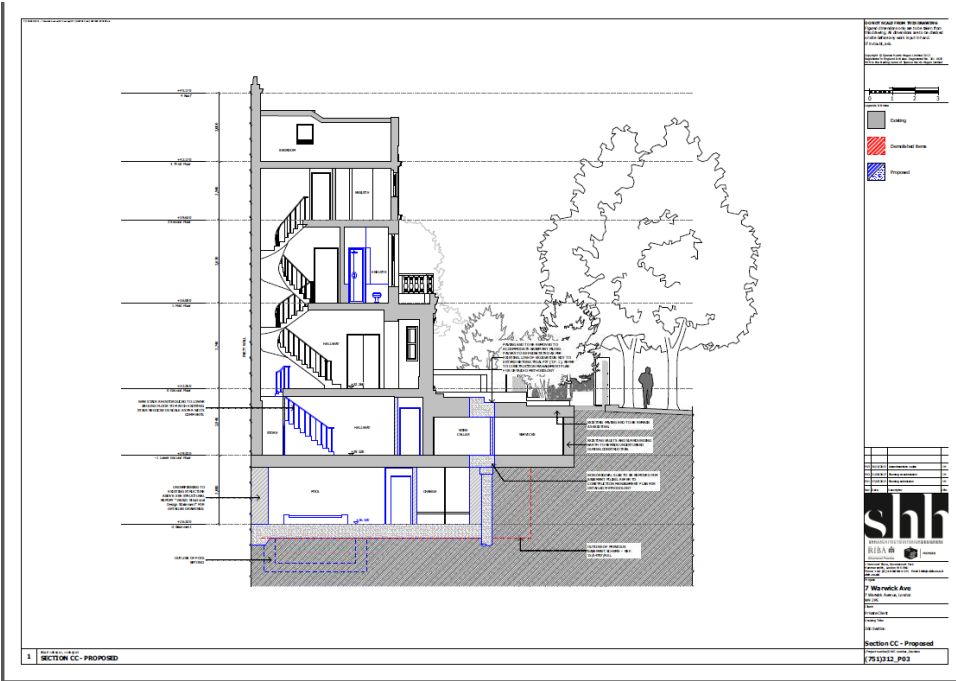
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT CLAIRE BERRY ON 020 7641 4203 OR BY EMAIL AT NorthPlanningTeam@westminster.gov.uk

10. KEY DRAWINGS







DRAFT DECISION LETTER

Address: 7 Warwick Avenue, London, W9 2PS,

Proposal: Excavation of new basement beneath existing single family dwelling, extension to existing lower ground floor level and associated internal and external alterations to building including demolition and replacement of existing conservatory. Installation of ventilation plant.

Plan Nos: (751)001_P02, (751)002_P02, (751)003_P02, (751)010_P03, (751)011_P03, (751)012_P02, (751)013_P02, (751)020_P02, (751)021_P03, (751)022_P03, (751)023_P02, (751)024_P02, (751)200_P02, (751)201_P02, (751)210_P02, (751)211_P02, (751)300_P02, (751)301_P02, (751)302_P03, (751)310_P02, (751)311_P02, (751)312_P03, (751)700_PL01, (751)701_PL01, (751)702_PL01, (751)020_P01 (Plant), (751)021_P01 (Plant), (751)022_P01 (Plant), Planning Statement August 2015, Heritage Statement September 2015, Design and Access Statement August 2015, Environmental Performance Statement 27 January 2016, Residential Energy Statement August 2015, Environmental Noise Survey and Mechanical Plant Assessment 20 August 2015, Arboricultural Method Statement 28 August 2015, Arboricultural Impact Assessment Report 28 August 2015 and Root Excavation Report 8 October 2015.

Case Officer: Claire Berry

Direct Tel. No. 020 7641 4203

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:
 - * between 08.00 and 18.00 Monday to Friday;
 - * between 08.00 and 13.00 on Saturday; and
 - * not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only:

- * between 08.00 and 18.00 Monday to Friday; and
- * not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11BA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary

Development Plan that we adopted in January 2007. (R11AC)

- 3 To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)
- 3 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)
- 4 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 6 **Pre Commencement Condition.** Notwithstanding the Construction Management Plan submitted, no development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:
- (i) a construction programme including a 24 hour emergency contact number;
 - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
 - (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
 - (v) wheel washing facilities and measures to control the emission of dust and dirt during

construction; and

(vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 7 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 8 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 9 You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in conditions 7 and 8 of this permission.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 10 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

You must apply to us for approval of the following investigation reports. You must apply to us and

receive our approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed.

Phase 1: Desktop study - full site history and environmental information from the public records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.
(C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

- 11 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within five of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Maida Vale Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 12 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 13 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until evidence that the development will not have any detrimental effect on London Underground tunnels and structures either in the short or long term with the design such that the loading imposed on the tunnels or structures is not increased or removed, has been submitted to and approved in writing by the City Council as local planning authority, in consultation with London Underground Limited.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2015 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 3 The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated statements, in particular with regard to demolition, excavation and construction methods.

DRAFT DECISION LETTER

Address: 7 Warwick Avenue, London, W9 2PS,

Proposal: Excavation of new basement beneath existing single family dwelling, extension to existing lower ground floor level and associated internal and external alterations to building including demolition and replacement of existing conservatory. Installation of ventilation plant.

Plan Nos: (751)001_P02, (751)002_P02, (751)003_P02, (751)010_P03, (751)011_P03, (751)012_P02, (751)013_P02, (751)020_P02, (751)021_P03, (751)022_P03, (751)023_P02, (751)024_P02, (751)200_P02, (751)201_P02, (751)210_P02, (751)211_P02, (751)300_P02, (751)301_P02, (751)302_P03, (751)310_P02, (751)311_P02, (751)312_P03, (751)700_PL01, (751)701_PL01, (751)702_PL01, (751)020_P01 (Plant), (751)021_P01 (Plant), (751)022_P01 (Plant), Planning Statement August 2015, Heritage Statement September 2015, Design and Access Statement August 2015, Environmental Performance Statement 27 January 2016, Residential Energy Statement August 2015, Environmental Noise Survey and Mechanical Plant Assessment 20 August 2015, Arboricultural Method Statement 28 August 2015, Arboricultural Impact Assessment Report 28 August 2015 and Root Excavation Report 8 October 2015.

Case Officer: Claire Berry

Direct Tel. No. 020 7641 4203

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 1 The works hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 The new joinery work must exactly match the existing original work unless differences are shown

on the drawings we have approved. (C27EA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3-2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

Item No.
5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 29 March 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bayswater	
Subject of Report	66 Chepstow Road, London, W2 5BE.		
Proposal	Excavation of a two storey basement extension below front garden, enlargement of front lightwell, provision of new front boundary treatment, excavation of single storey basement below rear garden with rooflights within rear garden and new landscaping to rear garden, including green wall to rear boundary. Internal alterations.		
Agent	Peter Tigg		
On behalf of	Mr Ralf Ackermann		
Registered Number	15/07328/FULL & 15/07329/LBC	Date amended/ completed	19 February 2016
Date Application Received	10 August 2015		
Historic Building Grade	Grade II		
Conservation Area	Westbourne		

1. RECOMMENDATION

<ol style="list-style-type: none"> 1. Grant conditional permission and conditional listed building consent. 2. Agree reasons for granting conditional listed building consent, as set out in Informative 1 of the draft decision letter.
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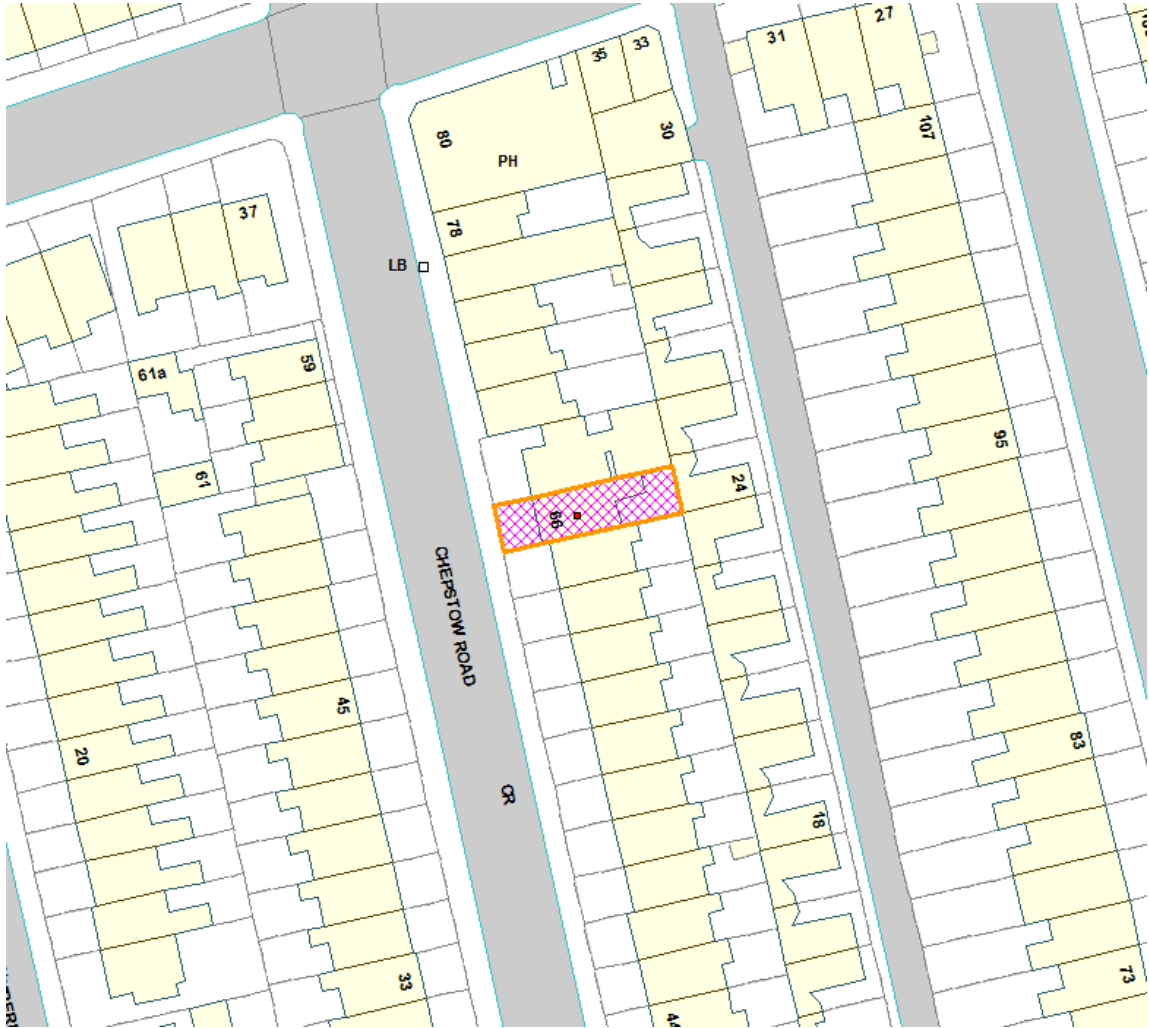
2. SUMMARY

<p>The application site comprises the penultimate terrace property at the northern end of the terrace on the east side of Chepstow Road. The building is in use as a single family dwellinghouse. It is a Grade II Listed Building and is located within the Westbourne Conservation Area.</p> <p>Planning permission and listed building consent are sought for the excavation of a two storey basement extension below front garden, enlargement of the front lightwell, provision of a new front boundary treatment, excavation of a single storey basement below rear garden with rooflights within rear garden and new landscaping to rear garden, including green wall to rear boundary with No.24 Bridstow Place.</p> <p>Further to negotiation with the applicant, the proposals have been amended. These amendments include the provision of 1.2 metres of soil depth above the basement in both the front and rear gardens</p>
--

as well as lowering the basement further so that it does not exceed the height of the existing garden level. Associated alterations were made to the fenestration and landscaping.

The proposed development is considered to be acceptable and would accord with the relevant policies in Westminster's City Plan: Strategic Policies adopted in November 2013 (the City Plan) and the Unitary Development Plan adopted in January 2007 (the UDP).

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

ORIGINAL CONSULTATION

NOTTING HILL EAST NEIGHBOURHOOD FORUM

Objection to the loss of the front and back gardens.

ARBORICULTURAL MANAGER

Recommends that the basement is reduced in size so that it does not occupy 100% of the garden area and also that a minimum of 1.2m soil depth is provided across the entire basement area excluding lightwells.

BUILDING CONTROL

The scheme has been justified structurally; the basement walls will be constructed using traditional RC retaining walls which are considered to be appropriate for this site. The proposal to safeguard adjoining properties during construction is considered to be acceptable. A site investigation has not been provided but the engineer has carried out a desk study.

ENVIRONMENTAL HEALTH

No objections on the understanding that the proposed plant namely 1 no. Airflow DV72 HRU and 1 no. Helios MiniVent M120 extract fan as listed in the submitted acoustic report are the installed plant.

HIGHWAYS PLANNING MANAGER

Recommends refusal on transportation grounds as the proposal would result in the loss of an off-street parking space which is contrary to policy TRANS23 of the adopted Unitary Development Plan.

THAMES WATER

No objection. General advice provided.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 23; Total No. of replies: 6 letters/ emails received raising objection on all or some of the following grounds:

Design

- Basement is excessive for the site;
- Proposals do not preserve and enhance the character and appearance of the conservation area due to the loss of the green spaces/gardens at both front and back;
- Erosion of green buffer zone between Chepstow Road and Bridstow Place.
- Double basements are contrary to new WCC basement policy guidelines.

Structural Issues

- Foundations of neighbouring buildings would not withstand proposed works;
- Properties in Bridstow Place were built in 1800s and require delicate handling;

- These properties do not have foundations, merely footings, and their stability will be seriously compromised if this development goes ahead;
- Works involve underpinning to party walls;
- Structural engineering report noted that the process of underpinning can cause minor cracking in walls and minimal differential movement;
- Disturbance to water table and resulting damp to cottages in Bridstow Place;
- The Green Wall would cause further damp problems to the cottage in Bridstow Place.

Construction Works

- Inconvenience to neighbours who work from home;
- Neighbouring residents are going to be exposed to gross disturbance, noise, dirt and distress for months;
- CMP does not fully take into account the negative impact on heavily congested Chepstow Road (5 bus routes etc) and the loss of parking for residents in an already stressed area;
- Works would drive tenants away;
- One person should not be able to build their 'dream house' at the expense of the well being of others.

Other Issues

- Erosion of cohesive community to be replaced by those wishing to exploit it for monetary gain;
- Question requirement for a wine cellar;
- Incorrect certificate of ownership signed;
- Request to view the site from neighbouring property.

ADVERTISEMENT/ SITE NOTICE

Yes.

CONSULTATION ON REVISED PLANS

Fourteen day consultation letters were sent to neighbours following the receipt of amended plans. The proposals have been amended to provide 1.2 metres of soil depth above the basement in both the front and rear gardens as well as lowering the basement further so that it does not exceed the height of the existing garden level. Associated alterations were made to fenestration and landscaping.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 28; Total No. of replies: 7 letters/ emails received raising objection on all or some of the following grounds:

Design

- The proposals do not comply with the new basement policy and should be reduced in size;
- Conservation criteria are not only about the works to buildings but also about conserving the green spaces between them;
- Character of the neighbourhood is being destroyed.

Structural Issues

- Area has a high water table, the soil is clay, there is evidence of movement in the street;
- In conjunction with development on Botts Mews, there is potential for disaster;
- The Bridstow Place cottages are mid nineteenth century and have no foundations only footings;
- The underpinning of just one party wall would result in unacceptable differential settlements;
- Potential structural damage to neighbouring houses is not something that a structural engineering company can claim to prevent either during or after works;
- Both green wall and basement will create drainage problems.

Construction Works

- It is questioned how allowing people's lives to be disrupted to such an extent can be justified;
- Noise and disruption to residents of Bridstow Place;
- Construction vehicles using Chepstow Road which is already heavily congested by buses;
- It is queried whether or not the works will be carried out at the same times as the construction at Botts Mews.

Other Issues

- Reference is made to works that have been refused at neighbours' properties and it is questioned how allowing the proposed works can be justified;
- Serial applicant who should be prevented from making multiple applications, especially ones who plainly ignore WCC policies which is a waste of tax payers money and WCC planning department time.

6. BACKGROUND INFORMATION**6.1 The Application Site**

The application site comprises the penultimate terrace property at the northern end of the terrace on the east side of Chepstow Road. The building is in use as a single family dwellinghouse. It is a Grade II Listed Building and is located within the Westbourne Conservation Area.

6.2 Recent Relevant History04/07529/LBC

Partially retrospective application for internal and external alterations associated with change of use from HMO to single family dwelling house including rebuilding of rear closet wing and restoration of façade.

Application Permitted 7 March 2005

04/00738/FULL

Works to front garden, including erection of bin store, works to gates/fences/walls and steps and demolition and reconstruction of existing parking bay.

Application Permitted 26 March 2004

03/08902/FULL

Change of from an HMO to a single dwellinghouse (Class C3).

Application Permitted 12 January 2004

03/06590/LBC

Internal and external refurbishment works to restore dilapidated dwelling house.

Application Permitted 15 October 2003

7. THE PROPOSAL

The application seeks planning permission and listed building consent for a two-storey basement underneath the front garden and a single storey basement underneath the rear garden. At the front of the property, the proposals also comprise the enlargement of the existing front lightwell, the removal of the parking spacing in the front forecourt and associated landscaping. To the rear of the property the proposals comprise a new glazed bridge, a new walk-on rooflight, a green wall to the party wall with 24 Bridstow Place. The proposed basement would be mechanically ventilated and therefore the proposals also comprise associated ducting.

The application for listed building consent also comprises internal works.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal is considered to accord with Policy H3 of the UDP, which states that extensions to residential properties are acceptable in principle.

Concerns have been raised by neighbouring occupiers in respect of the requirement for the basement but this is not within planning control to resist the proposal on the basis of the alleged non-justified need.

8.2 Townscape and Design

Design

The building is Grade 2 listed and is located within the Westbourne Conservation Area. Both the front and rear of the building have been altered, with the inclusion of an off-street parking space affecting the front setting of the building and a modern conservatory structure at rear lower ground floor with balcony deck above, though overall the building retains a good sense of its original character.

With regards to the works under the front garden of the property, though there would typically be a general presumption against the construction of double basements, in this case given the small size of the utility room with wine store which is proposed beneath the front garden/parking area and will therefore not be visible when complete, this aspect of the proposals is considered acceptable. To the rear of the

building, the garden is heavily screened by the very high boundary walls and trellising surrounding the site, and the extension proposed to be set into the lightwell between the rear garden and rear elevation will extend out from the existing glazed conservatory, and will incorporate planters to its roof to help harmonise it into the rear garden setting. The extension will not likely be visible from surrounding properties, will not adversely affect any historic fabric to the building, and is considered acceptable in design terms. The basement underneath the rear garden has no external manifestations aside principally from a slight raising of the level of the rear garden to facilitate a new glazed bridge, however in itself this is not considered contentious.

The new glazed door to the rear extension follows the width of the window above, and therefore though significantly glazed it is not likely visible from surrounding properties and will integrate acceptably into the overall character of the rear of the building. Internally, the works are minor and do not adversely affect the character of the building.

New railings are proposed to the lightwell side of the front garden, which currently has no edge protection. The principle of such railings is considered acceptable; however an amending condition is recommended requiring these to have a flat handrail to their top rather than much grander finials, as the finials would add unnecessary clutter detracting from the original decorative railings to the balcony behind. Those to the front boundary of the site are more historically accurate with finials in place however and the condition would not apply to those front boundary railings. The enclosure of the parking space to the front garden is welcomed in design terms.

Given the above therefore, the works proposed are considered to be acceptable in design and conservation terms and would accord with Policies DES1, DES5, DES9 and DES 10 in the UDP and S25 and S28 in the City Plan.

In response to reconsultation, neighbours have stated that the proposals should be refused on the basis of their failure to comply with the new basement policy. However, as this application was submitted before 1st November 2015, which is when the City Council started attributing weight to the new basement policy, it would be unreasonable to uphold the neighbours' request on this occasion.

8.3 Residential Amenity

Given its limited external manifestations; the proposed basement extension, once built, would have no impact on the amenities of neighbouring properties in terms of loss of daylight, outlook or sense of enclosure, and would therefore comply with Policy ENV13 of the UDP and policy S29 of the Westminster City Plan.

Concerns raised with regard to the noise, disturbance and pollution during an extensive construction period are noted and whilst this can be mitigated to some extent by conditions, it cannot constitute a reason for withholding planning permission. Such conditions are discussed further in section 8.12 of this report.

8.4 Transportation/Parking

The proposal would result in the loss of an existing off-street parking space in the front garden, which would be contrary to policy TRANS23 of the adopted Unitary Development Plan and as such the Highways Planning Manager has recommended refusal of the application on this basis. However, as the existing parking space does not meet current standards, resulting in a parked car overhanging the highway, and given this space is not protected by a condition, a refusal on these grounds cannot be justified.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The proposal does not have any adverse access implications.

8.7 Other UDP/Westminster Policy Considerations

Plant

The proposed basement would rely on mechanical ventilation, which has been indicated on the plans. An acoustic report has been submitted with the application which the City Council's Environmental Health Officers have agreed satisfactorily demonstrates that it would not cause undue noise and disturbance to the detriment of the amenities of neighbouring occupiers, subject to standard conditions.

Refuse /Recycling

The proposal does not increase the number of residential units on the site. It is therefore expected that the existing arrangements could reasonably be maintained.

Trees

Concerns were raised by the Arboricultural Officer in respect of the failure to provide 1.2m of soil depth above the basement in both the front and rear gardens. However, this has subsequently been addressed. Given the existing hard landscaping in the front and rear gardens, and the provision of 1.2 metres of soil depth as well as soft landscaping, the concerns raised by neighbouring occupiers in respect of the loss of gardens and green spaces cannot be supported.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application.

8.11 Environmental Impact Assessment

The scheme is of insufficient scale to require the submission of an EIA.

8.12 Other Issues

Basement

The impact of this type of development is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. Residents are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding. Such concerns have been raised by many neighbouring occupiers. The letters of objection received refer specifically to the impact on the structural integrity and stability of adjoining buildings which they believe cannot withstand such extensive works and the impact on the water table which could cause damp problems.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

Officers consider that in light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures. To address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

Building Control have assessed the reports provided and consider that the proposed construction methodology appears satisfactory. Should permission be granted, these statements will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with them. The purpose of the reports is to show that there is no foreseeable impediment to the scheme satisfying the Building Regulations in due course. It is considered that this is as far as this matter can reasonably be taken as part of the consideration of the planning application. Detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations, cited above. To go further would be to act beyond the bounds of planning control.

The City Council have been preparing guidance and policies to address the need to take into consideration land instability, flood risk and other considerations when dealing with basement applications. Last year the City Council adopted the Supplementary Planning Document 'Basement Development in Westminster' (24th October 2014), which was produced to provide further advice on how current policy can be implemented in relation to basement development - until the formal policy can be adopted. The SPD having now been adopted can be given considerable weight (known as material weight or a material consideration). Consultation on a revised formal policy, 'Draft Basements Policy', has been carried out, and it will form part of the local plan (replacing the UDP) once adopted. Weight will be afforded to parts of this policy for applications submitted after 1st November 2015. It is therefore not a material consideration in the determination of this application which was submitted on the 10th August 2015.

Given the above, and in these circumstances, though noting the strong objections which have been received, the objections on these grounds are not considered sustainable.

Construction impact

Objections have been received from neighbouring residents regarding the impact of construction work associated with the proposed basement, the timescale for the proposed construction phase and general disturbance associated with construction activity.

Whilst planning permission cannot be withheld on the basis of these objections, a Construction Management Plan is required at validation stage and has therefore been submitted with the application. This is considered appropriate and reasonable at application stage. However, a condition is recommended to secure a more fully detailed construction management plan prior to the commencement of works. A

further condition is recommended to control the hours of construction works, particularly noisy works of excavation, which whilst it is inevitable that all construction works will have some impact on neighbours, should go some way to addressing the concerns of residents. A condition is also recommended to limit the building hours.

Other Neighbour Objections

An objection has been received on grounds that the certificate of ownership submitted with the application had been incorrectly signed because notice had not been served on the owners of adjoining buildings despite the scheme involving works to, and underneath, shared boundary/party walls.

This position was amended during the course of the application and notice under Certificate B has now been served by the applicants on all the adjoining occupiers. No prejudice is considered to have been caused to any party by the initial oversight. There is however nothing to prevent any person applying for planning permission in respect of a property that they do not own. Any ownership issues and any consents other than planning permission, for instance under the Party Walls Act or Landlords Consent, would be a private matter and could not be considered under this application.

A neighbouring occupier in Bridstow Place requested that the planning officer visited their property to assess the impact of the proposed works. However, as a site visit had already been carried out and it was evident at that time that there were no windows in Bridstow Place overlooking the application site, a further site visit was not considered to be necessary. It is apparent that this particular neighbour's concerns are mainly related to structural issues, which have been addressed in comments by the City Council's Building Control Officers.

Party wall matters, including underpinning and the installation of the new green wall should be dealt with as part of a party wall agreement.

Allegations made against the applicant are not material planning considerations.

9. BACKGROUND PAPERS

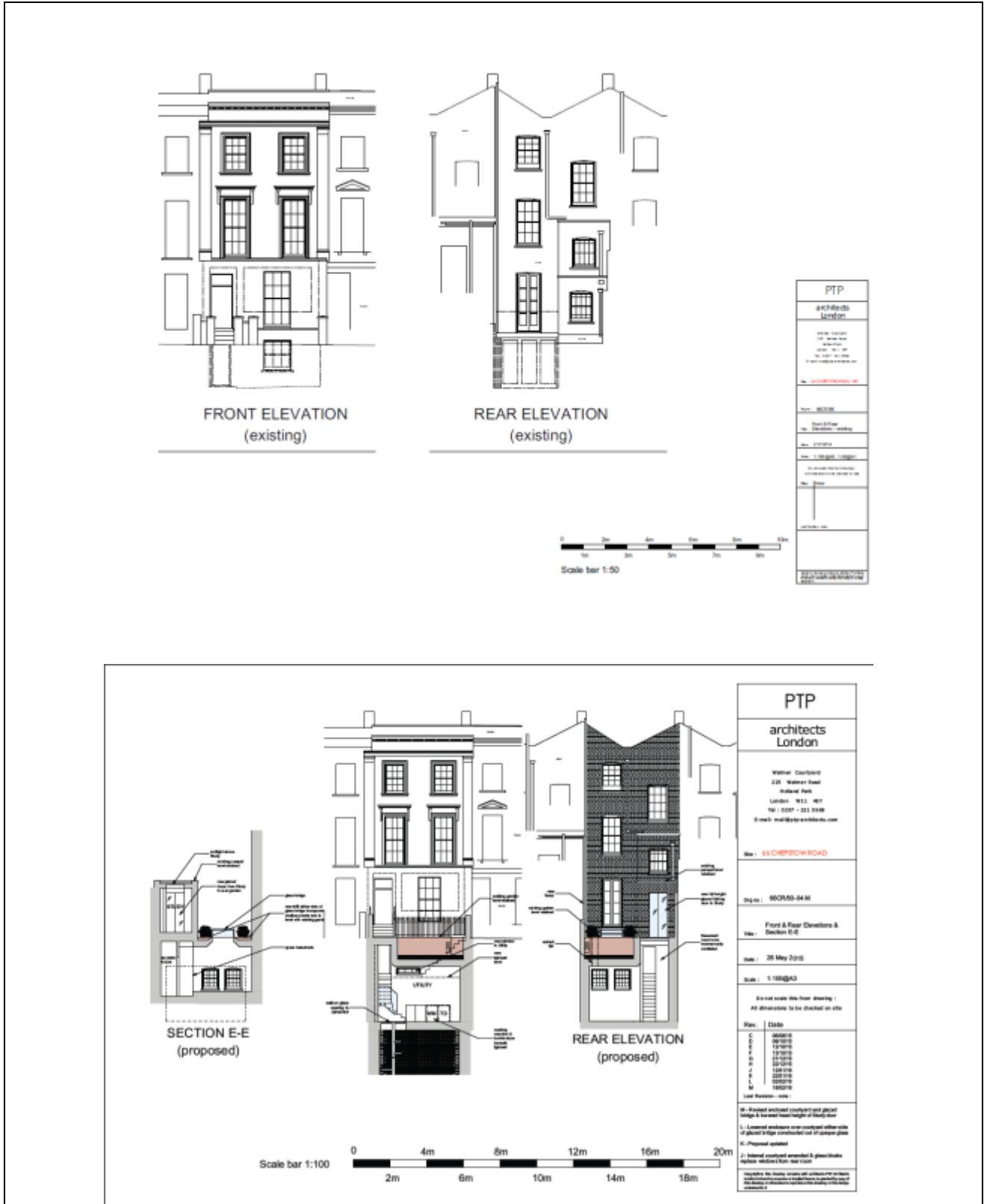
1. Application form.
2. Response from Thames Water, dated 2 September 2015.
3. Response from Notting Hill East Neighbourhood Forum, dated 9 September 2015.
4. Response from Arboricultural Officer, dated 3 September 2015.
5. Response from Plant And Equipment, dated 11 September 2015.
6. Response from Highways Planning Manager, dated 20 October 2015.
7. Response from Building Control, dated 7 December 2015.
8. Letter from occupier of 25 Bridstow Place, London, dated 6 September 2015.
9. Letter from occupier of Garden Flat, 1A St Stephen's Crescent, dated 7 September 2015.
10. Letter from occupier of 17 Bridstow Place, London, dated 9 September 2015.
11. Letter from occupier of 29A Bridstow Place, London, dated 21 September 2015.
12. Letter from occupier of 25 Bridstow Place, London, dated 1 October 2015.

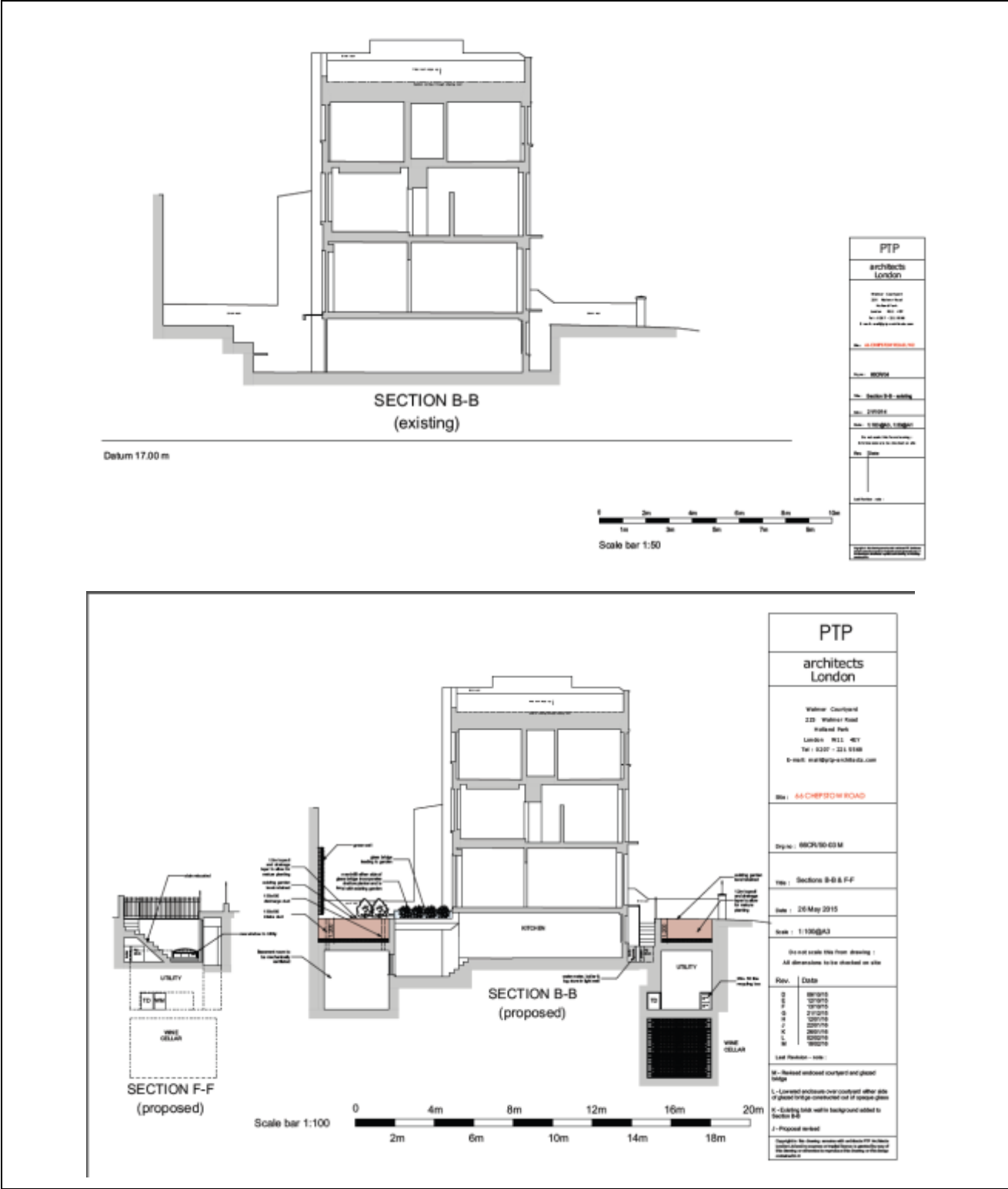
13. Letter from occupier of 1 Talbot Rd, London, dated 2 October 2015.
14. Letter from occupier of 12 Bridstow Place, dated 1 March 2016
15. Letter from occupier of 11 Bridstow Place, dated 2 March 2016
16. Letter from occupier of 25 Bridstow Place, dated 2 March 2016
17. Letter from occupier of 17 Bridstow Place, dated 2 March 2016
18. Letter from occupier of 10A Chepstow Road, dated 4 March 2016
19. Letter from occupier of Garden Flat 1A St Stephen's Crescent, dated 5 March 2016
20. Letter from occupier of 29A Bridstow Place, dated 7 March 2016.

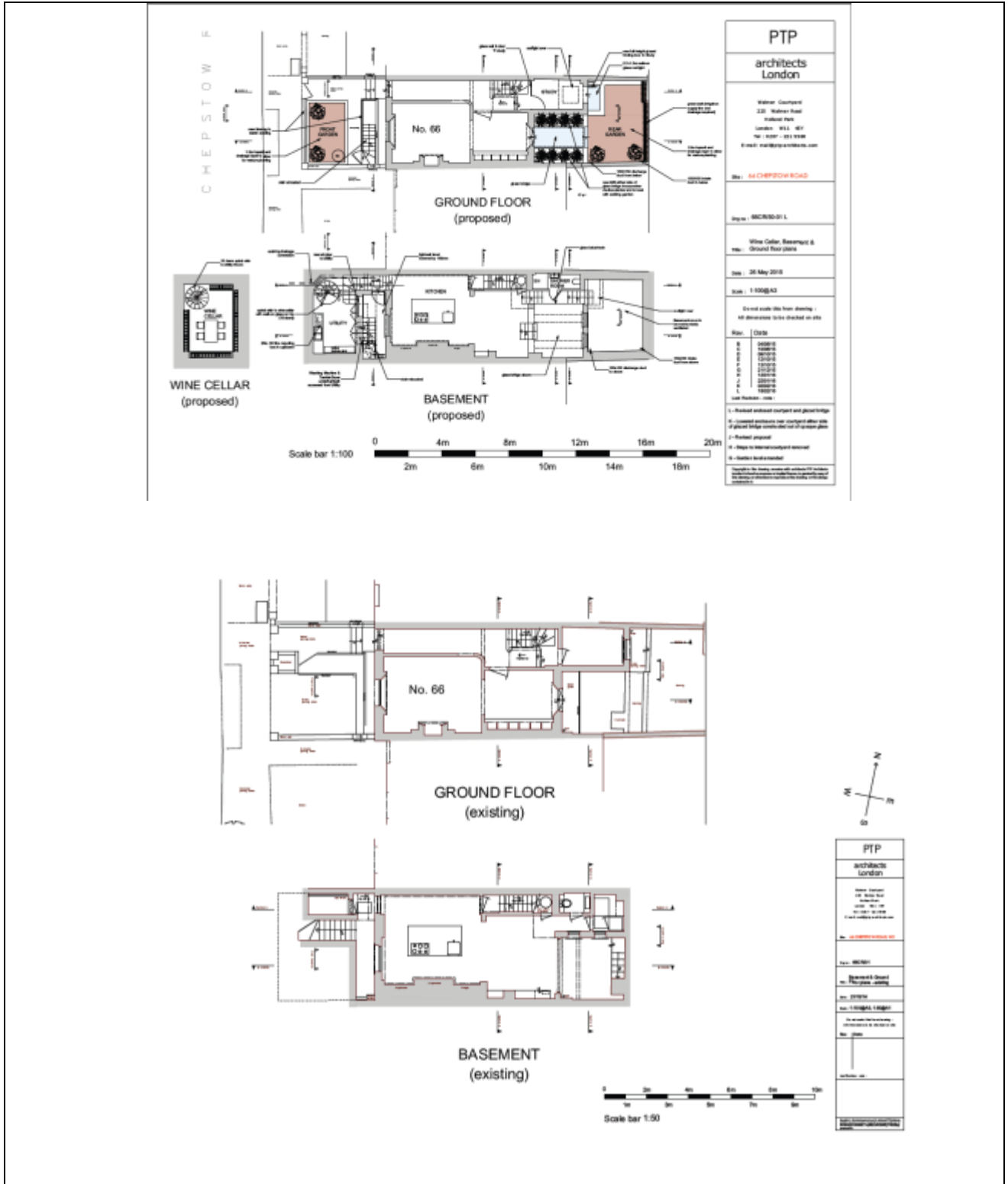
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT CLAIRE BERRY ON 020 7641 4203 OR BY EMAIL AT NorthPlanningTeam@westminster.gov.uk

10. KEY DRAWINGS







DRAFT DECISION LETTER

Address: 66 Chepstow Road, London, W2 5BE,

Proposal: Excavation of a two storey basement extension below front garden, enlargement of front lightwell, provision of new front boundary treatment, excavation of single storey basement below rear garden with rooflights within rear garden and new landscaping to rear garden, including green wall to rear boundary (Amended scheme - alterations to front and rear gardens including lowering of basement).

Plan Nos: 66CR/01, 66CR/02, 66CR/03, 66CR/04, 66CR/05, 66CR/06, 66CR/09, 66CR/50-01 L, 66CR/50-02 F, 66CR/50-03 M, 66CR/50-04 M, 66CR/50-05 H, 437/M01 and Design and Access Statement.

Case Officer: Claire Berry

Direct Tel. No. 020 7641 4203

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:
- * between 08.00 and 18.00 Monday to Friday;
 - * between 08.00 and 13.00 on Saturday; and
 - * not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only:

- * between 08.00 and 18.00 Monday to Friday; and
- * not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11BA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 Notwithstanding the annotations shown on the submitted drawings, the new railings flanking the front lightwell shall have a flat handrail to their top with no finials projecting above, and shall be formed in black painted metal.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 Notwithstanding the annotations shown on the submitted drawings, the new railings to the front boundary of the site shall be individually set into a stone plinth and shall rise to the top rail without the intervening horizontal bar shown on drawing 66CR/50-04C included, with finials above the top rail. They shall be formed in black painted metal.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of

operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 7 The plant equipment must not operate until the mitigation measures specified in Part 7 of the Plant Noise Impact Assessment by eec dated 29 June 2015 have been installed and shall be retained for as long as the plant equipment remains in use.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 8 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 9 **Pre Commencement Condition.** Notwithstanding the Construction Management Plan submitted at application stage, no development shall take place, including any works of demolition, until a detailed construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:
- (i) a construction programme including a 24 hour emergency contact number;
 - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
 - (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
 - (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
 - (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 The applicant is advised that compliance with condition 6 requires the Airflow DV72 HRU unit to be fitted with an attenuator as per section 7.09 and 7.10 of the submitted acoustic report.
- 3 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 4 Thames Water have offered the following advice:
- Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk
- Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
- 5 The applicant is advised that drawing no. 437/M01 is approved in relation to the details of the proposed ventilation only and does not confer permission for the alternative layout for the front and rear gardens.
- 6 Conditions 6 and 7 control noise from the approved machinery. It is very important that you meet

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5

the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (182AA)

DRAFT DECISION LETTER

Address: 66 Chepstow Road, London, W2 5BE,

Proposal: Excavation of a two storey basement extension below front garden, enlargement of front lightwell, provision of new front boundary treatment, excavation of single storey basement below rear garden with rooflights within rear garden and new landscaping to rear garden, including green wall to rear boundary. Associated internal alterations.

Plan Nos: 66CR/01, 66CR/02, 66CR/03, 66CR/04, 66CR/05, 66CR/06, 66CR/09, 66CR/50-01 L, 66CR/50-02 F, 66CR/50-03 M, 66CR/50-04 M, 66CR/50-05 H, 437/M01 and Design and Access Statement.

Case Officer: Claire Berry

Direct Tel. No. 020 7641 4203

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 3 Notwithstanding the annotations shown on the submitted drawings, the new railings flanking the front lightwell shall have a flat handrail to their top with no finials projecting above, and shall be formed in black painted metal.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 Notwithstanding the annotations shown on the submitted drawings, the new railings to the front

boundary of the site shall be individually set into a stone plinth and shall rise to the top rail without the intervening horizontal bar shown on drawing 66CR/50-04C included, with finials above the top rail. They shall be formed in black painted metal.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3-2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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Agenda Item 6

Item No.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 29 March 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	Alhambra House, 27-31 Charing Cross Road, London, WC2H 0AU,		
Proposal	Use of part basement, ground and upper floors (first to new tenth floor) as a 123 bedroom hotel (Class C1), enlargement of ground floor retail unit (Class A1), and associated alterations including the erection of an additional storey, re-cladding of the building, replacement windows, alterations to ground floor elevation, installation of mechanical plant, and creation of terraces on seventh, eighth and tenth floors.		
Agent	Bilfinger GVA		
On behalf of	West End Property LP		
Registered Number	15/09858/FULL	Date amended/ completed	19 October 2015
Date Application Received	19 October 2015		
Historic Building Grade	Unlisted		
Conservation Area	Leicester Square		

1. RECOMMENDATION

1. Grant conditional permission subject to the completion of a S106 legal agreement to secure:
- i) A financial contribution towards affordable housing of £378,457 (index linked and payable on commencement of development);
2. If the S106 legal agreement has not been completed within two months of the date of this resolution then:
- a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
 - b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

Alhambra House, 27 - 31 Charing Cross Road is an unlisted building located in the Leicester Square Conservation Area and the Core Central Activities Zone (CAZ). The building comprises of basement, ground and nine upper floors. The building is currently in use as offices (Class B1) on the upper floors, and a bank (Class A2) and a retail unit (Class A1) at ground floor level with ancillary storage and vaults at basement level.

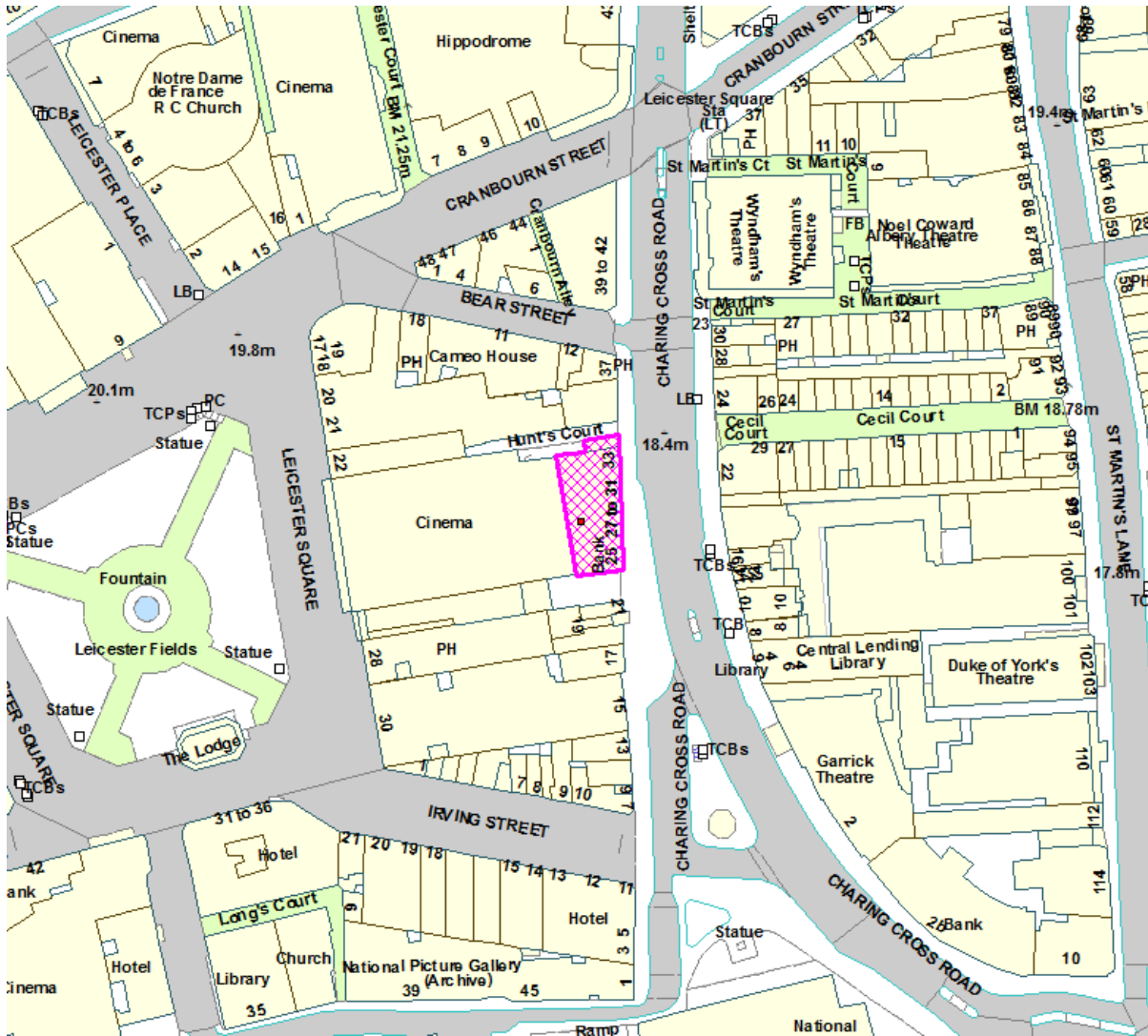
Permission is sought for the use of part basement, ground and upper floors (first to new tenth floor) as a 123 bedroom hotel (Class C1), enlargement of the ground floor retail unit (Class A1), and associated alterations including the erection of an additional storey, re-cladding of the building, replacement windows, alterations to the ground floor elevation, installation of mechanical plant, and creation of terraces on seventh, eighth and tenth floors.

The key issues for consideration are:

- * The impact of the proposals in land use terms.
- * The impact of the external alterations on the character and appearance of the Leicester Square Conservation Area.
- * The impact on the amenity of neighbouring residential properties.
- * The impact of the hotel use on the surrounding highway network.

The provision of a hotel in this area of the CAZ is considered acceptable, and subject to conditions controlling the operation and management of the hotel, it is considered that it would neither adversely impact on the character and function of the area, the surrounding road network, residential amenity, or the character and appearance of the building and the Leicester Square Conservation Area. The application is considered to accord with land use, design, amenity and highways policies and is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Alhambra House, 27 – 33 Charing Cross Road, WC2H 0AU

5. CONSULTATIONS

WESTMINSTER SOCIETY:

Objection on following grounds:

Transportation/ Highways

- Hotel entrance is near a busy bus stop and hotel customers being dropped off/ picked up by taxis would interfere with bus operations;
- No coach parking available or feasible in the immediate vicinity, which would create congestion wherever they park.

Land Use

- Concern about noise disturbance to the hotel residents from the Odeon cinema to the rear.

Design

- No comment on design as we feel proposal is unacceptable for reasons above.

HIGHWAYS PLANNING MANAGER:

Unacceptable on transportation grounds but could be acceptable subject to conditions to secure a Servicing Management Plan to be submitted and agreed prior to occupation; an Operational Management Plan to be submitted and agreed prior to occupation; and to secure cycle parking.

TRANSPORT FOR LONDON:

Charing Cross Road forms part of the Strategic Road Network (SRN), recommend condition requiring a delivery and servicing plan. Concern is raised if WCC allow 24/ 7 access for taxis in the rank directly opposite the hotel entrance.

ENVIRONMENTAL HEALTH:

No objection subject to conditions.

CLEANSING MANAGER:

Recommend condition requiring details of storage arrangements for general waste, food waste, and recyclable material.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS:

No. Consulted: 62;

Total No. of Replies: 4

(incl. responses from the Burleigh Mansions Residents Association; The Theatre Trust; and 2 x responses from one neighbour)

The Burleigh Mansions Residents Association object on the following grounds:

Transportation/ Highways

- Concerns about servicing arrangements (deliveries, collections and coach parking);
- Further details of servicing should be provided;
- Coaches would create congestion wherever they park.

Amenity

- Additional floor would overshadow adjacent smaller buildings;
- Opening hours of hotel bar should be restricted to 22.30 hours;
- Concern about street noise and recommend delivery trollies and waste bins are constructed with rubber wheels.

Design

- First floor parapet on front elevation looks awkward.

Other

- Waste storage should be provided and waste should not be stored on pavements awaiting collection for long periods;
- Building works should not be permitted on Saturdays.

A neighbour objects on the following grounds:

- Hotel is located near residential units and the hotel's 24hr use would adversely affect amenity of neighbouring residential properties.
- Hotel use would increase both pedestrian and vehicle congestion;
- Additional floor is out of scale with surroundings and would adversely affect the character and appearance of the conservation area;
- Noise and disturbance from roof terraces;
- Concerns about the quality and size of hotel rooms.

The Theatre Trust does not object but request a condition requiring the 'Theatreland' plaque to be reinstated after refurbishment

ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Alhambra House, 27 - 33 Charing Cross Road is an unlisted building located in the Leicester Square Conservation Area and the Core Central Activities Zone (CAZ). The building comprises of basement, ground and nine upper floors. The building is currently

in use as offices (Class B1) on the upper floors, and a bank (Class A2) and a retail unit (Class A1) at ground floor level with ancillary storage and vaults at basement level.

A large cinema (Odeon, Leicester Square) backs onto the site and an access into the rear of that property is located immediately adjacent to Alhambra House to the south. Hunts Court, a narrow passageway lies to the north of the building, Hunts Court). 35 Charing Cross Road adjoins Alhambra House on the upper floors above the access to Hunts Court.

6.2 Recent Relevant History

Permission was refused on 21 May 2014 for the erection of side and roof extensions, re-clad elevations and conversion of offices at first floor level and above to residential use comprising 56 self-contained flats, with alterations to ground floor entrance and lobby and ancillary accommodation at basement level (13/04922/FULL). (A copy of the decision notice is enclosed in the background papers).

7. THE PROPOSAL

Permission is sought for the use of part basement, ground and upper floors (first to new tenth floor) as a 123 bedroom hotel (Class C1), enlargement of the ground floor retail unit (Class A1), and associated alterations including the erection of an additional storey, re-cladding of the building, replacement windows, alterations to the ground floor elevation, installation of mechanical plant, and creation of terraces on seventh, eighth and tenth floors.

The hotel would provide 123 en-suite rooms located at first to ninth floor levels. Every room would have a window and would be accessed off a central corridor. An ancillary restaurant and bar is located at 10th floor level. Ancillary store rooms including waste would be provided at basement level. The hotel entrance will be via the existing office entrance on Charing Cross Road. The applicant advises that a hotel operator has yet to be agreed.

At roof level, an additional storey is proposed in place of the existing plant and core overruns.

At ground floor level, an enlarged hotel shop/ café is proposed, replacing the existing retail unit (Kingdom of Sweets). The new hotel shop/ café can be accessed from the street as well as internally from within the hotel lobby and will continue to operate as an A1 retail use.

It is also proposed to re-clad the elevations of the building in stone cladding, install new double glazed windows, and a new plant room at first floor level.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The table below provides a summary of the existing and proposed floor areas and extension:

Use	Existing sqm (GEA)	Proposed sqm (GEA)	Difference sqm (GEA)
Office (B1)	3,465	0	-3,465
Hotel (C1)	0	3,682	+3,682
Retail (A1)	63	76	+13
Bank (A2)	496	496	0
Total	4,024	4,254	+230

Mixed use

The proposal involves a change from one commercial use to another. The extension would result in the provision of an additional 230sqm (GEA) floorspace, primarily through the erection of an additional storey at roof level. The increase in commercial floorspace triggers a requirement for an equivalent amount of residential floorspace under policy S1 of the City Plan and COM 2 of the UDP.

Policy COM 2 of the UDP sets a hierarchy for this provision with a preference for on-site housing, followed by the use of an alternative site nearby and finally, where neither option is achievable, a payment in lieu for the amount of floorspace required. In this case the amount of residential floorspace required equates to 115sqm.

It is not considered reasonable or practical to provide on-site residential floorspace in this building. It would prove difficult to provide a separate dedicated residential access from street level. Notwithstanding these physical constraints, a recent application for a residential conversion was refused in 2013 for reasons including poor standard of accommodation, and potential of noise transfer between the proposed residential units and the cinema to the rear.

The next stage in the cascade policy is to consider the practical or reasonable scope for off-site provision off-site housing provision. The applicant states that they do not own any suitable sites in the vicinity that has the potential to realistically deliver the amount of residential floorspace required.

It is therefore accepted that a payment in lieu of provision is acceptable in this case. The applicant has agreed to provide a policy compliant payment in lieu of £378,457 which is to be secured by legal agreement.

Loss of office use

The proposals will result in the loss of 3,465 sqm of office (Class B1) floorspace. The loss of the offices to provide hotel accommodation and associated restaurant and bar facilities, complies with current policy given that the proposed use is another commercial use.

Proposed Hotel

Hotels are important to support the visitor and business economy, and have strong links with other activities in central London such as shopping, theatre and other cultural and entertainment activities.

Policy S23 of the City Plan directs new hotels to the CAZ and to those streets which do not have a predominantly residential character. The character of this area is mixed with a range of commercial, entertainment and residential uses along Charing Cross Road and surrounding streets.

UDP Policy TACE 2 similarly seeks to ensure that a range of good quality visitor accommodation is available to support London's role as a world visitor destination without adversely affecting the quality of life of local residents and the surrounding environment. The policy sets out the criteria for assessing new hotels and extensions to existing hotels, in relation to their impact on residential areas, traffic and parking. It also directs new hotels to locations within the CAZ which do not have a predominantly residential character.

The London Plan also contains hotel-related objectives. These include the provision of 40,000 additional hotel bedrooms by 2026, to improve the quality, variety and distribution of visitor accommodation and facilities.

The proposed hotel is considered appropriate in this central area of Westminster, close to many of London's top tourist attractions and with good access to public transport. The principle of a new hotel in this location is considered acceptable subject to amenity, traffic and environmental impacts and subject to the recommended conditions. The amenity effects of the hotel use are assessed in Section 8.3 and the traffic effects are assessed in Section 8.4.

Sound Insulation

The application is supported by an Acoustic Assessment by Hawkins Environmental which assesses the issue of internal noise levels to the new hotel resulting from the cinema which abuts the rear party wall to the existing offices. The Acoustic Assessment refers to attended noise measurements taken during a film showing in the cinema and

concludes that there would be limited impact from the cinema. Nonetheless, conditions are recommended that will require internal ambient noise levels comply with the Council's standard noise conditions.

Ground floor commercial units (Class A1 and A2)

At ground floor level, an enlarged hotel shop/ café is proposed, replacing the existing retail unit (Kingdom of Sweets). The new hotel shop/ café can be accessed from the street as well as internally from within the hotel lobby. The reconfiguration and enlargement of the existing ground floor retail unit is acceptable subject to a condition that it continues to operate as an A1 retail use.

The existing bank at ground and basement level (Class A2) does not form part of this application and will be retained in situ.

8.2 Townscape and Design

Alhambra House is located within the Leicester Square Conservation Area. It is not a listed building.

This application proposes external works consisting of the erection of an additional roof storey, the re-cladding of the building, the installation of replacement windows, works to the ground floor elevation, installation of mechanical plant and the creation of terraces on the seventh, eighth and tenth floors.

Additional roof storey

Roof level extensions are generally considered contrary to policy. However they have to create a clear level of harm. In this case the building is of no merit and the overall proposals will provide a benefit to the character and appearance of the conservation area. Furthermore the roof extension encloses the gap between two large existing plant enclosures. This creates a 'top' to the building and is considered to be an improvement to its overall design. Therefore the works are considered to conform to policy DES 6 of the UDP and as such are deemed acceptable in design terms. The new elevation will include larger glazed windows, and as such the glazed balustrades are also considered acceptable.

Re-cladding of the building

The building has been refaced previously at which time the original architectural composition was entirely lost. The proposals seek to clad the building in stone, a material appropriate to the area and to return some of the original features, notably the 'bay' on the right hand side. The works are considered to improve the appearance of the building and therefore enhance the character of the conservation area.

Replacement windows

The new windows are to be double glazed however it is proposed to use UPVC. The use of UPVC is not considered acceptable within the conservation area. An amending condition is proposed requiring revised drawings to show an alternative window material.

Works to the ground floor elevation

The existing shop front fenestration is to be retained, but the ground floor is to be clad in stone to match with the building above. This will help to link the ground floor with the rest of the building, which is currently lacking and as such is considered acceptable.

Mechanical plant

The proposed location and appearance of the mechanical plant to serve the ancillary restaurant and bar at tenth floor level have not been provided. A condition is recommended requiring details of the location and appearance of the mechanical plant.

Terraces at seventh, eighth and tenth floors

The terraces are limited to high level and whilst terraces are not traditional features of the area, given they are sought in connection with a hotel use they are considered acceptable.

In summary the works are generally considered acceptable in design terms, subject to the recommended conditions.

8.3 Residential Amenity

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure, overlooking and encourage development which enhances the residential environment of surrounding properties.

Proposed Hotel use

It is acknowledged that the hotel will generate activity outside of normal working hours. The hotel will be open to guests 24 hours a day, seven days a week, with a 24 hour reception service on the ground floor accessed from Charing Cross Road. Overall, the site is located in a busy part of the City and it is not considered that a hotel use of this size would significantly harm residential amenity to justify a refusal.

Sunlight and Daylight/ Sense of Enclosure

At roof level, an additional storey is proposed in place of the existing plant and core overruns. The additional storey would be no higher than the highest point of the existing roof projections. The applicant's daylight assessment results show that the surrounding residential windows will continue to receive good levels of daylight in accordance with the BRE Guidelines criteria. Given the location of the extension and its distance from neighbouring occupiers, it will not give rise to any significant amenity impact in terms of loss of light or increase in sense of enclosure.

Noise (Mechanical plant/ terraces)

At this stage of the design process the proposed plant has not been selected so this will need to be provided by way of a supplementary acoustic report.

At roof level, no details have been provided of the layout of the restaurant or kitchen extraction equipment because the detailed requirements of the future occupiers are not known at this stage. The restaurant is considered acceptable subject to conditions requiring the submission and approval of the full internal layout, means of getting rid of cooking smells, and a supplementary acoustic report.

A plant room is proposed at first floor level with ventilation louvers facing Hunts Court. This is also acceptable subject to a supplementary acoustic report.

Objections have been raised in respect of potential noise disturbance from the roof terraces. The terraces at seventh and eighth floor level will be accessed only by the residents of a limited number of hotel rooms. As such it is not considered necessary to impose conditions on its use. The tenth floor terrace is to be used in connection with the hotel's ancillary restaurant and bar. A condition is recommended to control the hours of use of the terrace so that it may only be accessible to between the hours of 0800 to 2300 hours.

Privacy

The terraces are at high level, at seventh, eighth and tenth floors. It is not considered that they will result in any material loss of privacy to neighbouring occupiers given their location and distance (approx. 25 metres) from neighbouring residential properties

8.4 Transportation/Parking

Objections have been raised on the grounds that the proposed hotel use will have an adverse impact on the surrounding highway network.

Policy TACE 2 states that proposals for new hotels should not result in adverse traffic effects. TRANS 22 requires provision to be made for coaches serving hotels.

The applicant has provided a Traffic Assessment to support the application. No off-street servicing is provided and details of servicing activity are limited. The Highways Planning Manager recommends that a detailed Servicing Management Plan should be submitted and agreed prior to occupation. The plan should identify process, storage locations, scheduling of deliveries, staffing arrangements, management of taxis and private hire vehicles, as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised. This must also be provided for waste collection.

The document should also make clear the information that will be provided to guests on how to reach the site via public transport and how this will be prioritised on line and with booking information and confirmation details.

The Highways Planning Manager is concerned that the hotel makes no provision for coaches or mini-buses. The applicant is agreeable to a condition that the hotel will not accept coach parties and guests would not arrive or depart by coach. The applicant advises that the majority of guests are expected to arrive on foot, by public transport or by private taxi. In this context, and having regard to the excellent links to public transport, it is considered that the hotel use can be considered acceptable in transportation terms, provided a condition is imposed preventing guests from being delivered to or collected from the site by coach.

The London Plan requires 1 cycle parking space per 20 bedrooms. 10 cycle parking spaces are proposed which is considered sufficient and is to be secured by condition.

8.5 Economic Considerations

The economic benefits of the hotel in terms of attracting visitors to the City and providing employment are recognised and welcomed in policy terms.

8.6 Access

The applicants have submitted a Design and Assess statement which sets out the provisions made for inclusive design throughout the premises

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The proposals include provision of waste stores at basement level. The Cleansing Manager recommends a condition requiring further details of storage arrangements for general waste, food waste, and recyclable material. The details should provide the dimensions of waste stores; the capacity of the storage containers to be used for residual waste, food waste, and recyclable materials; revised basement plan showing the arrangement of waste containers; and a revised tenth floor plan showing the waste arrangements for the ancillary restaurant.

Sustainability

The application is supported by way of an Energy Statement which demonstrates that features can be incorporated into the building design and improvements made to the building fabric to reduce the overall energy consumption of the building and CO2 emissions rating. No objection is raised provided that the development is carried out in accordance with the measures set out in the Energy Statement. The drawings however

do not show any sustainable features. A condition is therefore recommended requiring details of proposed sustainable features.

8.8 London Plan

The proposal accords with London Plan policies to provide additional visitor accommodation and the provision of entertainment and retail uses which are valuable parts of London's economy.

8.9 National Policy/Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.10 Planning Obligations

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of development; ensure the

development complies with policy requirements within the development plan; and, if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures the overall delivery of appropriate development is not compromised.

From 6 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 6 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under Section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council has consulted on the setting of its own Community Infrastructure Levy, which is to be introduced in May 2016. In the interim period, the City Council has issued interim guidance on how to ensure its policies continue to be implemented and undue delay to development avoided. This includes using the full range of statutory powers available to the Council and working pro-actively with applicants to continue to secure infrastructure projects by other means, such as through incorporating infrastructure into the design of schemes and co-coordinating joint approaches with developers.

For reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure the following:

- A financial contribution towards affordable housing of £378,457 (index linked and payable on commencement of development).

It is considered that the 'Heads of Terms' listed above satisfactorily address City Council policies. The planning obligations to be secured, as outlined in this report, are in accordance with the Community Infrastructure Levy Regulations (2010 as amended).

The proposal would attract a payment to the Mayor's Community Infrastructure Levy which could be dealt with by way of an informative.

8.11 Environmental Impact Assessment

The application is not a sufficient scale to require an Environmental Impact Assessment.

8.12 Other Issues

The Theatre Trust comment that they do not object but request a condition requiring the 'Theatreland' plaque to be reinstated after refurbishment. An informative is attached to the decision notice advising of this request.

9. BACKGROUND PAPERS

1. Application form.
2. Response from Westminster Society dated 25 November 2015.
3. Memo from Highways Planning Manager dated 25 February 2016.
4. Response from Environmental Health dated 14 December 2015.
5. Response from Cleansing Manager dated 30 November 2015.
6. Emails from Transport for London dated 19 January 2016 and 20 January 2016.
7. Email from The Theatres Trust dated 21 December 2015.
8. Letter from The Burleigh Mansions Residents Association, 20 Charing Cross Road dated 10 December 2015.
9. Letters from occupier of 9 Faraday House, 18 Charing Cross Road dated 20 December 2015 and 12 January 2016.
10. Decision letter refusal dated 21 May 2014 (13/04922/FULL).
11. Letter from agent Bilfinger GVA dated 15 January 2016

Selected relevant drawings

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT DAVID DORWARD ON 020 7641 5947 OR BY EMAIL AT vnally@westminster.gov.uk

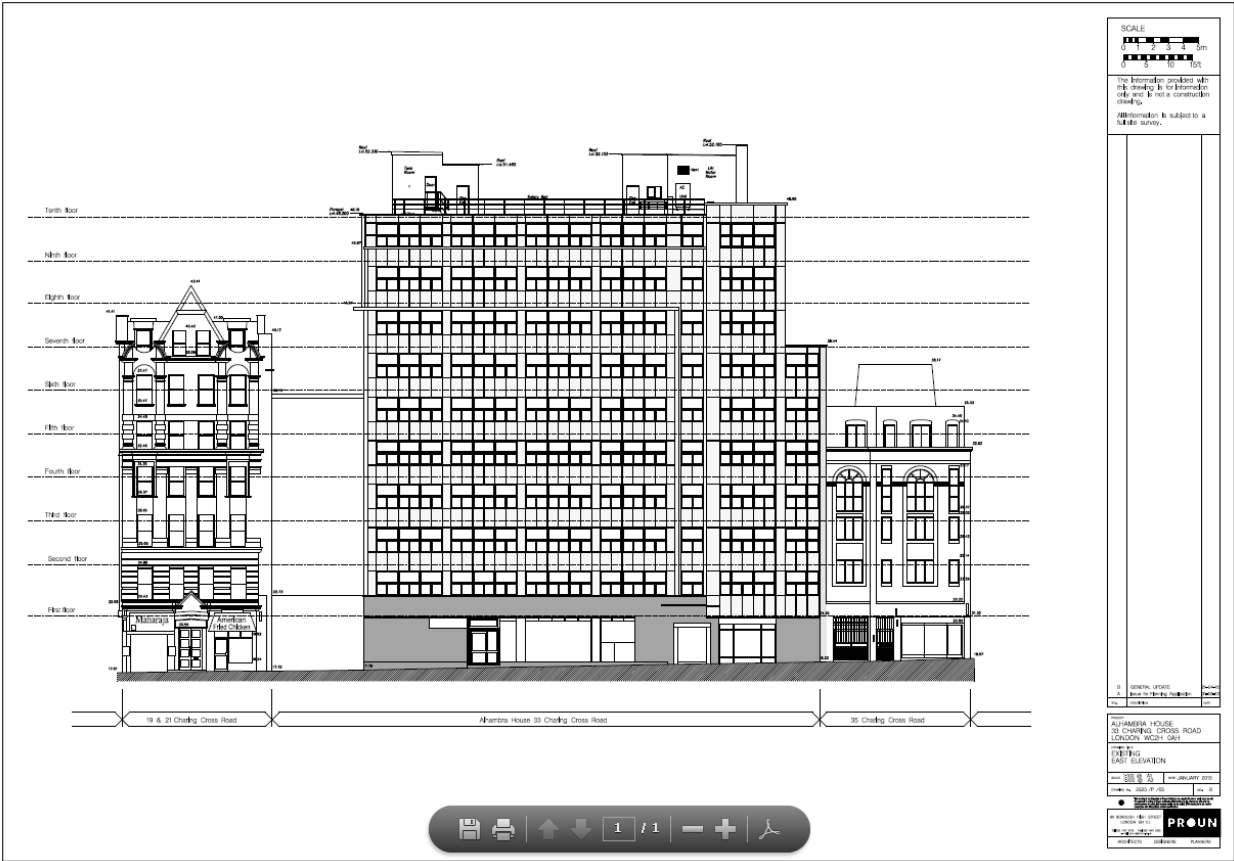
10. KEY DRAWINGS



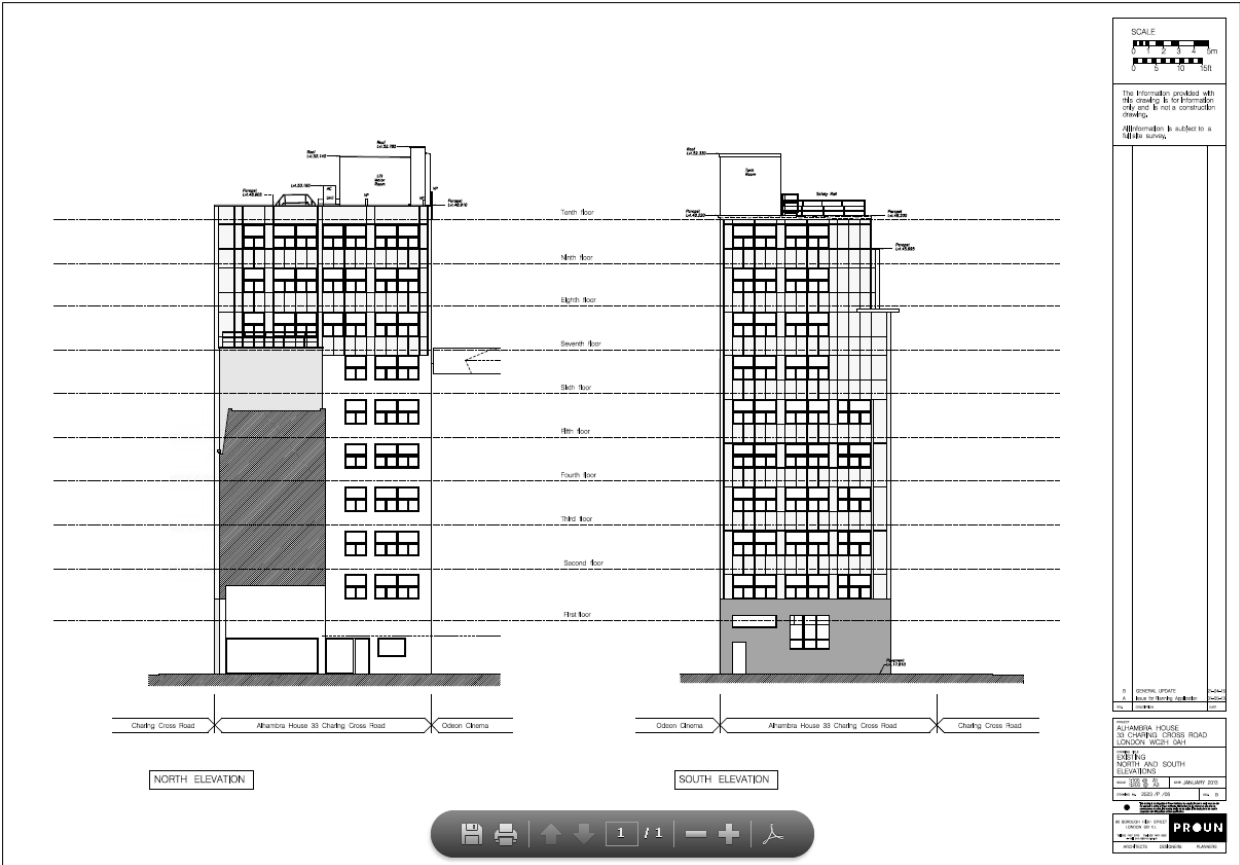
Existing basement, ground, and first floor plans



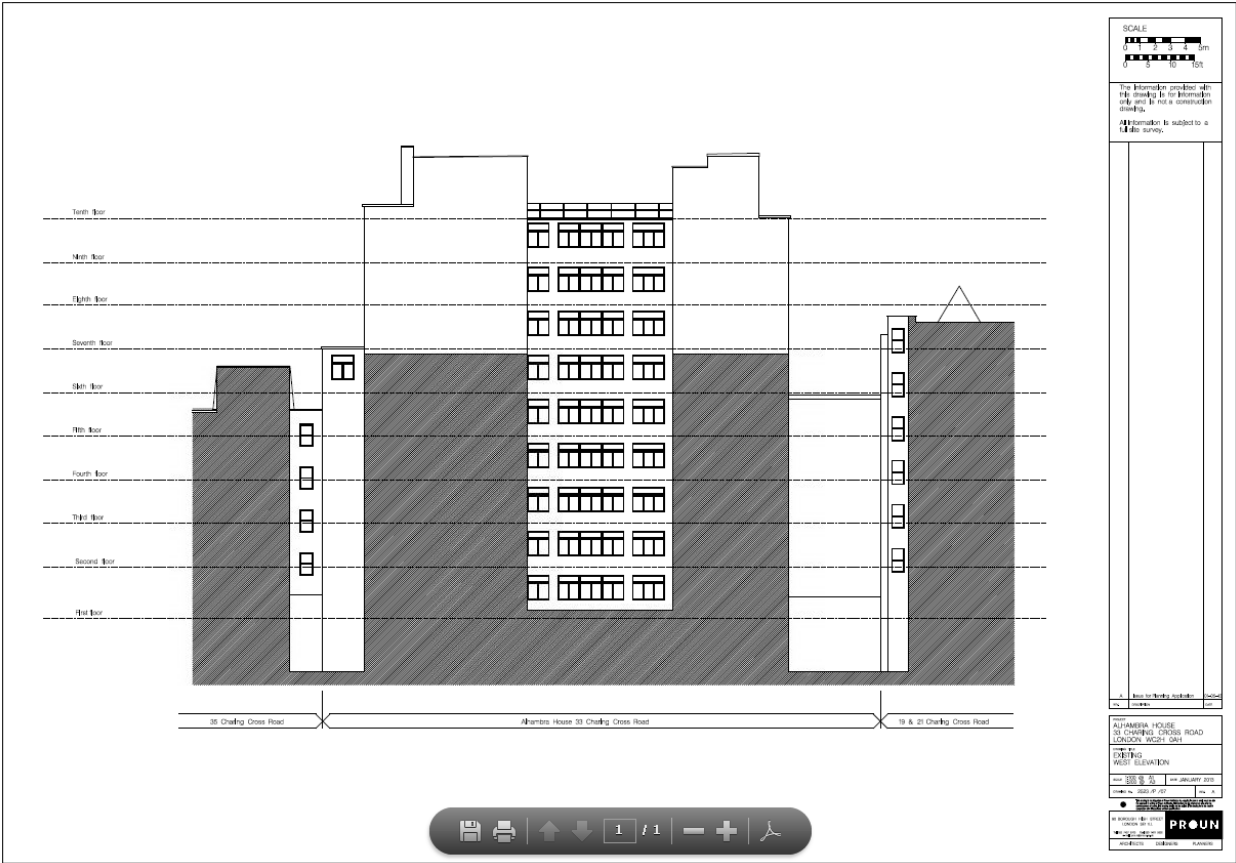
Existing eighth, ninth and roof floor plans



Existing east elevation



Existing north and south elevations



Existing west elevation



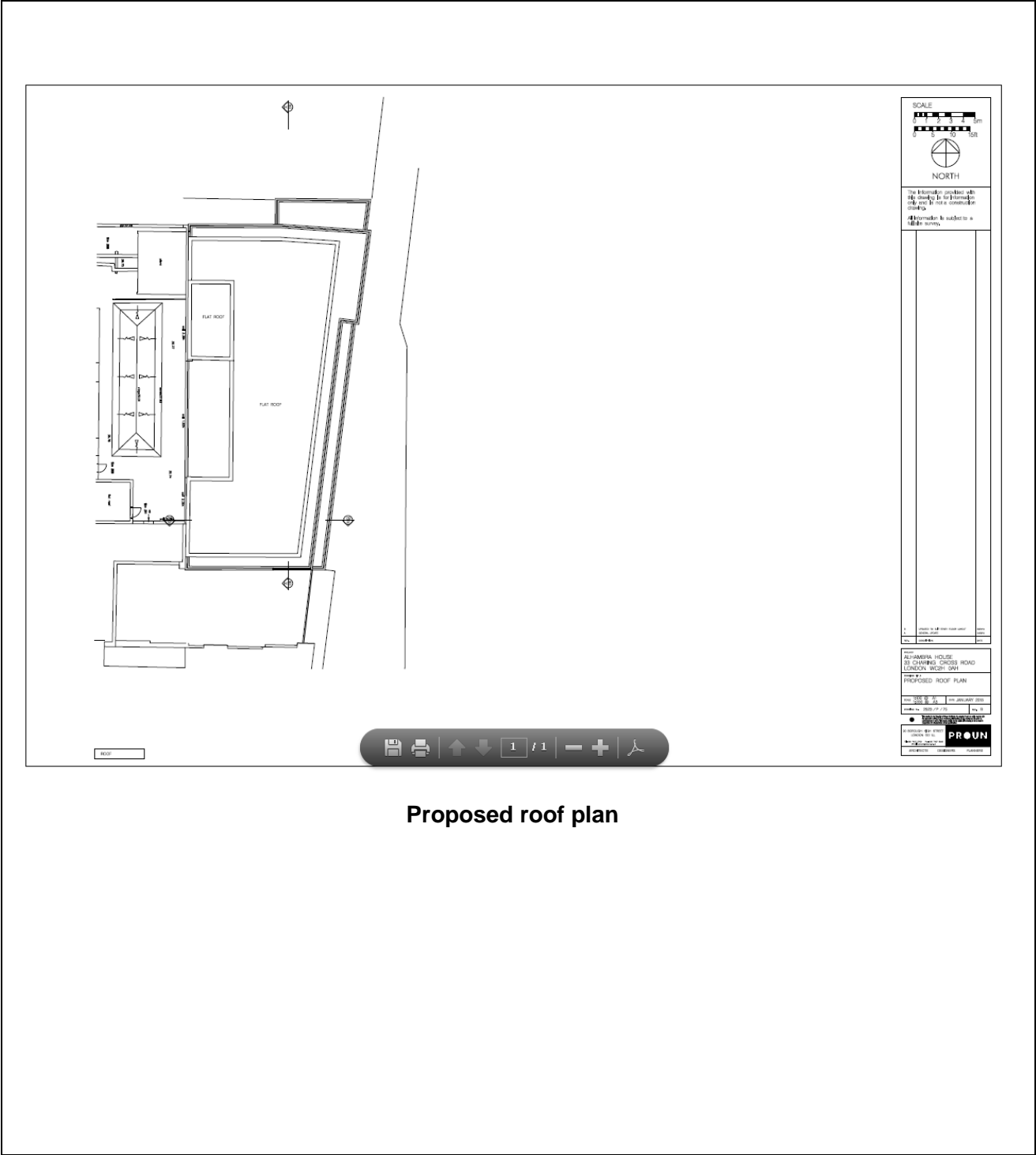
Proposed basement, ground and first floor plans



Proposed second, third and fourth floor plans



Proposed eighth, ninth and tenth floor plans



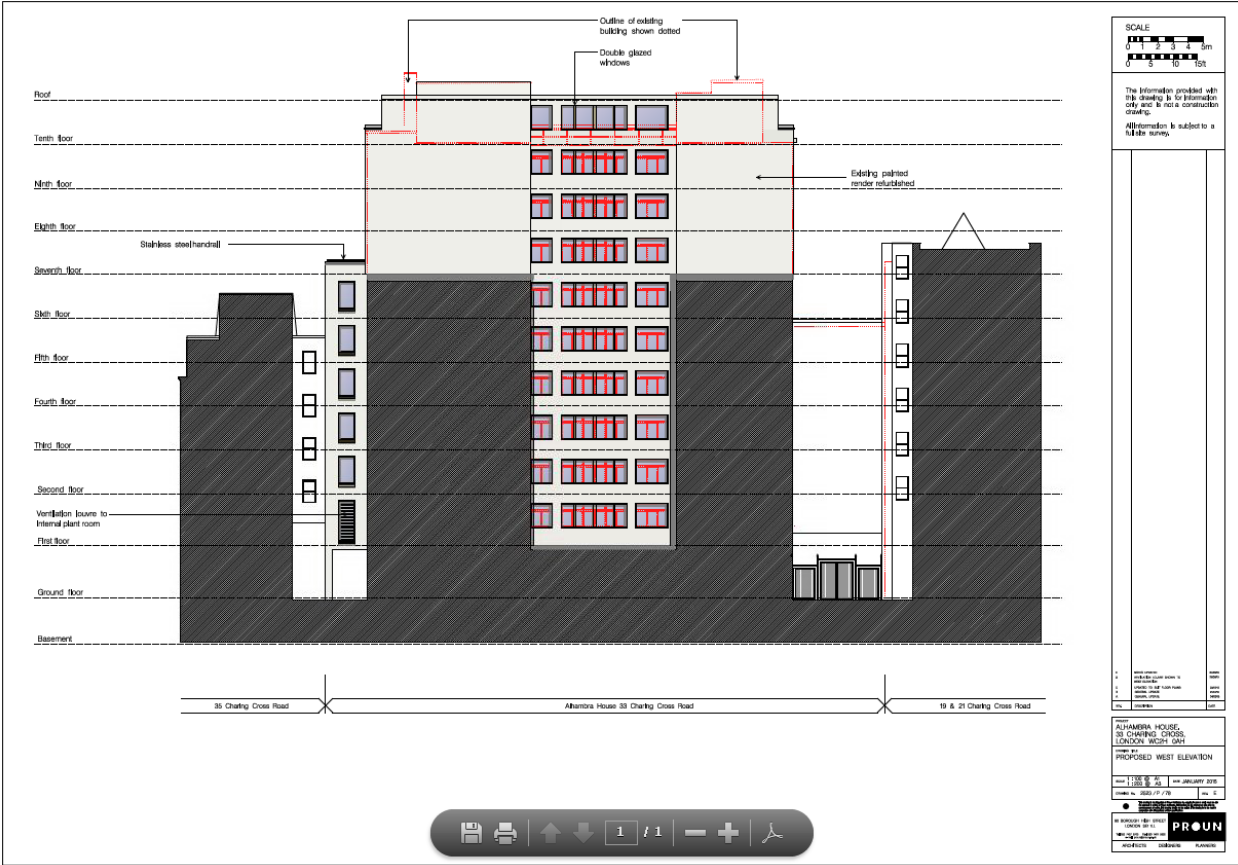
Proposed roof plan



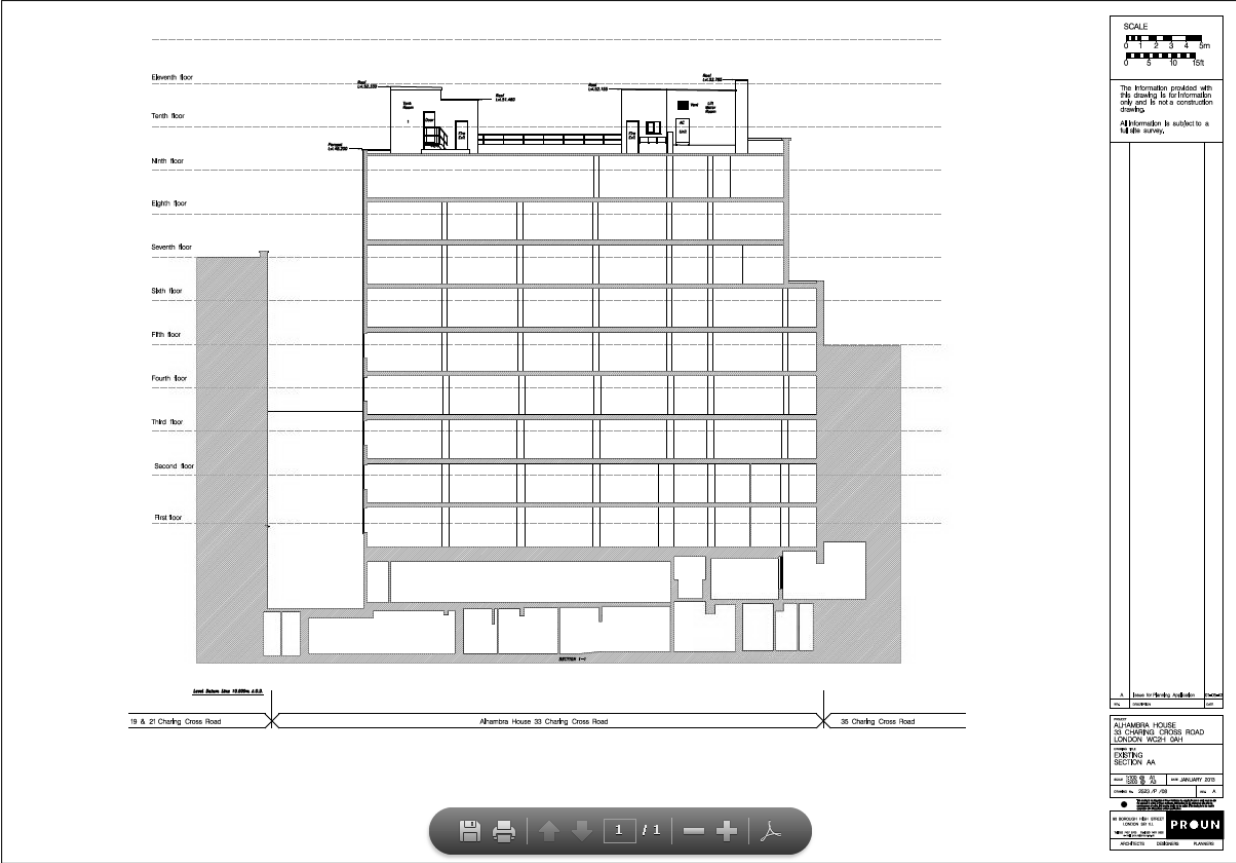
Proposed east elevation



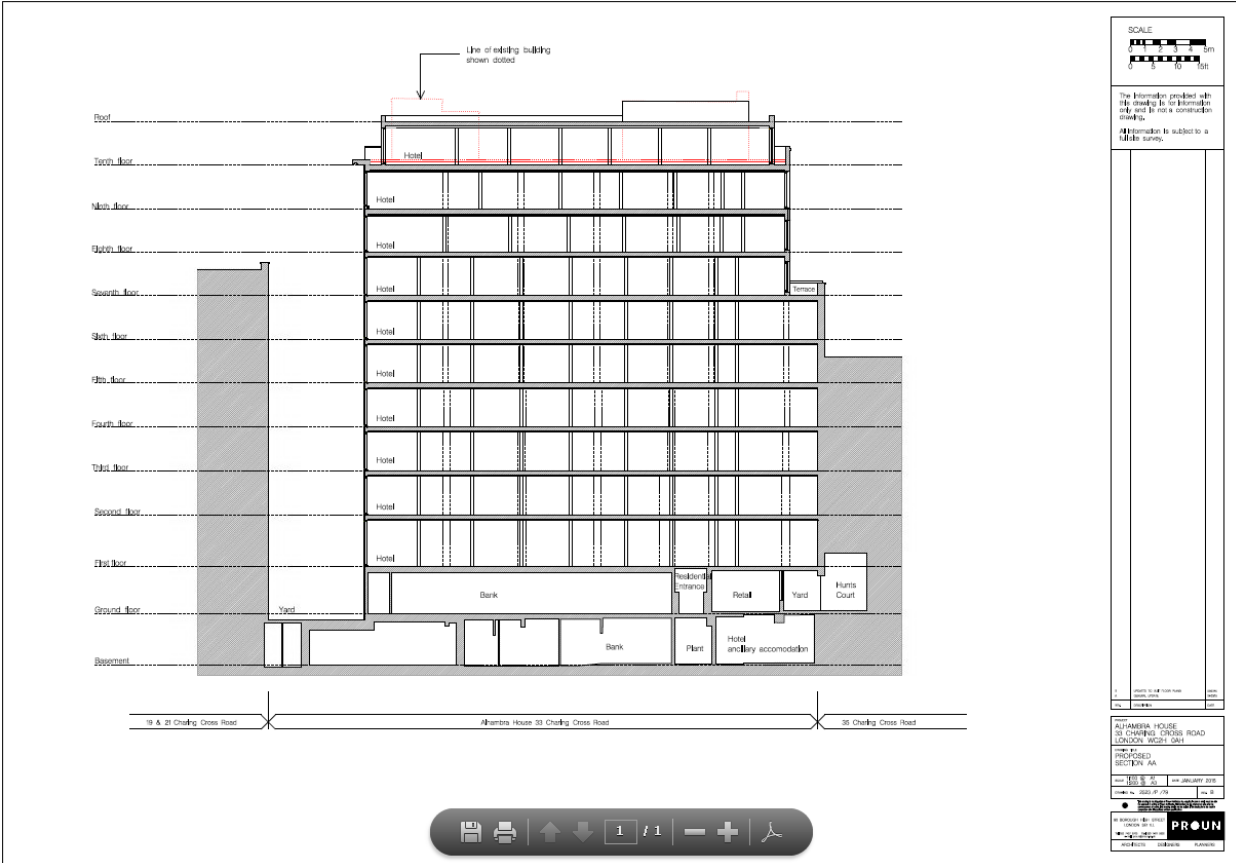
Proposed north and south elevations



Proposed west elevation



Existing section AA



Proposed section AA

DRAFT DECISION LETTER

Address: Alhambra House, 27-31 Charing Cross Road, London, WC2H 0AU,

Proposal: Use of part basement, ground and upper floors (first to new tenth floor) as a 123 bedroom hotel (Class C1), enlargement of ground floor retail unit (Class A1), and associated alterations including the erection of an additional storey, re-cladding of the building, replacement windows, alterations to ground floor elevation, installation of mechanical plant, and creation of terraces on seventh, eighth and tenth floors.

Reference: 15/09858/FULL

Plan Nos: 2523/L/01, P/01A, P/02A, P/03A, P/04A, P/05B, P/06B, P/07A, P/08A, P/09A, P/71B, P/72A, P/73A, P/74C, P/75B, P/76E, P/77E, P/78E, P/79B, P/80B, P/82B, P/94, P/95, P/96, P/97, P/98, P/99; Planning Statement dated October 2015; Design and Access Statement dated September 2015; Noise Assessment dated 16.10.2015; Daylight/ Sunlight Assessment dated 28.09.2015; Transport Assessment dated September 2015; Energy Statement dated 07.07.2015; Schedule of Areas and Accommodation dated 12.10.2015; Letter from Bilfinger GVA dated 15 January 2016.

Case Officer: David Dorward

Direct Tel. No. 020 7641 2408

Recommended Condition(s) and Reason(s):

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 You must carry out any building work which can be heard at the boundary of the site only:, ,
* between 08.00 and 18.00 Monday to Friday;, * between 08.00 and 13.00 on
Saturday; and, * not at all on Sundays, bank holidays and public holidays., , Noisy work
must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 4 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 5 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 6 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the hotel. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose.

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 7 The hotel use hereby permitted shall not be occupied until a servicing management plan has been submitted to and approved by the City Council as local planning authority. Thereafter all servicing must be carried out in accordance with the approved plan.

Reason:

To ensure that servicing of the hotel does not block the surrounding street and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 8 The hotel shall not knowingly accept bookings from parties using a vehicle with a capacity of 14 or more persons to travel to and from the premises.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 9 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:
- i) Windows.
 - ii) Balustrades.
 - iii) Shop front.

You must not start works on these parts of the development until we have approved what you have sent us. You must then carry out the works according to the approved details

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Leicester Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 10 Notwithstanding the approved drawings and information, you must not install uPVC windows. You must submit revised detailed drawings of the following parts of the development:
- i) Elevations annotated to show an alternative window material (scale 1:100).

You must not start works on these parts of the development until we have approved what you have sent us. You must then carry out the works according to the approved details.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Leicester Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 11 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Leicester Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 12 You must provide details of secure cycle parking storage for the hotel use. Thereafter the cycle spaces must be retained in accordance with the approved details, they must be provided prior to the use of the building as a hotel and the space used for no other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 13 The development must be provided in accordance with the Energy Statement dated 07 July 2015. You must apply to us for approval of detailed drawings of environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application. The hotel shall not be occupied by guests until the environmental sustainability features (environmentally friendly features) we have approved have been fully implemented and are operational. You must not remove any of these features.

Reason:

To make sure that the development provides the environmental sustainability features included in your application in accordance with S28, S39 and S40 of Westminster's City Plan: Strategic Policies adopted November 2013.

- 14 Prior to the use of the hotel commences, you must apply to us for approval of full details and detailed drawings of the means for getting rid of cooking smells from the hotel food and beverage area, including details of how it will be built and how it will look. You must not start any work on the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to these details and thereafter retain and maintain for as long as the hotel food and beverage area is in use.

Reason:

To make sure that the use will not cause nuisance for people in the area and to make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Leicester Square Conservation Area. This is as set out in S24, S25, S28, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 8 and 9, ENV 6, and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

- 15 The food and beverage area indicated on the proposed tenth floor plan 2523/P/74C shall only be used in conjunction with and ancillary to the use of the building as a hotel and not for any independent purpose.

Reason:

An independent restaurant would constitute a material change of use that would have implications for the character of the area which would need to be assessed by the City Council in accordance with policy S24 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 9 of our Unitary Development Plan that we adopted in January 2007.

- 16 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 17 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 3 and 4 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing

excessive ambient noise levels.

- 18 The retail unit indicated on the proposed ground floor plan 2523/P/71 B shall only be used for Class A1 retail purposes.

Reason:

To ensure that the ground floor retail unit is used for Class A1 retail purposes which will contribute to the character and function of this part of the Central Activities Zone. This is as set out in S6 and S21 of Westminster's City Plan: Strategic Policies adopted November 2013 and SS4 of our Unitary Development Plan that we adopted in January 2007.

- 19 You must not use the tenth floor terrace outside the following times: between 0700hrs and 2300hrs on Monday to Saturday (not including bank holidays and public holidays) and between 0800hrs or after 2230hrs on Sundays, bank holidays and public holidays.

Reason:

To make sure that the terrace use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 3 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act

1990. (I07AA)
- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
 - 5 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
 - 6 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
 - 7 We recommend all hoteliers to join the Westminster Considerate Hoteliers scheme and to support the Considerate Hoteliers Environmental Charter. This aims to promote good environmental practice in developing and managing hotels. For more information, please contact: , John Firrell MHCIMA, Secretary - Considerate Hoteliers Association, C/o Wheelwright's Cottage, Litton Cheney, Dorset DT2 9AR , , E-mail: info@consideratehoteliers.com, Phone: 01308 482313, , (I76AA)
 - 8 Conditions 3 and 4 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
 - 9 The Servicing Management Plan (SMP) required by Condition should demonstrate that the proposal is to be closely managed and serviced with the least possible impact on the public highway and its users. The plan should clearly outline how servicing will occur on a day to day basis, identifying the process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations.
 - 10 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
 - 11 This permission is governed by a legal agreement between the applicant and us under Section

106 of the Town and Country Planning Act 1990. The agreement relates to a financial contribution towards affordable housing. (I55AA)

- 12 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge., If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/> . **You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**
- 13 The Theatre Trust request that the 'Theatreland' plaque is reinstated after refurbishment.
- 14 The use of UPVC is not considered acceptable within the conservation area. The windows should be powder coated metal or similar.
- 15 In respect of condition 12, the level of proposed cycle parking provision (10 spaces) as set out in the transport assessment would be sufficient.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

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Agenda Item 7

Item No.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 29 th March 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Hyde Park Corner Lodge, Hyde Park Corner, London, W1J 7NT,		
Proposal	Removal of Condition 3 and variation of condition 1 and 11 of planning permission dated 30 July 2013 (RN: 12/08526/FULL) for use of Lodge as a cafe (Class A3) with basement infill extension, external seating area and erection of a new ticket and tourist information kiosk adjacent to Lodge; namely, to allow the continued use of part of the kiosk for the sale of tickets for London tourist attraction; to extend the opening hours of the Café to between the hours of 08:00 and 22:30 daily; and retention of external lighting.		
Agent	Mr Harry Whittaker		
On behalf of	Mr Peter Sullings		
Registered Number	15/09174/FULL 15/09175/LBC	Date amended/ completed	1 October 2015
Date Application Received	1 October 2015		
Historic Building Grade	Grade II		
Conservation Area	Royal Parks		

1. RECOMMENDATION

1. Grant conditional permission and conditional listed building consent.
2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

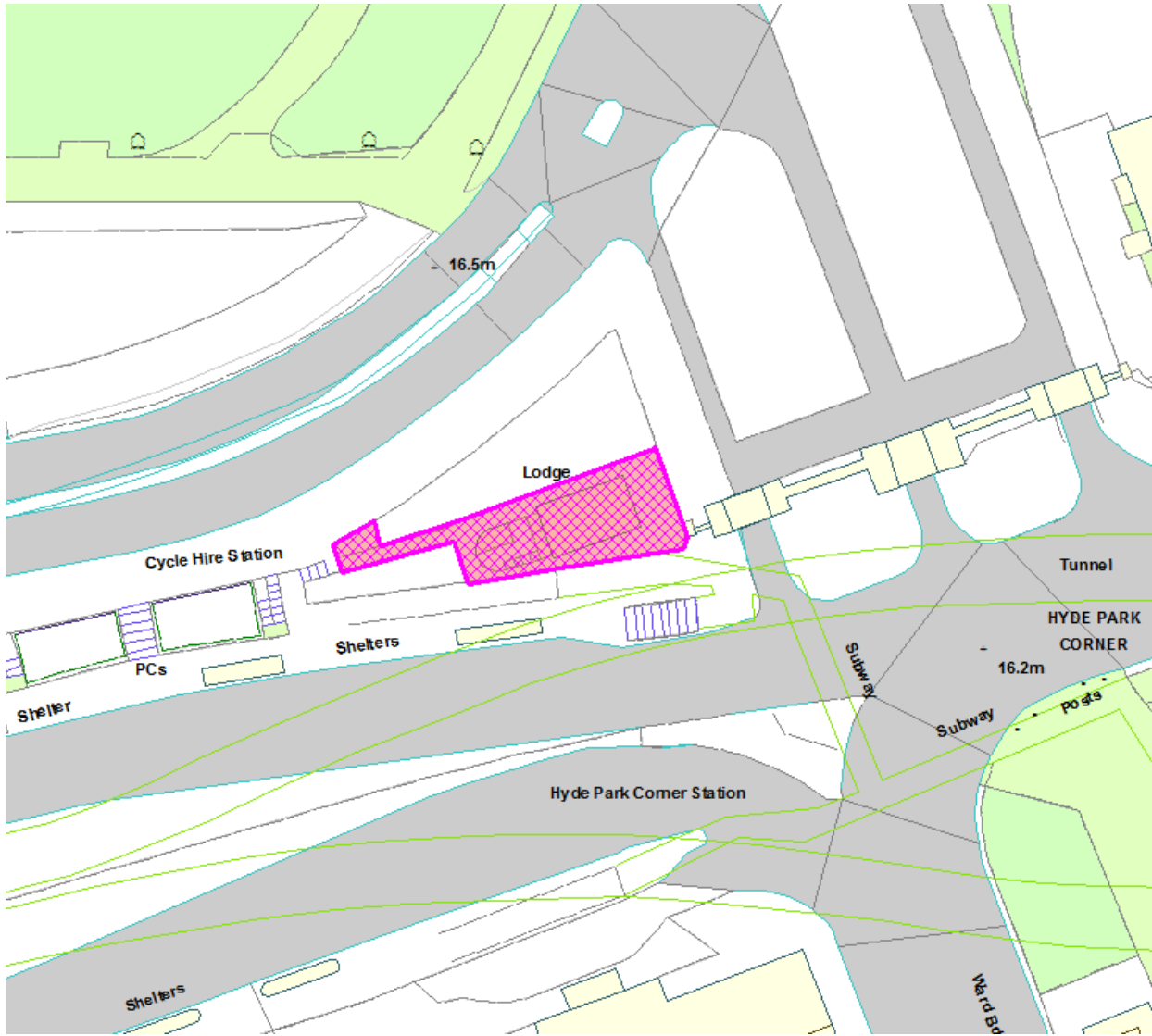
Permission and listed building consent were granted for the use of Hyde Park Corner Lodge as a cafe with an outdoor seating area and a free standing tourist information kiosk on South Carriage Drive in July 2013. Conditions were attached restricting the hours of operation of the café and the use of the kiosk for the sale of tickets for tourist attractions, which it is now sought to amend. Permission is also sought for the retention of external lighting.

The key issues in this case are:

* The impact of the proposal on amenity, local environmental quality and on the special interest of the Grade II listed lodge and Royal Parks Conservation Area.

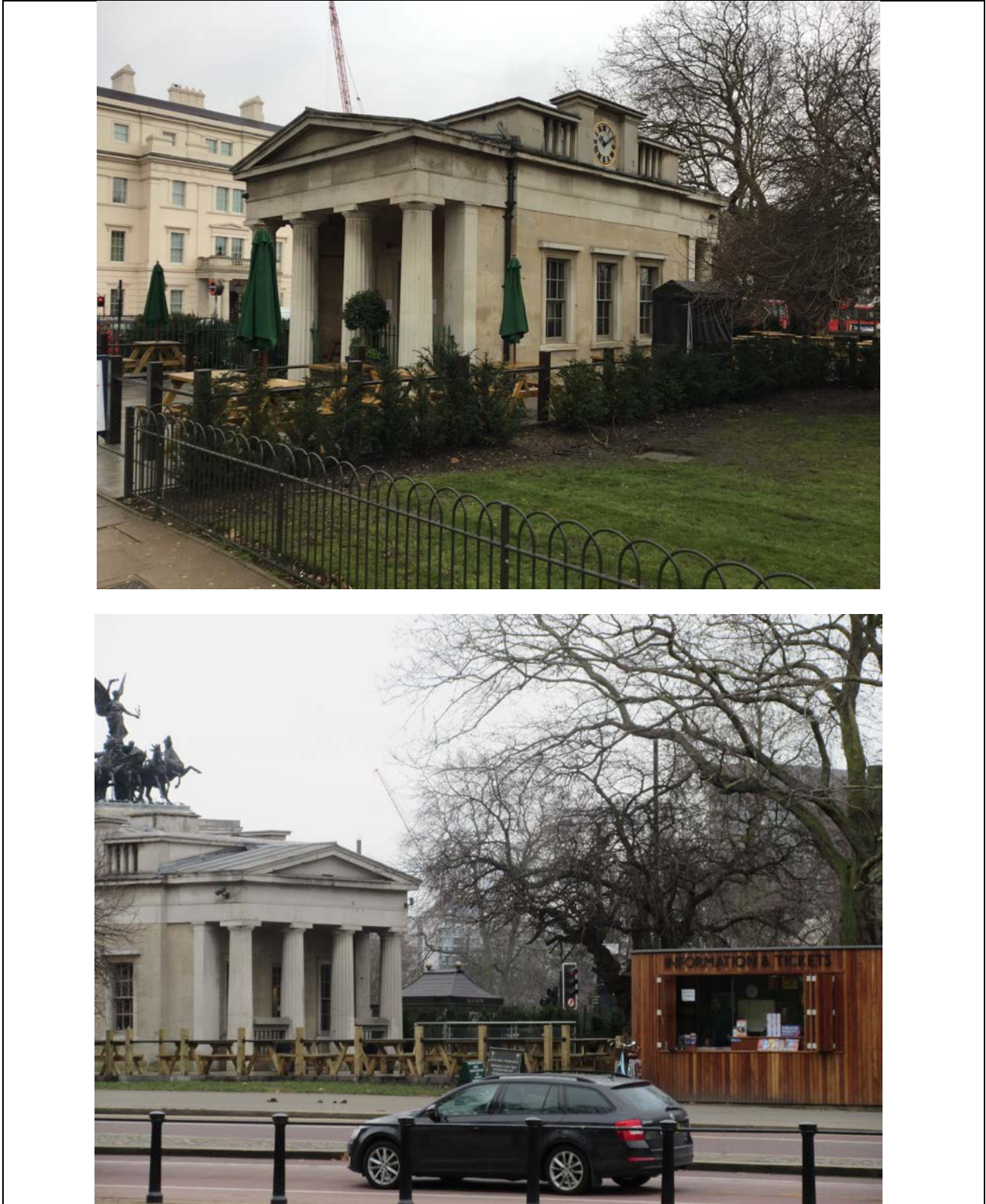
The extension of the café opening hours, permanent use of the kiosk for the sale of tickets for London tourist attractions and the external lighting are not considered to have a detrimental impact upon residential amenity, local environmental quality, or adverse impact on the special interest of the listed lodge or character and appearance of this part of the Royal Parks Conservation Area.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

KNIGHTSBRIDGE ASSOCIATION

Any response to be reported verbally.

WESTMINSTER SOCIETY

What is the justification for the removal of the platform lift.

THE ROYAL PARKS

No objection.

FRIENDS OF HYDE PARK & KENSINGTON GARDENS

No objection. In the absence of being able to view the plans for the original application, query whether the layout of the seating and food wagon are consented.

HIGHWAYS PLANNING

No objection.

ENVIRONMENTAL HEALTH

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 2

Total No. of replies: 1

One letter has been received on the grounds that the lodge should only be used for its original use and there should be no extension of the café opening hours or the continued use of the kiosk.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Hyde Park Corner Lodge is located in the south east corner of Hyde Park, just within its boundary immediately to the west of the Hyde Park Corner entrance gates.

The property is Grade II listed and lies within the Royal Parks Conservation Area and the Core Central Activities Zone. The property is in use as a café by virtue of permission granted in July 2013.

6.2 Recent Relevant History

12/08526/FULL and 12/08527/LBC

Use of Lodge as a cafe (Class A3) with basement infill extension and external seating area; and erection of a new ticket and tourist information kiosk adjacent to Lodge.
Applications Permitted 30 July 2013

7. THE PROPOSAL

Planning permission and listed building consent were granted for the use of Hyde Park Lodge as a café with a fixed external seating area; and a new free standing ticket and tourist information kiosk to the west on South Carriage Drive in July 2013.

Conditions were attached restricting the opening hours of the café use to between 0800 and 1700 each day in the absence of a lighting scheme; and restricting the use of the kiosk for the sale of tickets for London tourist attractions until 31 January 2015 so that this part of the use could be reviewed. This application seeks to vary condition 11 to extend the opening hours of the café use until 2230 hours daily; vary condition 1 for the retention of external lighting and remove condition 3 to continue the use of the kiosk for the sale of tickets for London tourist attractions, in addition to the tourist information facility.

8. DETAILED CONSIDERATIONS

8.1 Land Use

No complaints have been received to the existing café use. Lighting has been installed to facilitate the use of the external seating area in the evenings which it is sought to retain. The cafe is located just within the boundary of Hyde Park, to the north of Hyde Park Corner Underground Station and bus stops on Knightsbridge. Given its park location, adjacent to this busy thoroughfare, it is considered that the proposed extension of opening hours to between 0800 and 2230 and external lighting would not have a detrimental impact upon residential amenity, local environmental quality, or adverse impact on the character and function of this part of the Royal Parks Conservation Area.

The tourist information kiosk was provided as part of the July 2013 permission to replace the existing tourist information facility which was previously sited in the Lodge. An element of the kiosk was for the sale of tickets for park events and other London tourist attractions. This element of the scheme was of concern as it was considered that the sale of tickets may result in the commercialisation of the park and it was therefore granted for a temporary period of 18 months.

It is not considered that the use of part of the kiosk for the sale of tickets has been detrimental to the character of Hyde Park and it is therefore considered that this condition can be removed. A condition requiring that no advertisements shall be displayed on the kiosk, with the exception of the non-illuminated 'Information and tickets' sign will remain.

8.2 Townscape and Design

External lighting has been installed to facilitate later opening hours for the cafe. Two spotlights have been installed at high level within the front and rear porticos and are not visible in surrounding views of the building. Recessed floor lights are set into the external paving and are discrete. The lighting is not therefore considered to cause harm to the special interest of the grade II listed Lodge or Royal Parks Conservation Area.

As part of the 2013 consent a condition was attached preventing structures such as canopies, parasols or outdoor heaters on the external seating area to protect the setting of the listed building and character and appearance of the conservation area. Parasols and a food wagon have been placed on the outdoor seating area as well as incongruous fencing along the southern boundary. CCTV has also been installed on the building. These items are subject to an enforcement investigation.

8.3 Residential Amenity

The proposal will not give rise to any amenity implications with regards to light, privacy or sense of enclosure.

8.4 Transportation/Parking

No change is proposed to the current servicing arrangements which take place on South Carriage Drive which is not public highway.

8.5 Economic Considerations

No economic considerations are applicable.

8.6 Access

Not applicable.

8.7 Other UDP/Westminster Policy Considerations

Not applicable.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application.

8.11 Environmental Impact Assessment

Not applicable.

8.12 Other Issues

Not applicable.

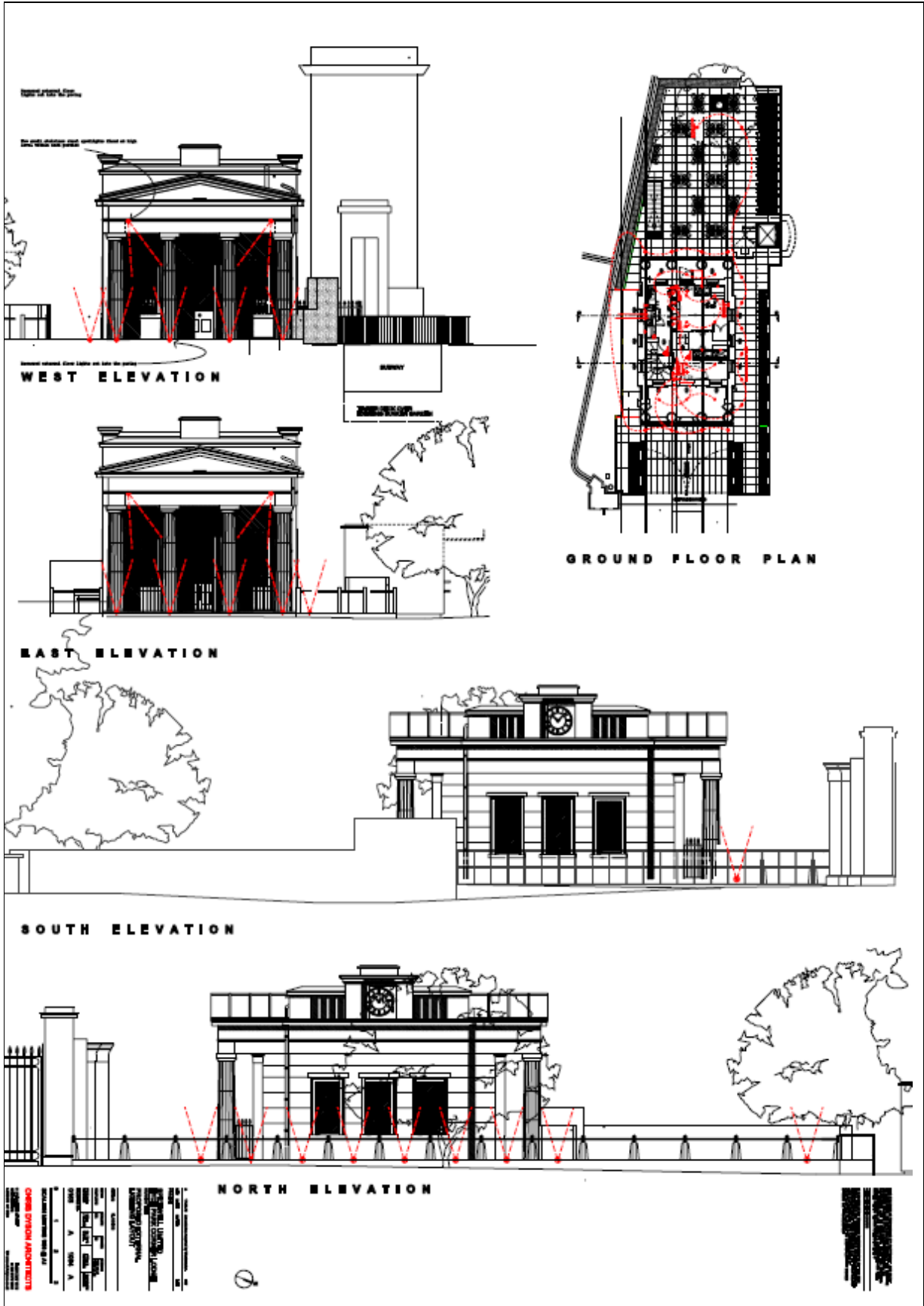
9. BACKGROUND PAPERS

1. Application form
2. Response from Westminster Society, dated 24 November 2015
3. Response from Highways Planning - Development Planning, dated 3 November 2015
4. Response from EH Consultation, dated 28 October 2015
5. Letter from occupier of Flat 22 Bartok House, 30 Lansdowne Walk, dated 16 November 2015

Selected relevant drawings

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT JULIA ASGHAR ON 020 7641 2518 OR BY EMAIL AT jasghar@westminster.gov.uk



DRAFT DECISION LETTER

Address: Hyde Park Corner Lodge, Hyde Park Corner, London, W1J 7NT

Proposal: Removal of Condition 3 and variation of condition 1 and 11 of planning permission dated 30 July 2013 (RN:12/08526/FULL) for use of Lodge as a cafe (Class A3) with basement infill extension, external seating area and erection of a new ticket and tourist information kiosk adjacent to Lodge; namely, to allow the continued use of part of the kiosk for the sale of tickets for London tourist attraction; to extend the opening hours of the Café to between the hours of 08:00 and 22:30 daily; and retention of external lighting.

Plan Nos: Site location plan and 0155/A/1004/A

Approved Drawings:

12/08526/FULL

0155/A/0010/PS-01, 0011/PS-01, 0100/PS-01, 0101/PS-01, 1100/PS-03, 1101/PS-03, 1000/PS-03, 1011/PS-02, 1002/PS-01; Design & Access Statement; Design, Access and Heritage Statement dated 20/08/2012; Addendum to Design, Access and Heritage Statement dated 29/05/2103; Arboricultural method Statement dated 13 March 2013.

14/04249/ADFULL

Covering letter; 0155 PL 1423; 0155 1421; 0155 1407 00.

14/01177/ADFULL

Arboricultural Method Statement, Pruning Specification and Site Storage and Working by Barrell Tree Consultancy.

13/08561/ADFULL

Covering letter dated 21 August 2013, 0155 A 1002 PS-01.

Case Officer: Julia Asghar

Direct Tel. No. 020 7641 2518

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 You must carry out any building work which can be heard at the boundary of the site only:

* between 08.00 and 18.00 Monday to Friday;

- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must not display any posters or advertisements on or within the curtilage of the Lodge, or on any of the seating structures; and on or within the kiosk except those shown on the approved drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Royal Parks Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 4 You must provide the waste store shown on drawing 0155 A 1000/PS-03 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 5 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level

should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 6 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 7 You must apply to us for our approval of the tree pruning works you want to carry out on the Black

Mulberry tree. You must not start any work until we have approved what you have sent to us. The tree work must be carried out according to the approved details. (C31NA)

Reason:

To protect the trees and the character and appearance of this part of the Royal Parks Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

- 8 You must not allow more than 98 customers into the cafe premises at any one time. (C05HA)

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Royal Parks Conservation Area. This is in line with S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 9 of our Unitary Development Plan that we adopted in January 2007. (R05FC)

- 9 Customers shall not be permitted within the cafe premises before 0800 or after 2230 each day. (C12AD)

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Royal Parks Conservation Area. This is in line with CS24 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) and DES 9 of our Unitary Development Plan that we adopted in January 2007. (R05FC)

- 10 You must maintain the development in accordance with the details approved by the City Council as Local Planning Authority on 3 September 2014 under RN: 14/04249/ADFULL and 19 September 2013 under RN:13/08561/ADFULL in relation to facing and surfacing materials, new external door, railings/balustrade and fixed furniture; or any other subsequent details submitted to and approved by the City Council.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Royal Parks Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 11 You must apply to us for approval of detailed drawings at 1:20 and 1:5 of the following parts of the development:

- i) Platform lift including guard rails.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved drawings.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Royal Parks Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 12 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Royal Parks Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 13 You must not put structures such as canopies, parasols or outdoor heaters on the external seating area.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Royal Parks Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

- 1 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 2 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
- 3 The external CCTV cameras and fencing along the south boundary do not have planning permission. We may take legal action to have the work removed and the building/external area restored to how it was. We are also aware of the presence of parasols and a food wagon in the external seating area which are in breach of condition 13 and these items should be removed.

DRAFT DECISION LETTER

Address: Hyde Park Corner Lodge, Hyde Park Corner, London, W1J 7NT

Proposal: Variation of condition 1 of listed building consent dated 30 July 2013 (RN: 12/08527/LBC) for use of lodge as a cafe (Class A3) with basement infill extension and external seating area and erection of a new ticket & tourist information kiosk adjacent to Lodge; namely, retention of external lighting.

Plan Nos: Site location plan and 0155/A/1004/A

Case Officer: South Planning Team

Direct Tel. No. 020 7641 2681

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 You must apply to us for approval of samples of the facing and surfacing materials you will use and elevations and plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Royal Parks Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must apply to us for approval of detailed drawings at 1:20 and 1:5 of the following parts of the development:

- i) New external door;
- ii) New railings/balustrade;
- iii) Fixed furniture;
- iv) Platform lift including guard rails.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved drawings.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Royal Parks Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 You must apply to us for approval of full details of the following parts of the development:
- i) Modifications to historic fabric to accommodate the dumb waiter;
 - ii) Relationship of retained historic fabric (including fireplaces and joinery) to new kitchen layout and servery layout;
 - iii) Relationship of retained historic fabric to new toilet facilities, including floor structures and location of services.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 5 You must not disturb existing historic fabric including chimney pieces, plasterwork (including plain ceilings and walls), architraves, panelling, doors, other joinery, floorboards and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings; or are required by conditions to this permission. You must protect those features properly during work on site.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 6 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Royal Parks Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

- 1 You are reminded of the need to discharge the conditions attached to this and the original listed building consent dated 30 July 2013 (RN12/08527/LBC). You are currently in breach of these conditions.

The external CCTV cameras and fencing along the south boundary do not have listed building consent. It is a criminal offence to carry out work to a listed building without our consent and we may take legal action to have the work removed and the building restored to how it was.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- * any extra work which is necessary after further assessments of the building's condition;
- * stripping out or structural investigations; and
- * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

- 3 You must get listed building consent for any work inside the building that would affect its character. (I02AA)

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Agenda Item 8

Item No.

8

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 29 March 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bayswater	
Subject of Report	39 Sutherland Place, London, W2 5BZ,		
Proposal	Excavation to lower the level of the existing lower ground floor slab and rear garden, erection of rear three storey closet wing and two storey glazed infill extension, erection of mansard roof, and alterations within front garden including excavation to provide a bin store and to extend vault. All works in association with the use of the building as a single family dwelling house.		
Agent	Miss Elizaveta Tatarintseva		
On behalf of	Mrs Paula Bopf		
Registered Number	15/10383/FULL	Date amended/ completed	2 March 2016
Date Application Received	9 November 2015		
Historic Building Grade	Unlisted		
Conservation Area	Westbourne		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

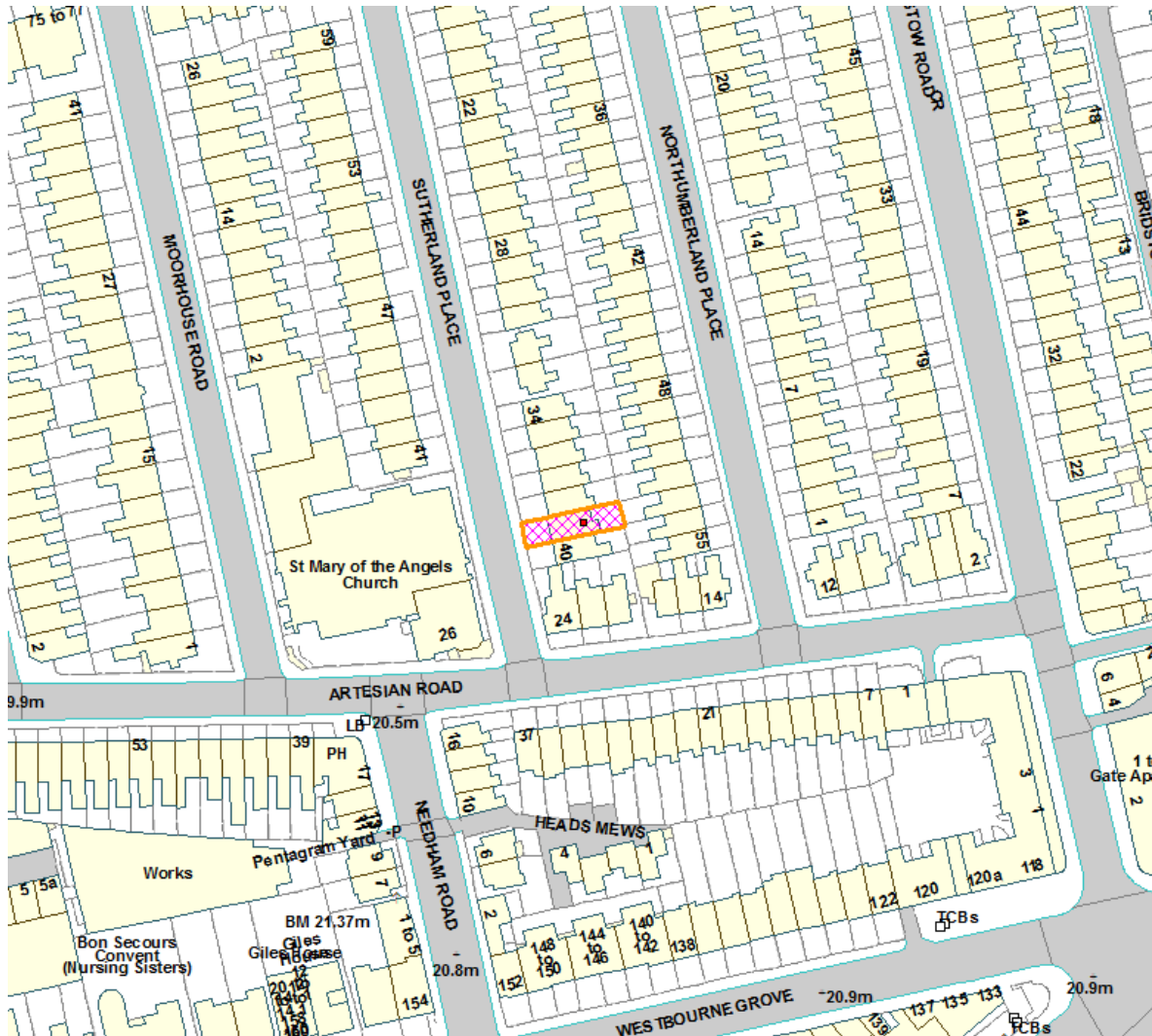
39 Sutherland Street is an unlisted building currently in use as two residential flats, located in the Westbourne Conservation Area. Planning permission is sought to lower the level of the existing lower ground floor slab and rear garden, demolition of rear closet wing and erection of replacement three storey closet wing and two storey glazed infill extension, erection of mansard roof, and alterations within front garden including excavation to provide a bin store and to extend vault. All works in association with the use of the building as a single family dwelling.

The key issues are:

- * The impact on the character and appearance of the conservation area.
- * The impact on amenity of adjoining residents.
- * The structural impact of the lowering of the lower ground floor level on the house and neighbouring properties
- * The use of the building as a single family dwelling.

The proposals are considered acceptable in land use, amenity, arboricultural and conservation area terms and are in accordance with policies in Westminster's City Plan: Strategic Policies (City Plan) and the Unitary Development Plan (UDP) and are therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation



Rear elevation

5. CONSULTATIONS

NOTTING HILL EAST NEIGHBOURHOOD FORUM:

Object to overdevelopment, internal alterations, loss of greening, water run-off/drainage concern, loss of residential units and resultant impact on local area.

BUILDING CONTROL:

Object to the layout as the basement staircase needs to exit into a protected entrance with direct access onto the street. No objection to construction methods or proposed excavation works.

HIGHWAYS PLANNING MANAGER:

No objection.

ARBORICULTURAL OFFICER

No objection subject to conditions..

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 27

Total No. of replies: 8 letters raising objection on the following grounds:

Design

- Height, size and materials, being out of keeping with area.

Amenity

- Loss of light
- Loss of privacy
- Skylight in extension should be non opening and obscure glazed to reduce noise and loss of privacy.
- Increased light spill.

Other

- Disruption during construction works.
- Potential structural damage to adjacent properties.
- Loss of cherry tree.
- Loss of garden space.
- Concern about tree in garden of 53 Northumberland Place

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This building is unlisted but lies within the Westbourne Conservation Area. The property is a five storey residential property divided into two flats, one occupying the lower ground floor and the other occupying the ground and three upper floors.

6.2 Recent Relevant History

No recent history.

7. THE PROPOSAL

The application is for the amalgamation of the two units to return to the property to a single family dwelling. Associated alterations include the excavation to lower the existing lower ground floor slab and part of rear garden levels, demolition of the rear closet wing and erection of a three storeys rear closet wing and two storey glazed rear infill extension, removal of the rear garden Cherry Plum tree and replacement with planters, excavation to the front garden to facilitate a bin store, extending and rebuilding of the existing front garden vault to convert into bike storage, relocation of the front garden vault door, rebuilding of the front porch stone steps, replacement of the existing pitched roof to form a new mansard roof extension and installation of skylights to the main, closet wing and closet wing infill roofs.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Notting Hill East Neighbourhood Forum has objected to the proposal on the grounds of the loss of residential units and resultant impact on local area. Although it is acknowledged that the proposal will involve the loss of a residential unit it is clear that it would meet one of the exemptions as set out in Policy S14 of the City Plan as it would result in the return of a former single family dwelling to its original use. The proposed amalgamation is therefore considered acceptable.

8.2 Townscape and Design

Mansard:

The adjacent buildings in this part of the terrace have mansard roof extensions. The principle of an mansard is therefore considered acceptable. Following officer comments the internal floor to ceiling height of the mansard has been reduced and is now shown at 2.3m in height, which is in line with the design advice set out in the roofs guidance SPG. Subject to a condition for the mansard to be clad using natural slates, the roof extension is considered acceptable.

Rear Closet wing:

Objections have been received on the grounds that the rear extension is too large. The closet wing is to be increased in height by approximately 0.8m and depth by 1.4m. The new closet wing will be of a similar size to the adjacent property at 38 Sutherland Place and is considered to be acceptable in design and conservation area terms.

Rear Glazed infill:

The new two storey glazed extension would generally be considered unacceptable in design terms, and the SPG on extensions in conservation areas advises that usually only at lower ground level will such full width extensions be considered acceptable. It is noted

however that several examples of glass and other extensions exist to this level in the terrace, and there are approvals at no. 51 Sutherland Place on 12.12.2001, 46 Sutherland Place on 29.04.2002, 36 Sutherland Place on 30.05.2002, 43 Sutherland Place on 16.10.2012, and 49 Sutherland Place on 30.09.2013 for similar glass extensions at rear ground floor level (generally for two storey glass extensions) in Sutherland Place. These extensions are often carried out in strikingly modern style as in this case, as such, the extension is considered acceptable in this instance.

Front and rear gardens:

The landscaping of the front garden will restore it to more like its original form rather than the sloping arrangement at present, and is considered acceptable in design terms. The excavation of the rear garden down to same level as the lower ground floor level is unwelcomed, though not considered of such significant impact as to warrant a refusal of planning permission given the enclosed nature of the rear garden. An objection has been received on the grounds of loss of garden space, however as a reasonably sized garden is retained, it is not considered that refusal on these grounds could be sustained.

Other

Conditions are recommended in relation to the materials for the entrance step, rear glazed extension, mansard cladding (to be natural slate) and for the windows to be retained as white painted timber, subject to these conditions the proposals are considered acceptable in design and conservation area terms.

8.3 Residential Amenity

Objections have been received from neighbours on amenity grounds. Specifically that the proposal will result in loss of light and loss of privacy. Because of its set back and limited height the mansard roof extension would not have a significant impact in terms of loss of daylight/sunlight or sense of enclosure. The additional windows would not result in any increase in overlooking due existing fenestration within the elevations.

Although the closet wing extension projects a further 1.4 metres and is 0.8 metres taller than the existing closet wing, it will resemble the height and projection of other closet wings in the street and match the extension at the neighbouring property at No. 38. The residents of No 40 Sutherland Place will experience some increase in terms of sense of enclosure to rear windows as a result of the additional bulk, however it is not considered that this will be to such an extent as to justify a refusal. In terms of light to this property, given their location to the south and the orientation of the site, it is also not considered that there will be such a significant impact as to justify refusal on these grounds

The two storey infill extension would be located between the closet wing of No.39 and that of No.38 and would therefore have no sunlight/daylight or sense of enclosure impact on any neighbouring properties. In terms of overlooking from the infill extension, although a largely glazed structure, it is slightly set back from the main building line which would help limit lateral overlooking into neighbouring gardens. Such double height glazed infill extensions are in any case a common feature of this terrace and it is not considered a refusal on amenity grounds would be sustainable in this case.

An objection has also been received relating to the skylight within the closet wing extension. It has been suggested that this is fixed shut and obscure glazed to prevent

noise disturbance and prevent loss of privacy. It is not considered that such a condition is reasonable as the skylight would not provide direct overlooking into neighbouring properties (any views up into windows on the rear elevation of the adjacent property would be at very oblique angles) and would not create any more noise disruption than any opened existing windows on the rear elevation.

8.4 Transportation/Parking

The proposal involves a reduction in residential units and therefore does not require the provision of any car parking or cycle parking provision. Two car parking spaces are however provided as part of the proposal.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

No changes are proposed to the access to the property.

8.7 Other UDP/Westminster Policy Considerations

The proposals have been amended slightly to respond to the concerns of the City Councils Arboricultural officer to the potential harm to a Japanese maple to the front of the property. The amendment involved retaining the existing front vault and underpinning the walls to lower the floor level allowing 750mm of top soil above for the trees roots. This amendment has been agreed by the arboricultural officer who has no objection subject to conditions being attached to any permission. An objection has been received from a neighbour regarding the loss of the Cherry tree to the rear of the property. No objections to the removal of this tree has been raised by the arboricultural officer.

Concern has been raised by the owner of 53 Northumberland Place regarding the potential impact of the proposal on a tree within their garden. The City Councils Arboricultural Officer does not consider this tree at risk by the development and therefore objection an objection on these grounds has not been raised.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application.

8.11 Other Issues

Objections have been received on the grounds of potential structural damage to adjacent buildings as a result of the works. A Structural Methodology Statement has been submitted to support the application. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage. The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

This report has been considered by our Building Control officers who advised that the structural approach appears satisfactory. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter.

Although the objections to the potential disruption caused during construction are noted a construction management plan has been submitted to outline how construction disruption will be mitigated. The proposed management plan appears reasonable and it would not be sustainable to refuse the application on this ground. Any permission will be conditioned to abide by the construction management plan.

Building Control Officers have raised objections to the means of escape from the property, as permission would not be required for internal alterations and as these comments would be covered under a separate application for building regulations approval, it is not considered that refusal on these grounds could be sustained.

9. BACKGROUND PAPERS

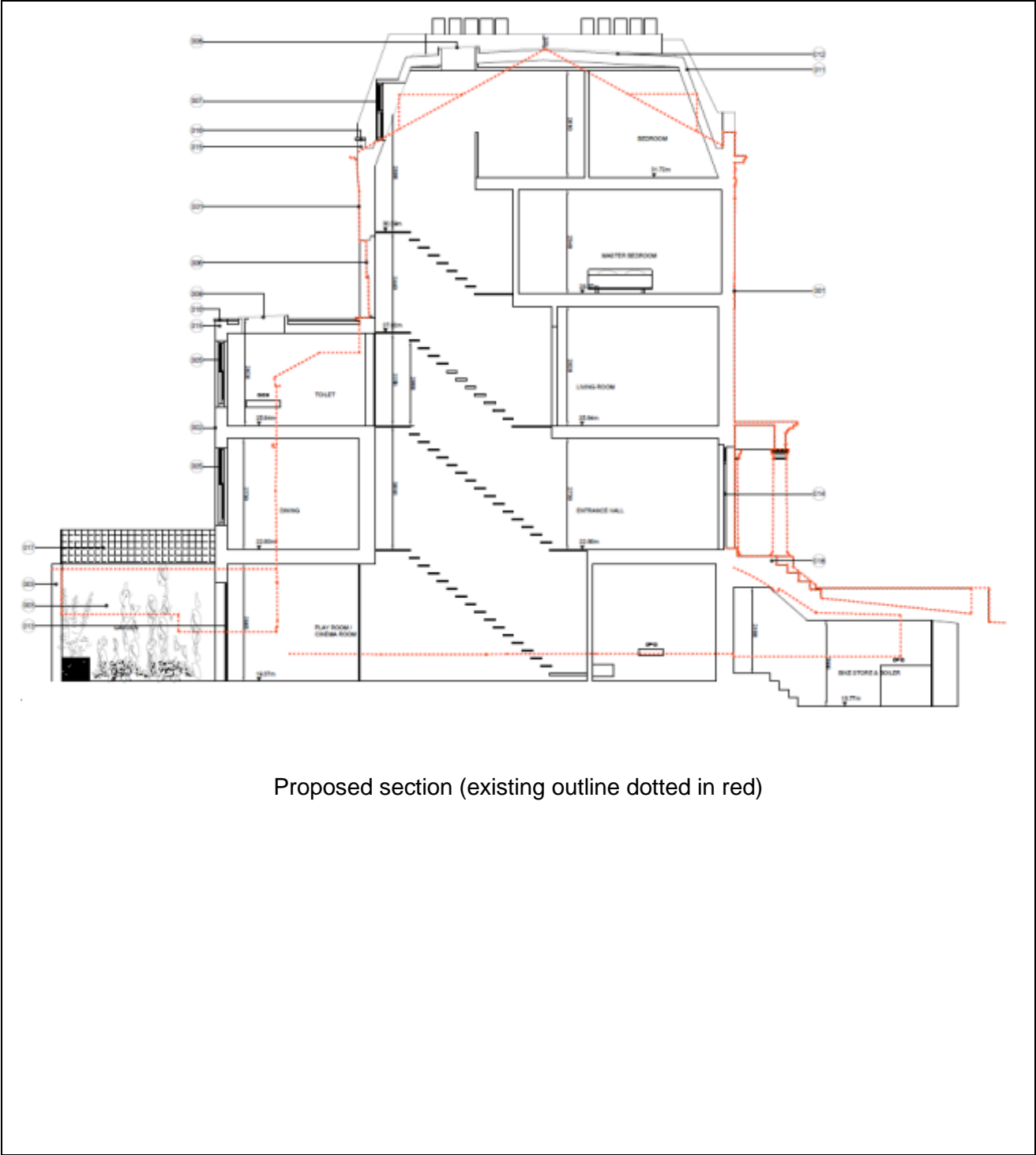
1. Application form
2. Response from Highways Planning - Development Planning, dated 2 December 2015
3. Memorandum and Email from Arboricultural officer dated 25 January 2016 and 3 February 2016
4. E-mail from Building Control dated 7 March 2016
5. Letter from Notting Hill East Neighbourhood Forum, dated 16 December 2015
6. Letter from occupier of 53 Northumberland Place, London, dated 17 December 2015 and 7 March 2016
7. Letter from occupier of 40 Sutherland Place, Sutherland Place, dated 17 December 2015
8. Letter from occupier of 37 Sutherland Place, London, dated 17 December 2015
9. Letter from occupier of 38 Sutherland Place, London, dated 17 December 2015
10. Letter from occupier of 54, Northumberland Place, dated 17 December 2015 and 21 January 2016
11. Letter from occupier of 51 Northumberland Place, London, dated 18 January 2016

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

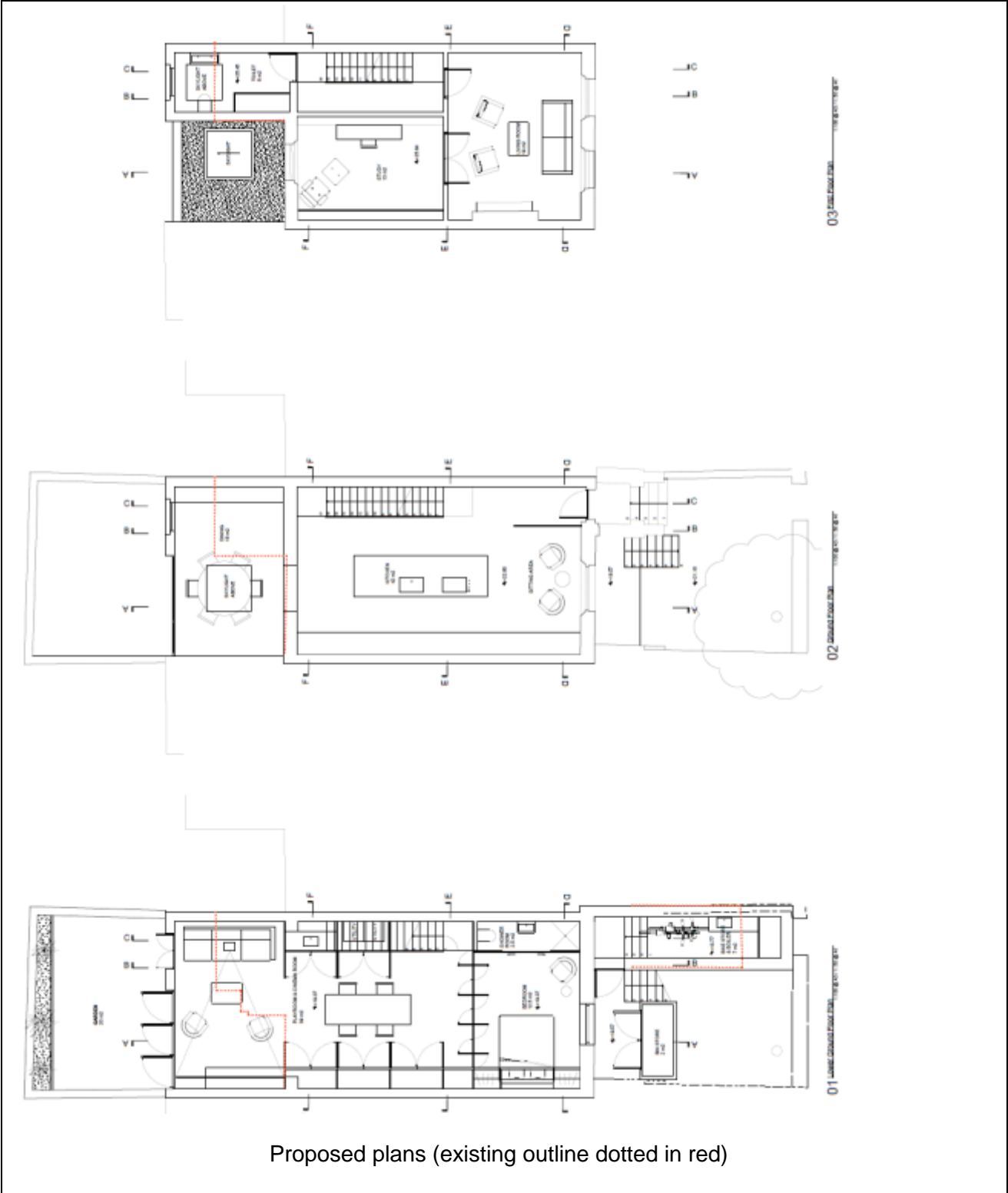
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT RICHARD LANGSTON ON 020 7641 7923 OR BY EMAIL AT NorthPlanningTeam@westminster.gov.uk
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10. KEY DRAWINGS





Proposed section (existing outline dotted in red)



DRAFT DECISION LETTER

Address: 39 Sutherland Place, London, W2 5BZ,

Proposal: Excavation to lower the level of the existing lower ground floor slab and rear garden, erection of rear three storey closet wing and two storey glazed infill extension, erection of mansard roof, and alterations within front garden including excavation to provide a bin store and to extend vault. All works in association with the use of the building as a single family dwelling house.

Plan Nos: Site location plan; 187100PP02; 187110PP02; 187111PP02; 187120PP02; 187121PP02; 187122PP02; 187123PP02; 187130PP02; 187310PP02; 187311PP02; 187320PP02; 187322PP02; 187210RevC; 187211RevC; 187220RevC; 187221RevC; 187222RevC; 187223RevC; 187230RevC; Design and Access Statement; Report on Trees by Gianni Botsford Architects; Construction Management Plan. For information only: Structural Methodology Statement by Tall consulting structural engineers.

Case Officer: Richard Langston

Direct Tel. No. 020 7641 7923

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only:

- * between 08.00 and 18.00 Monday to Friday; and
- * not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11BA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 The mansard shall have natural slate cladding to its main front and rear pitches, lead to its secondary pitches and with lead cladding to the sides, cheeks and roofs of the dormers

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must apply to us for approval of a samples of the following parts of the development:

- i) facing material to be used for the new treads and risers for the front entrance steps
- ii) the material to frame the new two storey glazed rear extension.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 The new windows shall be formed in glazing and white painted timber framing

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 You must not use the roof of the extensions for sitting out or for any other purpose. You can however use the roofs to escape in an emergency

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 8 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect the trees and the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

- 9 You must plant a new tree(s) to replace the trees which you propose to remove. You must apply to us for our approval of the position, size and species of the replacement tree(s). You must also replace any replacement tree which dies, is removed or becomes seriously damaged or diseased within five years of the date we give our approval for the replacement trees, in the next planting season with another of the same size and species to the one originally planted.

Reason:

To protect the trees and the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

- 10 You must carry out the works in accordance with your submitted construction management plan dated 25.09.15.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 You should be aware that your floor plans show an open plan ground floor. This would be unacceptable in terms of fire regulations. The basement staircase needs to exit into a protected enclosure in the ground storey which has a direct exit to the street.

- 3 Condition 8 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:
 - * the order of work on the site, including demolition, site clearance and building work;
 - * who will be responsible for protecting the trees on the site;
 - * plans for inspecting and supervising the tree protection, and how you will report and solve problems;
 - * how you will deal with accidents and emergencies involving trees;
 - * planned tree surgery;
 - * how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
 - * how you will remove existing surfacing, and how any soil stripping will be carried out;
 - * how any temporary surfaces will be laid and removed;
 - * the surfacing of any temporary access for construction traffic;
 - * the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
 - * site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
 - * how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
 - * the place for any bonfires (if necessary);
 - * any planned raising or lowering of existing ground levels; and
 - * how any roots cut during the work will be treated.

- 4 The site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any trees. Sensitive tree pruning is likely to be required in order to protect some trees (Japes maple (1) and cherry (2)). You must make a separate section 211 notification at least six weeks

prior to carrying out any tree surgery. You are advised to obtain the permission of the owner of the cherry tree (4) prior to the submission of a section 211 notification for this tree.

- 5 If the boundary wall requires rebuilding, additional tree protection details will be required as part of condition 8.
- 6 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 7 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.