

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 19 May 2015	Classification For General Release	
Report of Director of Planning		Wards involved Lancaster Gate	
Subject of Report	104 – 110 Queensway, London, W2 3RR		
Proposal	Use of basement and upper floors of 104 as hotel with ancillary reception at part ground floor with (Class A1) retail use at new mezzanine floor and remainder of ground floor. Erection of mansard storey and rear first and second floor extensions at 104 for hotel use. Use of first and second floors of 110 as two self-contained studio flats (land use swap with 104). Installation of new shopfront to 104. Alterations to existing mansard at 106-110 comprising recladding with natural slate and insertion of lead-clad dormers with timber sash windows. Associated works.		
Agent	Perry + Bell Ltd		
On behalf of	Midas		
Registered Number	15/00494/FULL	TP / PP No	TP/4964/7166
Date of Application	21.01.2015	Date amended/ completed	21.01.2015
Category of Application	Other		
Historic Building Grade	Unlisted		
Conservation Area	Queensway		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone Outside Central Activities Zone Within Queensway and Westbourne Grove Major Shopping Centre		
Stress Area	Within Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.



City of Westminster

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104-110 QUEENSWAY, W2

2. SUMMARY

The application relates to a group of unlisted buildings located on the eastern side of Queensway within the Queensway Conservation Area.

Permission was refused in November 2014 for alterations and extensions to Nos. 104-110 Queensway in connection with the use of the upper floors of No.104 as additional hotel floorspace for the existing hotel at Nos. 106-110. The application was refused due to the detrimental impact of the works to the rear of the site on the character and appearance of the building and the area, and due to the increased sense of enclosure to a neighbouring flat to the rear at Inverness Terrace resulting from the rear extension at first floor level. The works were largely completed on site at the time of the previous decision.

The current application seeks to overcome the reasons for the previous refusal. In terms of the design issues, the applicant is proposing to make alterations to the rear extensions including the rebuilding of the rear of the roof extension at No.104 to provide a sloping mansard instead of a sheer brick elevation and alterations to the detailing of the rear elevation including the fenestration. In response to the amenity issue, the applicant has agreed to demolish part of the rear extension at first floor level in order to provide a greater setback from the affected property at Inverness Terrace.

The key issues in this case are:

- The provision of additional hotel floorspace and relocation of the residential accommodation.
- The loss of retail floorspace.
- The design (including height and bulk) of the roof and rear extensions to No.104 and the design of the altered mansards to Nos.106-110, taking into account the impact on the character and appearance of the Queensway Conservation Area.
- The impact of the proposal on the amenity of neighbouring occupiers.

The proposal is considered to be acceptable in land use, design, amenity and highways terms, as outlined in the report and as such is recommended for approval.

3. CONSULTATIONS

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Appears that applicant has attempted to address reasons for refusal. Cannot gain access to rear of site to fully assess relationship with Inverness Terrace. Understand that owners of 104-110 now own 102.

BAYSWATER RESIDENTS ASSOCIATION

No objection provided reasons for original refusal overcome.

THAMES WATER

Inability of existing waste water to accommodate the needs of the development and requests condition requiring drainage strategy. No comments with regard to water.

HIGHWAYS PLANNING MANAGER

Concerns regarding coach arrivals and lack of details on management; details of cycle parking required; servicing management plan required.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 112; Total No. of Replies: 0.

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION

4.1 The Application Site

The application relates to a group of unlisted buildings located within the Queensway Conservation Area. The site is located within the Queensway and Westbourne Grove District Centre as designated in the adopted UDP, the Queensway and Westbourne Grove Major Shopping Centre as defined in the City Plan and within the Queensway and Westbourne Grove Stress Area for entertainment uses.

The application relates mainly to 104 Queensway, which until recently was occupied as a retail unit (Class A1) at ground floor and basement levels, an office at first floor level and two residential flats above. The applicant is the operator of the hotel within the upper floors of the adjacent group of buildings at 106-110 Queensway.

4.2 Relevant History

Planning permission was refused in November 2014 for alterations and extensions to Nos.104-110 Queensway in connection with the use of the basement and upper floors of No.104 as hotel floorspace with ancillary reception at part ground floor with retail (Class A1) use at new mezzanine floor and the remainder of ground floor level. The extensions included a mansard storey and rear first and second floor extensions at No.104. The scheme also included the use of the first and second floors of No.110 as two self-contained studio flats (land use swap with 104). Alterations included the installation of a new shopfront to No.104, alterations to existing mansards at 106-110 comprising recladding with natural slate and insertion of lead-clad dormers with timber sash windows. The application was refused on the following grounds:

'Because of its design, bulk, height, materials and arrangement of windows, the new rear elevation including the extension to the new fourth floor level, would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Queensway Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 5, DES 9, DES 1 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (X16AC)'

'The first floor rear extension would make the people living in the studio flat to the rear of 85 Inverness Terrace feel too shut in. This is because of its bulk and height and how close it is to windows in that property. This would not meet S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (X14BB)'

Permission was granted in October 2012 for use of part of first floor of No. 104 as mini-cab telephone contact office. (Hours of opening: 08.00 - 00.00 (Mondays - Saturdays) and 09.00 - 18.00 (Sundays and Bank Holidays).

5. THE PROPOSAL

The scheme involves the change of use of part ground floor and the whole of the basement and upper floors of No.104, including the addition of a mansard roof extension and rear extensions to provide additional hotel and ancillary reception and restaurant floorspace in connection with the amalgamation of the building with the existing Royal Hyde Park Hotel at 106-110 Queensway. Alterations to the facades including a new shopfront and signage at No.104 and a replacement kitchen extract duct to the rear of No.106 are also proposed. The

works commenced on site prior to the submission of the application and progressed significantly, although works have now ceased pending the outcome of the current application.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The lawful use of the ground floor and basement levels of No.104 is for Class A1 retail, whilst the lawful use of the upper floors is for office (Class B1) at first floor level and residential (Class C3) at second and third floor levels. The proposal would involve the loss of retail floorspace at ground floor and basement levels and the loss of the office floorspace at first floor level. The residential floorspace at second and third floor levels would be transferred to the first and second floor levels of No.110 Queensway.

6.1.1 Loss of Retail

The application site is located within the Queensway and Westbourne Grove District Centre as designated in the adopted UDP which is specifically designed to enhance the vitality and viability of the area by maintaining the predominantly retail function. This part of the District Centre is defined as Core Frontage. The Queensway and Westbourne Grove District Centre has been designated in the City Plan adopted November 2013 as a Major Shopping Centre, due to its dual role serving local residents and commuters, as well as a wider catchment from across London and beyond.

The City Council's City Plan recognises that retail floorspace plays a vital role in the borough's economy with shopping centres providing local residents with access to shops and services. Shopping Centres can provide a forum for community interaction and those who are less mobile within the community can be particularly dependant of the local shops. It is acknowledged that uses such as banks, hotels and restaurants can complement the retail uses by meeting community needs and encouraging activity by attracting people into the Centre. However, concentrations of non-A1 uses can break up the frontage, thereby damaging the appearance, character and function of the Centre.

Policy S21 of the City Plan sets out that 'existing retail will be protected throughout Westminster except where the Council considers that the unit is not viable, as demonstrated by long term vacancy despite reasonable attempts to let'. The supporting text advises that this approach will ensure that the needs of customers and retailers across the city are met through retention of the number of shops and overall amount of retail floorspace. The concentration of shop uses within designated Shopping Centres should be maintained to protect their attractiveness to shoppers.

Policy S13 of the City Plan relates to areas outside of the Central Activities Zone (CAZ) and the North Westminster Economic Development Area (NWEDA), and includes the Queensway and Westbourne Grove Major Shopping Centre. This policy states that 'the Queensway/Westbourne Grove Major Shopping Centre will be maintained and enhanced by securing retail growth and improved retail space, and ensuring that A1 retail provision is the priority within Core Shopping Frontages'. The supporting text advises that enhancing the retail function of the Major and District Shopping Centres will help protect the shops and services for these areas and help secure these Centres' long term viability and vitality.

Policy SS6 (B) of the UDP relates specifically to Core Frontages within the District Centres, and states that at ground floor level, proposals for A2 and A3 or other non-A1 town centre uses will only be permitted where the proposals would not harm the vitality or viability, or character or function of the parade, Core Frontage or the Centre. In addition:

1. the total length of Core Frontage in non-A1 use at ground floor level must not exceed: 25% in Queensway/Westbourne Grove District Centre;
2. the proposal must not lead to, or add to, a concentration of non-A1 units in any individual frontage or parade;
3. the proposal must not result in more than two non-A1 units located consecutively in a frontage;
4. the proposal must not reduce the range of local convenience shops or shopping facilities, or reduce the attractiveness of the Centre to shoppers.

At basement and first-floor level, A2, A3 and other non-A1 uses will only be permitted if the proposal would not:

1. harm the vitality or viability, or character or function of the parade, frontage or Centre;
2. have a detrimental effect on the environment or residential amenity;
3. unacceptably intensify an existing use or existing concentration of uses; or
4. jeopardise the long term A1 use of the ground floor.

The policy application to SS6 states that in considering vitality, viability, character or function of the Centre, examples of the types of detrimental effects are: creating a concentration of non-A1 uses, weakening a concentration of specialist shopping, weakening local convenience shopping, creating dead frontages, reducing the attraction of the Centre to shoppers, isolating shops from other shopping facilities and introducing unacceptably high levels of activity.

The latest assessment of the health of the Queensway and Westbourne Grove Major Shopping Centre area is provided by the Health Check (2013) carried out by The Retail Group. The 2013 Health Check concludes that the vitality and viability and general economic health of the Centre is considered 'healthy' - a position that has not changed since the 2002 and 2007 Health Checks were carried out. Notwithstanding this, the amount of the Core Frontage in non-A1 use in 2013 was 39.1% and thereby already well in excess of the 25% maximum threshold suggested as a guideline in Policy SS6.

The current application proposes the loss of retail frontage and floorspace at ground floor level in order to provide a dedicated hotel entrance and lobby area and a hotel restaurant (for breakfasts) is proposed at basement level. The loss of retail floorspace and frontage is strictly speaking contrary to the policies outlined above. However, some of the floorspace lost at basement level is to be re-provided in a new mezzanine level to the rear of the ground floor, and half of the frontage onto the street will be retained as a retail frontage. Whilst there would be a loss of retail floorspace comprising of 72.6m² (169.7m² to 96.1m²), the loss would be primarily at basement level (which previously served as ancillary storage space) and a retail frontage would still be retained. Overall, it is considered that the impact on the vitality and viability of the shopping parade would not be so detrimental as to warrant refusal. The previous application in 2014 was not refused on this basis.

6.1.2 Residential Use

The lawful use of the second and third floors of the building at No.104 is for Class C3 residential. Policies S14 of the City Plan and H3 of the UDP have a strong presumption against the loss of residential use.

The applicant was advised at pre-application stage that the loss of this residential floorspace and units to provide an enlarged hotel would be highly contentious and as such the application proposes the conversion of existing hotel floorspace at No.110 into two flats. In terms of floorspace, the proposal would result in a slight increase (79.2m² in total compared with 77.7m²) however, it is noted that the existing (or lawful) flats at No.104 were two bedroom units whilst the proposed flats at No.110 would be studio/one bedroom units. The reduced number of bedrooms is regrettable; however, the existing two bedroom units at

39.6m² would not meet the Mayor's housing standards; indeed the proposed units have been referred to as 'studio' units as they fall below the recommended floorspace threshold for one bedroom units.

As such, the relocation of the residential floorspace and its delivery as two studio flats is considered acceptable. A condition is recommended, requiring appropriate arrangements to secure the land use swap between the two buildings by means of a Unilateral Undertaking, in order to ensure that the residential floorspace is reprovided.

6.1.3 Loss of Office Use

The planning history suggests that the first floor of the building has previously been in office use and indeed part of this area has been used as a mini cab office. The loss of office use is not contentious in land use terms.

6.1.4 Proposed Extension of Existing Hotel into No.104

The proposed expansion of the hotel at 106-110 Queensway into No.104 must be considered in light of Policies S23 of the City Plan and TACE 2 of the UDP.

Policy S23 states that 'existing hotels will be protected where they do not have significant adverse effects on residential amenity. Within Pimlico, Bayswater and Queensway the change of use of hotels to residential will be encouraged where the existing hotel is not purpose built and causing adverse effects on residential amenity. Proposals to improve the quality and range of hotels will be encouraged.'

Policies TACE1 and TACE2 of the UDP are relevant. TACE2 advises that 'outside the CAZ, CAZ Frontages, the PSPA and the NWWSPA:

1. planning permission for new hotels will not be granted
2. extensions to existing hotels will be granted planning permission where:
 - (a) these would be of an appropriate scale to their surroundings and linked to the upgrading of the hotel;
 - (b) facilities that can be used by non-residents of the hotel would not be introduced;
 - (c) the extension would not result in intensification of use of existing facilities by non-residents;
 - (d) there would be no adverse effects on residential amenity and no loss of permanent residential accommodation.

The applicant advises that the existing hotel, the Royal Hyde Park Hotel, has no significant adverse effects on residential amenity. It is run responsibly by its private owners and is kept in a good state of repair. It has no external amenity spaces that could be used by guests, and all arrivals and departures from the hotel take place via the front entrance on Queensway. Hence, they consider that the proposal to upgrade the existing facilities through a modest expansion of the building at No.104 is firmly in accordance with Policy S23 which states: "Proposals to improve the quality and range of hotels will be encouraged."

It is recognised that the existing hotel has a poor street presence and that there is no dedicated breakfast room for guests or lift access through the building. The proposal would upgrade the existing hotel and in strict land use terms the extension of the hotel, including the provision of additional hotel bedrooms, would be appropriate in terms of scale. Facilities to be used by non-residents would not be provided (a condition is recommended to ensure that the fire escape access to the basement restaurant via the retail unit would not be used by non-residents). There would be no loss of residential accommodation. In terms of land use matters only (i.e. leaving aside the impact of the rear extension on neighbouring amenity which is

considered separately below), the proposals would not result in adverse effects on residential amenity.

As such, overall there is no objection in land use terms of the expansion of the existing hotel and the application is in accordance with Policies S23 and TACE2.

6.2 Townscape and Design

The existing unattractive front elevations to the fourth (mansard) floor extensions on Nos. 106-110 Queensway are to be removed and replaced with more appropriate slate clad mansard style front elevations. The plethora of railings and other structures on top of the mansards will also be tidied up. These works will greatly improve the appearance of those structures, as will the removal of roof clutter and railings to the existing top floors. To the main elevations, decorative window surrounds which have been lost over the years are proposed to be reinstated, and existing paint finish in an inappropriate pink-ish colour is to be removed with exposed brickwork revealed. Though the mansards are proposed have a floor to ceiling height of 2.5m which is in excess of guidance, given the improvements to the appearance of the mansards to Nos. 106-110 Queensway, and given the other works of improvement, this is not considered as a reason for refusal. The upstand to the southern end is larger than recommended by guidance; however, the existing mansard to No. 106 has a not dissimilar upstand to roof level and as such this too is not considered as a reason for refusal. The Conservation Area Audit states that No. 104 Queensway is appropriate for a mansard extension, and it forms the last one of a run of four buildings which step forward of the main terrace to Queensway, which all otherwise have extensions to roof level. On this basis the principle of the mansard is considered acceptable.

Photographs taken of the rear elevation prior to the recent unauthorised works show a characterful 19th century terraced property which, though a number of changes had taken place over the years, such as the replacement of some windows and the addition of pipes to the rear elevation and extensions to its lower floors, it nonetheless retained a good sense of its original character and appearance. The original window openings appeared to remain, the original brickwork was not apparently disturbed to any significant degree, and it still retained the characteristic staggered arrangement of windows to the rear elevation reflecting the original layout with the staircase rising up inside the rear elevation and giving rise to windows on one half of the elevation sited at half landing level, with the other windows at each main floor level. This building formed part of a largely unified run of properties to the south (all altered to some degree at the rear, though all largely appearing to retain much of their original character along the east side of Queensway). To the north are a short run of rear elevations which have been rebuilt at some point in the relatively recent past and which are of poor design quality and appearance in their own right. Seen in its own right as an attractive 19th century building, and as part of a run of such similar buildings, the rear elevation made a distinct positive contribution to the character and appearance of the Queensway Conservation Area.

The works proposed for retention in the previous application involved the removal of the original rear elevation and its replacement with a new elevation of significantly lesser character and which overall has an unattractive appearance. The new elevation as built is formed in un-mellowed and therefore rather stark brickwork, and it has windows apparently formed in UPVC which appear set closer to the rear elevation than the sashes they replaced and in an arrangement which does not reflect the characteristic staggered arrangement of windows which the previous elevation had, and the others to the south in the terrace of which it formed an intrinsic part.

The rear elevation as built also incorporates a sheer rear elevation up to and including the new fourth floor level roof extension, which is not designed as a traditional mansard in accordance with the advice set out in the SPG on the design of roof extensions, which

requires the rear of such extensions to be designed with a setback mansard slope. Although several buildings to the north (also part of the hotel at 106-110) have been rebuilt in this unattractive manner with sheer elevations to the rear of their mansards, many buildings to the south, which the application site was originally an intrinsic part of, remain largely with their 19th century character intact. Therefore, whilst a mansard is considered acceptable in principle to this building given the adjacent extensions to the north, the mansard as built was not considered acceptable.

As part of the current application, the applicant proposes to demolish and rebuild the rear of the mansard roof to No.104 in order to provide a setback mansard slope and to amend the detailing of the rear elevation; namely, by the introduction of traditional fenestration and materials which are more in keeping with the neighbouring buildings to the south. The new rear elevation will have sash windows to rear third floor level with arched openings and the windows, subject to conditions, will have an appropriately traditional appearance. Some sense of the staggered arrangement of windows to the rear elevation, which is characteristic of the terrace to the south, will be recreated. To rear fourth floor level the current unauthorised sheer elevation is to be replaced by a mansard roofslope, which in the circumstances is considered acceptable.

The extension to second floor level rises up to a height on the rear elevation found on several other buildings in the terrace and extends across at full width to the rear elevation, which in itself is a contentious element. Given that there are a number of ducts and other air conditioning equipment to rear elevations along the terrace, with the ducts rising full height, in this context, though unfortunate, the second floor rear extension is not considered as a reason for refusal. The first floor extension follows a prevailing pattern of deep extensions elsewhere along the terrace and as such is not considered as a reason for refusal. Although the brickwork is relatively bright, it is not dissimilar to that found on surrounding buildings aside from the years of staining/pollution, and over time the brickwork would be anticipated to darken down, softening its visual impact.

The shopfront proposed is, subject to conditions to improve the appearance of the fascia panel, considered to be acceptable in design terms.

Overall therefore, the application proposes a range of works which are beneficial to the appearance of the buildings, with these works notably being to the street elevations, and these are considered on balance to outweigh the harm caused to other areas of the building through other works proposed. As such, the current proposals have overcome the previous reasons for refusal and are considered acceptable in terms of design and conservation and would comply with the City Plan and UDP.

6.3 Amenity (Daylight and Sunlight/Sense of Enclosure/Privacy/Noise and Disturbance)

6.3.1 Daylight/Sunlight and Sense of Enclosure

City Plan Policy S29 aims to improve the residential environment whilst UDP Policy ENV13 seeks to protect and improve residential amenity, including sunlighting and daylighting to existing properties. Part (E) of the policy aims to resist new developments that materially worsen residential, and also educational, sunlighting and daylighting levels. Principally the policy seeks to ensure good lighting levels for habitable rooms, which are bedsits, living rooms, studies and kitchens (if they include dining space and are more than 12.6m²). In implementing Policy ENV13 the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used.

The applicant has submitted a daylight and sunlight assessment to test the impact of the extensions to the rear of the building on the light received to neighbouring properties. The report tests only the windows at 85 Inverness Terrace to the rear and it concludes that the

impact of the development will comply with BRE guidance with regard to Vertical Sky Component and Annual Probable Sunlight Hours. They have not tested for Daylight Distribution (or no-sky line) as is recommended by the BRE guidance, however, given the VSC results and as there is a secondary window in the flank elevation of the flat, it is unlikely that there would be a material impact.

Notwithstanding the compliance in daylight and sunlight terms however, the previous application was considered unacceptable in terms of the increased sense of enclosure to the studio flat at the rear of 85 Inverness Terrace. Policy ENV13 (F) of the UDP states that 'developments should not result in a significant increase in the sense of enclosure or overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.' The City Council considers that the spaces between buildings are important to allow people to enjoy life without feeling enclosed. The encroachment of new buildings and extensions into such spaces can, even by small degrees, adversely affect the quality of life of neighbouring residents. Policy S29 states that 'the Council will resist proposals that result in an unacceptable material loss of residential amenity and developments should aim to improve the residential environment'.

The increased bulk resulting from the first floor rear extension as built is in close proximity to the French doors to the rear elevation of the studio flat at No.85, which is the main source of light and aspect for the flat in question. The previous proposal to retain the as built extension was therefore considered to be overbearing in such close proximity (approximately 7.3m) and would loom above the French doors and the garden space of the property. The 2014 application was refused on this basis.

The current application initially sought to retain the rear extensions as built, however to face the rear elevation of the extension in grey painted render to reflect light in order to improve the aspect of occupiers to the rear. During the course of the discussions the applicant has agreed to set the first floor extension further back (by 0.5m) to create greater separation from the flat at 85 Inverness Terrace. The situation is still not ideal, however, on balance, given the setback and the rendered and painted elevation proposed, the revisions have overcome the previous reason for refusal.

It is not considered that the proposals would be harmful with regard to neighbouring privacy, given the existing mutual sense of overlooking to the rear.

6.4 Highways, Servicing and Parking

The enlargement of the hotel is not likely to result in any significant increase or change to the servicing and delivery arrangements for the existing hotel and it is recommended that a servicing management plan is secured by condition.

Whilst the Highways Planning Manager has requested details of the management arrangements for coach arrivals at the enlarged hotel, this is not considered reasonable given the relatively minor increase in the number of bedrooms.

There will be no significant change either with regard to the implications of the relocated residential flats or the reduced retail floorspace. A condition is recommended to ensure that the doors do not open over the highway. Whilst the lack of cycle parking is regrettable, it is not considered to warrant refusal of the application in this case due to the highly accessible location and the constraints of the buildings.

6.5 Economic Considerations

The economic benefits of the proposal are welcomed.

6.6 Equalities and Diversities (including disabled access)

The proposal will incorporate step-free access for the hotel entrance and the retail unit, with an internal lift to provide access to the upper floors of the hotel. Hence the proposal will result in an improvement on the existing arrangements for the hotel. The residential units at No.110 will not have step-free access, however, the existing (i.e. prior to the unauthorised works) residential units at No.104 relied on stair access and it is not considered reasonable to refuse permission on this basis.

6.7 London Plan

The proposal does not raise strategic issues.

6.8 National Planning Policy Framework (NPPF)

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. The relevant policies in the City Plan which has replaced the Core Strategy have been discussed in this report and other policies in the previous report have not changed significantly. 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 UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

6.9 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;
- (c) fairly and reasonably related in scale and kind to the development.

A condition is recommended requiring details of appropriate arrangements to be submitted for the City Council's approval to ensure that the residential units are re-provided at No.110. This is considered to meet the tests outlined above.

6.10 Environmental Assessment

The scale of the scheme does not raise any significant considerations.

6.11 Other Issues

Thames Water have requested a condition requiring details of a drainage strategy to deal with the drainage needs of the development. However, this is a matter for the Building Regulations and it is not considered reasonable to require these details by condition.

7. CONCLUSION

The current application is considered to overcome the previous concerns relating to the detrimental impact of the works as built in terms of design and conservation and the amenity of neighbouring residential occupiers. The current proposals are considered acceptable in terms of land use, design, amenity and highways and as such, the application is recommended for approval.

BACKGROUND PAPERS

1. Application form.
2. Letter from South East Bayswater Residents Association dated 2 February 2015.
3. Letter from Bayswater Residents Association dated 30 March 2015.
4. Email from Thames Water dated 9 February 2015.
5. Memorandum from Highways Planning Manager dated 6 February 2015.
6. Memorandum from Environmental Health dated 19 February 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT OLIVER GIBSON ON 020 7641 2680 OR BY E-MAIL – ogibson@westminster.gov.uk

DRAFT DECISION LETTER

Address: 104-110 Queensway, London, W2 3RR

Proposal: Use of basement and upper floors of 104 as hotel with ancillary reception at part ground floor with (Class A1) retail use at new mezzanine floor and remainder of ground floor. Erection of mansard storey and rear first and second floor extensions at 104 for hotel use. Use of first and second floors of 110 as two self-contained studio flats (land use swap with 104). Installation of new shopfront to 104. Alterations to existing mansard at 106-110 comprising recladding with natural slate and insertion of lead-clad dormers with timber sash windows. Associated works.

Plan Nos: SV-1 A, Sv-2A, Sv-3A, Sv-4A, Sv-5A, Sv-6A, Sv-7A, Sv-8, Sv-9, PL-1-1B, PL-1-2B, PL-1-3C, PL-1-4B, PL-1-5A, PL-1-6B, PL-1-7B, PL-2.1, PL-2.2, PL-2.3C, PL-2-4B, PL-2.6, Design and Access Statement by Perry and Bell, Planning Statement by Rolfe Judd, Daylight and Sunlight Assessment by Twenty16 Design, Schedule of Areas and Accommodation.

Case Officer: Claragh Mulhern

Direct Tel. No. 020 7641 2535

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 Queensway 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 works as outlined in the drawings hereby approved must be commenced within 4 months of the date of this decision and must be completed in their entirety prior to occupation of part of the ground floor of No.104 Queensway for hotel use OR within 1 year of the date of this decision, whichever is sooner.

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 Queensway Conservation Area and to protect the privacy and environment of people in neighbouring properties. This is as set out in S25, S28 and S29 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 and ENV13 of our Unitary Development Plan that we adopted in January 2007.

- 5 The pitch to the front elevation of the re-formed roof structures at fourth floor level to 106, 108 and 110 Queensway, and the front and rear pitches to the new mansard at no. 104 Queensway shall be clad in natural slates, and the dormers to these locations shall be faced in lead to sides, cheeks and roofs

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 Queensway 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 Queensway 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 apply to us for approval of detailed elevation and section drawings of the following parts of the development - ;

Decorative surrounds to the windows on the front elevation of no. 104 Queensway, including

confirmation of materials and colour of finish.

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 drawings and the window surrounds shall be installed in full as shown on the drawings and shall be retained in-situ thereafter. (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 Queensway 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)

- 8 You must apply to us for approval of a method statement for the cleaning off of the paint to the brickwork to the front elevations of nos. 106, 108 and 110 Queensway. You must not start any work on these parts of the development until we have approved what you have sent us.

The paint shall then be removed in accordance with the approved method statement from the existing brickwork facing to first, second and third floor levels of the front elevations of nos. 106, 108 and 110 Queensway leaving exposed brickwork. (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 Queensway 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)

- 9 Notwithstanding the details shown on drawing PL-2.3B, both of the sash windows at second floor level to the rear elevation of no. 104 Queensway and the sash window at third floor level to the south side of the rear elevation of no. 104 Queensway shall be designed as two-over-two sash windows with each sash having a single vertical glazing bar located centrally to each sash and with no horizontal glazing bars to each sash.

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 Queensway 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 You must apply to us for approval of detailed section drawings at scale 1:5 showing the relationship between the window frame and window opening to both the side and head of the window opening, and a detailed section drawing at scale 1:1 showing the relationship between the glazing bars and the glazing. The new windows shall be designed as vertically sliding sash windows. 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 drawings. (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 Queensway 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 Notwithstanding the details shown on drawing PL-2.2, you must apply to us for approval of detailed elevation and section drawings of the proposed shopfront. 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 drawings. (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 Queensway 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 apply to us for approval of a detailed section drawing at scale 1:5 showing the upstand to the top of both the front and rear pitches of the new and amended mansard style extensions hereby approved, including the size of any upstand, and relationship of cladding materials to the upstand. 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 the approved drawing(s) and the works must be retained as approved thereafter. (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 Queensway 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)

- 13 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 14 Within 6 months of the date of this decision you must apply to us for our written approval of appropriate arrangements to secure the following:

- Provision of two residential units at No.110 Queensway.

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19BA)

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 and S14 of Westminster's City Plan: Strategic Policies adopted November 2013 and in H3 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

- 15 You must apply to us for approval of a servicing management plan for the hotel and retail uses prior to the occupation of part of the ground floor of No.104 Queensway for hotel use OR within 6 months of the date of this decision, whichever is sooner. The servicing management plan must include details of the process, storage locations, scheduling of deliveries and staffing. The hotel and retail uses must thereafter be carried out in accordance with the approved servicing management plan.

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)

- 16 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)

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 may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 3 With regards to the details required under condition 11, it is an expectation that the drawings will show a new shopfront with appropriately detailed brackets to either end of the main fascia panel, and that the fascia panel will have a more flat profile and will not, as is currently shown on drawing PL-2.2, have a large projecting 'frame' around the central part of the panel.
- 4 You are further reminded that drawing PL-2.5A shows the south facing gable end of the mansard to roof level of no. 104 Queensway with an exposed brickwork faced gable end elevation
- 5 With regards to condition 12, it is an expectation that the section drawing required will show either a minimal upstand or none at all, unless sound reasons can be put forward for any such upstand such as rooftop features being directly visible from street level
- 6 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.
- 7 You need to speak to our Highways section about any work which will affect public roads. This 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)

- 8 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)

- 9 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)

- 10 Under condition 14, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure the provision of two residential units at No.110 Queensway. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)
- 11 Thames Water have identified an inability of the existing wastewater infrastructure to accommodate the needs of the application. You are advised to contact Thames Water directly to discuss the requirements for drainage strategies as soon as possible.

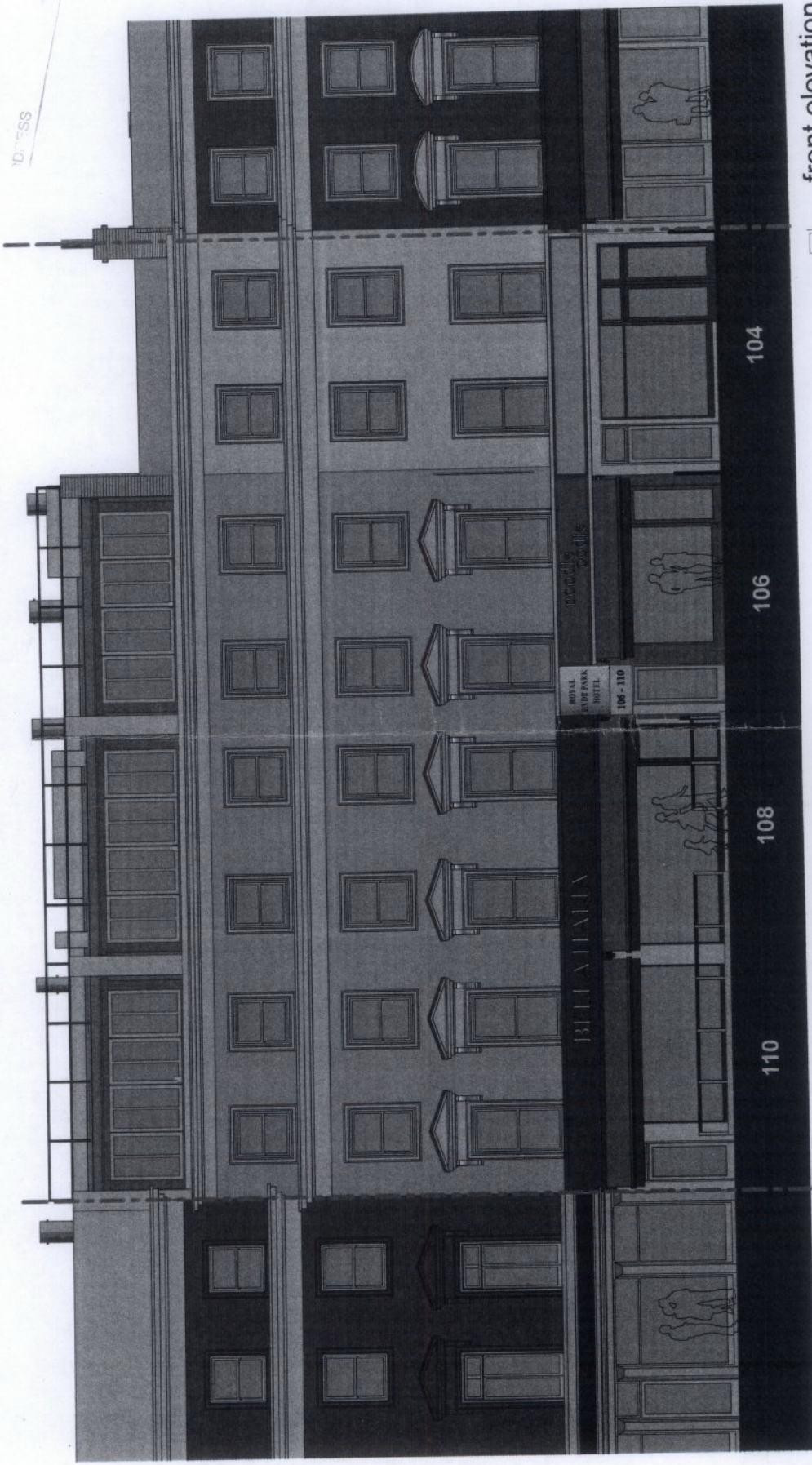


Job no: **1320 - Sv -8**
drawing no: 1320 - Sv -8
revision: 1:100 @ A3
date: 1st July 2013
checked by: MIK
drawn by: IDP
project: 104-110 Queensway, London
drawing: Front elevation existing
PERRY + BELL LTD
ARCHITECTS
21 WOODSTOCK ST
LONDON W1C 2AP
T: 020 7495 6636
architecture@perryandbell.com F: 020 7495 0905

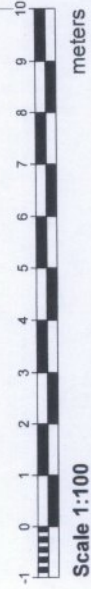
preliminary

CASE COPY

TP
IN
DRESS



front elevation
scale 1:100



Scale 1:100

Job no: **1320 - PL-2.1**
drawing no: revision:
project: **104-110 Queensway, London**
drawing: **Front elevation proposed**

checked by: **MIK**
drawn by: **IDP**
date: **14 March 2014**
scale: **1:100 @ A3**
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21 WOODSTOCK ST
LONDON W1C 2AP
T: 020 7495 6636
architecture@perryandbell.com F: 020 7495 0905



Revision:

planning

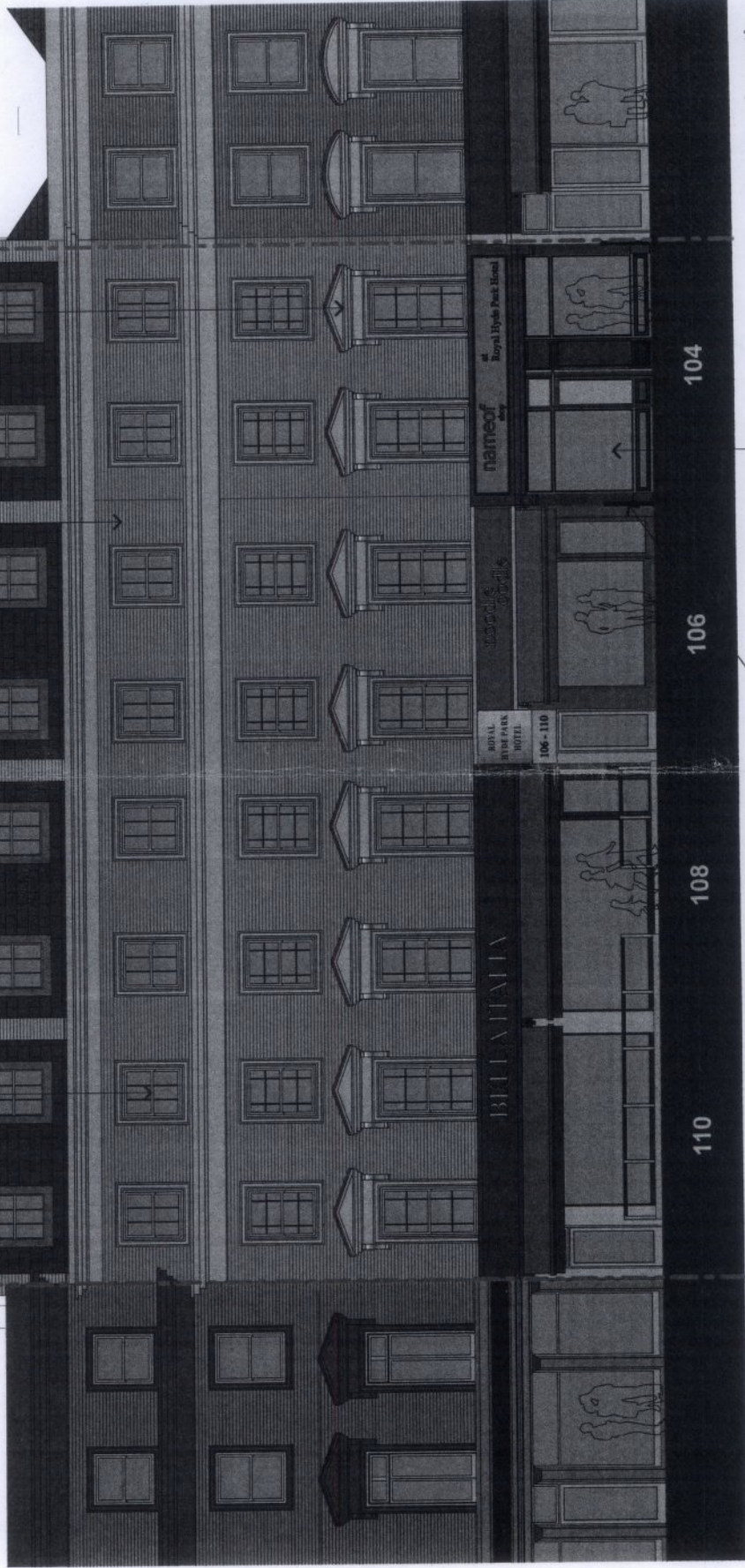
Existing dormer windows to be replaced with new traditional styled lead lined dormers set into slate mansard

New slate mansard with new traditional styled lead lined dormers

Masonry paint to be stripped off facade to expose original London Stock

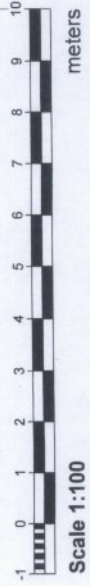
All windows to be replaced with new painted timber windows in original pattern

Moulding around windows repaired / reinstated



front elevation
scale 1:100

CALL COPY



Job no: **1320 - Sv -9**
drawing no:
revision:
project: **104-110 Queensway, London**
drawing: **Rear elevation Existing**

scale:
1:100 @ A3

date:
1st July 2013

drawn by:
IDP

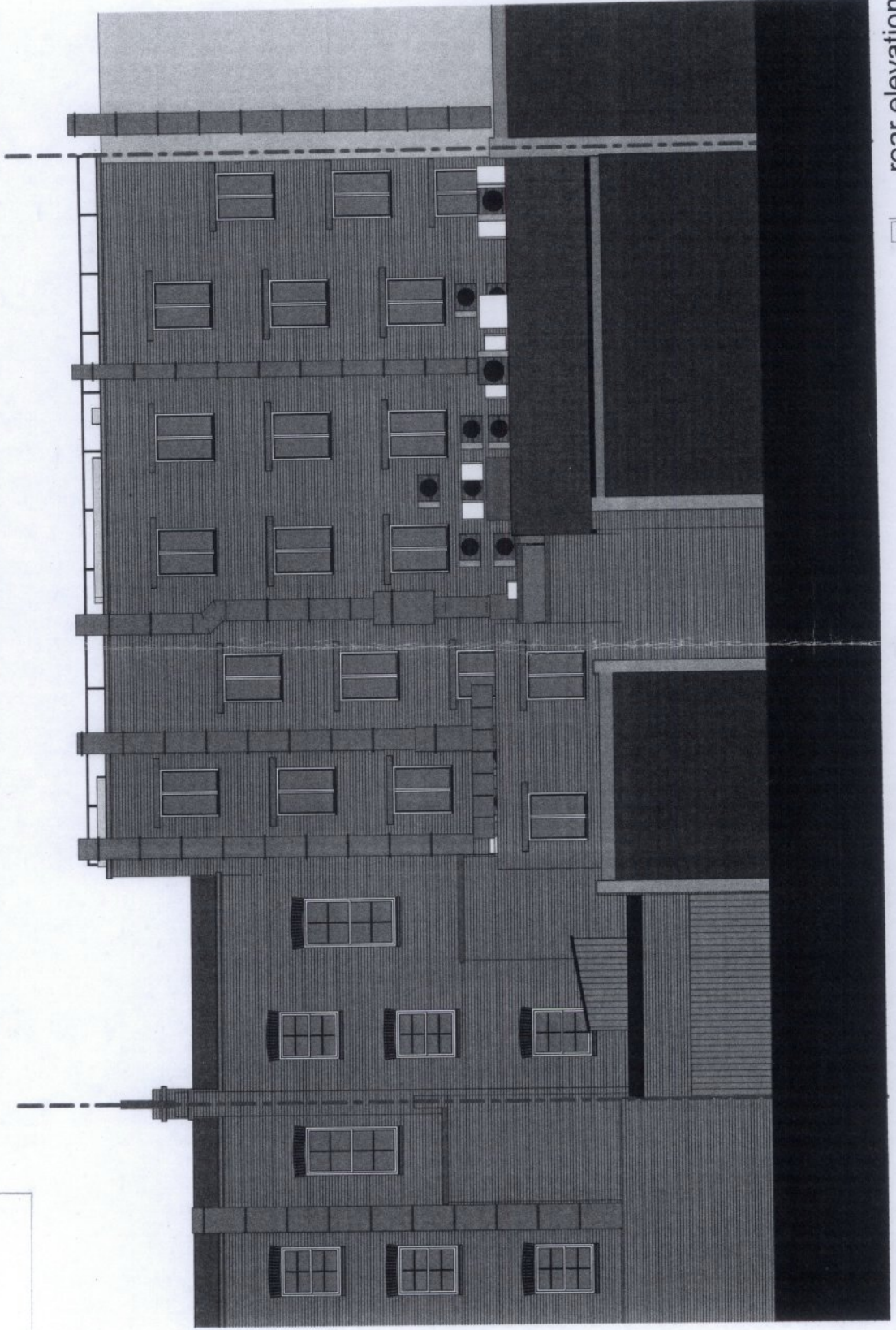
checked by:
MIK

PERRY + BELL LTD
ARCHITECTS
21 WOODSTOCK ST
LONDON W1C 2AP
T: 020 7495 6636
F: 020 7495 0905
architecture@perryandbell.com

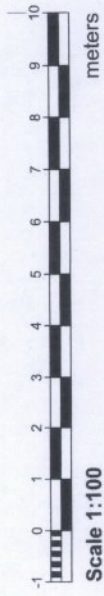


Revision:

preliminary

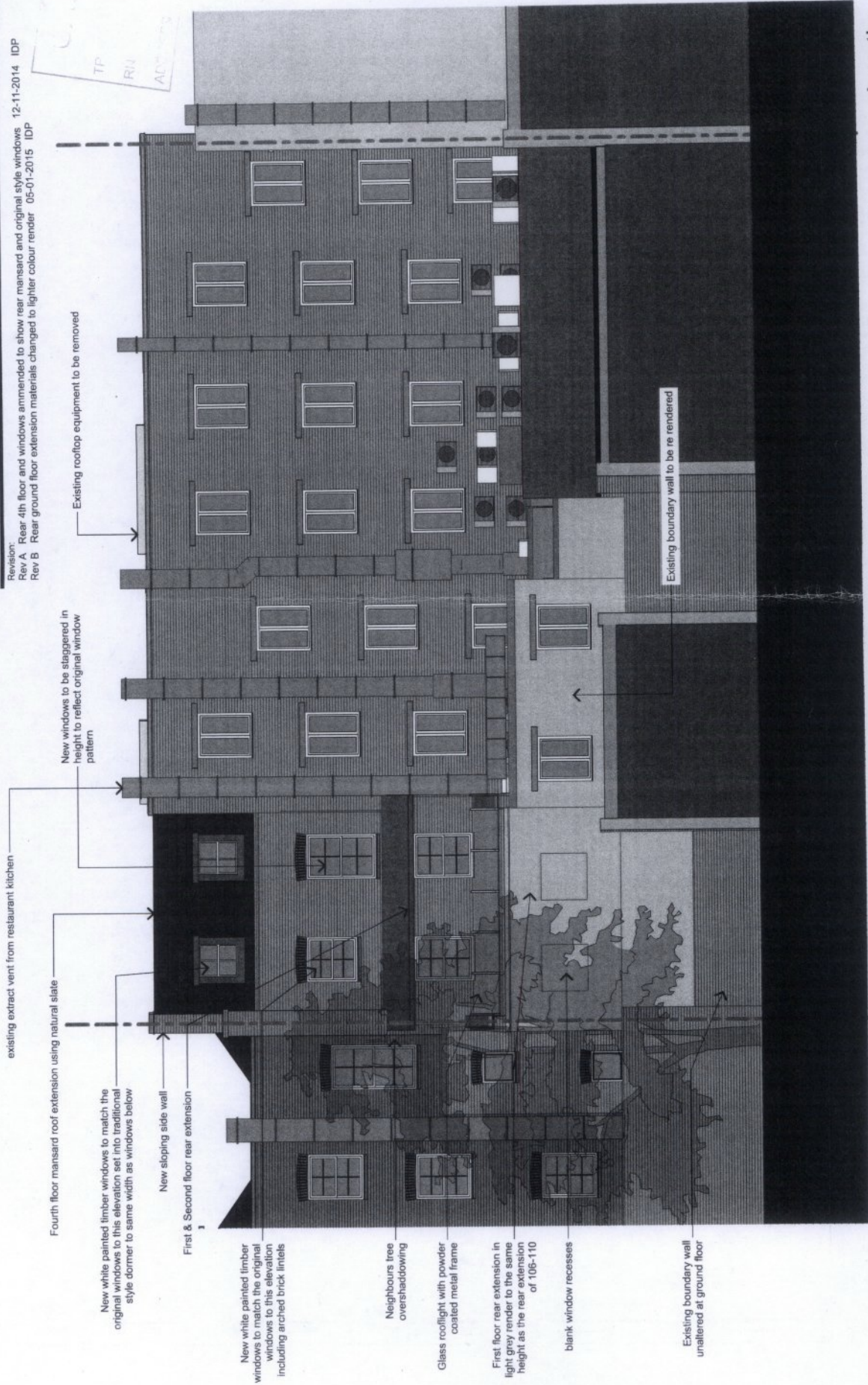


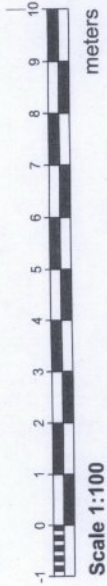
rear elevation
scale 1:100



Job no: **1320 - PL-2.3 B**
drawing no: revision:
date: 14 March 2014
scale: 1:100 @ A3
checked by: MIK
drawn by: IDP
project: **104-110 Queensway, London**
drawing: **Rear elevation Proposed**
PERRY + BELL LTD
ARCHITECTS
21 WOODSTOCK ST
LONDON W1C 2AP
T: 020 7485 6636
F: 020 7489 0905
architecture@perryandbell.com

planning
Revision: 12-11-2014 IDP
Rev A: Rear 4th floor and windows amended to show rear mansard and original style windows
Rev B: Rear ground floor extension materials changed to lighter colour render 05-01-2015 IDP





Job no: 1320 - PL-2.4 B

scale: 1:100 @ A3

date: 14 March 2014

drawn by: IDP

checked by: MIK

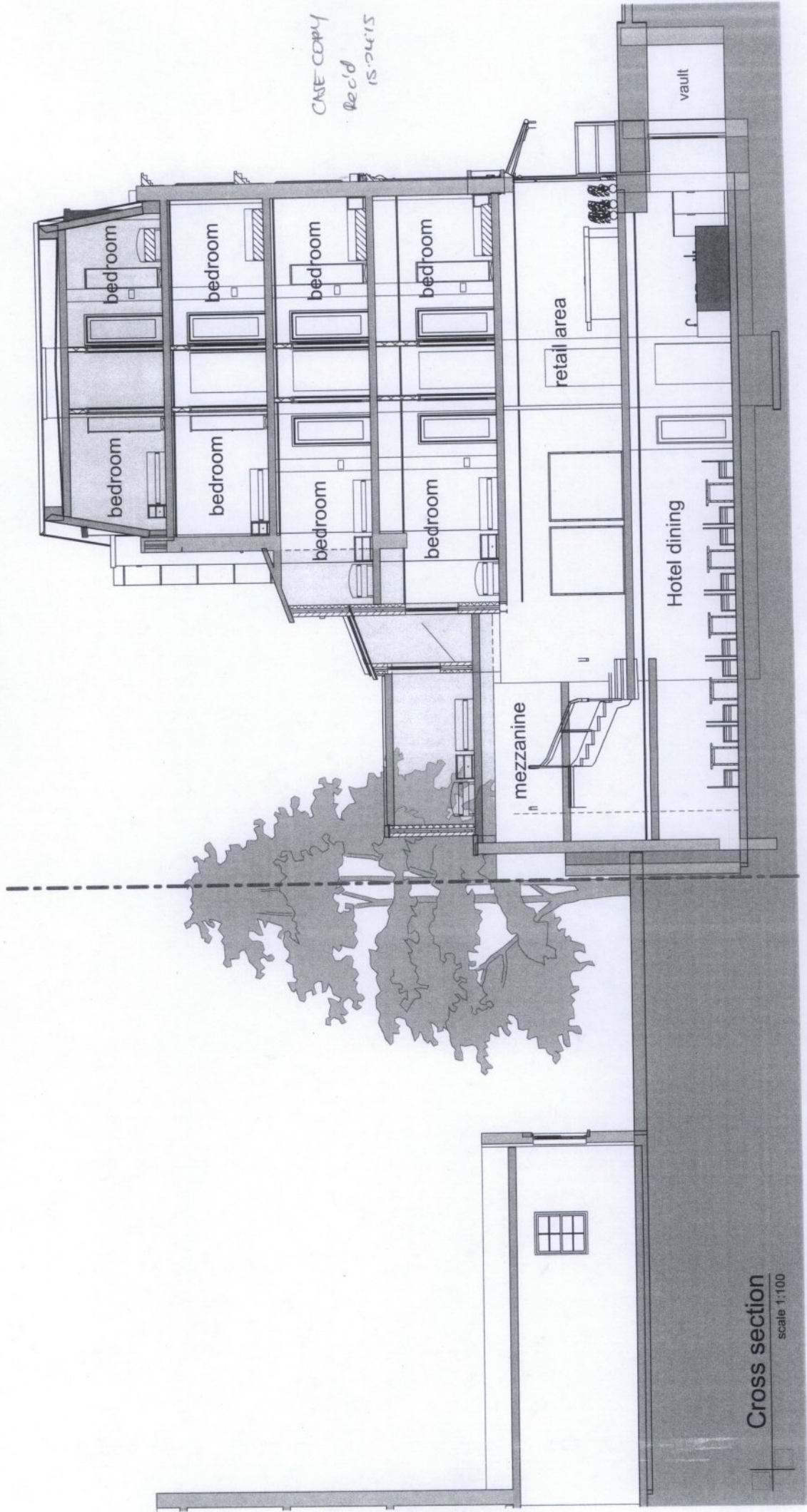
project: 104-110 Queensway, London

drawing: section comparison

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ARCHITECTS
21 WOODSTOCK RD
LONDON N1 1AB
T: 020 7495 6636
F: 020 7495 0905
architects@perryandbell.com

Revision:
Rev A Rear fourth floor amended to mansard IDP 12-11-2014
Rev B Rear first floor set back increased IDP 14-04-2015

planning



Cross section
scale 1:100



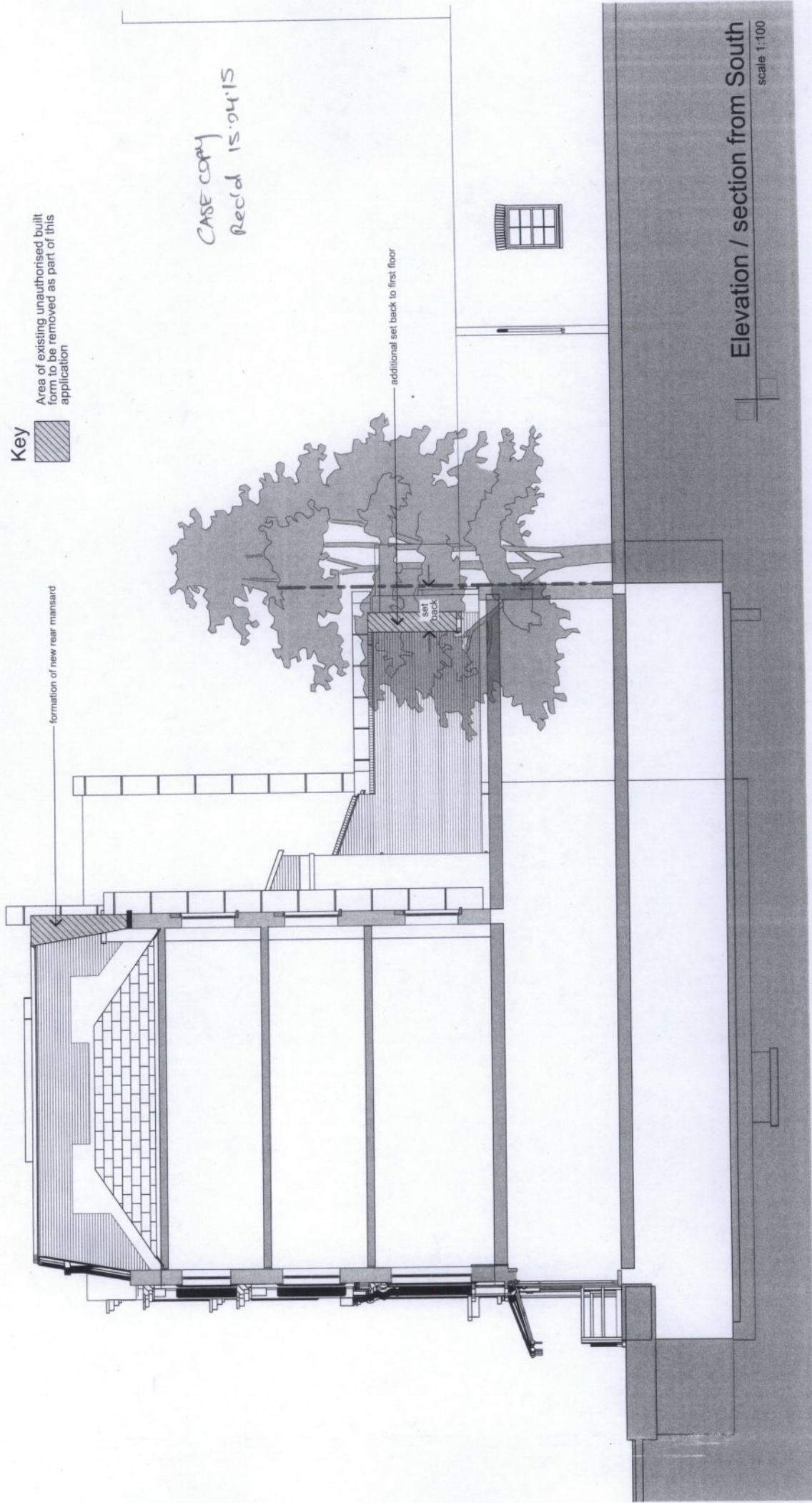
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drawing no: revision:
scale: 1:100 @ A3
date: 14 March 2015
checked by: MIK
drawn by: IDP

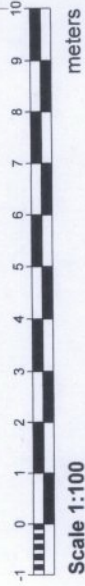
project: 104-110 Queensway, London
drawing: South side elevation - removed from built
Revision:

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P **B**

info only





Scale 1:100
meters

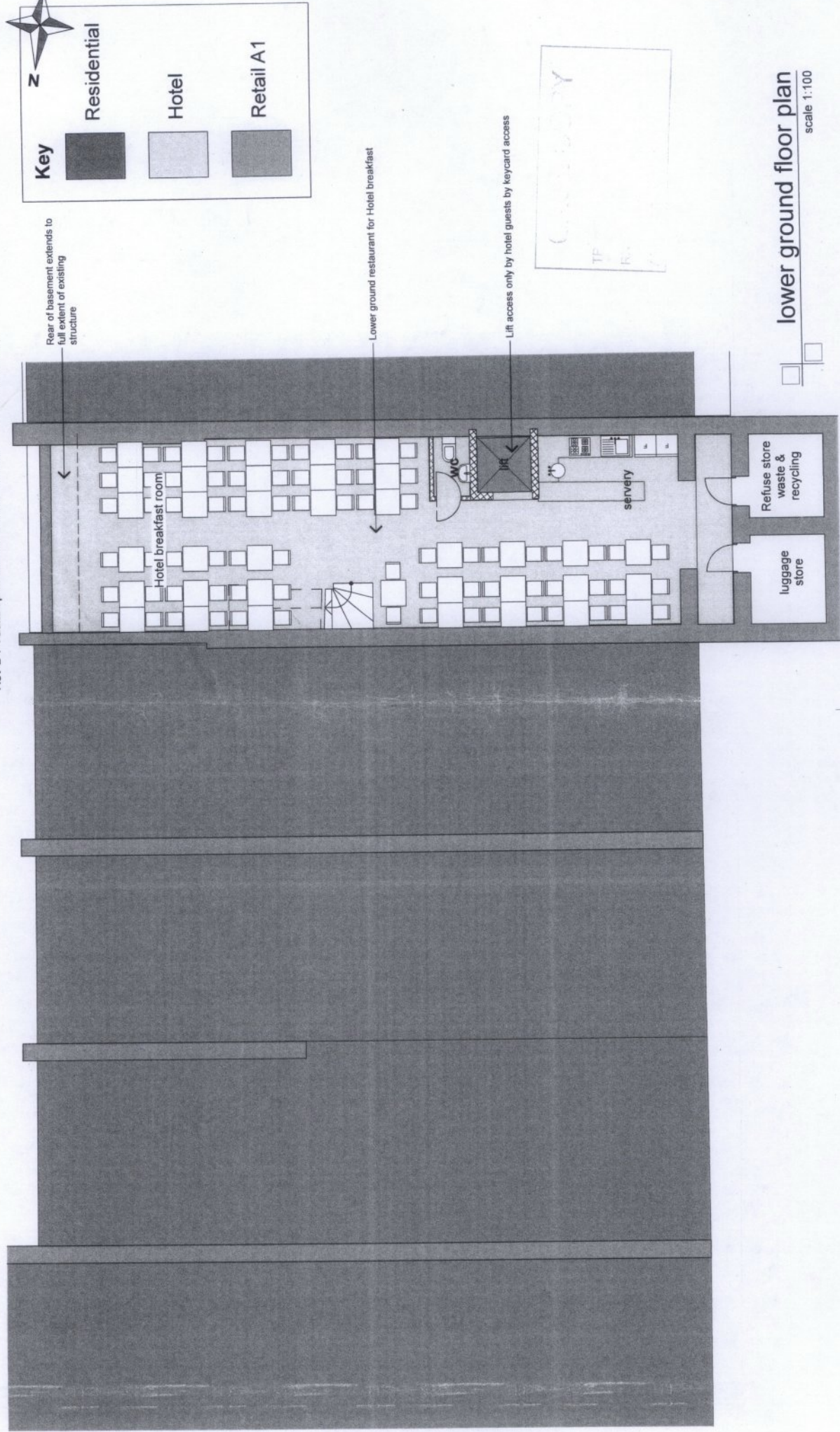
Job no: 1320 - PL-1-1 B
drawing no: 1320 - PL-1-1 B
revision: 1320 - PL-1-1 B
project: 104-110 Queensway, London
drawing: Proposed basement

checked by: MIK
drawn by: IDP
date: 14 March 2014
scale: 1:100 @ A3
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ARCHITECTS
21 WOODSTOCK ST
LONDON W1C 2AP
T: 020 7485 6636
F: 020 7489 0905
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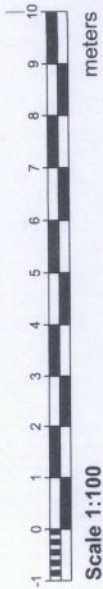
Revision:
Rev A: Vaults updated to new survey info
Rev B: Vaults updated to show refuse store

07.05.2014 IDP
05.06.2014 IDP

planning



lower ground floor plan
scale 1:100

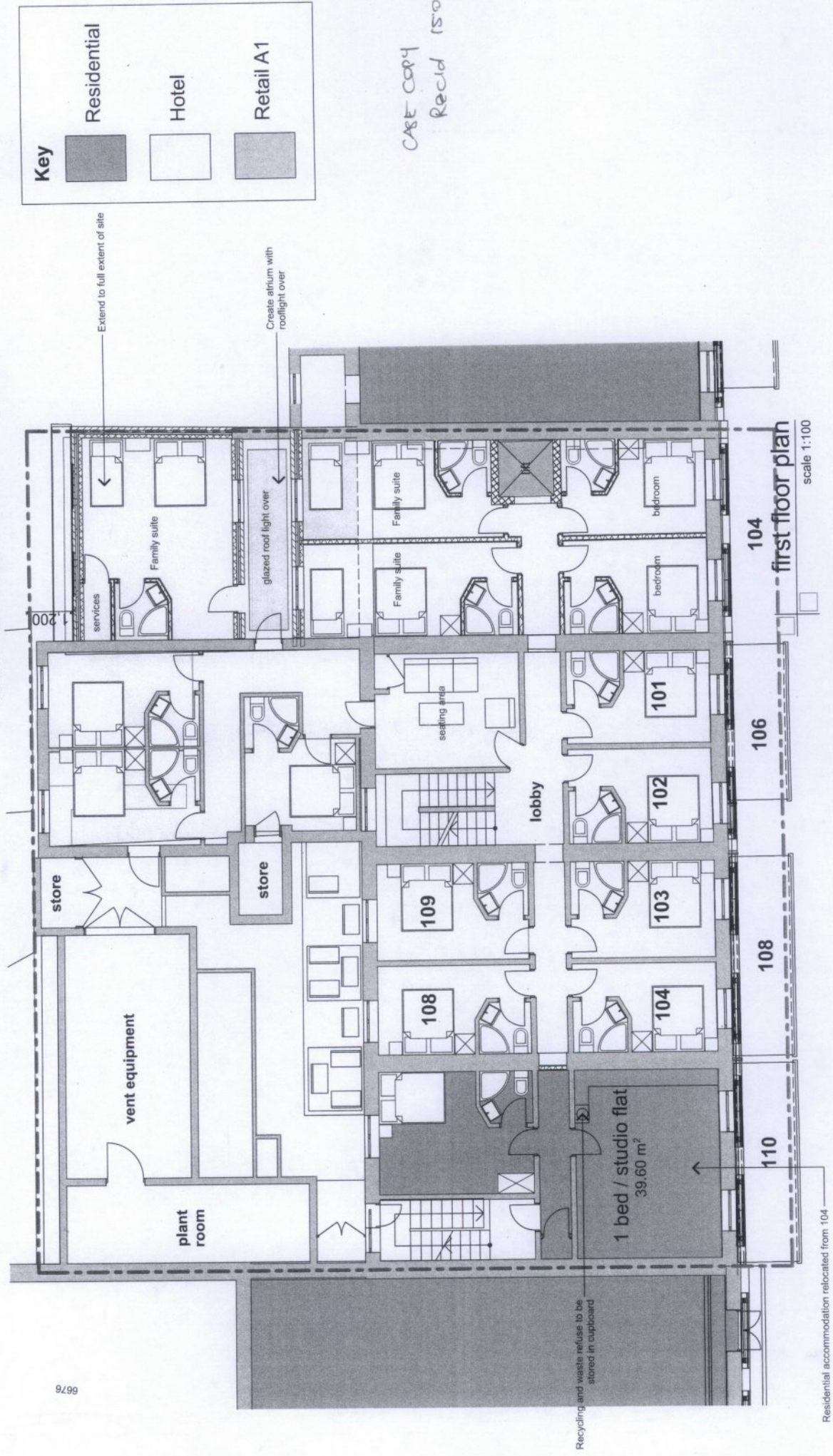


Job no: **1320 - PL-1-3 B**
 drawing no: **104-110 Queensway, London**
 project: **Proposed First floor Plan**
 drawing: **1:100 @ A3**
 date: **14 March 2014**
 drawn by: **IDP**
 checked by: **MIK**

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 ARCHITECTS
 21 WOODSTOCK ST
 LONDON W1C 2AF
 T: 020 7495 6636
 architecture@perryandbell.com F: 020 7495 0905

Revision:
 Rev A : Flat updated to show refuse store
 Rev A : rear wall of 104 set back increased
 05.06.2014 IDP
 14.04.2015 IDP

planning



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