

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

For Committee's consideration

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 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.
4. 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
5. 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.
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- The applications are reported to Committee's consideration

3. LOCATION PLAN



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4. PHOTOGRAPHS



View looking north from Queensway



Item No.

2

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 most 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 managed by the Whiteleys Homes Trust, which provided homes for nearly 500 'older people of limited means'; therefore it is not in the 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 be 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 Flat 15, 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 .

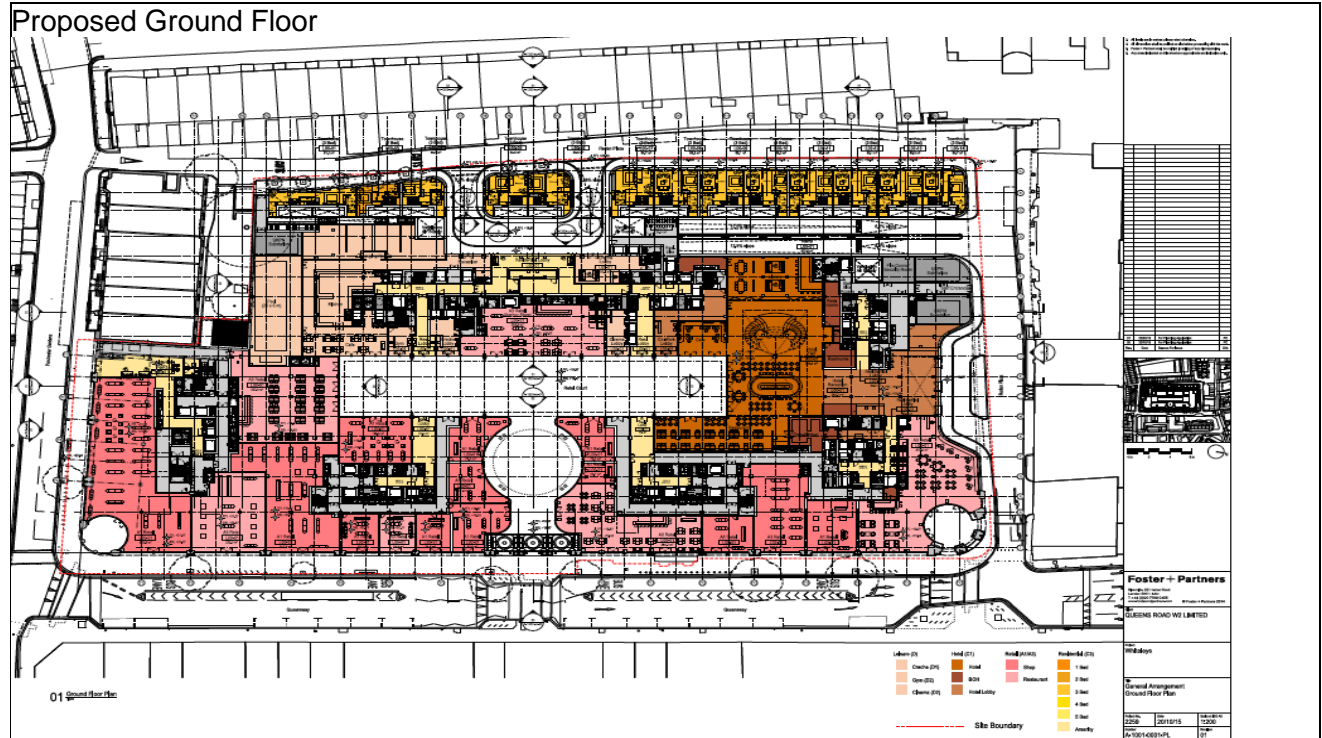
Selected relevant drawings

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

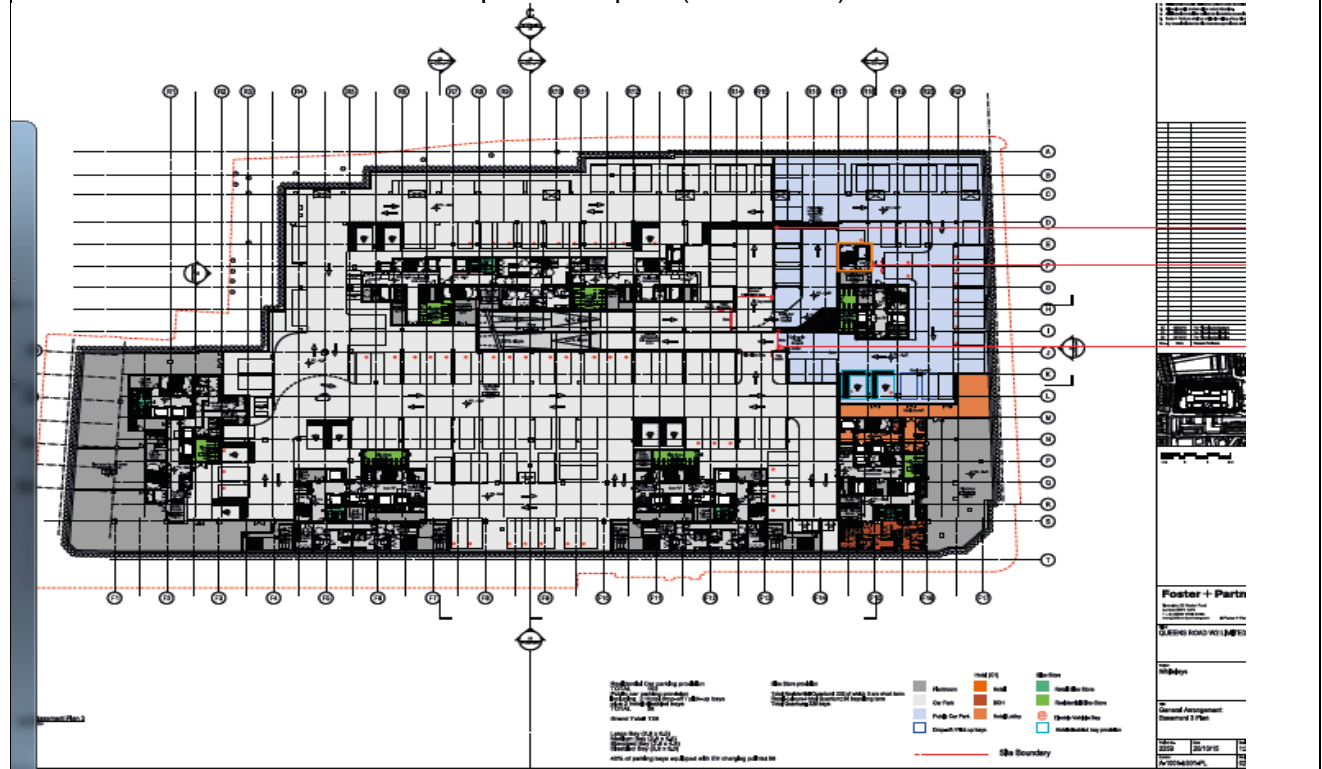
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT OLIVER GIBSON ON 020 7641 2680 OR BY EMAIL AT NorthPlanningTeam@westminster.gov.uk

9. KEY DRAWINGS

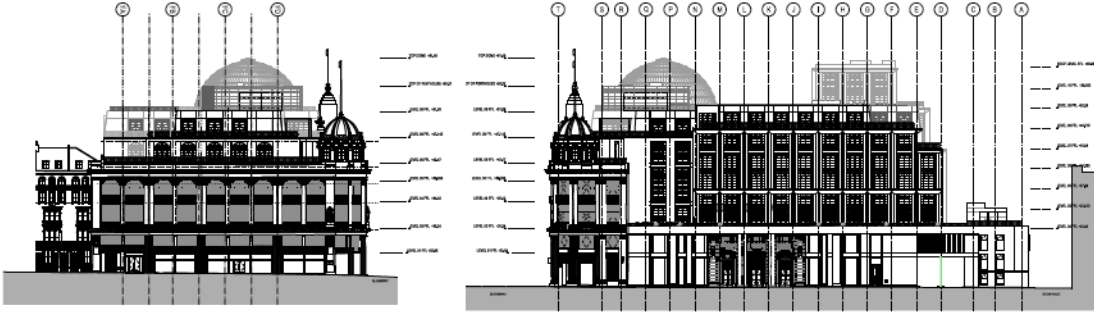
Proposed Ground Floor



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

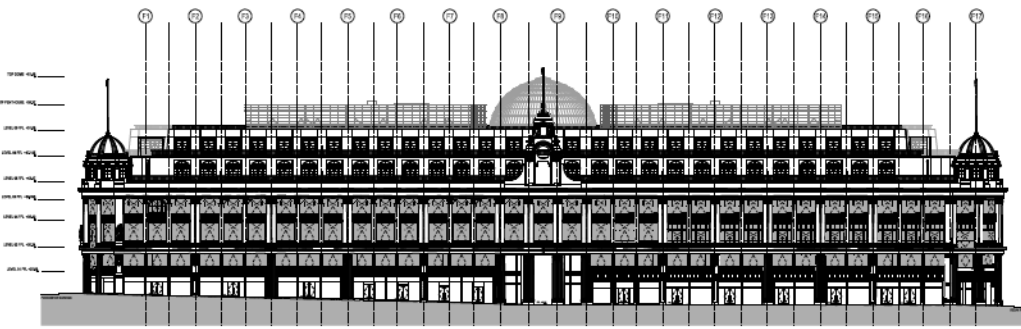


Proposed elevations



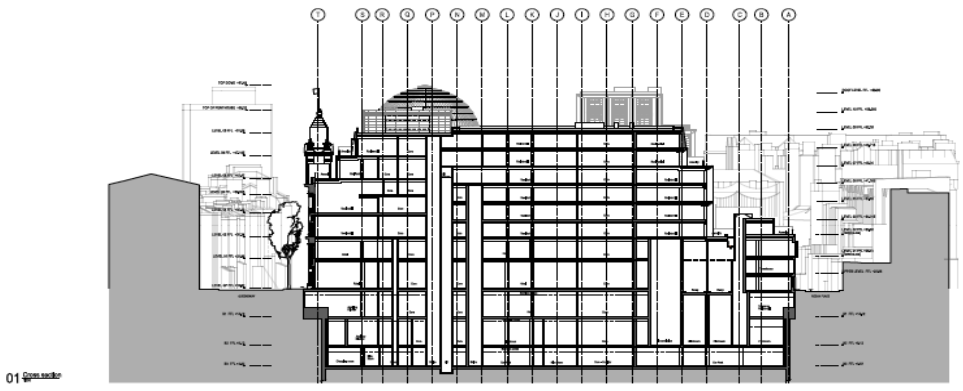
01 **Proposed Section, Proposed South Elevation**

02 **Proposed Section, Proposed North Elevation**



03 **Proposed Section, Proposed East Elevation**

Proposed Cross section



01 **Proposed Section**

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QUEENING ROAD W/L LIMITED

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Massing & Height
Central Dome + Pavilions



Submitted Planning Application
Queensway Elevation



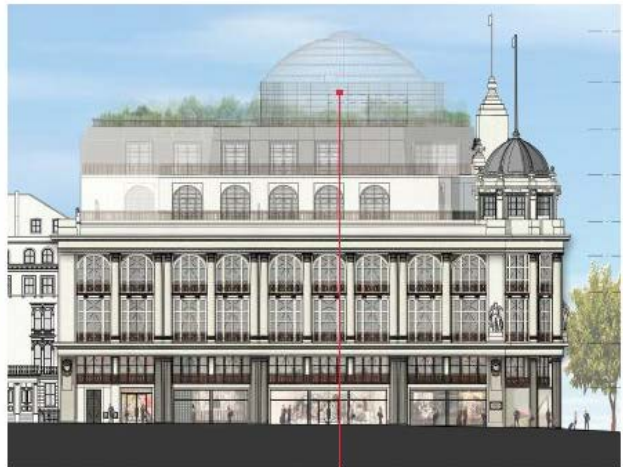
Proposed Amendment
Queensway Elevation

Roof top pavilions lowered by 500mm.

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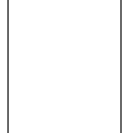
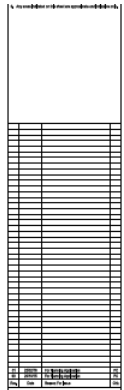
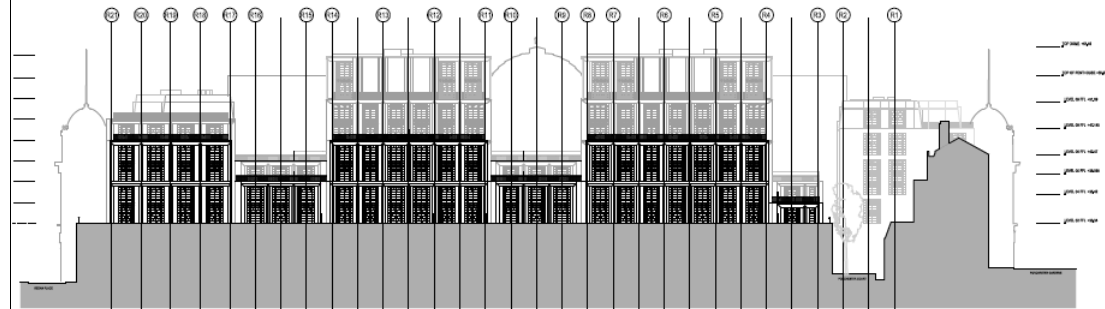
Submitted Planning Application
Porchester Gardens Elevation



Proposed Amendment
Porchester Gardens Elevation

Roof top pavilions lowered by 500mm

Proposed Rear elevation



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QUEENS ROAD #2 LIMITED

Project: **Widays**

Site: **General Arrangement Proposed West Elevations**

Scale:	Date:	Sheet No.:
1:200	20/10/15	1206

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

