

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 19 July 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	7-11 Queensway, London, W2 4QJ,		
Proposal	Use of basement and ground floors as two Class A1 retail units at ground floor level and a Class D2 gym at basement level, installation of new shopfronts and entrance doors and associated alterations at ground floor level.		
Agent	Montagu Evans		
On behalf of	Happybadge Limited		
Registered Number	16/01450/FULL	Date amended/ completed	11 March 2016
Date Application Received	18 February 2016		
Historic Building Grade	Unlisted		
Conservation Area	Queensway		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The application site comprises the basement and ground floor of Nos. 7-11 Queensway, which are currently in use as two Class A1 retail shop units, a Class A2 Bureau De Change and retail storage at ground floor level, with the basement floor space used as Class A1 retail floor space (divided into a number of small units) and as part of the bowling alley in the basement of Queens Court.

The site is located within the Queensway Conservation Area, but none of the buildings are listed. In land use terms, the site is located within the Queensway/Westbourne Grove Major Shopping Centre and the Queensway/Bayswater Stress Area.

Permission is sought for the use of the ground floor at Nos.7-11 Queensway, which includes the southern end of Queens Court, as two Class A1 shop units at ground floor level and as a Class D2 gym at basement level. It is also proposed to install new shop fronts and entrance doors at ground floor level and carry out associated alterations, principally to the passageway between Nos.7-9 Queensway and Queens Court.

Objections have been received in relation to the development on a range of amenity, design, highways

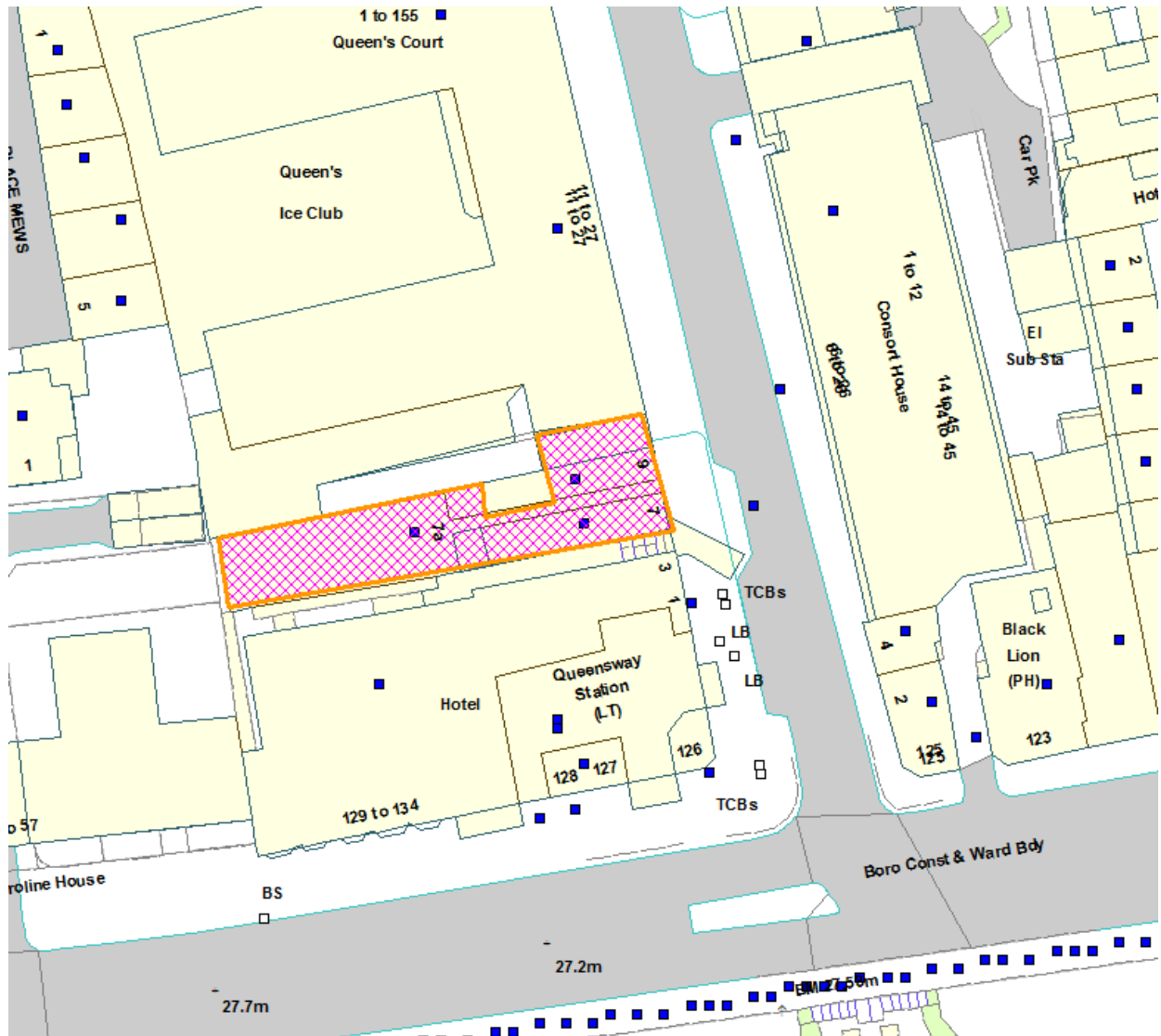
and servicing impact, waste disposal and land use grounds.

The key issues in this case are:

- The impact of the proposed shop fronts and other external alterations on the appearance of the buildings and the character and appearance of the Queensway Conservation Area.
- The loss of retail floor space at basement level within the Queensway/ Westbourne Grove Major shopping centre.
- The impact of servicing on amenity of neighbouring residents and the public highway

Notwithstanding the objections received, the proposed development is considered to be acceptable and in accordance with relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan). As such, it is recommended that planning permission is granted subject to the conditions set out in the draft decision letter.

### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS



**Front Elevation from Queensway**



**Existing Class D2 bowling alley use at basement level within Queens Court.**



Existing servicing alleyway and existing retail accommodation at basement level at Nos.7-9.

## 5. CONSULTATIONS

### WARD COUNCILLORS (LANCASTER GATE)

Any response to be reported verbally.

### BAYSWATER RESIDENTS ASSOCIATION

Generally support this application which will replace a tatty arcade with an M&S store. However there are a number of issues which need to be overcome relating to the detail of the proposal; namely deliveries in a congested part of Queensway, refuse storage, opening hours, siting and noise issues from air conditioning and refrigeration plant. A number of these issues are echoed in comments submitted by local residents. We hope these issues are resolved before planning permission is granted.

### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Concerns and objections raised on the following grounds:

- More detailed information is needed especially as there are residential units above.
- No details of any proposed refrigeration plant for M&S or a noise report.
- No details of proposed ventilation/heating for proposed gym.
- No details of proposed opening hours for new M&S, this should be controlled by condition. Hours for refuse / recycling collection should be controlled.
- No details of proposed servicing arrangements/hours as M&S will use huge trucks and there is a bus stop located outside premises.
- All deliveries should be to passageway next to M&S unit, not through main entrance to shop.
- Are new refuse storage arrangements acceptable?
- There are proposals for Queensway to have a new road layout including changes to width of pavement and location of parking bays etc. – how does the current scheme fit into this.
- Are new shop front proposals acceptable including materials and height of stall riser at no.11?

### CLEANSING MANAGER

Although the drawings submitted show the refuse store they do not include details for the storage of waste and recyclable materials for the proposed development.

### HIGHWAYS PLANNING MANAGER

Objection. No off street servicing is provided for the development and servicing will therefore have to take place on the public highway. Cycle parking provisions for staff of the Class A1 and Class D2 uses should be secured by condition. Other conditions and informatives recommended.

### DESIGNING OUT CRIME

Any response to be reported verbally.

### ENVIRONMENTAL HEALTH

Objection. The applicant has not provided sufficient information about how noise will be controlled from the proposed gym. The proposal may require plant for ventilation but acoustic information regarding proposed plant has not been provided. Operating hours for the gym do not appear to be restricted to reduce possible disturbance to residential occupiers.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 106.

Total No. of replies: 4 from 3 addresses.

No. of objections: 3.

No. in support: 0.

4 letters/ emails were received from neighbouring residents and a planning agent representing one neighbouring resident raising objections on all or some of the following grounds:

**Land Use:**

- The alleyway between 9 and 11 Queensway has a dual use of allowing access to the upper floor flat at no. 7a, as well as limited servicing of ground floor retail units. The current proposal would intensify the use of the alleyway area.
- The alleyway has not been included within the red line of the application site.
- Potential for D2 gym to allow more changes of use, and also for gym to change in the future to another more anti-social Class D2 entertainment use.
- The change of use from Class A1 to Class D2 will result in the loss of existing retail units in part of the basement.
- Queensway already has a number of supermarkets and food shops; it also has three gyms within 5 minutes of the proposed sight.
- In principle happy with change to M&S as historic Whiteley's branch is to be lost and many of the M&S staff are long serving and members of the local community.

**Design:**

- The proposed design for contemporary, fully glazed shop fronts are not appropriate for Queensway.

**Amenity:**

- It is essential that the application safeguards the residential community living around the new store.
- No details provided of proposed air-conditioning or refrigeration plant or hours this would operate for and the likely impact on residents.
- New plant is likely to be located in the access alley between 9 and 11 Queensway. There are no details of this in the plans.
- No details of proposed hours of proposed servicing arrangements.
- No Operation Management Plan submitted for either hours of operation or hours of plant operation.
- Hours of opening must be controlled to avoid uses affecting local residents.
- Increased noise from music and free weights from the proposed gym.

**Highways:**

- No Servicing Management Plan has been submitted including details of timings and frequency of deliveries and size of vehicles to be used.
- Will increase demand for car parking on Queensway and issues with illegal parking and bottlenecks.
- Need to control hours of delivery to prevent further noise issues; already have problems with deliveries to Spar opposite the application site. Need to have delivery times regulated and enforced and to sync with deliveries at other sites with no increase in number/days of deliveries.

- Queensway is a stress area and this will have an impact on this as there is a bus stop and double yellow line adjacent to the site and residents parking close by.
- Potential for increased use of street for placement of empty cages and overflow rubbish.

Cleansing:

- What are the plans for waste disposal as the alleyway is already at capacity with regards to refuse; the use of the alleyway for waste storage is going to be intensified and there is potential for an increase in rubbish, food waste and as a result, pests.
- There is to be a significantly larger waste management storage area but there are no details of the facilities to store this.

Other:

- How does this proposal fit in with the overall regeneration plans for Queensway; will result in a piecemeal redevelopment.
- There is no level access to access the basement gym included in the proposal.

ADVERTISEMENT/ SITE NOTICE: Yes.

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The proposals relate to the basement and ground floors of Nos.7-11 Queensway. No 7-9 Queensway is in use as a retail shop at ground floor level (Queensway Boutiques) with internal access to the basement which accommodates a number of individual small retail units. No. 9a is a ground floor bureau de change. No. 11 Queensway is a ground floor souvenir shop. At basement level 9a-11 is in use as part of the Queens Ice Bowl.

The buildings within the site are not listed but are within the Queensway Conservation Area. The site is located within the Queensway/Westbourne Grove Major shopping centre and the Bayswater Stress Area.

Above no. 7-9 Queensway is a residential flat (7a Queensway) and 9a-11 Queensway forms part of Queens Court a residential block.

### **6.2 Recent Relevant History**

#### **6.2.1 7-9 Queensway**

No recent relevant planning history.

#### **6.2.2 11 Queensway**

27 January 2015 – Planning permission was refused for the reconfiguration of shop front to provide new entrance door and installation of awning and security shutters (part retrospective application) (14/11829/FULL) (refused on design grounds).

## **7. THE PROPOSAL**



Permission is sought for a retail unit at ground and basement levels with ancillary storage to the rear and a further retail unit at ground floor level, and the use of the basement as a gym (Class D2) at nos. 9-11. It is also proposed to install new shop fronts and entrance doors to the Queensway elevation with associated external alterations.

As part of the development it is proposed to reconfigure the ancillary and waste storage areas. The applicant has indicated the larger retail unit is likely to be occupied by Marks and Spencer as a simply food store, although it is unreasonable to control who the operator might be.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The site is located within the Queensway/ Westbourne Grove Major Shopping Centre and within the Queensway/ Bayswater Stress Area.

The proposal would result in a slight increase in Class A1 'core frontage' retail floor space at ground floor level as a result of the loss of the existing Bureau De Change at No.11. However there would be a loss of over 300 m2 of Class A1 retail floor space at basement level (at Nos.7-9 Queensway).

**Table 1 – Existing and Proposed Floorspace.**

Land Use	Existing in m2 (GEA)	Proposed in m2 (GEA)	Change (+/-)
Class A1 (incl. ancillary storage and refuse store)	994.1	685.2	-308.9
Class A2	24.8	0	-24.8
Class D2 (Bowling Alley)	248.8	0	-248.8
Class D2 (Gym)	0	563.8	+315
Waste store	20.3	61.8	+41.5
Total	1288	1310.8	+22.8

Policy SS6 in the UDP and S21 in the City Plan resist the loss of retail floor space within Major Centres. The highest degree of protection for Class A1 retail floor space is afforded at ground floor level which in this case would see a slight increase in retail A1 floor space (25m2). At basement level Policy SS6 states that the loss of Class A1 retail floor space may be acceptable if the proposal would not harm the vitality or viability, or character or function of the area; or the amenity of neighbouring residents; and would not result in an unacceptable intensification of an existing use or concentration of uses; or would jeopardise the long term use of the ground floor for Class A1 retail use.

In this case the basement area which is currently in use as a number of small units separate to the ground floor unit is accessed internally from ground floor level and the floor plate is narrow and deep. It is not clear from street level that there is basement shopping.

As such, in these particular circumstances it is not considered that the change of use of the existing basement Class A1 retail floor space to a Class D2 gym would have a harmful

effect on the character and vitality of the area, nor would it impact on the long term use of the ground floor Class A1 retail use. Indeed the application seeks to reconfigure the existing retail floor space at Nos.7-9 Queensway specifically to make it more conducive to sustainable, long term occupation by a retail operator. While it is acknowledged that there are a number of existing gym and other D2 units in the area, it would not result in an intensification of a use or concentration of uses. Although objections have been raised regarding the impact of the proposed use on residential amenity, it is considered that amenity impact arising from the proposal, principally from servicing activity, could be addressed by the use of conditions and these considerations are set out in detail in Section 8.3 of this report.

The provision of a gym at basement level is a use that would be complimentary to the town centre uses found within the Queensway/ Westbourne Grove Major Centre and therefore in principle the provision of a gym of the size proposed (272m<sup>2</sup>) is considered to be acceptable in light of Policy S34 in the City Plan and SOC1 in the UDP.

An objection has been raised on grounds that another Class D2 use could have a materially greater adverse impact on the amenity of neighbouring residents. To address this concern, a condition is recommended to restrict the Class D2 floor space at basement level to use only as a gym and no other use falling within the same use class.

Concerns have been expressed that the proposed development would utilise the passageway between Nos.7-9 and 11 Queensway for servicing. However, the retail unit at Nos.7-9 already has service doorways on to this passageway and the premises is already serviced via this passageway. Given the intended occupier (Marks and Spencer simply foods), it is reasonable to conclude that the use of passageway for servicing would be intensified relative to the existing situation. However, given that no change of use of the existing retail unit at No.7-9 Queensway is proposed and as the retail unit is already capable of being serviced via the passageway without the need for planning permission, it is not considered that permission could reasonably be withheld on the basis of the concerns raised on servicing grounds. Given the intensification of the retail use it is considered that it is necessary and reasonable to secure further details of servicing and these are set out in Section 8.4 of this report.

## **8.2 Townscape and Design**

It is understood that the proposed shop fronts to Nos.7-9 and No.11 Queensway comprise an initial phase of a wider scheme of similar shop front renewal for the rest of Queens Court. However, this is the first part of the scheme to be submitted for planning permission and alterations to other shop fronts in Queens Court do not currently form part of this application.

The existing shop fronts to these buildings at ground floor level is poor, and the works to introduce a Portland stone clad frontage to No.7-9 to tie in with the Portland stone clad frontage to Nos.9a-11 is considered to be an appropriate approach to the detailing of this otherwise visually distinct building.

The new shop fronts proposed to Nos.9a-11 Queensway is a marked improvement on the existing, with the existing unattractive alleyway closed off by a bronze pair of doors and with bronze coloured shop fronts with stallrisers, all of improved design quality as compared to the existing, introduced within the Portland stone frame. The proposals create a sub-fascia set within the existing area of shop front at Nos.9a and 11; however,

though signage along the terrace is typically at existing main fascia level, the restoration of a Portland stone band above the shop front with signage to a relatively narrow band just below is considered acceptable in itself.

The alterations and small ground floor extension within the passageway between Nos.7-9 Queensway and 9a Queens Court would be discreetly sited and small in scale and would not have any adverse impact on the appearance of the buildings or the character or appearance of the Queensway Conservation Area.

In summary, the proposals would enhance the appearance of these building and the character and appearance of this part of the Queensway Conservation Area in accordance with Policies DES1, DES5 and DES9 in the UDP and Policies S25 and S28 in the City Plan.

### **8.3 Residential Amenity**

This area of Queensway is densely developed and has a lot of mixed use sites where residential accommodation is located above retail floor space within the Major Shopping Centre. This is the case at the application site where there is a flat (known as No.7a) above Nos.7-9 Queensway and the shop units at Nos.9a and 11 Queensway form part of the ground floor of Queens Court, a large residential mansion block. As such, the modest ground floor extension proposed to the shop unit at No.9a Queensway and the alterations to the shop fronts and service passageway would not cause a loss of amenity.

The principal potential source of noise disturbance would be from servicing activity associated with servicing of the Class A1 retail food shop unit, in particular the larger ground floor unit (potentially to be occupied by a Marks and Spencer as a Simply Food store). As noted in Section 8.1 of this report, the lawful use of this part of the application site is Class A1 retail and as such it would not be reasonable to withhold permission on the basis that the use would generate an increase in servicing via the servicing passageway. However, given the likely intensification of the use as a food led retail unit and the reliance on servicing from the public highway it is considered that it is reasonable to impose a condition requiring a Servicing Management Plan that includes consideration of how servicing can be carried out so as to minimise disturbance to neighbouring residents. In this regard it is expected that the Servicing Management Plan will include the proposed hours for deliveries and provide an overview of how goods and waste/ recycling will be transported to and from service vehicles to the storage areas to the rear of the retail unit (use of rubber wheels etc. to minimise noise). To seek to control further the servicing of the retail units or to refuse permission on this ground would be unreasonable given the existing lawful Class A1 retail use and lack of restriction on servicing arrangements.

The current application does not include details for any proposed mechanical plant or ventilation which has brought about concern from the City Council's Environmental Health team and neighbours. Whilst it is likely that mechanical plant and ventilation will be required it will require planning permission which would be assessed on its own planning merits. An informative is recommended drawing the applicant's attention to the fact that this permission does not permit any external mechanical plant.

The majority of the ground floor is already lawfully in Class A1 use, however as there is likely to be an intensification in the way in which the proposed units are used, it is considered to be reasonable to control the hours of operation (a condition is recommended to control operation hours to between 07.00 and 23.30 hours daily), to

minimise noise disturbance to neighbouring residents. It is also proposed to control the daily hours of operation of the gym to between 07.00 and 23.00.

In summary in amenity terms, subject to the recommended conditions to control servicing and hours of opening, it is considered that the proposal would not materially worsen the existing situation in amenity terms. Accordingly the proposals would accord with Policies ENV6 and ENV13 in the UDP and Policies S29 and S32 in the City Plan.

#### **8.4 Transportation/Parking**

The applicant has not submitted a Servicing Management Plan or similar in respect of the proposed land uses, particularly the Class A1 retail unit at ground floor level that is likely to be used by a food retailer in future, and objectors have raised concern with regard to the lack of detail provided in this regard. This includes concerns about servicing timings, frequency of deliveries and size of vehicles to be used. The Highways Planning Manager shares the concerns with regard to servicing given that this will have to occur on street given the lack of alternative servicing facilities in this location. He is concerned that the proposals may cause problems related to the size of vehicle used, the length of time taken for servicing activity to occur and as delivered goods and cages may be left on the highway.

However, whilst these concerns are legitimate, the servicing of the existing retail units on site already occur on street and as such, the proposed development would not materially change this method of servicing. However, the detail of how the servicing will be managed, particularly in the event that a food retail use does occur, is relevant to the determination of the current application as without these details (as summarised by the Highways Planning Manager and set out in the preceding paragraph) it is unclear how servicing on an increased scale would occur without affecting other road users (both vehicular and pedestrian). As such, a condition is recommended to secure a Servicing Management Plan, which requires full details of how servicing of all the units/ uses proposed will be carried out to ensure the highway is not obstructed for other users. As per Section 8.3 of this report, the Servicing Management Plan must also consider amenity impacts of servicing so that both amenity and highway impacts from servicing are coherently dealt with by a single document. The recommended condition requires the Servicing Management Plan to be approved prior to occupation of the retail and gym uses and thereafter complied with.

Concern has been expressed by objectors that the proposal would result in increased pressure on on-street parking. However, there is no increase in retail floor space and neither the Class A1 or Class D2 uses generate a policy requirement to provide car parking. Existing on-street parking restrictions will control any parking demand.

No cycle parking has been provided for employees of either the Class A1 retail units or Class D2 gym. Details are to be sought by condition.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size.

#### **8.6 Access**

Access to the ground floor shop units would remain as existing with level, step free access to Nos.7-9 Queensway and a single step at the entrance to the shop unit at No.11 Queensway. The applicant has been requested to investigate potential for step free access to No.11.

The gym at basement level would not have dedicated step free access, but the applicant has confirmed that the chair platform lift that provides step free access to the ice rink and bowling alley at no.17 Queensway could be used to provide level access to the gym. Whilst it is regrettable that there would not be dedicated step free access to the gym, given the limited space available to form basement access, it is considered that the provision of stepped access is on this occasion acceptable.

### **8.7 Other UDP/Westminster Policy Considerations**

The enlargement of the size of the waste storage area at ground floor level is welcomed. However, detailed drawings to show how both waste and recyclable materials are to be stored separately, is required by condition.

### **8.8 London Plan**

This application raises no strategic issues.

### **8.9 National Policy/Guidance Considerations**

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

### **8.10 Planning Obligations**

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

### **8.11 Environmental Impact Assessment**

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant the environmental impact of the development has been covered in other sections of this report.

### **8.12 Other Issues**

It was raised by one objector that the passageway area between Nos.7-9 Queensway and Queens Court had not been included within the red line of the site plan. During the course of the application the site location plan was amended to include the alleyway area within a blue line. This confirms that whilst the passageway is not within the application site, it is within the applicants ownership.

## **9. BACKGROUND PAPERS**

1. Application form
2. Email from the Bayswater Residents Association dated 26 April 2016.
3. Email from the South East Bayswater Residents Association dated 2 April 2016.
4. Memo from Highways Planning Manager dated 9 May 2016

5. Memo from Cleansing Manager dated 11 April 2016
6. Memo from Environmental Health dated 7 April 2016.
7. Letter from Planning Resolution and Pinsent Masons on behalf of owner/occupier of 7A Queensway dated 21 April 2016.
8. Letter from occupier of 4 Caroline Place dated 25 April 2016.
9. Letter from occupier of 5 Consort House, 26 Queensway dated 21 April 2016.

### **Selected Relevant Drawings**

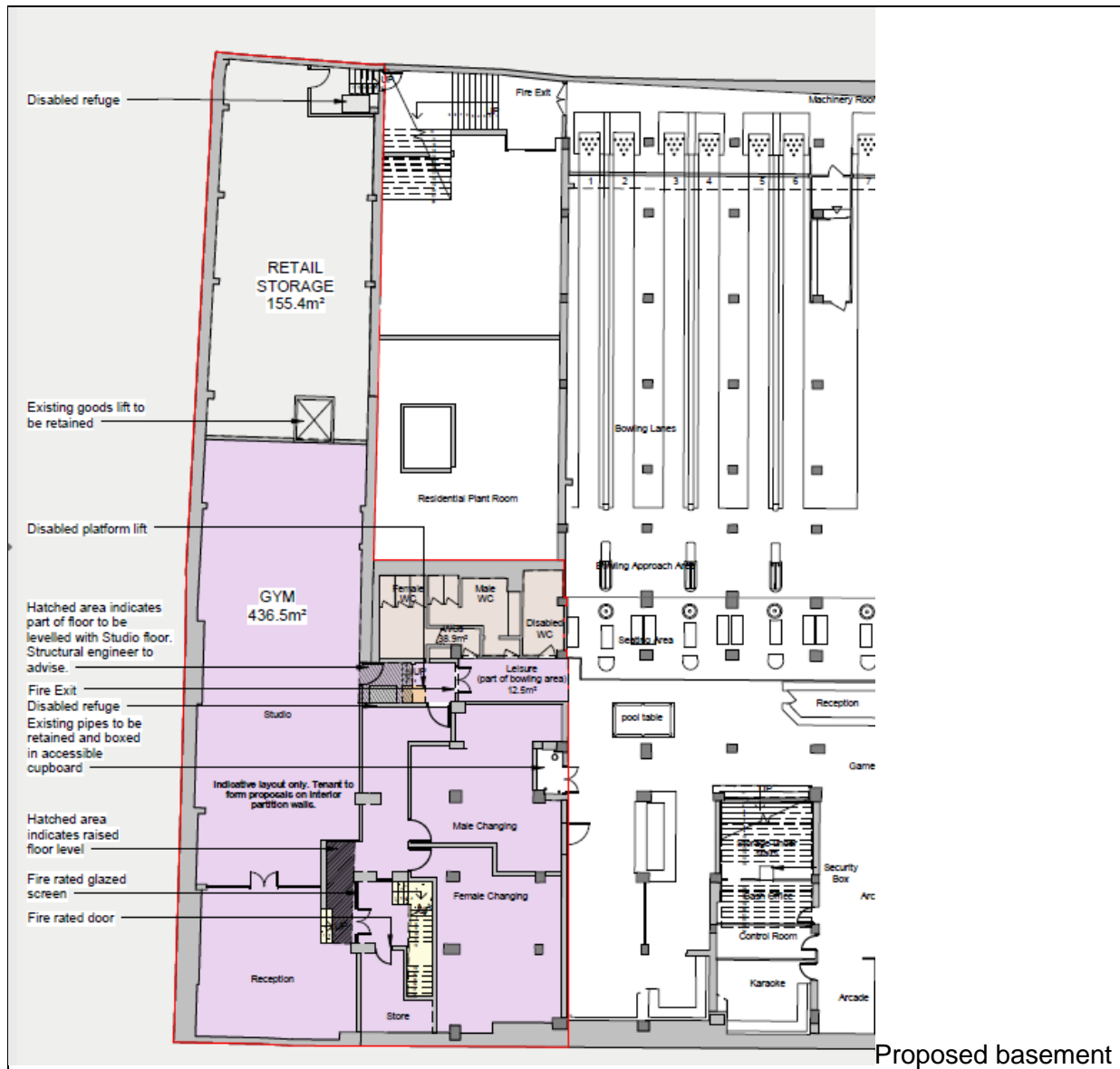
Existing and proposed plans and elevations.

(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 SARAH WHITNALL ON 020 7641 2929 OR BY EMAIL AT [northplanningteam@westminster.gov.uk](mailto:northplanningteam@westminster.gov.uk)

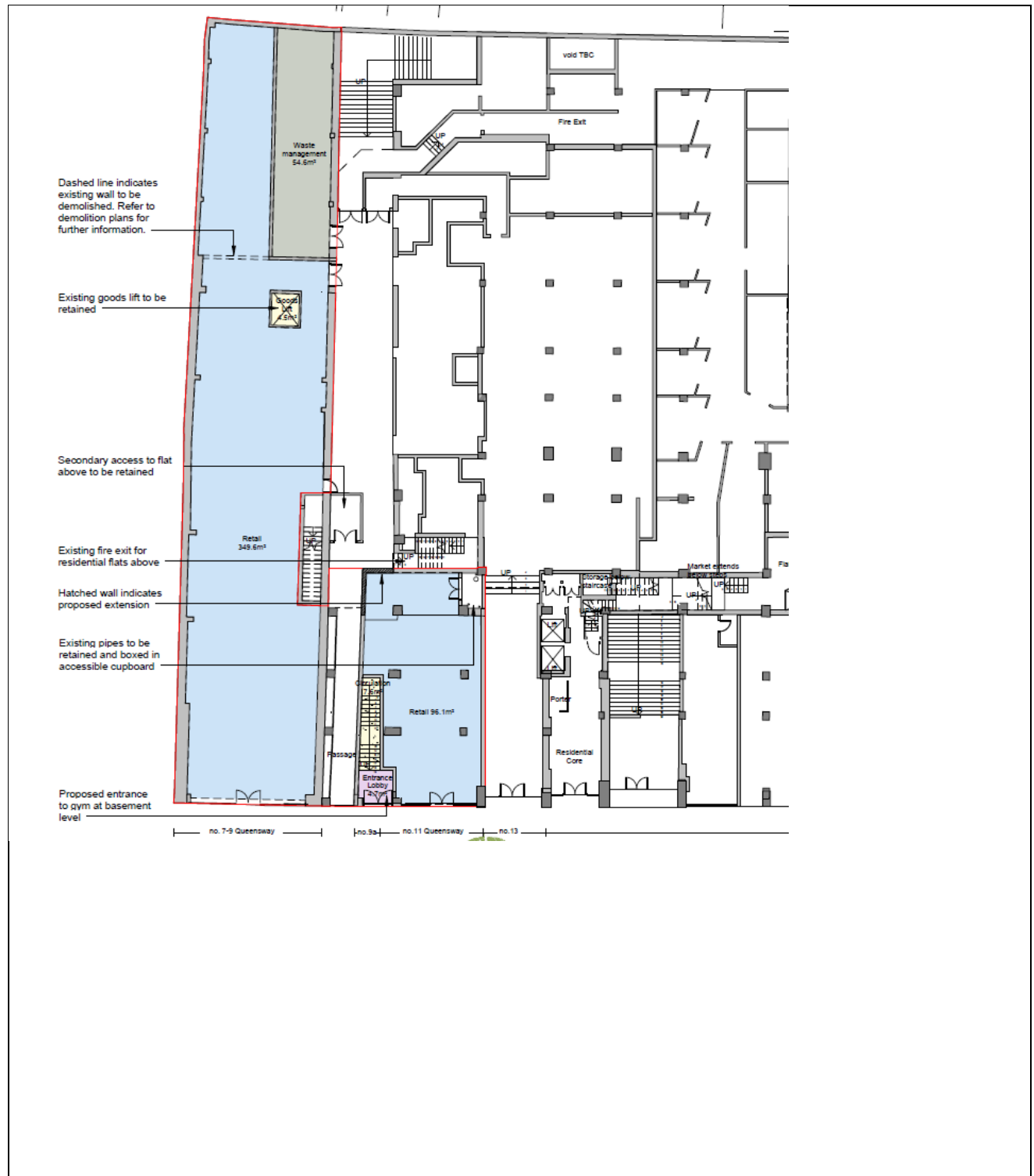
Existing basement

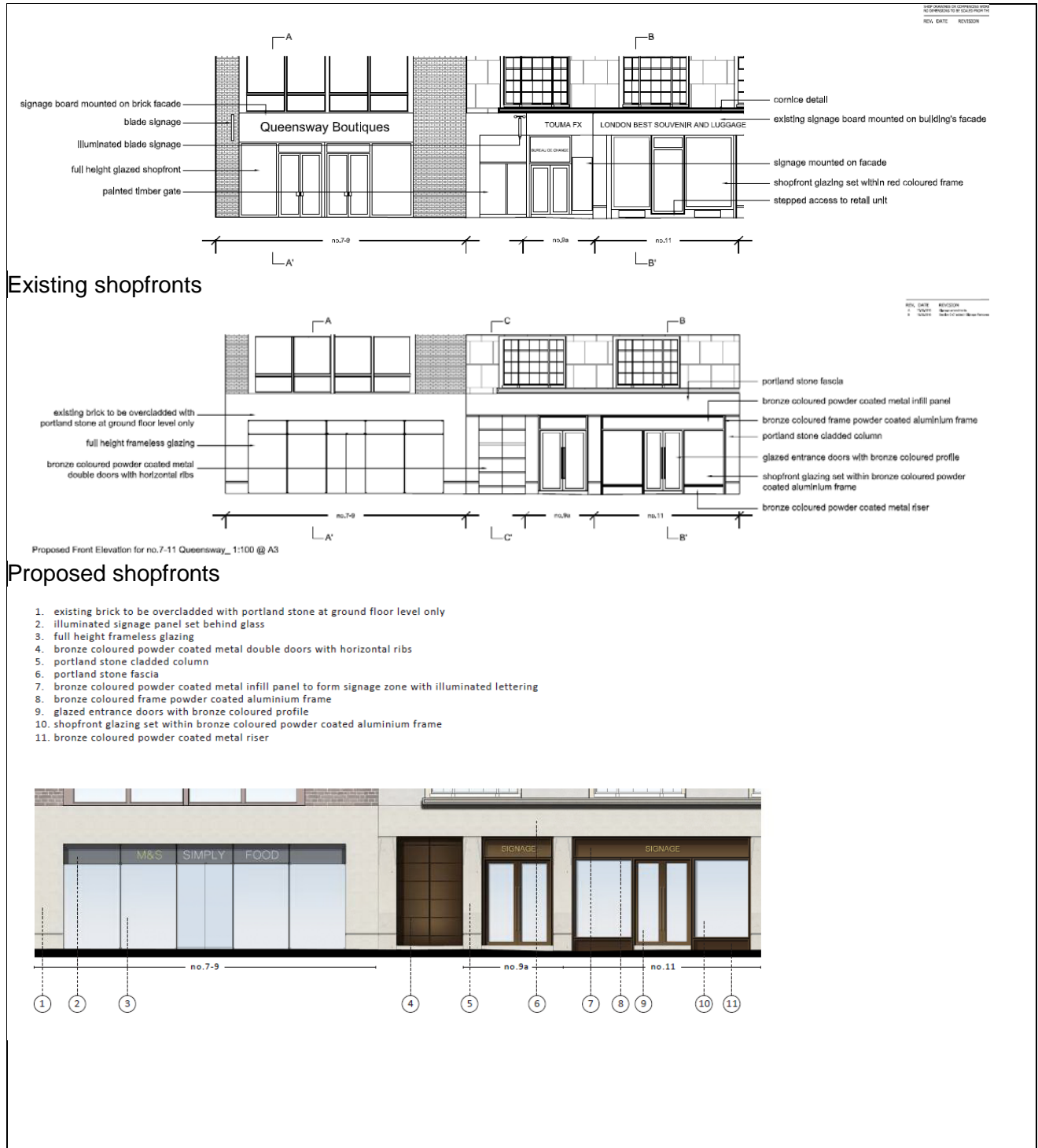
Existing basement











**DRAFT DECISION LETTER**

**Address:** 7-11 Queensway, London, W2 4QJ,

**Proposal:** Use of basement and ground floors at 7-11 Queensway (site including southern end of Queens Court) as two Class A1 retail units at ground floor level and a Class D2 gym at basement level, installation of new shopfronts and entrance doors and associated alterations at ground floor level.

**Plan Nos:** E14-016/7-11/EXP0B1 Rev.C, E14-016/7-11/PRP0B1 Rev.C, E14-016/7-11/SIT001 Rev.B, E14-016/7-11/EXE001, E14-016/7-11/PSF000, E14-016/7-11/SKE001 Rev. A, E14-016/7-11/EXP000 Rev.C, E14-016/7-11/PRE001 Rev. B, E14-016/7-11/PRP001 Rev. D, E14-016/7-11/PSF000 Rev. A, E14-016/7-11/SKE001 Rev. B, Design and Access Statement dated 17 February 2016.

**Case Officer:** Heather Sevicke-Jones

**Direct Tel. No.** 020 7641 6519

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

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

**Reason:**

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

- 2 You must carry out any building work which can be heard at the boundary of the site only:

- \* between 08.00 and 18.00 Monday to Friday;
- \* between 08.00 and 13.00 on Saturday; and
- \* not at all on Sundays, bank holidays and public holidays.

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

**Reason:**

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

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

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Queensway Conservation Area. This is as set out in

S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of a sample of the Portland stone proposed for the new shop fronts to Queensway. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials.

Reason:

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

- 5 You must apply to us for approval of details of the size of the individual Portland stone panels to be applied to the frontage, including details of the location of jointing between the panels. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings.

Reason:

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

- 6 You must use the basement unit coloured purple on the drawing E14-016/7-11/PRP0B1 Rev.C only as a gym. You must not use it for any other purpose, including any within Class D2 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet SOC1 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 7 You must submit to us detailed section drawings of the following parts of the development:  
 (a) shopfront framing  
 (b) stall riser  
 (c) signage zone  
 (The suggested scale for these drawings is 1:20 with details at 1:1).  
 You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Queensway Conservation Area. This is as set out in

S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 You must apply to us for approval of a Servicing Management Plan that includes details of the following aspects of servicing of the retail units and gym:
- (a) the location of servicing vehicles when loading/unloading on the highway;
  - (b) the size of servicing vehicles and the process for transporting goods to and from the service entrance to the retail premises, including staffing in relation to servicing;
  - (c) the storage location for any crates or trolleys required for servicing (which must not be on the highway);
  - (d) measures to reduce noise associated with servicing activities;
  - (e) schedule of deliveries and time periods during which all servicing will take place.
- You must not open the two reconfigured retail shop premises to customers until we approve the SMP you send us.
- You must then manage the two retail shop premises and gym according to the Servicing Management Plan we approve.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S29, S32 and S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV6, SS6, STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 9 You must apply to us for approval of details of secure cycle storage for the ground floor retail unit use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in accordance with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 10 You must apply to us for approval of details of secure cycle storage for the basement Class D2 gym use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in accordance with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 11 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the retail unit.

**Reason:**

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

- 12 Customers shall not be permitted within the two Class A1 retail shop units before 07.00 or after 23.30 hours each day.

**Reason:**

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and SS6, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 13 Customers shall not be permitted within the Class D2 gym premises at basement level before 07.00 or after 23.00 hours each day.

**Reason:**

To protect the environment of people in neighbouring properties as set out in S29, S32 and S34 of Westminster's City Plan: Strategic Policies adopted November 2013 and SS6, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 14 **Pre-commencement condition:**  
You must apply to us for a detailed scheme of noise attenuation for the D2 basement unit. You must not start work on this part of the development until we have approved what you sent us. The premises shall be fitted out in accordance with the approved scheme and thereafter retained.

**Reason:**

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

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The new shop front units at No.s 7-9, 9a and 11 would appear to require advertisement consent. You will need to make a separate advertisement consent application under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an

advertisement at the property.

- 3 You are advised that should you require any new air conditioning or refrigeration plant to be installed on the outside of the buildings, this will require separate planning permission.
- 4 In respect of Condition 11, you are advised that an internal waste store layout is required showing separate stores for waste and recyclable material.
- 5 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at:  
*[www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)*

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

*<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>*

Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk)

**Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**