

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 13 September 2016	Classification For General Release	
Addendum 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.

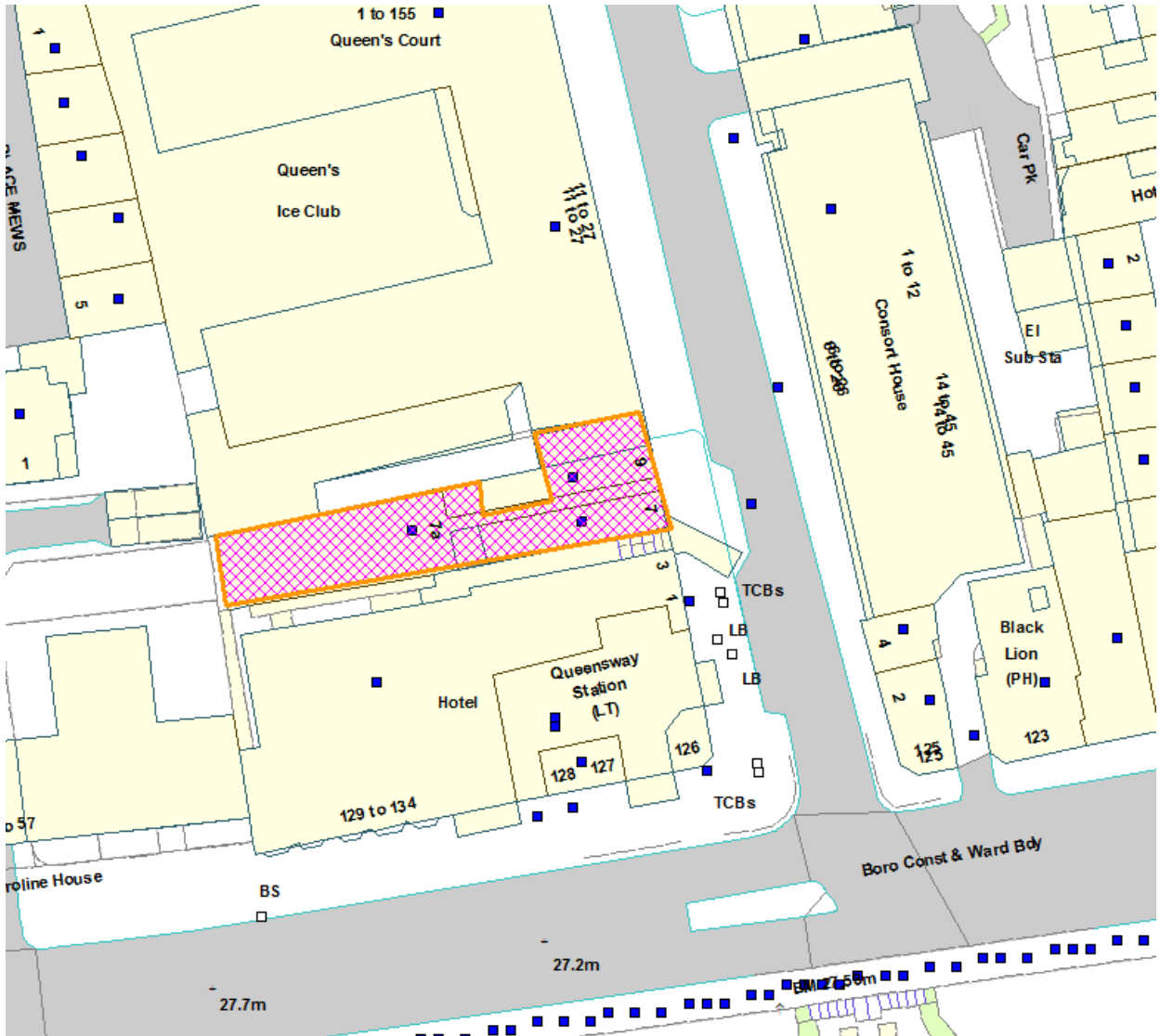
2. SUMMARY

This application was reported to the Planning Applications Committee on 19th July 2016, when committee resolved to grant conditional permission. However subsequent to committee's resolution and further consultation with environmental health it was considered that the noise condition as drafted required further rewording. The condition now recommended (No. 14) has been developed with environmental health and is now considered to be more robust to more effectively protect residents from noise and vibration. The application is therefore reported back to committee to consider the revised wording of proposed condition 14.

Furthermore, post committee an objector verbally questioned whether committee was fully aware of the servicing hours that were being recommended. Under condition 8 a servicing management plan is sought and restricts the servicing hours to between the hours of 07.00 and 21.00 Mondays to Friday, 08.00 to 18.00 Saturdays and 09.00 to 13.00 on Sundays and Bank Holidays. Customer hours of use of the retail shop units are restricted to between 07.00-23.30 daily (condition 12) and for the gym 07.00-23.00 daily (condition 13). The objector sought later servicing hours commencing 08.00, but no further amendments are recommended to condition 13.

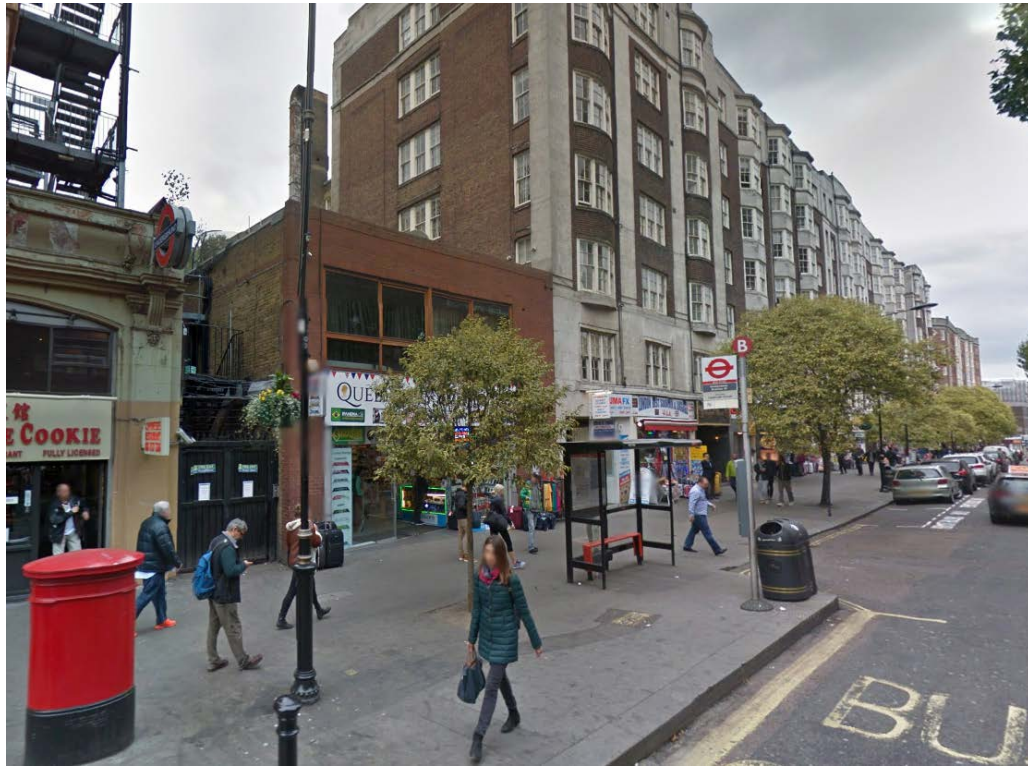
The proposed development is considered to be acceptable and in accordance with relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan). As such, it is recommended that planning permission is granted subject to the conditions set out in the draft decision letter including the revisions to condition 14.

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

Original representations as detailed in report to committee of 19.07.2016

Additional representations received after report of 19.07.2016 was published and circulated to members prior to the committee meeting (blues):-

- Letter and emails from Pinsent Masons on behalf of the owner/occupiers of 7a Queensway, setting out reasons why permission should not be granted and unless the conditions are tightened up indicating that a judicial review challenge may be made.
- Letters and emails from Planning Resolution on behalf of the occupiers of 7a Queensway commenting on the officers report and suggesting revised and additional conditions (8,14,/15)to protect the residential amenity of his client.
- Emails and letters from Montagu Evans on behalf of the applicant, comments on the objectors comments and generally agreeing to the officers recommended conditions, but requesting that condition 13 (operational hours of the gym) be reconsidered to allow opening from 6am

Late representations received after report of 19.07.2016 was published and circulated to members at the committee meeting (reds):-

- Councillor Smith - agrees with points raised by South East Bayswater Residents Association. With other supermarkets we have been successful in controlled the hours of delivery to reduce the impact on residents. Important that a high quality shopfront is secured with a stall riser and no excessive vinyl advertising.
- Emails and letters from Planning resolution on behalf of owner/occupies of 7a Queensway, making further comment on the proposal and requesting that the application be withdrawn from the agenda.
- Officers tabled a revised draft decision letter including revised and additional conditions (8, 11, 14, 15 and 16).

6. BACKGROUND PAPERS

1. Report and minutes of committee dated 19.07.2016, including original representations as detailed in report to committee of 19.07.2016.
2. Additional representations received after report of 19.07.2016 was published and circulated to members prior to the committee meeting (blues):-
 - Letter and emails from Pinsent Masons on behalf of the owner/occupiers of 7a Queensway dated 11.07.2016, 13.07.2016,
 - Letters and emails from Planning Resolution on behalf of the occupiers of 7a Queensway dated 13.07.2016,14.07.2016
 - Emails and letters from Montagu Evans on behalf of the applicant dated 14.07.2016, 15.07.2016, 02.06.2016.

Late representations received after report of 19.07.2016 was published and circulated to members at the committee meeting (reds):-

- Email from Councillor Smith dated 17.07.2016
- Emails and letters from planning resolution on behalf of owner/occupies of 7a Queensway dated 18.07.2016 and 19.07.2016
- Revised draft decision letter including revised and additional conditions dated 19.07.2016.

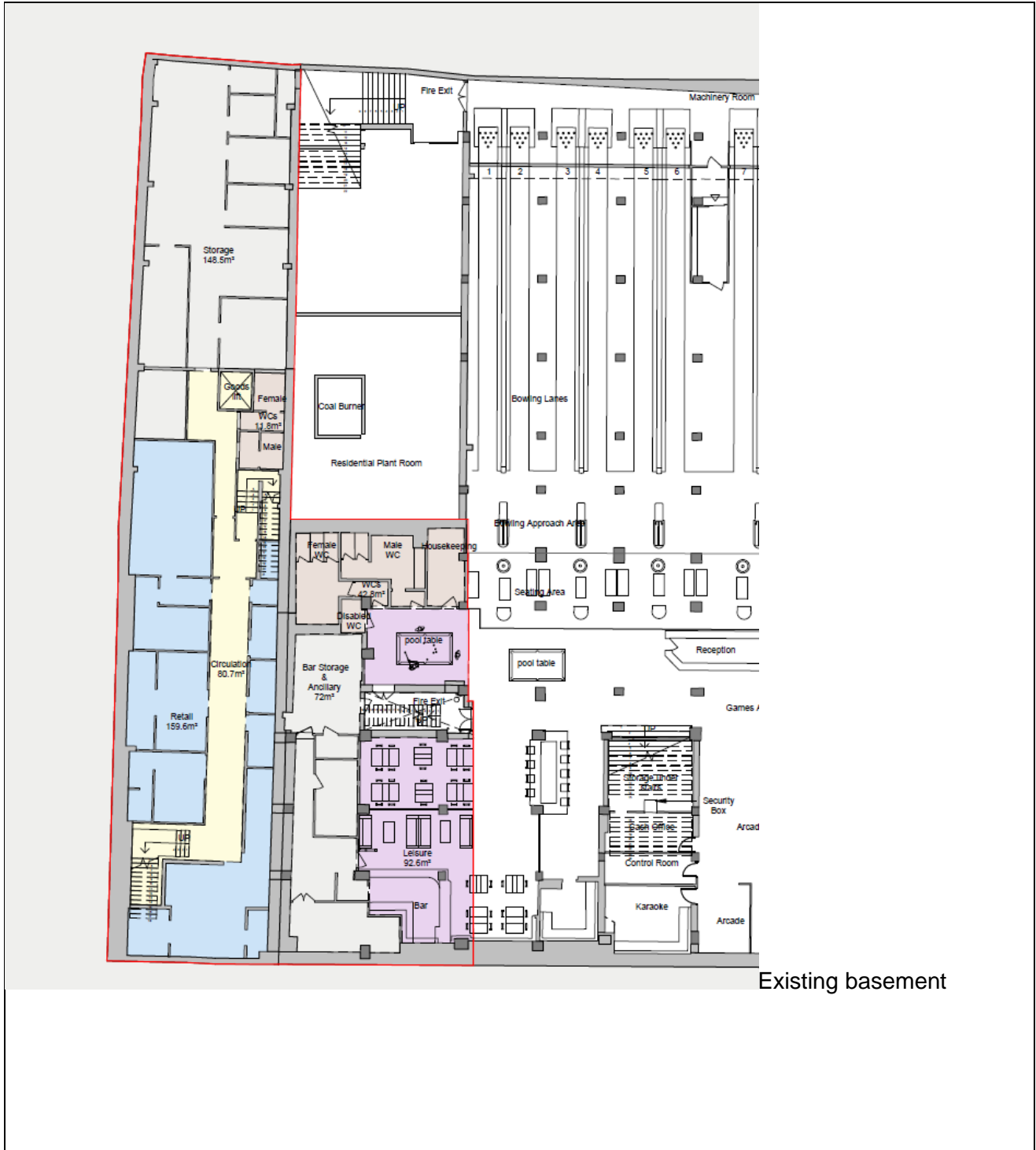
Selected Relevant Drawings

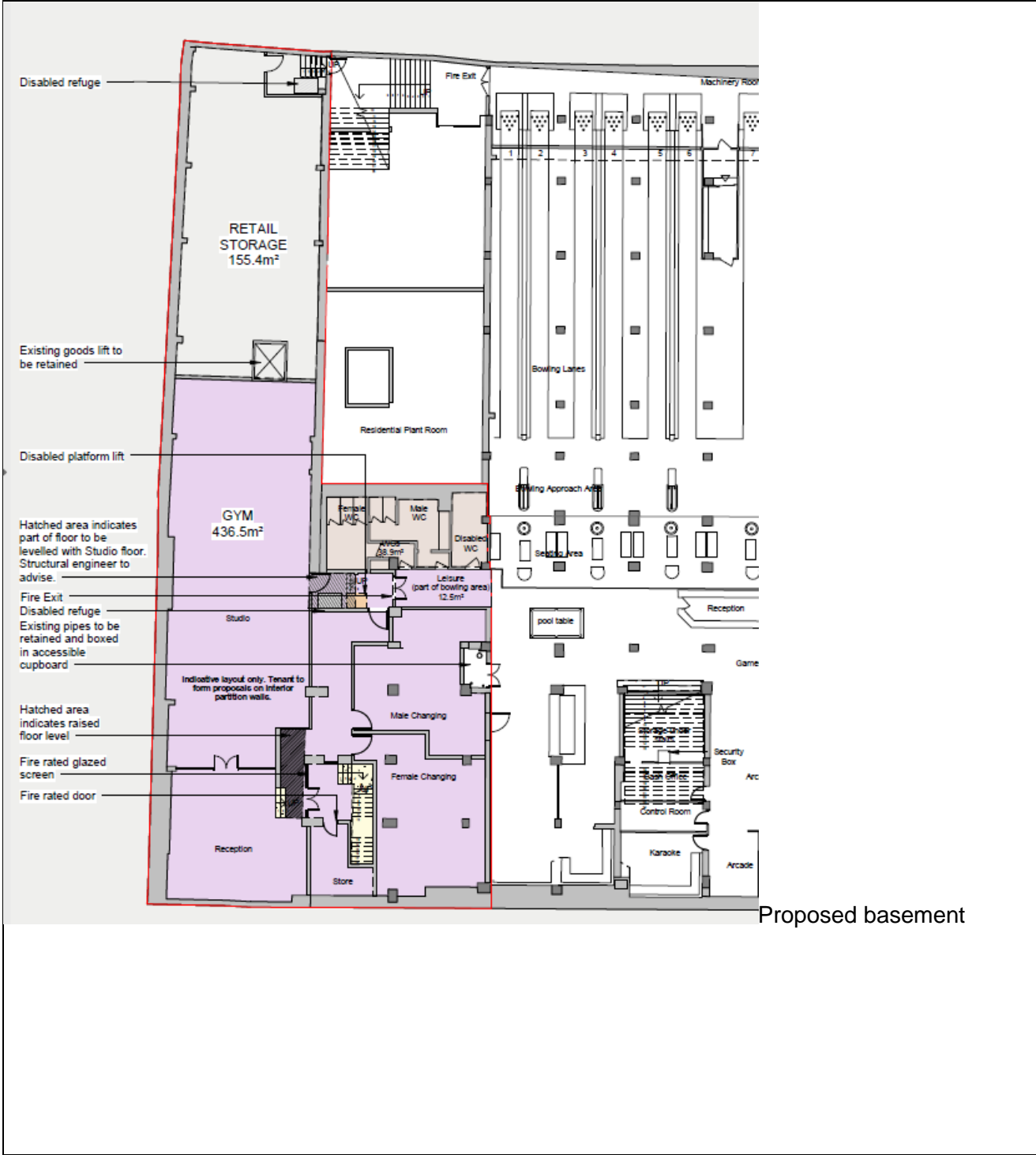
Existing and proposed plans and elevations.

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

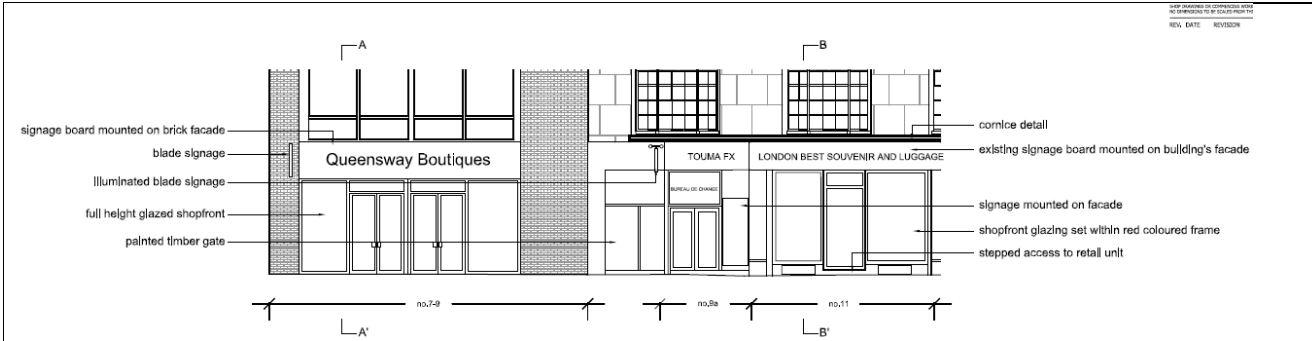
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT SARAH WHITNALL ON 020 7641 2929 OR BY EMAIL AT northplanningteam@westminster.gov.uk

7. KEY DRAWINGS

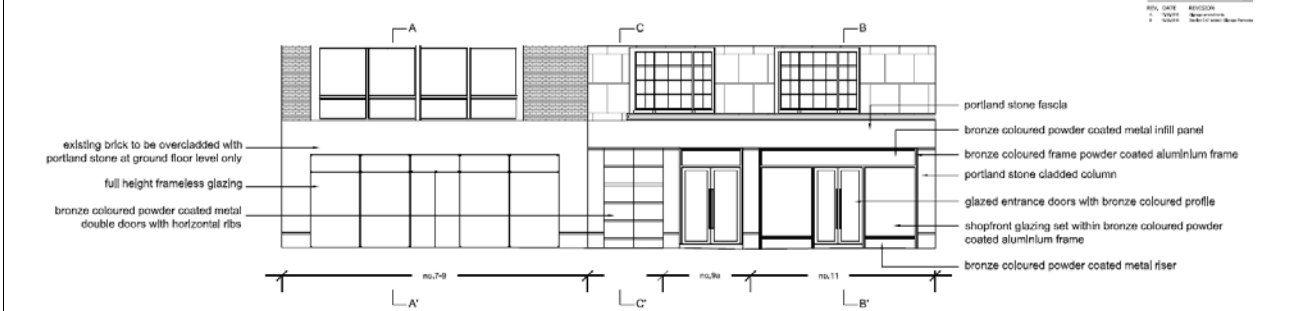








Existing shopfronts



Proposed Front Elevation for no.7-11 Queensway_ 1:100 @ A3

Proposed shopfronts

1. existing brick to be overladded with portland stone at ground floor level only
2. illuminated signage panel set behind glass
3. full height frameless glazing
4. bronze coloured powder coated metal double doors with horizontal ribs
5. portland stone cladded column
6. portland stone fascia
7. bronze coloured powder coated metal infill panel to form signage zone with illuminated lettering
8. bronze coloured frame powder coated aluminium frame
9. glazed entrance doors with bronze coloured profile
10. shopfront glazing set within bronze coloured powder coated aluminium frame
11. bronze coloured powder coated metal riser



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 occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) 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 (July 2016) 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 (July 2016) 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 (July 2016) 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 (July 2016) 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 (SMP) 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 (which shall

only be between the hours of 07.00 and 21.00 Mondays to Friday, 08.00 to 18.00 Saturdays and 0.900 to 13.00 on Sundays and Bank Holidays)

You must not open the two reconfigured retail shop premises to customers until we approve the SMP you send us.

You must then operate and 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 provide the waste store shown on drawing E14-016/7-11-PRP000 Rev D before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste all inside the property and only put it outside

just before it is going to be collected. You must not use the waste store for any other purpose.
(C14DC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan (July 2016) 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 You must not begin the uses (other than to carry out the post commissioning acoustic report required by condition) until you have applied in writing and we have approved a detailed scheme of noise attenuation for the retail and gym uses to show that existing residents within the same building or in adjoining buildings will not be affected by noise and vibration from the development; such that they are not exposed to:

- o airborne noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night;
- o structure borne re-radiated noise of more than 35 dB LAeq (16 hour);
- o the LAmax shall not exceed 45 dB at anytime;
- o for music noise, the design of the separating structures should be such that the received value in the residential habitable spaces, with music playing, should be 10 dB below that measure without music events taking place, at the quietest time of day and night, measured over a period of 5 minutes and in the indices of Leq & LFMmax in the octave bands of 63 Hz & 125 Hz; and
- o the vibration levels as set out in condition 16 shall not be exceeded.

The approved noise attenuation shall then be carried out and a post commissioning acoustic report provided to demonstrate compliance with this condition, which must be agreed in writing, before the uses are begun. The noise attenuation measures shall thereafter be retained in situ as long as the uses are in operation.

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.

- 15 You must not paint the window glass, obscure glaze it , attach vinyl or advertisement displays or block the shopfronts in any way. A shopfront display must be maintained at all times.

Reason:

To protect the appearance and character of the shopping street as set out in SS 17 of our Unitary Development Plan that we adopted in January 2007. (R261A)

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

Reason:

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

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 Nos. 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 to indicate 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

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

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.