

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB-COMMITTEE	Date 16 May 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	Whiteleys Centre, Queensway, W2 4YH,		
Proposal	Variation of Condition 1 and removal of Condition 10 of planning permission dated 27 April 2016 (RN: 15/10072/FULL) for: 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 up to 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 103 basement residential parking spaces, cycle parking and associated basement level plant and servicing provision. NAMELY, to reduce the height of the front (Queensway frontage) of the building by 1.5m, reduce the two rear towers by one storey and remodel the new top storey as a recessed roof storey, amend the façade alignment on the set back upper floors to the rear, increase height and bulk of infill blocks between rear towers, omit the residential vehicular drop off in Redan Place and reconfigure the Redan Place façade, increase the depth and reconfiguration of the new basement, reconfigure the location and floorspace quantum of uses within the development including increase in hotel bedrooms and floorspace and gym floorspace, increase the number of residential units to provide up to 129 units, amend residential mix of units, amendment of waste management strategy, relocation of retained central staircase from hotel lobby to one of the principal retail units and associated internal and external alterations.		
Agent	Turley		
On behalf of	Queens Road W2		
Registered Number	16/12203/FULL & 16/12204/LBC	Date amended/ completed	15 December 2016
Date Application Received	15 December 2016		
Historic Building Grade	Grade II listed		
Conservation Area	Queensway		

1. RECOMMENDATION

1. Does Committee consider that the height, bulk and massing of the rear part of the development have been satisfactorily reduced and remodelled so as to adequately mitigate the impact of the development on the character and appearance of the Bayswater Conservation Area, the setting of neighbouring listed buildings and the amenity of neighbouring residents?
2. Subject to the Committee's agreement to 1. above, grant conditional planning permission subject to the completion of a deed of variation to the Section 106 legal agreement dated 27 April 2016 to secure the following:
 - i. A financial contribution of £6,000,000 (index linked and payable on commencement of development) towards public realm improvements to Queensway;
 - ii. A financial contribution of £6,000,000 to the Affordable Housing Fund (index linked and payable on commencement of development);
 - iii. commencement of development);
 - iv. Costs of all the highway works associated with the development including the Stopping Up Order and the dedication of land;
 - v. A financial contribution of £100,000 (index linked) towards improvements to play space in the vicinity of the development;
 - vi. A financial contribution of £100,000 (index linked) towards improvements to play space in the vicinity of the development;
 - vii. 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;
 - viii. Provision of car parking for the residential flats on an unallocated basis;
 - ix. Provision of the public car park at basement level prior to the occupation of retail use commencing and the submission of a management plan including details of car park pricing;
 - x. Provision of the cinema, ready for occupation, prior to occupation of the retail use;
 - xi. Provision of the gym and crèche prior to occupation of the residential accommodation and the submission of a management plan including pricing;
 - xii. Implementation of a rolling programme of public art within the retail courtyard (provision of public art as part of the programme to a value of £740,000) and its on-going maintenance;
 - xiii. Provision of measures to support employment , training and skills programmes;
 - xiv. Management of the shopping centre, including controls over the distribution of
 - xv. the Class A1 (70% of floorspace) and Class A3 (30% of floorspace) and to control further
 - xvi. changes of use within the centre;
 - xvii. Management strategy for the hotel use, including servicing and guest drop off arrangements;
 - xviii. Provision of lifetime (25 year) car club membership for each residential flat;
 - xix. Provision of S106 agreement monitoring costs.
3. If the deed of variation to the S106 legal agreement dated 27 April 2016 has not been completed by 27 June 2017 then:
 - a) The Director of Planning shall consider whether it would be possible and 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 such a decision under Delegated Powers; however, if not;

- b) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

4. Grant conditional listed building consent.
5. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.
6. 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.
7. That officers be authorised to take all necessary procedural steps in conjunction with making of the stopping up order as proposed.

2. SUMMARY

Whiteleys is a Grade II listed building located on the western side of Queensway, within the Queensway Conservation Area. The building is currently in use as an indoor shopping centre with a public car park located at the rear at second floor level with vehicular access from Redan Place. The application site is located outside the Central Activities Zone (CAZ). The application site is located within the Core Frontage of the Queensway/ Westbourne Grove Major Shopping Centre and is within the Queensway/ Bayswater Stress Area.

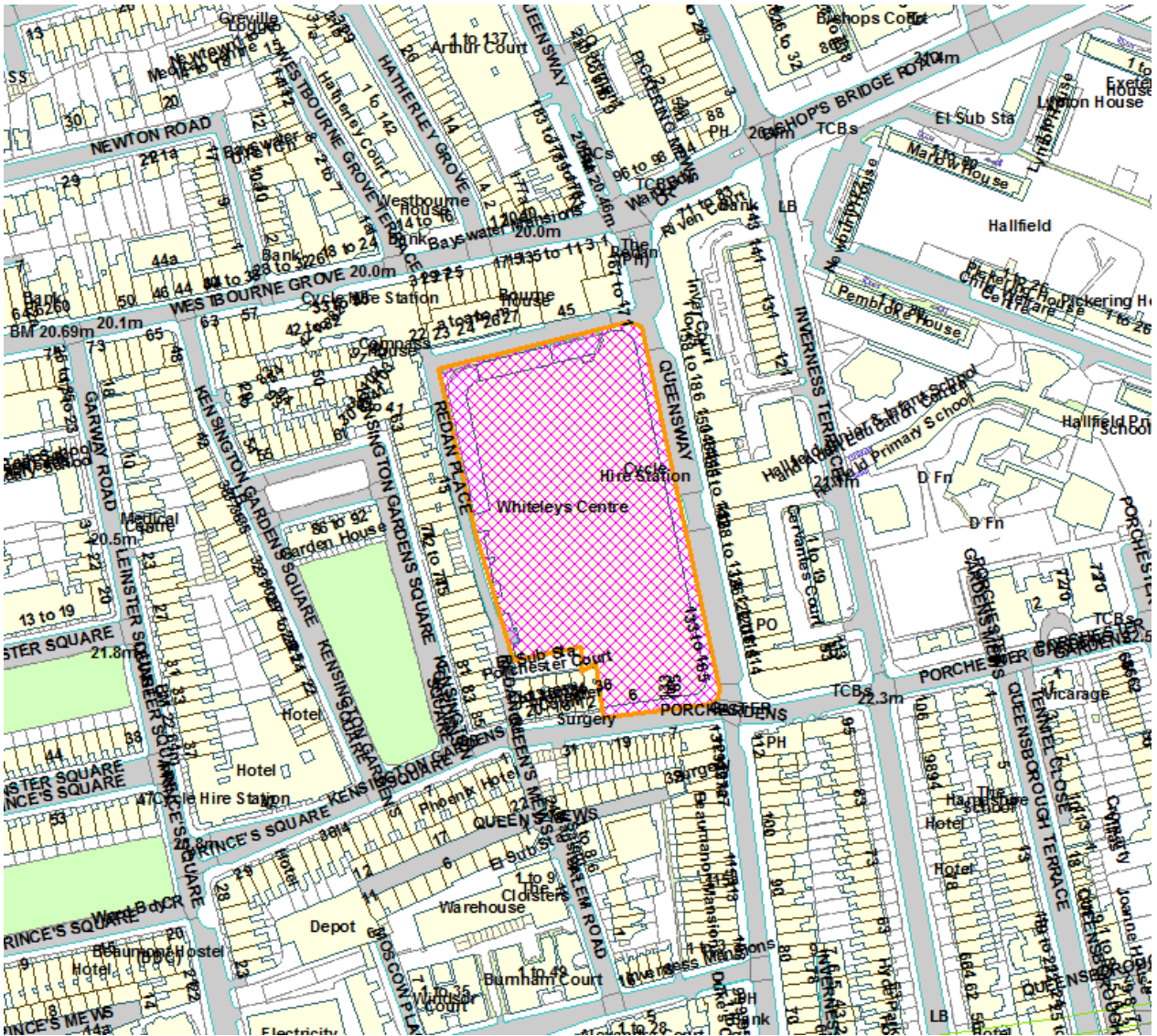
The application seeks to vary of Condition 1 (of both planning and listed building consent) and removal of Condition 10 of the planning permission and Condition 2 of the listed building consent dated 27 April 2016 (RN: 15/10072/FULL & 16/12204/LBC), which granted permission and consent for comprehensive mixed use redevelopment of the site behind retained and refurbished facades to the Queensway and Porchester Gardens frontages of the site. The amendments to the approved scheme, for which permission and consent are now sought, are:

- a) To reduce the height of the element of the scheme behind the retained Queensway facade by 1.5m;
- b) Reduce the height of the two rear 'towers' by one storey and remodelling of the new top storey to form a recessed roof storey;
- c) Amendment of the facade alignment of the set back upper floors to the rear of the site;
- d) Increase in the height and bulk of infill link blocks between rear 'towers';
- e) Omission of the residential vehicular drop off in Redan Place and consequential reconfiguration of the Redan Place facade;
- f) To increase the depth and amend the configuration of the new basement;
- g) Reconfiguration of the location and the floorspace quantum of uses within the development, including an increase in hotel bedrooms and floorspace and an increase in gym floorspace;

- h) To increase the number of residential units from 103 units to provide up to 129 units;
- i) Amendment of the mix of residential units;
- j) Amendment of the proposed waste management strategy;
- k) To alter the location of the retained central Whiteley's staircase from within the hotel lobby, as was approved in 2016, to within one of the principal retail units within the retail courtyard;
- l) Associated minor internal and external alterations related to the amendments listed above.

Subject to the Committee's consideration of the amendments to the height, bulk and mass of the rear part of the development and the impact this has in design and amenity terms, the amended scheme is otherwise considered to be acceptable in land use, design, amenity, transportation and environment terms. It would accord with the relevant policies in the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan adopted in November 2016 (the City Plan), including those policies that have been adopted since the determination of the previous applications in April 2016. It is therefore recommended that planning permission and listed building consent are granted, subject to the conditions set out in the draft decision letters appended to this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front (west) elevation at corner of Queensway and Porchester Gardens (top) and rear (east) elevation in Redan Place (bottom).



Northern side elevation in Redan Place (top) and southern side elevation in Porchester Gardens (bottom).

5. CONSULTATIONS

COUNCILLOR SMITH

Concern regarding truck movements associated with demolition and construction works. Proposed construction traffic would be directed through residential areas. Residents of Kensington Gardens Square have proposed an alternative route leaving the site via Redan Place and then onto Bishop's Bridge Road and then the Westway. Can applicant be required to use this alternative route?

COUNCILLOR HUG

Objection. Height of towers have not been reduced by the requested two storeys and lower infill sections are being raised. Proposed reconfiguration of massing to rear has a greater impact on light loss than the reduction in height previously requested by the Committee. Ask whether a new flood risk assessment has been carried out and whether the Lead Local Flood Authority has been consulted. Site is in a critical drainage area and flood incidents in Council's Flood Risk Assessment are greater in number than in applicant's assessment. Concern regarding the construction traffic plan with 40% of traffic going down Garway Road and southern end of Kensington Gardens Square. Ask if discussion has been had with TfL about modification to No.70 bus route during construction.

BAYSWATER RESIDENTS ASSOCIATION

Generally support application. Revisions to Redan Place are an improvement and internal alterations are acceptable. Proposed reconfiguration and amendment to mix of uses is an improvement. Reduction in height of towers is not as much as would have been wished for or in line with City Council's previous requirements. However, the proposed height reduction should lessen the impact of the development when viewed from Kensington Gardens Square. Doubt that there will be any reduction to the loss of light to many of the surrounding properties. Ask that the Council have particular regard to this aspect in case there are can be any amelioration to the loss of light to affected properties.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

GREATER LONDON AUTHORITY (GLA)

Have assessed the details of the application and, given the scale of the proposals, conclude that the amendments do not give rise to any new strategic planning issues. Application can be determined without further reference to the GLA.

AFFORDABLE HOUSING SUPPLY MANAGER

Any response to be reported verbally.

ARBORICULTURAL MANAGER

Notes that Privet trees in Redan Place are to be replaced, but this was the case in the approved scheme. Note that trees to rear of Queensborough Court will require canopy and root pruning to accommodate development. Further details of tree protection measures should be secured by condition. Not clear to what extent the water storage and grey water storage will meet the water demand of the landscaping with the development.

BUILDING CONTROL

Any response to be reported verbally.

CLEANSING MANAGER

Objection. The applicant has indicated that waste will be stored in basement 02 of the proposed development, but has not fully demonstrated that waste and recyclable materials will be managed in line with the City Council's normal storage requirements. Guidance on waste storage identifies that chute system should be avoided as their use for dry mixed recyclables has not demonstrated the quality required for reprocessing.

DESIGNING OUT CRIME ADVISOR

Ask that further details of the security measures to be provided are set out by the applicant.

ENVIRONMENTAL HEALTH

No objection. Amendments to land uses as safety arrangements remain acceptable. A supplementary acoustic report is required to demonstrate the operational noise level of all mechanical plant. This can be provided by condition. Condition recommended to ensure internal noise levels in residential units is acceptable. Access to the servicing bays will be 24 hours, unlike the current arrangement and this will prevent vehicles waiting in Redan Place. Conditions recommended to ensure the new residential units would receive acceptable air quality and to prevent the units being affected by external noise. Other conditions and informatives also recommended.

HIGHWAYS PLANNING MANAGER

Various aspects of current S73 scheme supported and conditions, informatives and S106 requirements recommended. Observations and concerns raised on the following grounds:

- Reduction of number of public car parking spaces from 177 to 36 is acceptable on balance. Further details of the operation of the public car park should be secured in a Public Car Park Management Plan.
- Combination of hotel drop off with the residential parking within the basement is less than ideal and could lead to residential spaces being used by the hotel.
- Drop off for hotel appears to be more like two parking spaces for the hotel.
- Concern regarding the long term functionality of the public car park given its location within the basement.
- Concern regarding the provision of 0.79 parking spaces per residential unit. If this is accepted then it should be provided on an unallocated basis and car club memberships should also be provided.
- Residential cycle spaces should be increased from 160 spaces on drawings to 238 spaces (London Plan compliant figure).
- Highway width for footpath should not be reduced below existing width or 2 metres as part of any highway works.
- Doors should not open over the public highway.
- Note that highway works associated with the development will need separate approval from the City Council as Local Highway Authority.
- Concern remains regarding the lack of provision for coach parking for the hotel, but is accepted that the size of the hotel is unlikely to result in guest arriving or departing by coach.

HISTORIC ENGLAND

Reduction in height of the extensions and the proposed alterations to massing are welcomed as improvements to the previous scheme and would lessen their impact in townscape views and reduce, though not ameliorate, the harm to the listed building. The proposals to relocate the historic staircase from the hotel to the central anchor retail unit is welcomed and will improve the setting of the staircase and allow greater public accessibility.

HISTORIC ENGLAND (ARCHAEOLOGY)

No objection. The proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions is necessary.

NHS CENTRAL LONDON

Any response to be reported verbally.

THAMES WATER

No objection. Note that they wish to see surface water attenuation to greenfield runoff rates. Increase in foul water flows can be accommodated in existing sewer system.

TRANSPORT FOR LONDON

Any previously secured transportation benefits, either by condition or as part of the S106 agreement, should be secured again as part of the current scheme. Concerns raised on the following grounds:

- Cycle parking for residential part of scheme is not London Plan compliant following increase in unit numbers from 103 to 129 flats.
- Financial contribution of £130,000 to cycle hire scheme was previously requested to meet increased demand, but not secured. Ask that this decision is reconsidered.
- Encourage greater reduction in the number of car parking spaces, with development preferably car free or limited disabled parking only.
- London Plan compliant blue badge parking and electric vehicle charging points.
- Council should consider impact of removing residential vehicle drop off whilst increasing unit numbers.
- Satisfied that scheme is generally in compliance with London Plan policy

ANCIENT MONUMENT SOCIETY

Any response to be reported verbally.

COUNCIL FOR BRITISH ARCHAEOLOGY

Any response to be reported verbally.

THE GEORGIAN SOCIETY

Any response to be reported verbally.

SOCIETY FOR PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally.

THE VICTORIAN SOCIETY

Objection. Whilst the proposed variation of Condition 1 would ultimately result in a marginally less harmful proposal than that granted consent by the Council on 27 April, the implemented scheme would still cause substantial and unjustified harm to the significance

of this fine listed building. Such a high level of harm is not desirable and is not considered necessary. Ask that Council works with the applicant to develop a genuinely sympathetic scheme that retains the two domed atria, the grand staircase (in situ), the formal lobby and entrance off Queensway and avoid any roof extension on the historic portion of the building. Any new floorspace should be accommodated on the new elements to the rear. Refer to their detailed objection in their earlier letter of objection dated 22 January 2016.

It was the building's noble interior that contemporaries most admired about Whiteley's when it first opened. This fact was not lost on those undertaking the remodelling of the building in the 1980s, hence the retention of the best of the spaces. Their continued preservation should be considered of absolute primacy.

TWENTIETH CENTURY SOCIETY

Any response to be reported verbally.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. of Consultations: 1566.

Total No. of Responses: 72.

No. of Objections: 72.

No. in Support: 0.

70 emails/ letters received from 67 respondents raising objection on all or some of the following grounds:

Land Use

- Should not allow development containing empty apartments.
- Loss of indoor retail space to be replaced by heavily shaded retail courtyard.
- Concern that quality of retailer promised will not be delivered.
- Cinema and retail floorspace should not be provided in the basement.
- Building should remain publically accessible and not given over to private flats and a hotel.
- Area is already plagued by hotels and a disproportionately transient population.
- Replacement retail arrangements are totally inferior to the current mall.
- Loss of existing retail outlets within Whiteley's in favour of 'high end' retailers.
- Affordable housing should be provided on-site.
- Insufficient affordable housing proposed.
- Argument that Queensway cannot sustain the existing quantum of retail floorspace and compete with Oxford Street and Westfield is flawed as Marylebone High Street demonstrates.
- Central courtyard is likely to be dark and wet and unattractive to shoppers.
- Additional units will put additional pressure on building and surrounding townscape.
- Bayswater must remain a family neighbourhood.
- Question why additional units proposed are not affordable housing units.
- Development will provide speculative luxury flats.

Design

- Reduction in towers is only one storey (3.6m) rather than two as was previously required and Committee's previous requirements in design terms have not been met.
- Development will not enhance either the building or Queensway.

- Towers will still be visible in Kensington Gardens Square, significantly changing the nature of the Bayswater Conservation Area.
- Development will be detrimental to the historic building.
- Development is out of character with the surrounding area due to its bulk and height.
- Additional height proposed, which is higher than previously permitted would be unsightly and would not benefit the area or London.
- Overdevelopment of site, which blights neighbouring listed Victorian buildings.
- Listed building holds much history and charm.
- Do not want a soulless modern structure.
- Proposal would spoil historic views and damage the fabric of the area.
- Towers would continue to be visible from the west side of Kensington Gardens Square, but would not if reduced by a full two storeys as previously required.
- Development would harm the roofline of listed buildings in Kensington Gardens Square.
- Internal fabric of the listed building should not be destroyed and developer should be asked to remodel the existing building more sensitively.
- Interior should be redeveloped to return it to its glamorous splendid past.
- Glazed domes and central staircase should be retained.
- Concern at the removal of entrance stone work and statues
- Building should not be allowed to be made higher as this is unnecessary due to large size of existing building.
- Demolition should be limited to 1980's additions and all historic features retained.
- Height and bulk to the Queensway frontage is excessive and building will appear top heavy.
- Concern that the staircase will be out of reach of the community within the hotel.
- Staircase should be retained in its existing position.
- Increased height of façade will negatively impact skyline views to the west and spoil the proportions of the building.
- Amended scheme appears bulky and 'cited'.
- Development is too high and too bulky with too many basements for unnecessary parking provision.
- Overall mass of development is excessive.
- The submitted drawings show an overall reduction in height of Levels 6-8 to the Queensway elevation is only 0.61m rather than the 1.5m required.
- Omission of vehicular drop off makes Redan Place elevation heavier less relieved.
- Redan Place townhouses are out of scale with mews houses to rear of Kensington Gardens Square properties opposite. They should be reduced in scale to match buildings opposite.
- Heritage Report does not correctly name Kensington Garden Square raising questions about its credibility.
- Central staircase is an icon of London's art deco years and appears in too many films to disappear.
- Must avoid the creation of soulless flats such as Garden House.
- Don't want area turned into another Knightsbridge.
- Relocation of staircase should be closely monitored to avoid damage occurred.
- Listed status of building should be increased to Grade II* or Grade I.
- Loss of existing listed interior should be resisted.

Amenity

- Unacceptable loss of daylight and sunlight to surrounding neighbouring occupiers, particularly those in neighbouring properties in Kensington Garden Square.
- Reduction in sunlight to the garden of Kensington Gardens Square.
- Overlooking from windows in rear of development.
- Windows and roof terraces to rear of development will overlook windows in Kensington Gardens Square.
- Increased sense of enclosure.
- Loss of winter sunlight to neighbouring Kensington Gardens Square properties.
- Amendments fall short of the Committee's previous requirements in amenity terms.
- Increased noise disturbance following completion of development.
- Increased overlooking and enclosure from omission of vehicular drop off and replacement with additional townhouses in Redan Place.
- Submitted daylight and sunlight report is incorrect as model has not been updated to represent amended scheme and Flat 2, 69 Kensington Gardens Square is not shown/ does not correspond with the schedule.
- Future erection of additional structures on the roofs of the townhouses in Redan Place could further reduce light to Kensington Garden Square properties. This should be prevented by condition.
- Lorries and deliveries should be prevented from entering Redan Place due to noise impact.

Transportation/ Parking

- Insufficient information provided to demonstrate that an adequate traffic plan has been devised.
- Legacy of increased traffic through Kensington Gardens Square following completion of construction works.
- Night closure of Redan Place should remain in place.
- No through traffic should be allowed in Redan Place.
- Pavement on west side of Redan Place should be widened along whole length of the road.
- Southern exit from Redan Place has no pavement and is a danger for pedestrians.
- No viable plan has been proposed to minimise traffic, pollution and disruption from the caused by the development.

Construction Impact

- Noise and general disturbance from construction works.
- Construction period of 4 to 5 years is excessive.
- Scale of development should be reduced to reduce construction period and the degree of impact on neighbours.
- Neighbouring buildings are listed and only have single glazing making them more sensitive to construction noise.
- Increase in heavy vehicles in Kensington Garden Square due to construction works and alternative routes should be considered.
- Increased air pollution from construction vehicles.
- Developer should wash windows of neighbours during construction.
- Noise and vibration caused to neighbouring properties due construction traffic.

- Construction traffic should be routed via Bayswater Road and Queensway and not Garway Road.
- Construction vehicle routes should be reconsidered.
- Construction traffic should not be permitted in Garway Road adjacent to special needs school due to conflict with drop off/ pick-ups.
- Road safety risk to children arriving at school in Garway Road.
- Coaches serving hotels, refuse lorries and the No.70 bus already cause obstructions for traffic in Garway Road on construction traffic route.
- Garway Road is not wide enough for construction traffic.
- Westbourne Grove is a busy shopping street with narrow pavement and not suitable for construction traffic.
- Construction traffic will make use of communal bins and gardens in Leinster Square more difficult.
- Previous developments in Leinster Square and Garway Road have caused previous disruption to neighbours. Cumulative impact of consecutive developments in the area.
- Construction should not be permitted to start until other developments in the vicinity have been completed.
- Exit from Redan Place is inadequate for construction traffic.
- The impact of construction traffic on bus routes should be more widely considered.
- Developer proposes community liaison group and whilst this is welcomed, it does not adequately reassure neighbours.
- Neighbours in listed buildings should be allowed double glazing to prevent noise disturbance during construction.
- Developer should provide sound proofing for neighbouring residents during construction.
- Detailed plan for traffic management during construction should be worked out in close consultation with local residents and should be created before the viability of the project is assessed.
- Should not have to pay Council Tax during construction works period.
- No construction work should take place at weekends.
- Adverse impact on neighbouring businesses during construction works.
- Ask that planning conditions be used to require the service of party wall notices.
- Conditions should be imposed requiring representatives of Kensington Gardens Square residents to be involved in the development of the construction plan and traffic management plan.
- Due to depth of basement, all properties adjacent to the site in Kensington Gardens Square should receive 'Party Wall protection' and damp protection and not just those that fall within Party Wall protection legally.
- Development will cause significant vibration to neighbouring listed properties.
- 90 lorries a day will cause damage to neighbouring buildings.

Other Issues

- Proposals do not comply with the Committee's previous requirements, as set out in the April 2016 permission. Developer has ignored previous requirements.
- Original decision should be enforced.
- Scheme should not have been previously approved.
- The size and depth of basement and its impact on surrounding properties and water courses in the area does not seem to have had enough investigation.

- Risk of subsidence and structural damage for neighbouring properties.
- Unconvinced the provision of an IMAX cinema justifies the additional excavation proposed.
- Question whether the scheme is unviable without the proposed 'pavilion' structures at 9th floor level to the rear.
- Question what community benefit the scheme brings.
- Adverse impact on health.
- Adverse impact on the value of neighbouring properties.
- Developers should reconsider relocation of the Queensway entrance screen to Redan Place if they want to save money.
- Development is for commercial gain with little public benefit to the local community.
- Consultation letters should be to named occupiers and not to 'owner/ occupier' as these letters are often thrown away.

PRESS ADVERTISEMENT/ SITE NOTICES

Yes.

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 with vehicular access from Redan Place. It covers an area of approximately 1.42 hectares. The site is well served by public transport, with the Bayswater and Queensway Underground stations are in close proximity.

The application site is located outside the Central Activities Zone (CAZ). The application site is located within the Core Frontage of the Queensway/ Westbourne Grove Major Shopping Centre and is within the Queensway/ Bayswater Stress Area.

The building currently comprises basement, ground and four upper floors. The building arranged 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 retail units, dominated by Class A1 units, including several large units currently occupied by 'anchor' retailers including Marks and Spencer and a range of mainly fashion retailers. There is also a bank and coffee shops. The first floor is predominantly retail, with a food hall provided at second floor level, which predominantly comprises Class A3 restaurant/ cafe units. The second floor and part of the third floor also accommodate a four screen cinema. The third and fourth floors are in use as office floorspace and include television recording studios.

6.2 Recent Relevant History

Whiteleys has an extensive planning history. The building was originally built as a department store and was completed and opened in 1911. Following the decline and closure of the department store, 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. The 1988 scheme comprised a comprehensive redevelopment of the site behind the retained facades in Queensway and Porchester Gardens. The permission restricted the amount of retail and restaurant floorspace to not more than 23,500m² and this restriction is controlled via a legal agreement. The legal agreement also covered a range of other issues, including provision of highways works, controls on the amount of restaurant/ hot food takeaway uses and controls in relation to the management of the centre and the public car park to the rear.

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

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

March 2008 – Permission granted for use of 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 made for a 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 (RN: 15/06074/EIAOP).

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

27 April 2016 – Planning permission and listed building consent granted for demolition 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 up to 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 103 basement residential parking spaces, cycle parking and associated basement level plant and servicing provision (RN: 15/10072/FULL & 16/12204/LBC).

The above application was reported to the Planning Applications Committee 29 March 2016 at which the committee resolved to grant conditional planning permission and listed building consent subject to the completion of a S106 agreement to secure a package of planning obligations, including a £6m financial contribution to the Affordable Housing

Fund and £6m financial contribution to public realm works in Queensway. The S106 agreement was subsequently completed and permission and consent were granted on 27 April 2016.

7. THE PROPOSAL

The application is submitted under S73 of the Town and Country Planning Act 1990 (as amended) and seeks to vary of Condition 1 (of both the planning permission and listed building consent) and removal of Condition 10 of the planning permission and Condition 2 of the listed building consent dated 27 April 2016 (RN: 15/10072/FULL & 16/12204/LBC), which granted permission and consent for comprehensive mixed use redevelopment of the site behind retained and refurbished facades to the Queensway and Porchester Gardens facades (see full description of approved scheme in Section 6.2).

Condition 1 of the previous permission and consent requires the scheme to be carried out in accordance with the previously approved drawings, whilst Condition 10 of the planning permission and Condition 2 of the listed building consent require amendments to the height, bulk and massing of the rear of the proposed building (the wording of Condition 10/ Condition 2 can be found in Section 8.2 of the report or in the previous decision letters dated 27 April 2016, which are provided in full in the background papers).

The purpose of the current application is to propose a range of amendments to the approved scheme to seek to justify the removal of Condition 10, whilst also ensuring the development remains sufficiently viable to enable it to be carried out. The amendments, for which permission and consent are now sought, are:

- a) To reduce the height of the element of the scheme behind the retained Queensway facade by 1.5m;
- b) Reduce the height of the two rear 'towers' by one storey and remodelling of the new top storey to form a recessed roof storey;
- c) Amendment of the facade alignment of the set back upper floors to the rear of the site;
- d) Increase in the height and bulk of infill link blocks between rear 'towers';
- e) Omission of the residential vehicular drop off in Redan Place and consequential reconfiguration of the Redan Place facade;
- f) To increase the depth and amend the configuration of the new basement;
- g) Reconfiguration of the location and the floorspace quantum of uses within the development, including an increase in hotel bedrooms and floorspace and an increase in gym floorspace;
- h) To increase the number of residential units from 103 units to provide up to 129 units;
- i) Amendment of the mix of residential units;
- j) Amendment of the proposed waste management strategy;
- k) To alter the location of the retained central Whiteleys staircase from within the hotel lobby, as was approved in 2016, to within one of the principal retail units within the retail courtyard;
- l) Associated minor internal and external alterations related to the amendments listed above.

The existing, previously approved and now proposed floorspace figures are provided in the Table 1 below.

Table 1 – Existing, Previously Approved and Now Proposed Floorspace Figures

Use	Existing NIA (m2)	Previously Approved GIA (m2)	Proposed GIA (m2)	+/- (Previously Approved v Proposed)
Retail (Classes A1-A5)	19,360	10,530	8,888	-1,642
Office (Class B1)	3,095	0	0	0
Hotel (Class C1)	0	7,607	9,245	+1,638
Residential (Class C3)	0	43,248	43,044	-204
Nursery/ Creche (Class D1)	158	1,625	1,582	-43
Gym (Class D2)	0	1,666	3,617	+1,951
Cinema (Class D2)	2,352	2,041	2,337	+296
Bowling Alley (Class D2)	1,250	0	0	0
Basement Ancillary Floorspace	19,749	22,517	25,497	+2,980
Total	45,964 (GIA = 50,279)	89,233	94,211	+4,978

For the avoidance of doubt, this report focuses on the amendments proposed to the scheme originally granted permission and consent on 27 April 2016 and does not seek to replicate the full assessment of the originally approved scheme, which is set out in the report to the Planning Applications Committee dated 29 March 2016, which can be obtained from the City Council's website. In assessing the amendments proposed, this report considers all material changes in circumstance that have occurred since April 2016, including amendments that have occurred to adopted development plan policies.

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Amendments to Residential Accommodation

The application proposes a small reduction of 204m² in the quantum of residential floorspace that would be provided across the site. This is largely as a result of the need to reduce the overall height of the development to the rear to seek to address the Committee's previous design and amenity concerns. Whilst the overall quantum of residential floorspace would be reduced, the application proposes to increase the number of residential units to be delivered from 103 to 129 units. This is to be achieved by amending the mix of units to comprise a greater number of smaller units. This change in

the mix of units is shown in Table 2. The effect of this amendment is to improve the efficiency of the use of the residential floorspace within the development. As a consequence, the amended mix of units proposed, which would be continue to be compliant with Policy H5 in the UDP (in terms of the proportion of 3 bedroom or larger units), would better optimise the use of the new residential floorspace relative to the approved scheme and therefore the amended scheme would be compliant with Policy S14 in the City Plan.

Table 2 – Previously Approved and Now Proposed Unit Mix

Unit Size	Approved Scheme	Approved %	Proposed Scheme	Proposed %	+/-
1 Bed Units	6	6%	20	16%	+14
2 Bed Units	28	27%	58	45%	+30
3 Bed Units	41	40%	44	34%	+3
4 Bed Units	28	18%	3	2%	-25
5 Bed Units	9	9%	4	3%	-5
Total	103	100%	129	100%	

All of the units within the amended scheme would accord with the space standards set out in the Government's National Technical Standards and Policy 3.5 in the London Plan (March 2016). As per the approved scheme, where design and conservation constraints allow, the residential units benefit from a good standard of external amenity space.

8.1.2 Affordable Housing Provision

The current scheme generates a requirement for the provision of 35% of the residential floorspace (16,932m²) on-site to be provided as affordable housing. If on-site provision is not practical or viable and affordable housing cannot be provided off-site in the vicinity, a financial contribution of £98,781,760 to the Affordable Housing Fund in lieu of on-site provision may be considered as a policy compliant level of affordable housing provision.

As per the approved scheme, the current scheme does not include the provision of affordable housing on-site and the applicant contends that on-site provision remains unviable. The viability of the development has been independently assessed on behalf of the City Council by viability consultants GVA. This detailed viability assessment concludes that the provision of affordable housing on-site is remains unviable and that the scheme is also insufficiently viable to provide any financial contribution to the Affordable Housing Fund. Notwithstanding this, as per the approved scheme, the applicant continues to offer an ex-gratia financial contribution of £6m to the Affordable Housing Fund. Given that the limited viability of the development has been evidenced and robustly independently tested, it is considered that the offer of a £6m financial contribution to affordable housing provision elsewhere in the City is acceptable and accords with Policy H4 in the UDP, Policy S16 in the City Plan and the Interim Note on Affordable Housing Policy (November 2013).

8.1.3 Amendments to Retail Floorspace

The quantum of retail floorspace in the current scheme (8,888m² GIA) represents a reduction relative to both the existing situation (19,360m² NIA) and the previously approved scheme (10,530m² GIA).

The principle of a significant reduction in the overall quantum of retail floorspace on this site was accepted as part of the approved scheme, which permitted an approximate 50% reduction in retail floorspace. The approved scheme acknowledges that Whiteley's is no longer a viable location for a shopping centre type retail offer given the increased competition in recent year from nearby shopping facilities, principally those in the West End and Westfield London. One objector questions this assessment given the success of Marylebone High Street in recent years; however, it's success is based on provision of smaller boutique and independent retailers and does not seek to compete with the wider West End and Westfield in terms of providing accommodation for high street retailers. In this context, the approved scheme consolidated the retail floorspace on this site to basement, ground and first floor levels, so that the smaller retail offer better activates the west side of Queensway and provides an attractive retail courtyard within the site at ground floor level.

The proposed scheme omits much of the retail floorspace from the first floor, save for two anchor retail units, and focuses the retail floorspace to ground and basement floor levels. As a consequence, whilst the retail floorspace would be reduced by 1,642m² relative to the approved scheme, the current scheme would retain sufficient retail floorspace so as to continue to deliver an active and vibrant retail frontage to Queensway, within the Core Frontage of the Queensway/ Westbourne Grove Major Shopping Centre and an attractive retail environment within the central courtyard of the site. As such, despite the reduction in retail floorspace, the amended scheme is therefore in accordance with Policy SS6 in the in the UDP and S21 in the City Plan.

As per the approved scheme, 19 retail units are proposed and the proportions of Class A1 and Class A3 floorspace is to be limited to a 70:30 split, with this controlled via the S106 agreement. The proposed scheme includes 7,357m² of Class A1 retail shop floorspace and 3,173m² Class A3 cafe/ restaurant floorspace.

8.1.4 Amendments to Other Uses

The proposed scheme would retain the nursery/ crèche use in a similar location to the approved scheme, adjacent to the central courtyard. The nursery/ crèche would be slightly reduced in size (by 43m²); however, this would not have any significant impact on the viability of the nursery unit as it would retain an overall floor area of 1,582m².

The proposed scheme seeks to replace much of the retail floorspace at first floor level in the approved scheme with an increase in gym floorspace. The increase in gym floorspace is supported by Policy S34, which encourages the provision of social and community uses, and therefore the enlarged gym unit is acceptable in land use terms.

The current scheme proposes to relocate the cinema within the basement so that additional cinema floorspace can be provided and to ensure that the layout and volume of the cinema floorspace is attractive to cinema operators (for example to ensure the cinema can offer IMAX screens if required by the chosen operator). The precise layout has yet to be confirmed and the space has been designed with a degree of flexibility to allow the final

layout to be determined by the cinema operator. In terms of floorspace, the size of the cinema use would be increased by 296m² compared to the approved scheme, so that it would only be marginally smaller than the existing cinema within Whiteley's. The amendments to the cinema accommodation are not considered to be objectionable in land use terms as they are designed to ensure that the cinema accommodation is viable for future operators and is an attractive leisure destination for customers, thereby supporting the retail offer in this part of the Queensway/ Westbourne Grove Major Shopping Centre.

The approved scheme established the principle of providing a hotel use in this location to support the other uses within this mixed use development, despite the normal policy presumption, which guides new hotel uses to within the Central Activities Zone, Named Streets, Opportunity Areas and other specific areas specified in Policy S23 in the City Plan.

The proposed scheme would increase the hotel floorspace from 7,607m² as approved, to 9,245m² as now proposed, an increase of 1,638m². The increased floorspace proposed enables an increase in hotel bedrooms from 30 to 42 rooms and an increase in the ancillary serviced office space at first floor level. The proposed hotel offer would therefore be more balanced, with less reliance on restaurant and other front of house services at ground floor level than in the approved scheme. Given that the additional hotel accommodation can be incorporated into the scheme without unacceptable reductions in residential or retail floorspace, which are the priority land uses in this location outside of the CAZ and in a Major Shopping Centre, the enlargement of the hotel use is considered to be acceptable in land use terms.

8.2 Townscape and Design

Whiteleys is a landmark Grade II listed building within the Queensway Conservation Area, which is also seen in views from the neighbouring Bayswater Conservation Area to the east and west. The main street block was constructed in two phases, with the southern block, which has a façade onto Porchester Gardens, built in 1911 to the design of Belcher & Joass. The northern part of the main block was added in the 1920's and was designed by Curtis Green, albeit with the intention of creating a perceptibly single architectural composition. Although originally built as a department store and inspired by the retail entrepreneur William Whiteley, this use struggled in the post-war era and by the 1980's a scheme was realised to demolish substantial parts of the rear and interior of the department store building and redevelop the site to provide a shopping centre; albeit with some retained fabric, including the original facades to Queensway and Porchester Gardens.

The area surrounding Whiteley's is also of architectural and historic significance. The townscape to the west largely lies within the Bayswater Conservation Area, with numerous Grade II listed buildings, including No's.12-20 Porchester Gardens, as well as most of the buildings facing onto Kensington Gardens Square. To the north and north-west lies the Westbourne Conservation Area; and to the east of Queensway are further parts of the Bayswater Conservation Area and the Hallfield Estate Conservation Area, all of which contain a number of listed buildings.

Planning permission and listed building consent were granted in April 2016 for a scheme which involved substantial demolition behind the retained historic facades and for

redevelopment of the site to provide a mixed use of primarily retail and residential, but also featuring a hotel, gym, crèche, office space, a cinema. A substantial basement area on 3 levels was also included which was mainly for car parking and plant. Although permission and consent were granted in 2016, they both included conditions which required amendments to the scheme, including a requirement to reduce its height and bulk. Condition 10 of the planning permission (replicated as Condition 2 of the listed building consent) was the main amending condition and reads as follows:

“You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- i. a reduction of the combined height of Levels 6-8 above the retained facade by 1.5m in order to create more recessive rooftop storeys;*
- ii. the use of natural slate in a traditional unit size (approximately 500mm by 300mm) as the principal cladding material for Level 8 roof storey above the retained facade;*
- iii. the use of Portland Stone to match the retained facade as the cladding material for the Level 6 attic storey above the retained facade;*
- iv. reduction in the height of the two rear towers by removing two floors and the submission of drawings to show the total number of residential units within the proposed development.*
- v. reduction in the height and bulk and massing of the rear buildings, in order to address the impact on residential amenity to properties in Kensington Gardens Square, Redan Place and Porchester Gardens in terms of sunlight, daylight and sense of enclosure.*

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings.”

The current application seeks permission and consent for several minor material amendments to the 2016 scheme, some of which address, either entirely or in part, the requirements of the aforementioned amending conditions. In design and listed building terms the key amendments now proposed are as follows:

- A reduction in the combined height of levels 6-8 above the retained front façade by 1.5 metres (this is seeking to address part i of Condition 10).
- Reduction in height of the two rear ‘towers’ by removing two floors and replacing them with a single storey recessed pavilion (this is seeking to address parts iv and v of Condition 10).
- Revisions to the alignment of the rear facades to increase the distance between the upper floors of the building and the rear of buildings in Kensington Gardens Square (this is seeking to address part v of Condition 10);
- Infill of the residential drop off on Redan Place to provide additional residential townhouses.
- Relocation of historic staircase to a more prominent location in an enlarged ‘anchor’ retail unit.
- Layout changes, which result in an increased number of residential units, up to a maximum of 129 units.
- Additional basement level excavation to accommodate greater volume in the proposed cinema, as well as re-organisation of the basement levels.

The main issue in design and listed building terms is considered to be the proposed changes to height and massing. With regard to the overall height of the new roof storeys above the retained historic facades to Queensway and Porchester Gardens, these have been reduced in their cumulative height by 1.5 metres. This is in accordance with the requirements of part (i) of Condition 10 of the April 2016 permission. As amended these upper floors now have a more recessive quality when seen in the context of the retained historic facades and the desired degree of subordination, which the condition sought to address, has been achieved. This aspect of the proposal is considered acceptable and during the course of the application it has also been clarified that the Level 6 will be clad in Portland stone and Level 8 will be clad in natural slate in traditional unit sizes. As such, parts (ii) and (iii) of Condition 10 have also been addressed.

In the approved scheme the new residential part of the development at the rear of the site rose in height to 10 storeys (approximately 40m in height) at its tallest point, which in views from within Kensington Gardens Square rose up above the listed terraced properties on the east side of the square. This impact was considered unacceptably harmful to designated assets, as well as contributing to a harmful impact on amenity. As a consequence, part (iv) of Condition 10 was imposed requiring a reduction in height of the two 'towers' at the rear of the site, which are the two tallest elements of the development.

The current proposal does not seek to entirely address the requirement of Condition 10(iv) but rather seeks to amend the design of the building to reduce the height of the development at the rear and lessen its visual impact from the views within Kensington Gardens Square. As previously proposed, the 9th and 10th storeys of the rear residential block were designed to be in the same architectural style as the rest of the development, i.e. a strong grid of reconstituted stone with the same multi-pane fenestration. The current proposal removes this sheer two storey design and replaces it with a 9th storey pavilion structure, which has been designed so as to appear as a recessive rooftop element, similar to the pavilions which top the roof above the retained facades to the Queensway frontage of the site. In pure height terms the finished floor level of the new pavilion roof is 3.68m lower than that of the previous scheme. Had two full storeys been removed and no pavilion structure added this would have resulted in a height reduction of 7.59m. Thus the difference in pure height terms between the requirement of the condition and the current proposal is that the latter would be 3.91m taller. However, to consider the matter only in terms of dimensions would not necessarily address the purpose of the amending condition which was to reduce the visual impact of the development from the views from Kensington Gardens Square.

The Accurate Visual Representations (AVRs) that have been produced for the two view points in Kensington Gardens Square (AVRs 14 and 15) demonstrate that, with or without the top two storeys, small elements of the 8th floor of the approved scheme would be visible above the top parapet of the Kensington Garden Square listed terraces (in View 14), although they would be seen behind a modern metal balustrade railing on the roof of the listed properties. In the current proposal, the new 9th floor pavilion structures would be visible in both viewpoints. In comparing the visual impact of the April 2016 scheme with the current proposal, the reduction in height and the revised design of the 9th floor pavilion has reduced the visual impact of the development in these views.

Taking into consideration the following factors, (i) an element of the approved scheme would be visible above the silhouette of the Kensington Gardens Square buildings; (ii) the

design of the pavilion is more subdued and recessive as now proposed; and (iii) there is a dense screen of trees, which reduce the visual impact even in winter when the trees are not in leaf, it is thus considered that while a full two storeys have not been removed from the tower elements to the rear of the development, as required by Condition 10 part (iv), the amendments have succeeded in significantly mitigating the previously identified harm. In its revised form there remains a degree of harm; however, this harm to the character and appearance of Bayswater Conservation Area and the setting of neighbouring listed buildings is considered to be of capable of being out-weighed by the wider public benefits that the scheme delivers.

The revised scheme has re-apportioned the lost 10th floor floorspace by adding additional floorspace at 7th floor level between the taller tower elements. Other changes that are proposed to this rear block are a slight setting back of the building line from the rear of the properties in Kensington Gardens Square. This has been done to try and address the requirements of Condition 10 part (v). The amount of set-back proposed ranges between 200mm at Levels 2 and 3 to 1.8m at Levels 5-8. These alterations at 7th floor level and in the setting back of the rear elevation on the upper floors are considered acceptable in design terms and would maintain the overall design approach and detailing of the approved scheme.

The infill of the previously approved residential drop off facility in Redan Place is considered to be acceptable in design terms, as it reinforces the building line and the mews like character of this part of the scheme. In combination with the infill of the drop-off it is also proposed to amend the detailed design of the townhouses in Redan Place so that they have a simpler fenestration pattern. This amendment is also supported in design terms as this will also assist in more closely aligning the appearance of this elevation of the development with the existing mews like character of the west side of Redan Place.

Associated with the infill of the residential drop off facility is the enlargement of the main Class A1 retail unit on the western side of the central courtyard, which will be on axis with the main entrance to the courtyard from Queensway. It is now proposed to relocate the historic staircase, currently beneath the main circular atrium space, but approved to move into the hotel part of the development, to be positioned within this new enlarged 'anchor' retail unit, which will be a two storey unit in part. This alteration to the scheme is considered to be a very positive refinement, placing the staircase in a very prominent location and associating it with a retail activity, thus both in character and use it will play a role far more similar to its original function. This amendment to the approved scheme is also welcomed by Historic England.

In addition to concerns expressed regarding the amendments to the height, bulk, massing and detailed design of the amended scheme, which are addressed by the earlier paragraphs in this section of the report, a number of objections were also received in relation to the principle of redevelopment of this site in the general form that was previously approved; namely, demolition behind a retained façade. However, the existing application does not represent an opportunity to re-examine the principles established by the original decision. As per the approved scheme, the remaining historic fabric within the building that is of significance, such as the dome to the main atrium, the central staircase and main entrance screen, are to be retained and reinstated within the redeveloped site in locations where they remain publically appreciable.

In summary in design, conservation and listed building terms, as set out in the recommendation, the Committee is asked to consider whether the amendments proposed are sufficient, in combination with consideration of the wider public benefits of the scheme, to adequately mitigate the impact of the development on the listed building; the character and appearance of the Bayswater Conservation Area and the Queensway Conservation Area; and the setting of neighbouring listed buildings. The amended scheme is otherwise considered to be acceptable in design and listed building terms and, subject to the recommended conditions, it would accord with Policies DES1, DES4, DES9 and DES10 in the UDP and S25 and S29 in the City Plan.

8.3 Residential Amenity

8.3.1 Daylight and Sunlight

As per the previously approved scheme, the current application has received a significant amount of objection on amenity grounds, most notably in relation to the impact the amended scheme would have on daylight and sunlight reaching neighbouring windows, particularly those windows serving properties in Redan Place and Kensington Gardens Square. Objectors note that the degree to which the 'tower' elements have been reduced in height and the remodelling of the bulk of the building to the rear does not fully accord with the previous Committee resolution that the 'tower' elements should be reduced in height by two full storeys. The objectors are therefore concerned that the degree to which their daylight and sunlight will be affected by the development has not been mitigated to the full extent that the Committee previously intended.

The main areas of concern in daylight and sunlight terms remains the impact the amended development would have on 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. The impact on properties and external amenity spaces located further from the development would be less than material, as was the case with the approved scheme.

As part of the current application for the amended scheme, the applicant's Daylight and Sunlight report has identified and surveyed 72 light sensitive properties and concludes that 38 of the properties would fully adhere to the BRE Guidelines. This figure has risen from 26 properties at the time of the previously approved scheme. These properties, which are affected to a less than material degree are located in Porchester Gardens, Queensway, Queens Mews, Inverness Terrace and Westbourne Grove. The impact on the remaining properties ranges from 'minor'(slightly noticeable) or 'moderate' (noticeable) transgressions of the BRE Guidelines, including a number of properties in Queensway, Kensington Gardens Square and Porchester Gardens, to more severe 'moderate' to 'major' transgressions where the impacts will be very noticeable. These severe impacts are mainly caused to properties in Kensington Gardens Square and Redan Place, as they were in the approved scheme.

Since the determination of the previously approved scheme in April 2016 the applicant has gained access to a significant number of neighbouring properties to enable more detailed survey work to be undertaken and this has allowed the applicant to more accurately assess the daylight and sunlight impact of the development and omit windows from the

assessment that serve non-habitable rooms, such as communal staircases and hallways and bathrooms.

The applicant argues that the losses identified 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 as the rear of Whiteleys is currently open/ undeveloped above the roof level car park properties in Kensington Gardens Square are more susceptible to larger percentage losses. In terms of the amendments proposed to the previously approved scheme, the applicant acknowledges that the revised scheme does not accord with the precise requirements of Condition 10 to remove two storeys from the rear 'towers', but considers that the amendments proposed, which introduce greater set-backs to the lower floors and additional modelling of the rear elevation of the development serves to deliver a reduction in impact in terms of daylight and sunlight losses, which is consistent with the benefit that would be derived from arbitrarily removing two storeys from the overall height of the 'tower' elements.

Kensington Gardens Square

There is an existing hotel at No's. 78-82 Kensington Gardens Square, which will lose between 20-50% of daylight to rear bedroom windows, as was the case in the approved scheme. The amended scheme now proposed has reduced the overall impact on the daylight reaching the hotel windows with the number of windows exceeding Building Research Establishment (BRE) guidelines on daylight loss using the Vertical Sky Component (VSC) method of assessment falling from 42 to 34 windows, with the number of windows compliant with the BRE guidelines rising from 21 to 29. The applicant has also assessed the impact of the approved scheme without the top two floors and without the other amendments to bulk and massing that are proposed in the current scheme (hereafter referred to as 'the Indicative Condition 10 Compliant Scheme'), which would result in 31 windows being BRE compliant, with 32 windows breaching BRE guidelines. Given this and as many of the hotel rooms served by these windows already have very low levels of daylight, the losses that would be caused by the amended scheme are not considered to be so material so as to warrant refusal of permission.

It is clear that as per the approved scheme a high number of windows serving habitable residential 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 11 windows serving habitable rooms that were tested, 6 will experience reductions in Vertical Sky Component (VSC) between 20% and 41.4% from lower ground to second floor levels, with the worse affected windows at lower ground and ground floor level. However, the affected windows will receive daylighting levels between 12-17 VSC, which is commensurate with the resultant daylight levels that would be caused by the approved scheme. Overall the number of windows that would breach the BRE guidelines in terms of VSC daylight loss would be no greater than in the approved scheme or would be the case when the Indicative Condition 10 Compliant scheme is assessed.

In respect of No.64, which has been subdivided into 6 flats, 9 windows serving habitable rooms have been tested. Of these windows 4 will experience reductions in VSC, as was the case in the approved scheme. The Indicative Condition 10 Compliant scheme would also cause BRE non-compliant losses to 4 windows. The losses caused would be between 20% and 39%; whereas in the approved scheme the losses were between 22% to 41% between lower ground and fourth floor levels. The majority of the affected windows will receive daylighting levels between 9.8 VSC to 32 VSC, which is considered to be commensurate with the daylight levels that would be caused by the approved scheme.

In respect of No 65, this property is in use as 8 flats. 9 of the 13 windows tested will suffer reductions in VSC in excess of BRE guidelines of between 20.3% and 35.4%. This compares to BRE non-compliant losses to 8 windows in the approved scheme ranging between 27.5% to 35.2%. The losses would be caused to windows between lower ground and third floor levels, with the lower floors being the worse affected. In terms of the ground and first floor windows these windows will receive between 13.6 and 17.6 VSC, compared to 14 to 17.5 VSC in the approved scheme. When also compared to the Indicative Condition 10 Compliant scheme, the proposed amended scheme would have a marginally greater impact on the daylight to this property as the Indicative Condition 10 Compliant scheme would cause BRE non-compliant losses to 8 rather than 9 windows.

In respect of No.66 which is subdivided into 6 flats, 6 of 12 windows will lose daylight, compared to 7 of the 12 windows in the approved scheme and 6 of the 12 windows in the Indicative Condition 10 Compliant scheme. The material losses caused range between 20% and 32% VSC, compared to between 21.7% to 39.2% in the approved scheme. The material losses are caused between lower ground and second floor levels. Although the percentage losses are relatively high, again the resultant levels of daylight would be around 13 VSC at lower ground floor level which is commensurate with the levels caused by the approved scheme.

No.67 is also subdivided into flats. At this property 18 windows have been assessed and 13 of these will suffer a loss of daylight in excess of BRE guidelines. This compares to BRE non-compliant losses to 14 windows in both the approved scheme and the Indicative Condition 10 Comparison scheme. The material losses caused would range from 20.9% to 36.6% and this compares to between 21% to 39% in the approved scheme. The losses would affect windows between lower ground and third floor level. The worse affected window in terms of percentage loss is a first floor window which will lose 36.6% of its VSC; however, this impact is less than the 39% loss that would be caused by the approved scheme. The window would retain a VSC of 16.1, which is higher than the 15.5 VSC that the window would receive under the approved scheme.

In terms of daylight, No.67 has 5 windows that face within 90 degrees of south and therefore sunlight impact has also been assessed. The amended scheme now proposed would lessen the impact on sunlight with 4 of the 5 windows being BRE compliant, compared to 3 of the windows in the approved scheme. The Indicative Condition 10 Compliant scheme would also improve the impact in terms of sunlight losses, but not to any greater extent than the amended scheme now proposed.

No 68 will also experience very similar daylight losses to No.67 with losses between 21.5% and 31.5%. This compares to material losses between 21% and 35% in the

approved scheme. The resultant VSC figures would range between 13 and 30 VSC, which is comparable with the resultant VSC levels in the approved scheme of between 12.5 and 29 VSC. Overall 5 out of 14 windows would be BRE compliant, whereas only 4 windows were compliant in the approved scheme. The Indicative Condition 10 Compliant scheme would deliver 6 windows that BRE compliant in terms of daylight loss.

No.69 is in use as 5 flats. Of the 15 windows tested, 12 would be BRE compliant in terms of daylight loss, a notable increase relative to the approved scheme in which only 9 of the 15 were BRE compliant. It is noted that the Indicative Condition 10 Compliant scheme, which the applicant has also tested, would also increase the number of BRE compliant windows to 12. The reductions to the other 3 windows, which are located between ground and second floor levels range from 21.9 to 36% and this compares to a range of losses of between 22.5% and 41.2 % in the approved scheme. Windows on the second and third floors will experience losses of annual and winter sunlight, but these losses would not be significantly different in magnitude to those losses caused by the approved scheme.

No.70 comprises of five flats. Of the 15 windows surveyed, 13 windows now meet the BRE guidelines, compared to 12 in the approved scheme. In the Indicative Condition 10 Compliant scheme 13 of the 15 windows would also be BRE compliant. In respect of the remaining two windows that are non-compliant in terms of daylight loss, they would experience losses of 32.5% and 35%, which compares to losses between 24% and 37.8% in the approved scheme. The material losses of daylight would occur to windows at first and second floor levels. The windows would though retain reasonably high levels of VSC for a central London location with proposed VSC levels of 11.9 and 16.5 VSC. No significant losses of sunlight would be caused to the six windows that face within 90 degrees of due south.

No.71 is subdivided into 7 flats. Of the 14 windows tested, 4 would breach the BRE guidelines in terms of daylight loss. This is the same as in the approved scheme; however, the Indicative Condition 10 Compliant scheme would reduce the number of BRE non-compliant windows to two. The windows that breach the BRE guidelines are at first to third floor levels and they would experience reductions in VSC of between 20.4% and 27.6%, whereas the approved scheme caused marginally higher losses in a range between 23.8% and 34.8%. Therefore in this case, whilst the number of windows materially affected has not been reduced, the degree of impact to each window has been marginally reduced.

No's.72-74 (Bentley Court) is in residential use. Of the windows tested, 11 of the 33 windows would now be BRE compliant. This compares to none of the windows in the approved scheme and 13 of the windows when the Indicative Condition 10 Compliant scheme is tested. The losses would be caused to windows between ground and fifth floor levels and are clustered between 20 and 30%, with the majority being towards the lower end of this range. In the approved scheme the losses were generally higher and ranged between 22.7% and 33.3%. The losses in this case are largely just in excess of the BRE guidelines and windows will all continue to receive a good level of daylight given that there are no closet wings to the rear of this 20th Century infill block.

No.75 is subdivided into 6 flats. Of the 14 windows tested 10 would now be BRE compliant in terms of daylight loss compared to 8 in the approved scheme and 12 in the Indicative Condition 10 Compliant scheme. The windows suffering a material loss of daylight would

be at ground, first and second floor levels and would experience losses between 27.2% and 34.3%. This compares to the losses of daylight in the approved scheme which ranged between 24.7% and 39.4% of existing VSC values. Overall therefore, the severity of the losses of daylight, as well as the extent, has been modestly reduced in the amended scheme in respect of this neighbouring building.

No.76 is also subdivided into 6 flats. Of the 10 windows tested, 6 will be BRE compliant in terms of daylight loss. This compares with 5 windows in the approved scheme and 6 windows in the Indicative Condition 10 Compliant scheme. The windows suffering a material loss are located between first and third floor levels and will experience losses between 22.7% and 32.8%, which compares to losses to 5 windows in the approved scheme of between 25.4% and 38.5% VSC. The materially affected windows would though retain a relatively good level of daylight given their central London location and the configuration of the rear of the building, which limits daylight to some windows due to the depth and proximity of the closet wing to windows at first and second floor levels. The window at first floor level adjacent to the closet wing is most significantly affected for this reason.

No 77 is in use as 5 flats. Of the 11 windows tested 8 would be BRE compliant in terms of daylight losses. This compares to 7 windows in the approved scheme and 8 windows in the Indicative Condition 10 Compliant scheme. The three affected windows would be at first, second and third floor levels and experience losses of between 22.2% and 39.8%. This compares to losses between 24.7 % and 46.2 % of existing VSC levels for four windows in the approved scheme. As at No.76, the worse affected window is a first floor window adjacent to the closet wing and the VSC for this window will be reduced from 12.8 to 7.7 VSC. This compares to a slightly larger reduction in the approved scheme to 7 VSC.

Beyond the hotel at Nos.78-82 Kensington Gardens Square, daylight loss would only occur to one window at Nos.83, 84 and 85 and this degree of loss is not considered to be objectionable. By comparison the approved scheme would cause a material loss of daylight to 5 of the 37 windows in these three buildings, whilst the Indicative Condition 10 Compliant scheme would also only cause a material loss of daylight to one window.

Redan Place

As per the approved scheme, a number of flats which front onto Redan Place will be affected, in particular No's.22 (Compass House), 23-27, 38-39 (Bourne House) and 45 in terms of loss of daylight and sunlight.

No. 22 Redan Place (Compass House) is an 8 storey building formally in commercial use, but undergoing conversion to residential use under a prior approval granted in 2014. The prior approval allows the use of the building as 33 residential flats. 112 windows have been assessed in this building and of these windows 87 are compliant with the BRE guidelines in terms of daylight losses. This compares to 83 windows in the approved scheme and 88 in the Indicative Condition 10 Compliant scheme. The windows that fail, the majority of the losses (17 windows) are considered to be minor, with the remaining windows suffering losses between 30 and 40% of existing VSC values. Overall there are slight improvements in the degree of daylight losses compared to the approved scheme. As per the approved scheme, the impact is greatest at ground, first and second floor levels where existing daylighting levels are relatively low and as such the losses caused

represent a large percentage of the overall VSC level of the windows. In terms of sunlight, the losses caused would be reduced from the approved scheme with only three windows falling below BRE compliant levels, compared to 6 windows in the approved scheme. The three windows are affected by overhangs above the windows and this level of sunlight loss is not considered to be objectionable.

Nos.23-27 Redan Place is in mixed use development with the ground floor in office use and the upper five floors in residential use. Out of a total of 151 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 given the relationship of this building to the highway and the existing enclosed nature of this part of Redan Place.

It should be noted that the amendments to the height, bulk and massing in the amended scheme, and as sought by Condition 10 of the previously approved scheme, do not have any significant impact on this neighbouring building at Nos.23-27 Redan Place or those buildings further to the east; namely Bourne House at Nos.38-39 Redan Place and No.45 Redan Place, in terms of daylight or sunlight losses. This is because the height, bulk and massing amendments are to the western side of the site; whilst these neighbouring buildings are to the north, located adjacent to the hotel block, which has not been amended in terms of its height or bulk, nor does Condition 10 of the previous permission seek amendments to the hotel block. Accordingly, the material losses of daylight and sunlight to neighbouring properties to the north of the site are considered to remain acceptable, as they were in the previously approved scheme.

Porchester Gardens

As per the approved scheme the amended scheme now proposed would not result in a material loss of daylight to windows in properties on the south side of Porchester Gardens. Porchester Court on the north side of Porchester Gardens at Nos.12-20 would be materially affected in terms of daylight loss. However, this building would see an appreciable improvement in terms of the number of windows affected, with 32 out of 78 windows now BRE compliant. This compares to 26 windows in the approved scheme, but is not as high as the number that would be compliant under the Indicative Condition 10 Compliant scheme, which would be 40 windows. In terms of the severity of the impact, this is spread with 18 windows experiencing losses between 20-30% of existing VSC, 5 experiencing losses between 30-40% and 13 experiencing losses in excess of 40%. Most of the most significant losses are to the lower ground and ground floor levels where the windows are very close to the site boundary with Whiteleys and already receive a relatively low level of light, which amplifies the percentage loss caused by the development. Overall the impact in terms of daylight loss to Porchester Court is reduced relative to the approved scheme.

Queensway

In respect of the flats on the opposite side of Queensway, a relatively small number of windows will experience losses in excess of the BRE guidelines, as was the case in the approved scheme. For the most part this is as a result of these windows already having

relatively low levels of existing daylight and/ or sunlight, such that any loss will be expressed as a high percentage. The levels of daylight and sunlight losses to Queensway properties were not previously considered to be objectionable and the amendments sought by Condition 10 to the Queensway façade; namely to reduce the height of the three new floors by 1.5m, was not imposed for amenity reasons. Nevertheless, this amendment, which the current amended scheme incorporates, does have the effect of lessening to a small degree the impact on daylight and sunlight reaching neighbouring windows. This improvement is most keenly felt at the northern end of Queensway where the number of BRE compliant windows in terms of daylight has risen from 4 to 9 (out of 11) at No.158, from 1 to 4 (out of 5) at No.160 and from 97 to 101 (out of 112) at Inver Court. BRE compliance in terms of sunlight loss has also improved at Inver Court with 106 out of 112 windows now compliant compared to 92 in the approved scheme. These improvements to the previously accepted daylight and sunlight impacts to properties opposite the site in Queensway are welcomed in amenity terms.

Summary

In summary, understanding the impact of the amended scheme relative to that of the approved scheme and also the theoretical scheme showing compliance with Condition 10 of the April 2016 permission, is complex. The impact, particularly on neighbouring windows serving properties to the west of the site in Kensington Garden Square and Redan Place is mixed with the effect on some buildings appreciably improved, whilst others will remain similarly effected or, in some limited instances, certain windows will become worse affected. Overall the amended scheme has a marginally improved impact on neighbouring amenity in terms of daylight and sunlight loss with a greater number of windows now experiencing a less than material loss of daylight and/ or sunlight compared to the approved scheme.

Compared to the Indicative Condition 10 Compliant scheme that the applicant has modelled and tested in the submitted Daylight and Sunlight Report, the impact of the amended scheme that has been submitted is a similar overall; however, the particular windows and properties affected by the respective scheme differs to some degree due to the differing bulk and massing to the rear of the site in the two schemes. As set out earlier in this report, there are some properties and windows where the Condition 10 Compliant scheme does deliver a marginally greater reduction in daylight loss.

In this context the Committee is asked to consider whether the height, bulk and massing of the rear part of the development have been satisfactorily reduced and remodelled in the amended scheme, in combination with consideration of the wider public benefits of the scheme, so as to adequately mitigate the impact of the development on the amenity of neighbouring residents and thereby be compliant with Policy ENV13 in the UDP and Policy S29 in the City Plan.

One objector has requested an additional condition to prevent future extensions on the roofs of the townhouses in Redan Place. However, roof extensions in this location would be precluded as the site is within a conservation area and would therefore require planning permission. As such, the suggested condition is not necessary in this instance to protect the amenity of neighbouring occupiers from future roof level extension of the townhouses within the proposed development.

8.3.2 Sense of Enclosure

The amendments now proposed include additional set-backs to the rear façade of the building facing neighbouring properties in Kensington Gardens Square. It is proposed to reduce the height of the 'towers' by a storey (3.67m) and set back the new top storey by an additional 1.21m relative to the approved scheme. Below this the next two storeys would be set back by an additional 1.85m, whilst the lowest floors would be set back by 200mm.

Cumulatively these additional set-backs in the bulk and massing of the building would have a minor beneficial impact on the degree to which the development would increase the sense of enclosure for neighbouring residents to the rear, particularly those in Kensington Gardens Square. However, it is also proposed to increase the bulk and height of the 'link' blocks between and to the southern side of the two 'tower' elements of the proposed building. The link blocks would be increased in height by a single storey (3.67m). The raising of the link blocks would result in a small increase in enclosure relative to the approved scheme and therefore overall the impact on neighbours to the rear in terms of enclosure is similar to that which would be caused by the approved scheme and would not be materially worse.

The omission of the residential vehicular drop off in Redan Place and its replacement with additional townhouses would 'solidify' this façade of the site relative to the approved scheme. This would increase the sense of enclosure felt by occupiers of the mews scale buildings opposite in Redan Place; however, the increase in enclosure caused would be slight and the benefit of omitting the drop-off in terms of reduced vehicular movements/ noise in Redan Place outweighs this harm.

The reduction in height of the front element of the building in Queensway by 1.5m would have a minor beneficial impact in terms of easing the enclosing impact of the development on the windows of properties on the opposite side of Queensway.

Overall the amended scheme is considered to be acceptable in enclosure terms and would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

8.3.3 Privacy/ Overlooking

Despite the objections received on overlooking grounds, it is not considered that the amended scheme now proposed would result in a materially greater loss of privacy to neighbouring residents than the approved scheme. As per the approved scheme, it is recognised that residents in Kensington Gardens Square and Redan Place will be looking onto the rear elevations of the new development, compared with the existing open public car park, but it is not considered that this results in such material harm to warrant refusal of permission given that the existing outlook across the car park is atypical in a central London location such as this.

Whilst the form and scale of the rear of the scheme has been remodelled, the scale and number of window openings have not been significantly increased, except for the predominantly glazed roof level pavilions that have been introduced on the two 'tower' elements. However, whilst the pavilions are predominantly glazed, they are largely solid to their western elevation (to accommodate the stair and lift core) and therefore they would

not materially increase overlooking to neighbouring windows of properties opposite in Kensington Gardens Square relative to the approved scheme.

In terms of terraces and balconies, these too remain much as previously approved and therefore overlooking from external amenity spaces within the development would not be materially increased relative to the approved scheme.

The set-backs of the rear façade referred to in Section 8.3.2 would increase the distance between new windows in the development and neighbouring windows in neighbouring properties to the west, albeit to a minor degree in most cases.

The architectural approach to the facades of the townhouses in Redan Place has been modified and this includes the omission of previously approved projecting bay windows, in favour of smaller window openings set within the front facades. This amendment will assist in reducing the perception of being overlooked by these new dwellings for people living in Kensington Gardens Square and Redan Place.

Other amendments proposed to the north and south facades and to the eastern façade facing Queensway would not have any adverse impact in terms of overlooking relative to the approved scheme.

Overall the amended scheme is considered to be acceptable in overlooking terms and would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

8.3.4 Noise and Other Amenity Impacts

In terms of noise from mechanical plant, Environmental Health do not object to the mechanical plant strategy for amended scheme, subject to the provision of a supplementary acoustic report to demonstrate the operational noise level of the mechanical plant when it has been specified, which can be secured by condition as per the approved scheme. Subject to this condition the scheme would accord with Policies ENV6 and ENV7 in the UDP.

As per the approved scheme conditions are also recommended to address Environmental Health's concerns that the new residential units must receive acceptable air quality (condition recommended to ensure provision of mechanical ventilation) and to prevent the units being affected by external noise (condition recommended to secure details of noise insulation proposed).

In terms of noise from traffic, the proposed scheme omits the residential drop-off to the western elevation in Redan Place, in favour of provision of a residential drop off within the basement which would be accessed from the vehicular access ramp to the northern elevation. This will reduce the number of vehicle movements along the north-south arm of Redan Place. This is welcomed in amenity terms as it would lessen disturbance for neighbouring residents in terms of noise from traffic, particularly in the evenings and overnight.

8.4 Transportation/Parking

Public Car Park

The principle of reducing the existing public car park on the site from 177 spaces to 36 spaces was accepted under Policy TRANS25 in the UDP as part of the approved scheme and Highways Planning Manager remains content that this is acceptable and there is sufficient alternative provision to reduce the surplus parking provision in this location. As part of the reorganisation of the basement accommodation in the amended scheme the public car park has been relocated to basement level 2. Whilst the Highways Planning Manager notes that the layout now proposed appears to limit long term flexibility in terms of the layout and operation of the public car park, he does not object to its relocation within the basement, given that there would be no further erosion of the number of public car parking spaces to be provided.

As per the approved scheme it is recommended that details of the vehicle signalling system that will be required for the basement car park is to be secured by condition. The management of this car park, including hours of operation and tariffs are to be controlled as part of the legal agreement, again as per the approved scheme.

Car Parking Levels

The proposed scheme includes the provision of a lesser number of residential car parking spaces than was secured in the approved scheme and this is supported by Transport for London. The number to be provided has been reduced from 139 serving 103 residential units in the approved scheme (a ratio of 1.35 spaces per unit) to 103 spaces serving 129 units in the amended scheme (0.79 spaces per unit). The location of the residential car parking spaces has been amended to basement level 1 and 2 mezzanine level and this better separates the provision from the public car parking relative to the approved scheme.

On-street parking levels in residents' bays is at 67% of capacity overnight and 79% during daytime hours within 200m of the application site. Therefore on-street residents parking in the vicinity is currently marginally below the level of Serious Deficiency (80%). Allied to this, car ownership per household in the Lancaster Gate Ward is at 31% and the site is extremely well served by public transport. In this context the level of on-site parking provision is acceptable under Policy TRANS23, provided the parking spaces are provided on an unallocated basis, as per the approved scheme, and each flat is provided with lifetime car club membership.

No car parking is being provided for the non-residential uses, save for two drop off spaces for the hotel within the basement as per the approved scheme, and this approach is compliant with policies TRANS 21 and TRANS 22 in the UDP. Whilst the Highways Planning Manager would prefer the hotel drop off to be located within the public car parking at basement level, rather than the residential car park, it is not considered that this is a ground on which to reasonably withhold permission.

As per the approved scheme the applicant has confirmed that the scheme will deliver 40% of the parking spaces with electric car charging points and this is compliant with the London Plan (March 2016).

Cycle Parking

Both Transport for London and the Highways Planning Manager note that the applicant has under specified the number of residential cycle parking spaces to be provided within the basement of the development. A condition is recommended to require the number of cycle parking spaces for residents of the development to be increased from 160 spaces to 238 spaces so that the development is compliant with standards set out in the London Plan (March 2016).

The submitted drawings show 64 cycle parking spaces for non-residential uses within the development. This exceeds the London Plan requirement for 42 cycle parking spaces and is therefore an acceptable level of provision.

Access Points

The amended scheme proposes the omission of the residential drop off previously approved in the western façade of the site in Redan Place and this is welcomed in terms of eliminating additional traffic generation from the north-south section of Redan Place, particularly at night when Redan Place is closed at its southern end to through traffic. Residential drop offs will now occur within the basement, which is a more efficient arrangement, which eases the pressure on the public highway.

The Highways Planning Manager remains unconvinced by the need to provide a hotel drop off in addition to a basement access ramp, citing that the hotel drop off facility could be fully accommodated at basement level. However, the hotel drop off was accepted previously as part of the approved scheme and therefore this aspect of the scheme cannot be revisited as part of the amended scheme given there has been no material change in relevant development plan policy in the intervening period.

Coach Parking for the Hotel

Whilst the number of hotel rooms has been increased in the current scheme, the proposed hotel remains of a scale that is unlikely to generate coach traffic through guests accessing and leaving the hotel by coach. As per the approved scheme a condition is recommended to prevent the use of coaches in connection with the operation of the hotel.

Servicing

The amended scheme continues to provide a large servicing bay within the basement; albeit this has been reconfigured from the approved scheme and relocated within the basement to basement level 2. Notwithstanding this, the servicing bay would continue to accord with Policy S42 in the City Plan and TRANS 20 in the UDP and would prevent the need for any on-street servicing. A Servicing and Delivery Strategy is to be secured by condition as per the approved scheme.

Stopping up of the Highway/ Dedication of New Highway Land

As per the approved scheme, the Highways Planning Manager advises that the proposed stopping up works within Redan Place remains acceptable. An area of land will also need to be dedicated as public highway prior to the occupation of the development at no cost to the City Council and the authorisation to stop up and dedicate the new highway land is reflected in the recommendation to the Committee. Overall it is proposed to stop up

87.5m² of existing highway land and dedicate 95m² of new highway land in Redan Place and this rationalisation of the building line and resultant ability to increase the width of the pavement is welcomed in highways terms. Again as per the approved scheme, amendments to on-street parking restrictions will require a separate Traffic Management Order.

Waste and Recycling Storage Strategy

The Cleansing Manager has raised objection to the scheme on the basis that the waste and recycling strategy proposed is reliant on chutes delivering both waste and recycling to basement level from the residential parts of the development. His concern is that the approach has not fully demonstrated that waste and recyclable materials will be managed in line with the City Council's normal storage requirements, as the Recycling and Waste Storage Requirements Guide (2017-2018) states that chute systems should be avoided as their use for dry mixed recyclables has not demonstrated the quality required for reprocessing. However, in this case, the applicant has sought to address this concern, which principally relates to chute systems that utilise a single chute with a splitter system at the bottom of the chute, by proposing three separate waste and recycling chutes within each residential core. This approach will eliminate the risk of mechanical failure in respect of the splitter system, as one will not be required, and prevent the chance of contamination of the dry mixed recyclables with other waste occurring within the chute itself. On this basis, it is considered that it would be difficult to resist the three chute system proposed, notwithstanding the concerns expressed by the Cleansing Manager.

The Cleansing Manager does not object to the size and arrangement of the waste and recycling stores at basement level and does not object to the collection of waste and recycling from within the basement level service bay. A condition is recommended to ensure the development is carried out in accordance with the submitted waste and recycling strategy.

8.5 Economic Considerations

As per the approved scheme, 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 works will offer employment opportunities and secure enhanced economic benefits for the local area in the medium to long term. 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

Level step free access will be provided through out the development, including to access facilities such as parking and the cinema at basement level. A disabled publically accessible toilet is to be provided at ground floor level for users of the retail courtyard/ basement car park.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Basement Development

A significant material change in circumstances since the determination of the previously approved scheme in April 2016 is the adoption of the new basement development policy (Policy CM28.1), which was added to the City Plan in July 2016 and remains in the latest version of the City Plan adopted in November 2016. In combination with the 'Basement Development in Westminster' Supplementary Planning Document (October 2014), which was adopted at the time of the previously approved scheme, this now forms the policy context against which the proposals in the amended scheme for an enlarged basement, in terms of depth, must be assessed. The basement within the approved scheme is also a material consideration in this assessment, given that it remains extant and could be implemented at any time.

The proposed basement in the amended scheme comprises almost entire site coverage, as was the case in the approved scheme, but proposes additional excavation to accommodate additional back of house/ ancillary floorspace at basement level (such as plant rooms, parking and storage), as well as accommodate additional floor to ceiling height for the proposed cinema accommodation so that it has the flexibility to respond to market demand, such as to provide IMAX screens. The additional excavation proposed ranges between 5.5 metres and 8.5 metres, with the deepest areas of additional excavation proposed towards the centre of the site.

In terms of Part (A) of Policy CM28.1, the amended scheme is accompanied by a full and detailed Basement Impact Assessment prepared by Structural Engineers AKT II. This report and its addendum documents identify the site specific ground conditions, as well as the drainage and ground water levels in the vicinity of the development in accordance with the normal requirements of Part (A)(1). The report also provides a detailed structural methodology for the basement construction, which is to be formed using diaphragm walls due to the depth of the excavation proposed and the soil conditions, with a top down construction sequence. The structural methodology demonstrates compliance with Part (A)(2)(a) of the policy. Notwithstanding that the normal policy requirements to assess the existing ground conditions and provide a structural methodology have been met, given the number and proximity of neighbouring properties and the scale of the excavation proposed, it is considered that a precautionary approach, as was adopted in granting permission previously, should again be taken. As such, it is recommended that a condition is again imposed that requires further reassurance that the development will not cause increased risk of flooding to neighbouring properties as a result of the basement structure. A piling method statement is also to be secured as per the approved scheme to address concerns expressed by Thames Water in their observations on the originally approved scheme.

The applicant has already undertaken to adhere to the Code of Construction Practice via the undertakings given the S106 agreement accompanying the approved scheme and this satisfies the requirements of Part (A)(2)(b) of the policy.

The Basement Impact Assessment includes assessment of the structural stability of the retained façade as well as an assessment of nearby buildings and infrastructure, such as sewers, hidden rivers and rail routes. Impact on flood risk is also considered (see Section 8.7.2) and the development would not exacerbate existing flood risk on or adjacent to the site. The current scheme has been designed to minimise the construction period thereby limiting the impact of the development, so far as is reasonably practical for a development of this site, on the amenity of neighbours and the operational of local highway network

(see Section 8.12.1). In terms of archaeological deposits, Historic England have confirmed that they are satisfied that the submitted desk based assessment has demonstrated that there is not a need for on-site investigation in this case and the basement would therefore not be likely to result in the loss of significant archaeological deposits. Accordingly Parts (A)(3), (4), (5) and (6) have all been addressed.

In terms of Part (B) of the basement policy, the scheme replaces an existing building that has total site coverage with a new building of the same extent of site coverage; albeit a hard landscaped courtyard is proposed to the centre of the site. Given the extent of existing site coverage and the lack of any substantive planting on the existing building, the proposed scheme is acceptable in landscaping terms and the additional planting to be accommodated on the proposed building is welcomed. The applicant's drainage strategy is designed to attenuate water run-off from the development to greenfield levels using attenuation tanks located at basement level, with water run-off attenuated elsewhere on the site by the use of green roofs and landscaping. As per the approved scheme, further details of the proposed drainage strategy are to be secured by condition (see Condition 7). This approach addresses the requirements of the London Plan and Thames Water. As such, the scheme accords with Parts (B)(1) and (4) of Policy CM28.1 in the City Plan.

Part (B)(2) of the policy deals with the impact of basement development on existing trees of townscape, ecological or amenity value and requires trees to be retained to be adequately protected. As set out in Section 8.7.3, in this case the Arboricultural Manager does not object to the loss of the existing street trees in Redan Place, which are to be replaced and the recommended tree protection condition would mitigate the construction impact on the trees to the rear of Porchester Court in accordance with this part of the basement development policy.

Part (B)(3) of the basement development policy requires basements to use the most energy efficient means of ventilation and lighting. In this case the submitted Energy and Sustainability Statements demonstrate that the development would be highly sustainable. The basement proposed contains support functions, back of house floorspace and uses, such as the cinema, which do not require natural light or ventilation, thus limiting the demand for extensive lighting and heating/ cooling at basement level where there is no access to natural light or ventilation.

As set out in Section 8.2 of this report, the development is considered to have been sensitively designed as an overall concept, with the street facades seeking to reintroduce active frontages to the Queensway and Redan Place elevations of the site. The only external manifestation of the basement would be the vehicular access to the north elevation in Redan Place, which whilst large in scale for practical reasons, would not appear out of scale in the context of the overall scale of the development. As such the basement proposed, which the submitted Basement Impact Assessment demonstrates can be constructed without harm to the retained historic façade, would not harm the character or appearance of the listed building or the Queensway and Bayswater Conservation Areas or the setting of neighbouring listed buildings. Accordingly the scheme is compliant with Part (B)(6) which seeks to ensure the impact of basement development in design terms is acceptable.

Part (B)(7) of the policy requires basements to be protected from sewer flooding through the installation of a suitable pumped device. The applicant's Flood Risk Assessment

Addendum document identifies the risk of sewer flooding, which is low in this location, and sets out that the scheme will incorporate a suitably specified sustainable drainage system to reduce the risk of flooding to the application site and other properties downstream. It is recommended that further details of the drainage strategy are secured by condition, as per the approved scheme, and subject to this condition the scheme would accord with this part of the basement development policy.

Part (C) of the basement development policy deals with the appropriateness of the scale and extent of basement development. In terms of Part (C)(1), as previously noted the site is already entirely developed and therefore there is no existing 'garden land' on the site. Accordingly, the provision of a replacement development with a basement below the full extent of the site accords with this part of the policy.

In terms of Part (C)(2), as the provision of a replacement development with full site coverage and a hard paved courtyard is acceptable for the reasons previously set out, the provision of soil depth over the basement at ground floor level is not required in this case. Soft landscaping and green roofs are proposed on other parts of the development.

Part (C)(3) of the policy seeks to ensure that basement development is limited to not more than one storey below the lowest original floor level, unless the site is a large site with high levels of accessibility, such that the basement can be constructed without adverse impact on the amenity of neighbouring occupiers and no heritage assets will be adversely affected. The Whiteleys site is located within an area with a significant residential population within close proximity; however, the site itself is with the exception of Porchester Court, an island site with streets separating the site from its immediate neighbours. As a result of this, the site is considered to be one which is highly accessible and is therefore a site where there is potential for basement development comprising more than one additional storey. As set out in Section 8.12.1 the applicant has scoped in significant detail the options available to limit the impact of construction works on the amenity of neighbouring residents and the local highway network. It is considered that, subject to the recommended conditions and the requirements to adhere to the latest version of the Code of Construction Practice in the S106 agreement, the applicant's approach to construction management, which will include further dialogue and consultation with neighbouring residents prior to commencement of works on site, is sufficient to satisfy this part of the basement development policy and justify provision of a basement of more than one additional storey on this accessible site.

Part (D) of the basement development policy relates to basements under public highway. In this case the proposed basement is located within the site and does not extend below the public highway. There are existing vaults below parts of the public highway, but it is not proposed to extend these, but rather they are to be made good and retained. As such, the proposed basement is compliant with Part (D) of Policy CM28.1.

In terms of the impact on the heritage asset, as has been previously outlined in this section of the report, the applicant has demonstrated that the proposed basement can be constructed without prejudicing the retention of the retained façade.

In conclusion, the amended scheme is considered to be an exception site where the provision of a basement of more than a single storey is acceptable and, subject to the recommended conditions relating to the mitigation of flood risk and construction impact

the basement proposed is acceptable in all other regards and accords with Policy CM28.1 in the City Plan.

8.7.2 Flood Risk and Prevention

The impact of the development in terms of flood risk has been assessed having regard to the responsibility of the City Council to act as the Lead Local Flood Authority under The Flood and Water Management Act 2010 and the Flood Risk Regulations 2009. This responsibility is fulfilled by assessment of the applicant's Flood Risk Assessment and Drainage Strategy by Development Planning and Planning Policy officers with reference to the City Council's Strategic Flood Risk Assessment (2010) and the Preliminary Flood Risk Assessment (2011).

The submitted Flood Risk Assessment (FRA) assesses all relevant sources of flooding and bases its findings on the latest version of the City Council's adopted Strategic Flood Risk Assessment (May 2010) and the more recently compiled flooding data held by the Environment Agency, which is referred to and shown pictorially in the applicant's FRA. In accordance with the requirements of the NPPF, the applicant's FRA is comprehensive in considering the potential for all forms of flooding (fluvial and tidal, groundwater, sewers, surface water and artificial sources). It concludes that the most significant risk is posed by surface water flooding as a result of the designation of the site within a Critical Surface Water Flooding Area and the data held by the Environment Agency. The accurate mapping provided by the Environment Agency shows this risk to be focused on the northern half of the site where it is closest to low points in the public highway along Redan Place and Westbourne Grove further to the north.

In light of these findings the applicant's FRA proposes the following mitigation measures to ensure that the development is sustainable and robust in terms of dealing with flood risk, which are similar to those identified as part of the previously approved scheme:

- A barrier at the vehicular entrance to the basement to prevent surface water flooding entering the basement.
- A pumped drainage network within basement level 3 for use in the event the barrier is breached.
- Flood resilient or resistant design for floor finishes at or below ground level to reduce risk of water ingress into the basement from surface water flooding.
- Location of electrical fittings 1 metre above ground level in the lowest basement level and raised at ground floor level.
- Sealed doors for plant rooms and storage areas within the basement.
- Suitable waterproofing strategy to protect basement from future high groundwater levels.
- Strategy to mitigate the surface water discharge from the development during peak times to reduce risk to site and neighbouring properties (this strategy is set out in the applicant's drainage strategy which is discussed in Section 8.7.1).

These measures are considered to be appropriate given the location of the site and the flooding risks that existing in this location and are to be secured by condition as per the approved scheme. They would provide the development with the necessary resilience to withstand future flooding events in accordance with NPPF and Policy 5.12 in the London Plan (March 2016).

Councillor Hug notes that the Preliminary Flood Risk Assessment published in June 2011 identifies between 51-100 records of sewer flooding in the area of Bayswater to the west of Queensway; whereas the applicant's FRA relies on data provided in Map 10 of the Council's Strategic Flood Risk Assessment (May 2010) (SFRA), which identifies between 1 and 6 recorded incidents of sewer flooding in the whole of the W2 postcode area. The reason for this disparity appears to be that the data presented in the Preliminary Flood Risk Assessment reflects all Thames Water records (apparently non-time limited); whereas the data in the SFRA covers a period of 10 years up to the date of the publication of the SFRA. Within this period Thames Water undertook extensive works along Westbourne Grove in 2007/ 2008 pursuant to planning permission granted in 2007 (05/04297/FULL) to improve the sewer network and alleviate long standing problems with recurring instances of sewer flooding of basements along Westbourne Grove. The works undertaken by Thames Water included the installation of a below ground sewer storage tank/ sewage pumping station measuring 22m depth x 15.5m diameter at corner of Inverness Terrace and Bishop's Bridge Road. It is expected that instances of sewer flooding will therefore have significantly reduced in the Westbourne Grove area, immediately to the north of the application site, since 2008. As a result, as set out earlier in this section of the report, the applicant's FRA identifies surface water flooding is likely to be the most significant risk to both the proposed development and neighbouring properties.

8.7.3 Trees and Landscaping

The extent of tree removal does not differ from the approved scheme and the Arboricultural Manager does not object to the proposals on this basis. He has raised concerns regarding the extent of tree protection details in respect of the trees to be retained to the rear of Porchester Court and suggests that further details should be sought in respect of the way in which these trees are protected during construction works. Given the additional basement excavation proposed in the amended scheme, it is considered that the additional details sought by the Arboricultural Manager are reasonable and the previously imposed tree protection condition has been adapted to address the Arboricultural Manager's concerns. Subject to the amended tree protection condition the amended scheme is considered to be acceptable in trees and landscaping terms and would accord with Policies ENV4, ENV16 and ENV17 in the UDP.

8.7.4 Biodiversity & Sustainability

As per the approved scheme the existing site is considered to comprise examples of habitats of low ecological value, including buildings, hard standing and street trees within the immediate vicinity of the site. The proposed landscaping in the amended scheme will represent an enhancement in biodiversity terms and the provision of living green roofs is welcomed. The detailed design of any new landscaping including green roofs and the inclusion of bird boxes can be reserved by condition as was the case with the approved scheme.

The applicant's BREEAM pre-assessments confirm that the proposal will achieve an 'Excellent' rating in line with Council policy and this is also consistent with the sustainability level that would have been achieved by the approved scheme. The sustainability strategy incorporates energy efficiency measures to reduce carbon emissions and sustainable

construction methods. Water energy measures include SUDs. The energy strategy proposed incorporates a Combined Heat and Power system utilising biofuel, as well as a centralised cooling energy centre that serves the development with chilled water, via a mini-district cooling system/ network on the development site. The energy strategy will deliver a cumulative CO2 emissions reduction of 43%.

As per the approved scheme a condition is recommended to ensure the scheme is designed to avoid overheating, particularly to the residential parts of the development.

Subject to the recommended conditions, the updated sustainability and energy strategies in the amended scheme would accord with Policies S28, S39 and S40 in the City Plan and the relevant policies in Chapter 5 of the London Plan (March 2016).

8.8 London Plan

Where relevant policies in the London Plan (March 2016) are referred to elsewhere in this report. The GLA Have assessed the details of the application and, given the scale of the proposals, they are content that the proposed amendments do not give rise to any new strategic planning issues, relative to those considered at the time of granting permission in April 2016. They therefore advise that the application can be determined by the City Council without the need for the application to be referred back to the GLA.

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

The draft 'Heads of Terms', setting out the planning obligations that are necessary to make the development acceptable in accordance with Regulation 122 of the CIL Regulations 2010 (as amended) and Policy S33 in the City Plan, are set out below. These remain the same as were secured as part of the previously approved scheme in April 2016 due to the limited viability of the development, which has been tested independently on behalf of the City Council by GVA. They conclude that the development cannot deliver any additional planning obligations beyond those secured in 2016 and that the viability of the development falls below what is considered to be viable, such that some of the obligations offered by the developer are being offered on an ex gratia basis in lieu of what would normally be viewed as being an acceptable level of developer profit. All index figures below are to be indexed from the date of the original S106 agreement.

- i. A financial contribution of £6,000,000 (index linked and payable on commencement of development) towards public realm improvements to Queensway;
- ii. A financial contribution of £6,000,000 to the Affordable Housing Fund (index linked and payable on commencement of development);
- iii. Costs of all the highway works associated with the development including the Stopping Up Order and the dedication of land;

- v. A financial contribution of £100,000 (index linked) towards improvements to play space in the vicinity of the development;
- vi. A financial contribution of £100,000 (index linked) towards improvements to play space in the vicinity of the development;
- vii. 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;
- viii. Provision of car parking for the residential flats on an unallocated basis;
- ix. Provision of the public car park at basement level prior to the occupation of retail use commencing and the submission of a management plan including details of car park pricing;
- x. Provision of the cinema, ready for occupation, prior to occupation of the retail use;
- xi. Provision of the gym and crèche prior to occupation of the residential accommodation and the submission of a management plan including pricing;
- xii. Implementation of a rolling programme of public art within the retail courtyard (provision of public art as part of the programme to a value of £740,000) and its on-going maintenance;
- xiii. Provision of measures to support employment , training and skills programmes;
- xiv. Management of the shopping centre, including controls over the distribution of the Class A1 (70% of floorspace) and Class A3 (30% of floorspace) and to control further
- xv. changes of use within the centre;
- xvi. Management strategy for the hotel use, including servicing and guest drop off arrangements;
- xvii. Provision of lifetime (25 year) car club membership for each residential flat;
- xviii. Provision of S106 agreement monitoring costs.

Transport for London has requested further financial contributions should be secured towards local transportation improvements including bus stop upgrades and funding for the Mayor's cycle hire scheme. However, it is not considered that the increase in residential population will necessitate such increased in demand for public transport to justify the improvements to bus stops or cycle hire docking stations. Furthermore, given the limited viability of the scheme, the development is not capable of delivering these obligations in addition to the obligations that it is already due to deliver, which are set out above in this section of the report.

The development is liable to pay Westminster's and the Mayor's Community Infrastructure Levy (CIL). In terms of the Westminster CIL, only the uplift in residential, retail and hotel floorspace created by the current application will be CIL liable (£400 per m² in the Residential Core Area and £150 per m² in the Commercial Core Area), as the previously approved scheme was permitted in April 2016, prior to the adoption of the Westminster CIL on 1 May 2016. However, based on the applicant's floorspace figures, the amended scheme would result in a small reduction of 204m² in the residential floorspace and a reduction of 4m² in retail and hotel floorspace. Therefore, the scheme is unlikely to generate any Westminster CIL payment. The CIL liability for the Mayor's CIL would be approximately £1.95m (£50 per square metre in Zone 1). However, it should be noted that these amounts are provisional and may be subject to any relief or exemptions that may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

8.11 Environmental Impact Assessment

As established by the Screening Opinion issued on 10 August 2015, the development is an urban development project of insufficient scale to require the submission of an Environmental Impact Assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended). The environmental impacts of the amended scheme proposed by the current application are considered, where relevant, in other sections of this report.

8.12 Other Issues

8.12.1 Construction Impact

The current application has attracted significant objection from significant number of neighbouring residents and Councillors Smith and Hug in respect of the impact of construction works. Concerns focus on the period of construction required to carry out a development of the scale proposed, the noise impact on neighbouring residents and the impact of the currently proposed construction vehicle route between the Westway (A40) and the application site, which requires vehicles to access the site via Kensington Gardens Square and Garway Road (particularly during the construction works phase), which are smaller local roads containing residential properties, hotels and a school.

In terms of controlling the impact of the development on neighbouring residents, the applicant has undertaken to comply with the City Council's Code of Construction Practice, which was recently updated and strengthened in its most recently adopted form in July 2016. This will require the applicant to prepare a comprehensive Site Environmental Management Plan (SEMP)/ Demolition and Construction Management Plan (see Condition 3) that identifies the measures to be taken to minimise the impact of carrying out the development on the amenity of neighbouring residents, particularly in terms of noise and dust transference. Compliance with the Code of Construction Practice (COCP) will be monitored by the Environmental Inspectorate at the applicant's expense and this monitoring is to be secured via the S106 agreement as per the approved scheme. The hours of works will be limited to prevent excessive disturbance to neighbours (see Condition 2). The applicant will also be required to provide a Construction Logistics Plan to identify the vehicle movements proposed in association with the construction process (Condition 4) and to demonstrate that these would not have a materially adverse impact on the amenity of residents and the operation of the local highway network.

In advance of complying with the COCP and the suite of conditions recommended to control the impact of construction works, the applicant has submitted with the current application a document that seeks to scope the future content of an SEMP for this site. Whilst the measures proposed are largely welcomed and will assist in limiting the impact of construction works throughout the four year construction programme, if detailed out and included in a future SEMP for this site, the concerns of residents and councillors are shared regarding the construction lorry vehicle route proposed, which would result in significant vehicle movements to the west of the site along the south side of Kensington Gardens Square and Garway Road.

The applicant has been asked to reconsider the proposed construction vehicle route via Kensington Gardens Square and Garway Road and their response will be reported verbally to the Committee. It is understood that they have already held discussions with local residents regarding this route and are receptive to considering alternative construction vehicle routes that would avoid the need to route construction vehicles via Kensington Gardens Square and Garway Road. Notwithstanding this, the precise lorry routes and other construction management measures cannot be finalised at application stage on a development of this scale and should the applicant provide a firm undertaking to re-examine the proposed lorry routes in consultation with neighbouring residents, this would need to be captured in due course in the SEMP and Construction Logistics Plan that is submitted pursuant to Conditions 3 and 4 to demonstrate compliance with the COCP.

Both Councillor Hug and Councillor Smith and a number of objectors have asked if bus route No.70 could be diverted during construction works to prevent it contributing to obstructions on the proposed lorry route along Garway Road. However, bus routes are controlled by Transport for London and cannot be reconsidered by them until the timing of construction works has been confirmed and the severity of the impact of construction works on the current route has been assessed. This concern may though be addressed by reconsideration of the construction vehicle routes, as referenced in the preceding paragraph.

Neighbouring residents have requested that the developer should make various undertakings during construction works, such as washing neighbouring windows during construction, install double glazing to prevent noise disturbance and provide sound proofing. However, such measures are not considered to be necessary or reasonable, provided the construction works are carried out within the hours of works required by Condition 2 and the works otherwise adhere to the detailed requirements set out in the COCP adopted in July 2016.

Neighbours in Kensington Gardens Square have asked that planning conditions be used to require the service of party wall notices on properties that would not otherwise require a party wall notice. However, planning conditions cannot be used to replicate or extend the requirements or controls of other legislation and therefore the use of a condition to seek additional controls under the Party Wall Act would not meet the tests for the use of planning conditions set out in the NPPF.

8.12.2 Crime and Security

The Designing Out Crime Advisor has commented that insufficient information has been submitted to demonstrate the security measures that are to be incorporated within the development. This is not dissimilar to the situation at the previously approved scheme, which included a similarly high level assessment of the crime and security measures proposed. In response a condition was imposed on the approved scheme requiring the applicant to apply for approval of a detailed scheme of all measures required to meet Secure by Design standards. It is recommended that the same condition (Condition 16) is imposed to address the concerns raised by the Designing Out Crime Advisor in respect of the amended scheme.

8.12.3 Other Matters

The impact of development on the value of neighbouring properties is not a valid ground for objection and cannot be supported as a ground on which to withhold permission.

An additional condition is recommended to limit the permission and consent that would be granted pursuant to the amended scheme to three years from the date of the originally approved scheme. This is as required by S91 of the Town and Country Planning Act 1990, as amended by S51 of the Planning and Compulsory Purchase Act 2004, and S18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by s51 of the Planning and Compulsory Purchase Act 2004.

9 BACKGROUND PAPERS

1. Application form.
2. Copy of planning permission and listed building consent decision letters dated 26 April 2016.
3. Emails from Councillor Hug dated 14 February 2017 and 3 April 2017.
4. Email from Councillor Smith dated 31 March 2017.
5. Email from the Bayswater Residents Association dated 5 March 2017.
6. Letter from the Greater London Authority dated 27 March 2017.
7. Email from Thames Water dated 18 January 2017.
8. Email from the Designing Out Crime Officer dated 20 January 2017.
9. Memo from the Cleansing Manager dated 23 January 2017.
10. Letter from the Historic England dated 25 January 2017.
11. Letter from the Historic England (Archaeology) dated 26 January 2017.
12. Letter from Transport for London dated 27 January 2017.
13. Email from Environmental Health dated 7 February 2017.
14. Email from The Victorian Society dated 8 February 2017 enclosing letter dated 22 January 2016.
15. Memo from the Arboricultural Manager dated 17 February 2017.
16. Memo from the Highways Planning Manager dated 2 May 2017.
17. Email from the occupier of Churchill House, 137-139 Brent Street dated 15 January 2017.
18. Email from the occupier of 124 Leighton Road dated 15 January 2017.
19. Email from the occupier of 30 Canteloves Road dated 15 January 2017.
20. Email from the occupier of 69 Gloucester Terrace dated 15 January 2017.
21. Emails from the occupier of Flat 2, 61 Kensington Gardens Square dated 19 January 2017 (x2), 27 January 2017 and 26 February 2017.
22. Email from the occupier of Ground Floor Flat, 69 Kensington Garden Square dated 19 January 2017.
23. Email from the occupier of 98 Westbourne Terrace dated 20 January 2017.
24. Email from the occupier of Flat 2, 63 Kensington Gardens Square dated 21 January 2017.
25. Email from the occupier of 46 Kensington Gardens Square dated 22 January 2017.
26. Email from the occupier of Basement Flat, 19A Sutherland Place dated 24 January 2017.
27. Email from the occupier of 49 Knightsdale Road, Ipswich dated 25 January 2017.
28. Email from the occupier of 66a Kensington Gardens Square dated 28 January 2017.

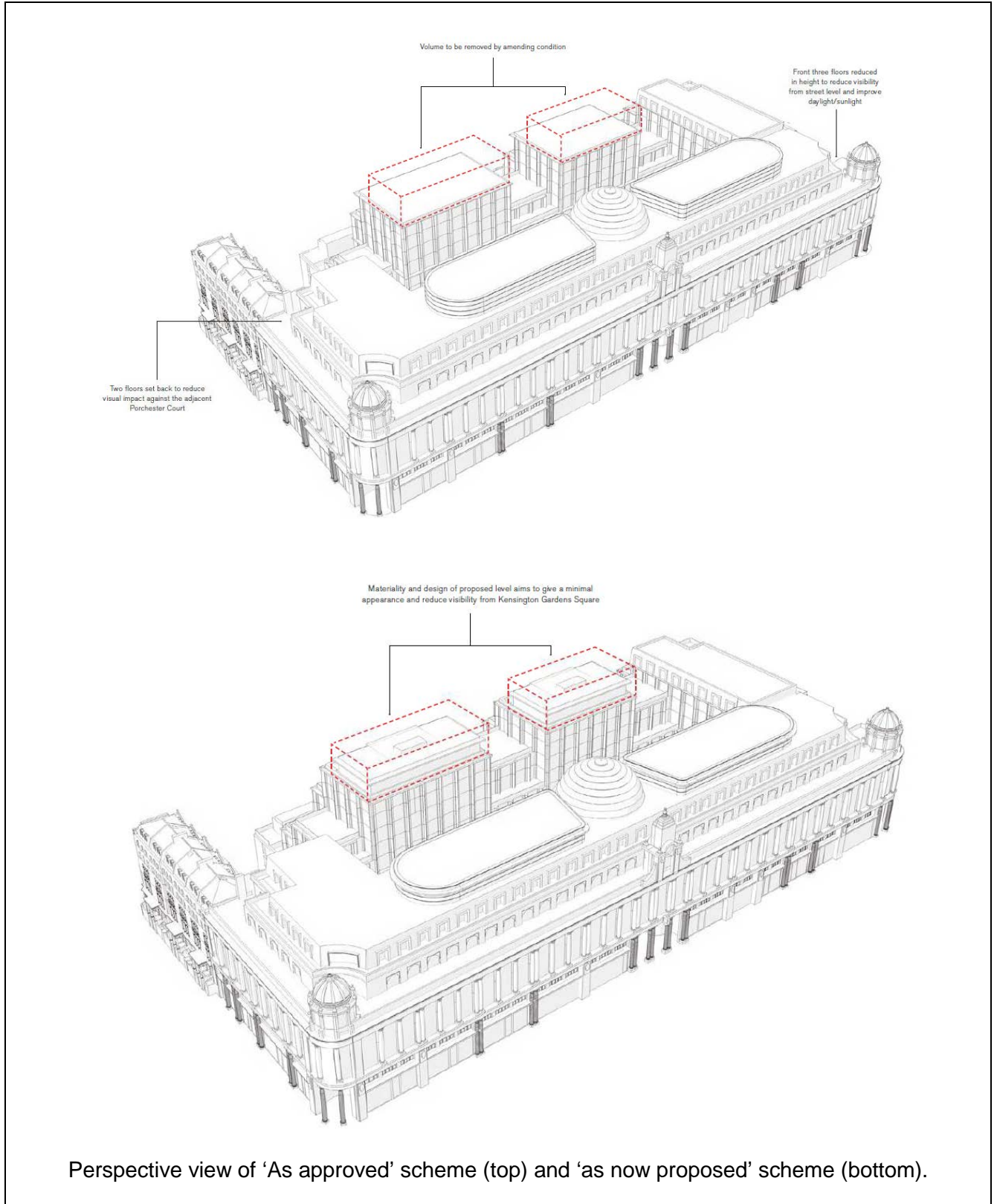
29. Email from the occupier of 66 Kensington Gardens Square dated 28 January 2017.
30. Email from the occupier of Flat 1, 71 Kensington Gardens Square dated 29 January 2017.
31. Email from the occupier of Flat 3, 69 Kensington Gardens Square dated 29 January 2017.
32. Email from the occupier of Flat 1, 66 Kensington Garden Square dated 29 January 2017.
33. Email from the occupier of Flat 2, 69 Kensington Gardens Square dated 30 January 2017.
34. Email from the occupier of 58 Kensington Gardens Square dated 30 January 2017.
35. Email from the occupier of Ground floor flat, 101 Fordwych Road dated 31 January 2017.
36. Email from the occupier of Flat 6, 61 Kensington Gardens Square dated 3 February 2017.
37. Email from the occupier of Flat 2, 70 Kensington Gardens Square dated 5 February 2017.
38. Email from an occupier of Flat B, 28 Leinster Square dated 7 February 2017.
39. Email from the occupier of Flat 17, Bentley Court, 72-74 Kensington Gardens Square dated 7 February 2017.
40. Email from the occupier of 27 Leinster Square dated 9 February 2017.
41. Email from the occupier of Flat 4, 13 Kensington Garden Square dated 11 February 2017.
42. Email from the occupier of 33 Leinster Square dated 12 February 2017.
43. Email from an occupier of 28B Leinster Square dated 13 February 2017.
44. Email from the occupier of 28D Leinster Square dated 13 February 2017.
45. Email from the occupier of 35D Leinster Square dated 13 February 2017.
46. Email from the occupier of 32 Leinster Square dated 16 February 2017.
47. Email from the occupier of 27b Leinster Square dated 17 February 2017.
48. Email from the occupier of 28a Leinster Square dated 19 February 2017.
49. Email from the occupier of Flat F, 33 Leinster Square dated 19 February 2017.
50. Email from an occupier of 10 Kensington Garden Square dated 22 February 2017.
51. Email from an occupier of 10 Kensington Gardens Square dated 26 February 2017.
52. Email from an occupier of Flat 1, 70 Kensington Gardens Square dated 7 March 2017.
53. Email from an occupier of Flat 1, 70 Kensington Gardens Square dated 7 March 2017.
54. Email from the occupier of 27c Leinster Square dated 20 March 2017.
55. Email from the occupier of Flat 4, 65 Kensington Gardens Square dated 21 March 2017.
56. Email from the occupier of 41b Beauchamp Road dated 21 March 2017.
57. Email from the occupier of Ground and First Floor, 64 Kensington Gardens Square dated 21 March 2017.
58. Email from the occupier of Flat 3, 75 Kensington Gardens Square dated 21 March 2017.
59. Email from the occupier of 77 Kensington Gardens Square dated 21 March 2017.
60. Email from the occupier of Flat B, 3 Westbourne Grove Terrace dated 21 March 2017.
61. Email from the occupier of Flat 6, 71 Kensington Gardens Square dated 21 March 2017.
62. Email from the occupier of Flat 17, Bentley Court, 72-74 Kensington Gardens Square dated 21 March 2017.
63. Email from the occupier of Flat 2, 76 Kensington Gardens Square dated 21 March 2017.

64. Email from the occupier of 66 Kensington Gardens Square dated 21 March 2017.
65. Email from the occupier of Flat 5, 75 Kensington Gardens Square dated 21 March 2017.
66. Email from the occupier of Flat 4, 63 Kensington Gardens Square dated 22 March 2017.
67. Email from an occupier of Kensington Gardens Square dated 22 March 2017.
68. Email from the occupier of Basement Rear Flat, 64 Kensington Gardens Square dated 22 March 2017.
69. Emails from the occupier of Flat 1, Bentley Court, 72-74 Kensington Gardens Square dated 23 March 2017.
70. Email from the occupier of Flat 4, 75 Kensington Gardens Square dated 23 March 2017.
71. Email from the occupier of Flat 1, 50 Kensington Gardens Square dated 23 March 2017.
72. Email from the occupier of Flat 4, 64 Kensington Gardens Square dated 24 March 2017.
73. Email from the occupier of 11 Bentley Court, 72 Kensington Gardens Square dated 24 March 2017.
74. Email from the occupier of 69 Kensington Gardens Square dated 24 March 2017.
75. Email from the occupier of Flat 8, 61 Kensington Gardens Square dated 25 March 2017.
76. Email from the occupier of Flat 7, 71 Kensington Garden Square dated 27 March 2017.
77. Email from the occupier of Apartado 2255, Quinta Do Lago dated 27 March 2017.
78. Email from the occupier of Church Road, Marlow dated 27 March 2017.
79. Email from the occupier of 60B Kensington Garden Square dated 27 March 2017.
80. Email from the occupier of 63 Kensington Gardens Square dated 27 March 2017.
81. Email from the occupier of Flat 7, 71 Kensington Gardens Square dated 27 March 2017.
82. Email from the occupier of 18 Leinster Mews dated 31 March 2017.
83. Email from the occupier of Flat B1, 63 Kensington Gardens Square, dated 12 April 2017.
84. Email from an occupier of 69 Kensington Gardens Square dated 3 May 2017.
85. Email from the occupier of Flat 5, 65 Kensington Gardens Square dated 4 May 2017.

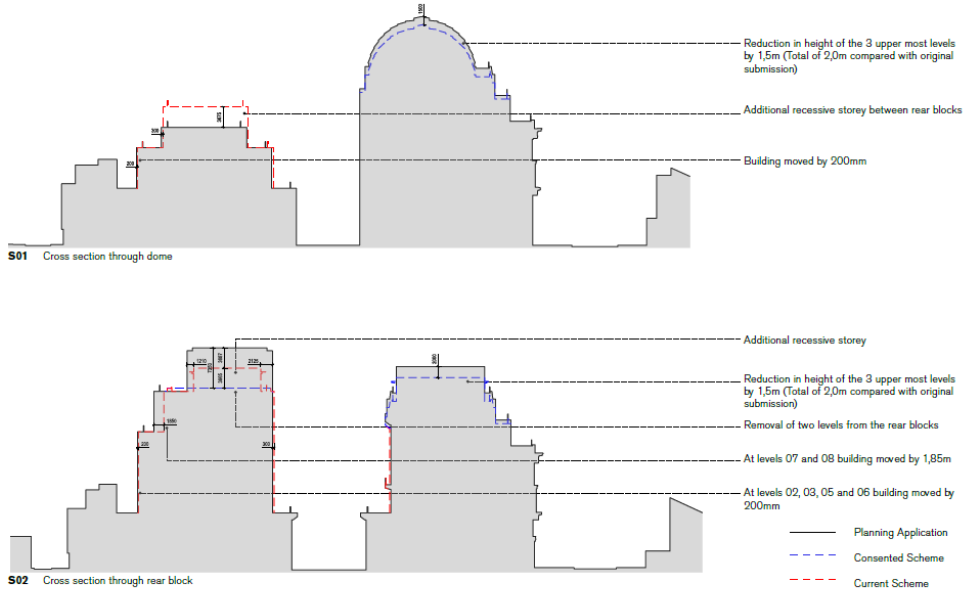
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT ogibson@westminster.go.uk.

10 KEY DRAWINGS

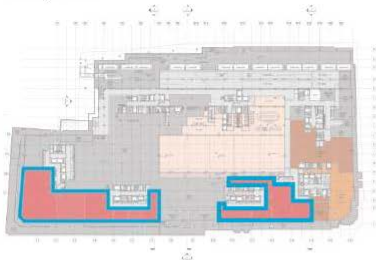


Cross section
 Planning Application Consented Scheme and Current Scheme comparison

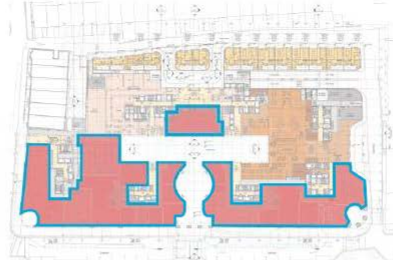


As approved scheme with requirements of conditions imposed in April 2016 shown by blue dotted lines and proposed scheme shown by red dotted lines.

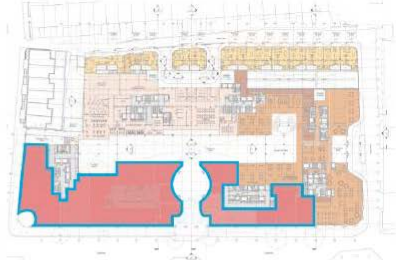
Planning Consent



Basement 1 Floor Plan - Total A1 & A3 NIA: 1,310 m²

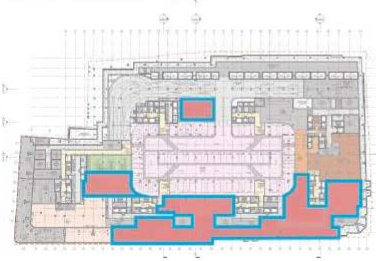


Ground Floor Plan - Total A1 & A3 NIA: 3,281 m²

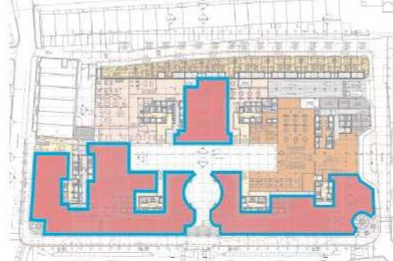


First Floor Plan - Total A1 & A3 NIA: 2,256 m²

Minor Material Amendments Proposal



Basement 1 Floor Plan - Total A1 & A3 NIA: 2,073 m²

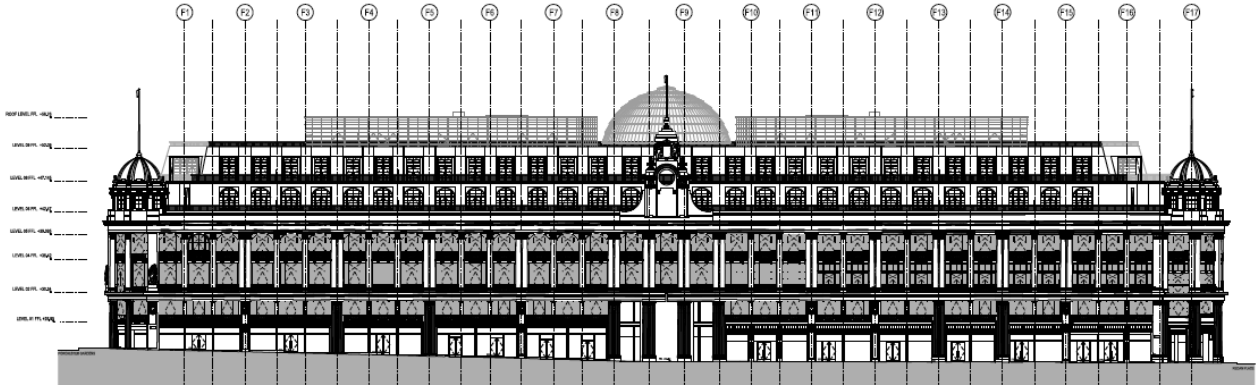


Ground Floor Plan - Total A1 & A3 NIA: 3,656 m²

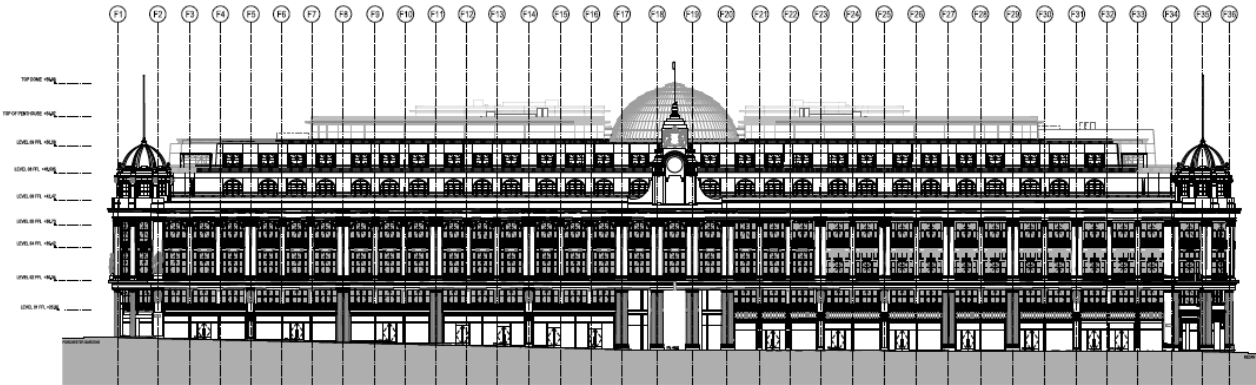


First Floor Plan - Total A1 & A3 NIA: 1,118 m²

Location and extent of retail floorspace in approved scheme (top) and as now approved scheme (bottom).

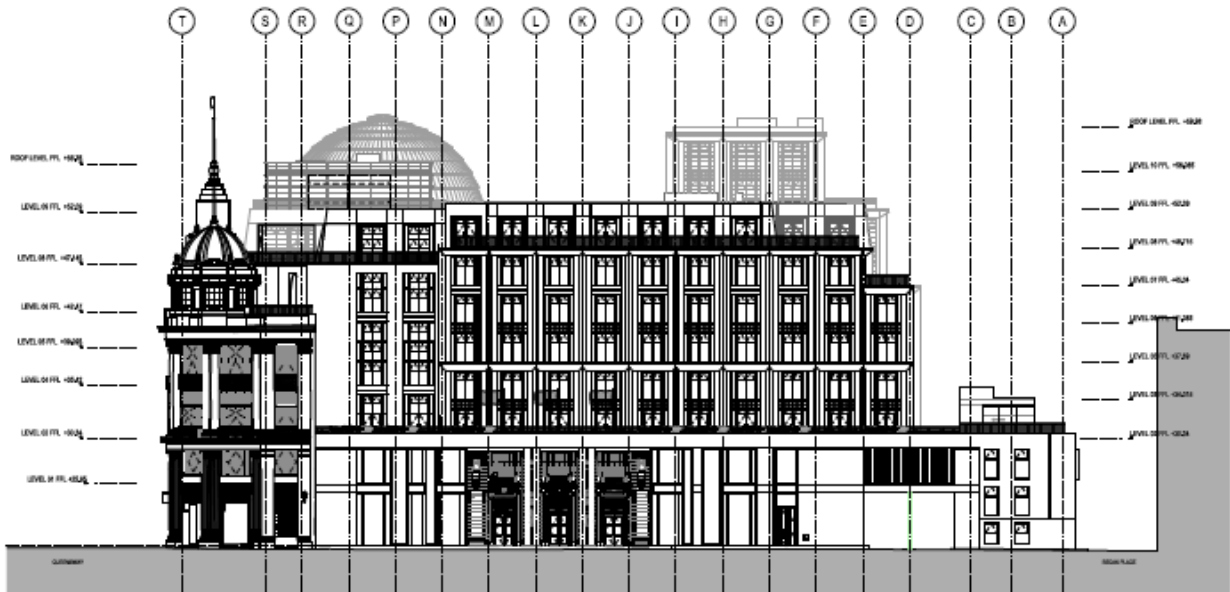


03 Queensway, Proposed East Elevation

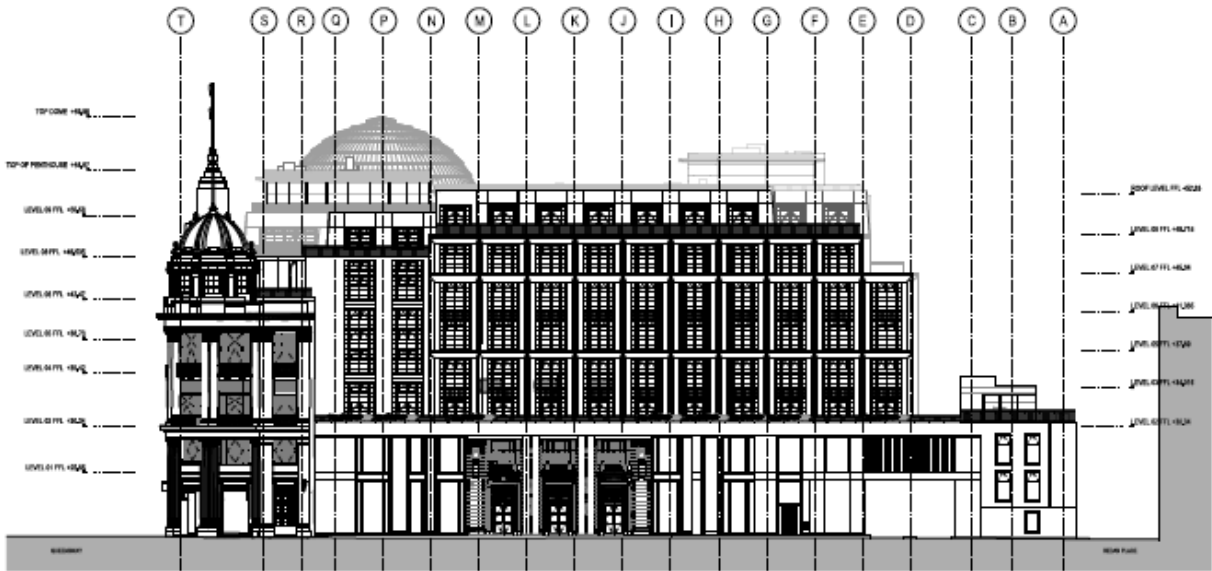


03 Queensway, Proposed East Elevation

As approved Queensway elevation (top) and as now proposed Queensway elevation (bottom).

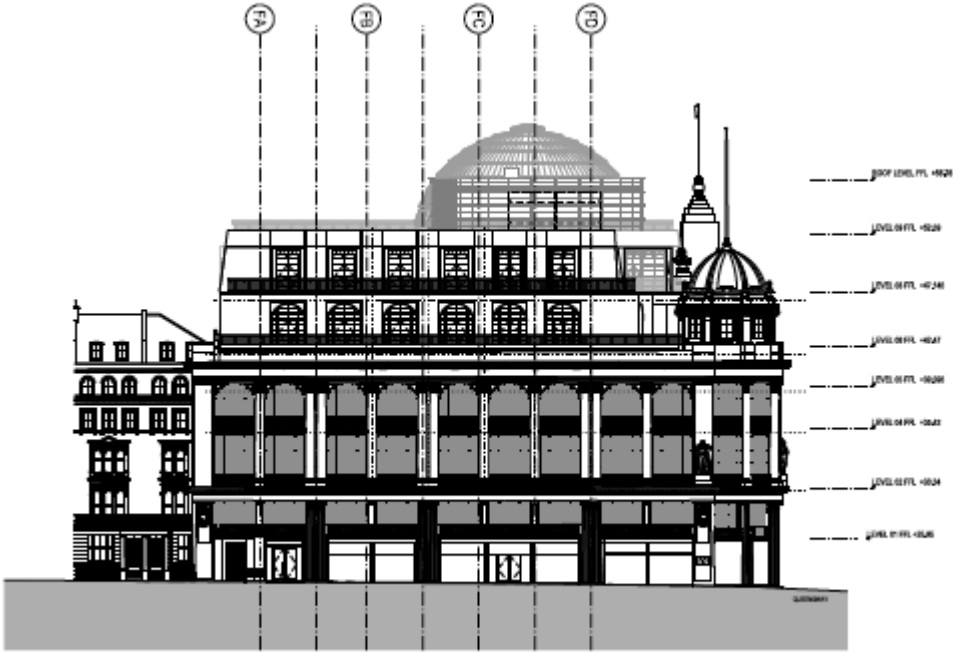


02 Redan Place, Proposed North Elevation

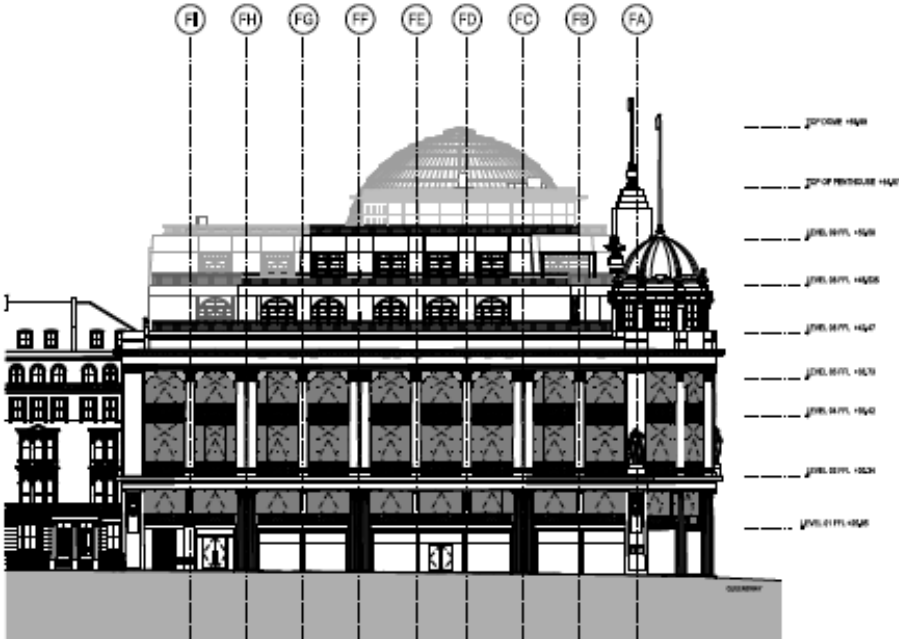


02 Redan Place, Proposed North Elevation

As approved north (Redan Place) elevation (top) and as now proposed north (Redan Place) elevation (bottom).

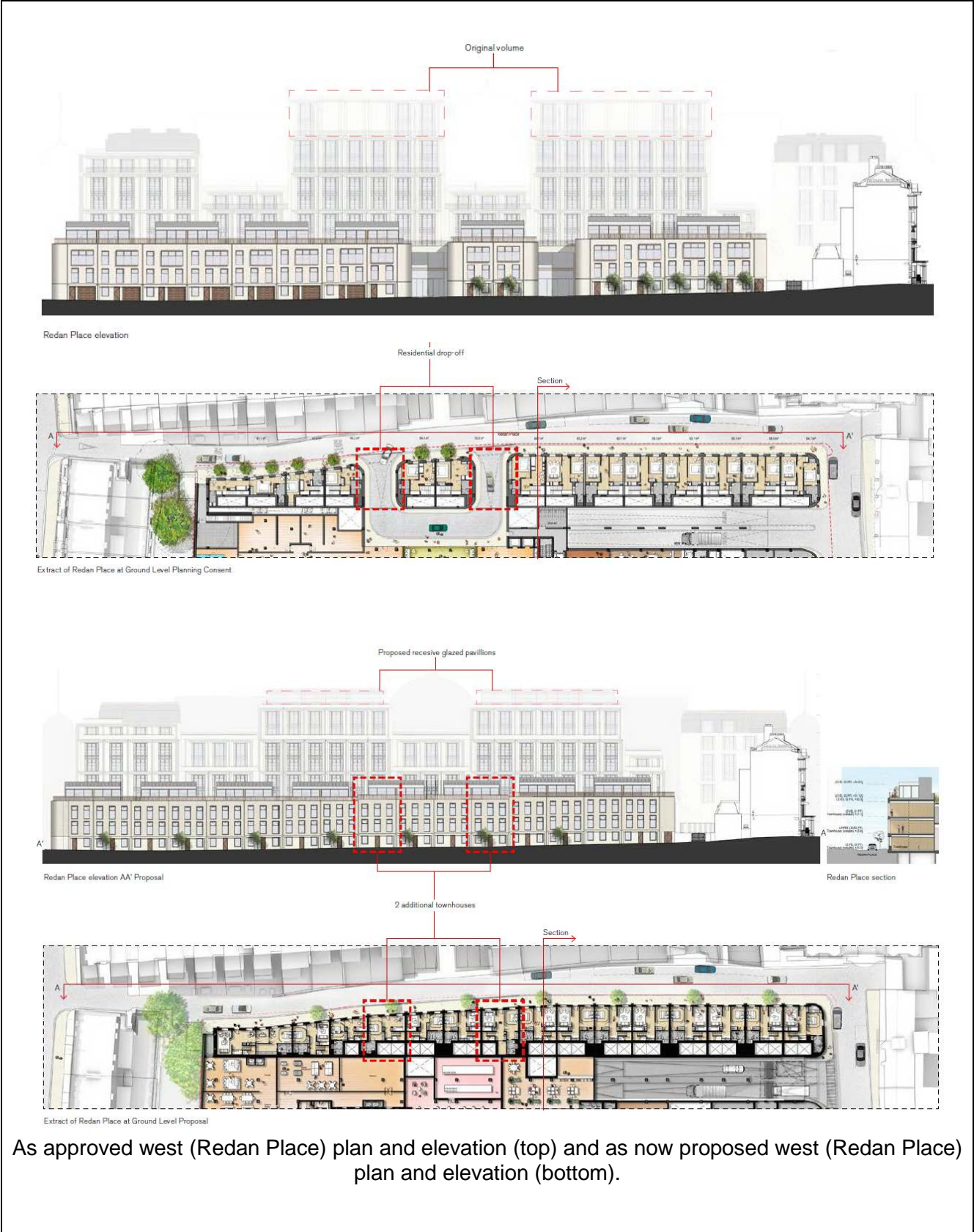


01 Porchester Gardens, Proposed South Elevation



01 Porchester Gardens, Proposed South Elevation

As approved south (Porchester Gardens) elevation (top) and as now proposed south (Porchester Gardens) elevation (bottom).



As approved west (Redan Place) plan and elevation (top) and as now proposed west (Redan Place) plan and elevation (bottom).



Views from northern part of Kensington Gardens Square. As approved scheme showing scheme submitted in 2015 (top) and as amended by conditions imposed in April 2016 (bottom).



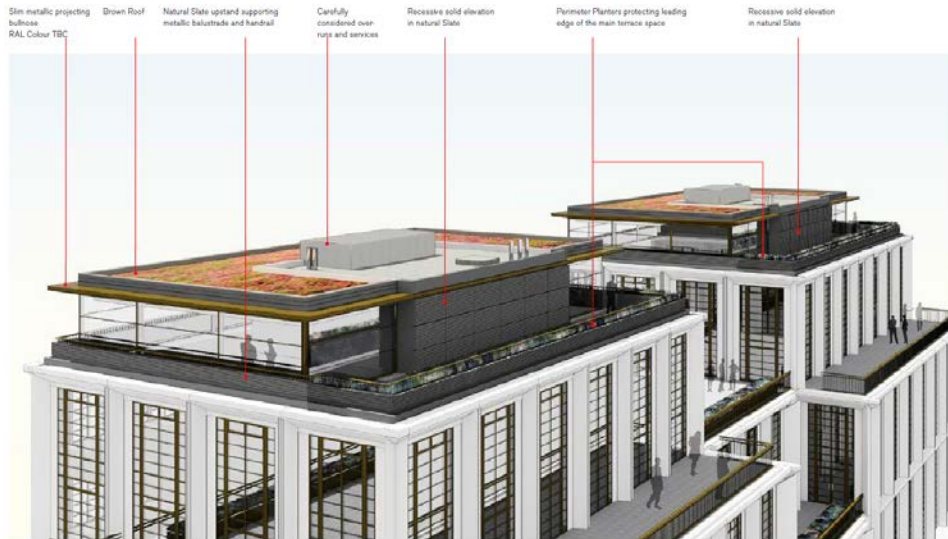
View from northern part of Kensington Gardens Square as now proposed.



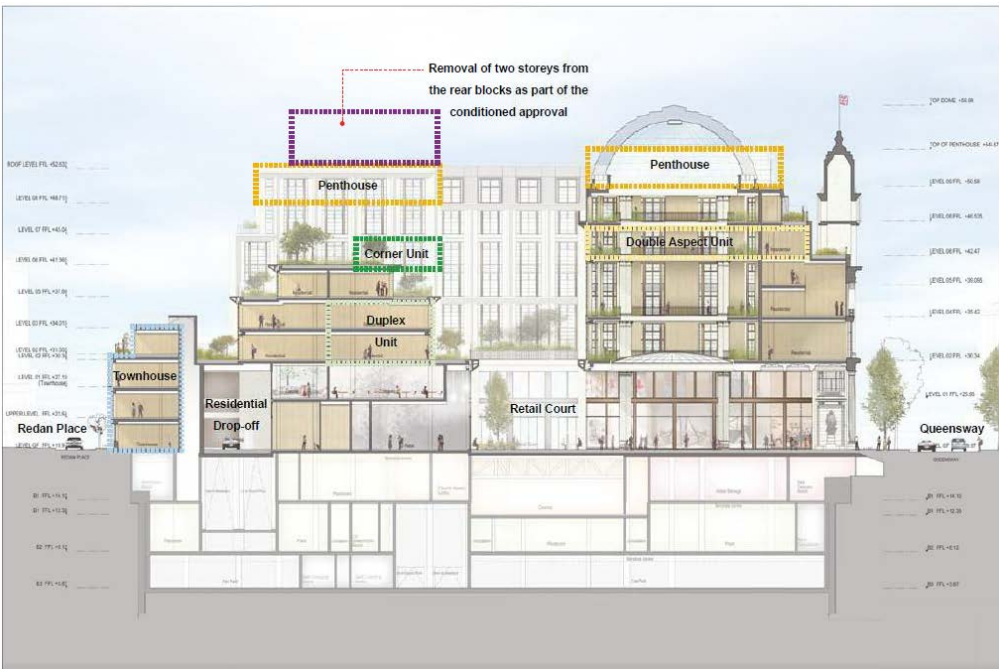
Views from southern part of Kensington Gardens Square. As approved scheme showing scheme submitted in 2015 (top) and as amended by conditions imposed in April 2016 (bottom).



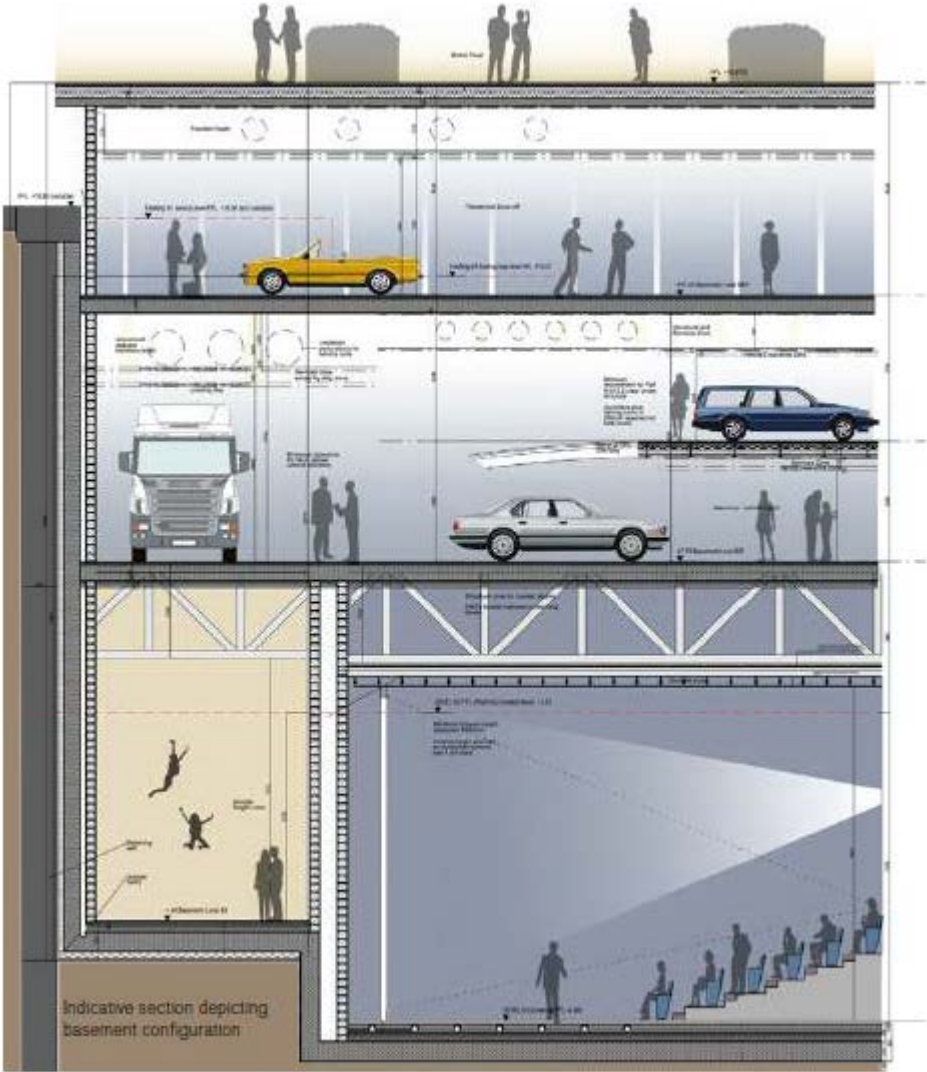
View from northern part of Kensington Gardens Square as now proposed.



Montage of proposed 'Tower Pavilions' to rear 'towers'



As approved section (top) and as now proposed section (bottom) showing additional basement excavation proposed.



As now proposed detailed section through basement with previous basement depth shown by dotted line.

DRAFT DECISION LETTER

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

Proposal: Variation of Condition 1 and removal of Condition 10 of planning permission dated 27 April 2016 (RN: 15/10072/FULL) for: 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 up to 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 103 basement residential parking spaces, cycle parking and associated basement level plant and servicing provision. NAMELY, to reduce the height of the front (Queensway frontage) of the building by 1.5m, reduce the two rear towers by one storey and remodel the new top storey as a recessed roof storey, amend the façade alignment on the set back upper floors to the rear, increase height and bulk of infill blocks between rear towers, omit the residential vehicular drop off in Redan Place and reconfigure the Redan Place façade, increase the depth and reconfiguration of the new basement, reconfigure the location and floorspace quantum of uses within the development including increase in hotel bedrooms and floorspace and gym floorspace, increase the number of residential units to provide up to 129 units, amend residential mix of units, amendment of waste management strategy, relocation of retained central staircase from hotel lobby to one of the principal retail units and associated internal and external alterations.

Reference: 16/12203/FULL

Plan Nos: **Drawings and Documents as Originally Approved on 27 April 2017 (RN: 15/10072/FULL):** A-0101-xx01-PL, A-0101-xx02-PL, A-0101-xx03-PL, A-0301-0001-PL, A-0301-0101-PL, A-0301-0201-PL, A-0301-0301-PL, A-0301-0401-PL, A-0301-b101-PL, A-0301-rf01-PL, A-0503-xx01-PL, A-0503-xx02-PL, A-0604-xx01-PL, A-0701-0001-PL, A-0701-0101-PL, A-0701-0201-PL, A-0701-0301-PL, A-0701-0401-PL, A-0701-b101-PL, A-0701-rf01-PL, A-0803-xx01-PL, A-0803-xx02-PL, A-0904-xx01-PL, A-0904-xx02-PL, A-1001-b101-PL, A-1001-b201-PL, A-1001-b301-PL/02, A-1001-0001-PL, A-1001-0101-UG-PL, A-1001-0101-PL, A-1001-0201-PL, A-1001-0301-PL, A-1001-0401-PL, A-1001-0501-PL, A-1001-0601-PL/01, A-1001-0701-PL/01, A-1001-0801-PL/01, A-1001-0901-PL/01, A-1001-1001-PL/01, A-1001-rf01-PL/01, A-1203-xx01-PL/01, A-1203-xx02-PL, A-1203-xx03-PL/01, A-1203-xx10-PL/01, A-1304-xx00-PL, A-1304-xx01-PL/01, A-1304-xx02-PL/01, A-1304-xx03-PL/01, A-1304-xx04-PL/01, A-1304-xx05-PL, A-1405-0002-PL, A-1405-0003-PL, A-1405-0004-PL, A-1405-0005-PL, A-1405-0006-PL, A-1405-0007-PL, A-1405-0008-PL/01, A-1405-0009-PL/01, A-1405-0201-PL, A-1405-0202-PL, A-1405-0203-PL, A-1405-0204-PL, A-1405-0205-PL, A-1405-0205A-PL, A-1405-0206-PL, A-1405-0209-PL, A-1405-0210-PL, A-1405-0211-PL, A-1405-0212-PL, A-1405-0213-PL, A-1405-0215-PL, A-1405-0218A-PL, A-1405-0219-PL, A-1405-0220-PL, A-1405-0221-PL, A-1405-0222-PL, A-1405-0223-PL, A-1405-0226-PL, A-1405-0227-PL,

A-1405-0301-PL, A-1405-0302-PL, A-1405-0404-PL, A-1405-0405-PL, A-1405-0406-PL, A-1405-0409A-PL, A-1405-0501-PL, A-1405-0502-PL, A-1405-0503A-PL, A-1405-0505-PL, A-1405-0506-PL, A-1405-0507-PL, A-1405-0510-PL, A-1405-0601-PL/01, A-1405-0602-PL, A-1405-0603-PL, A-1405-0604-PL, A-1405-0604A-PL, A-1405-0605-PL, A-1405-0608-PL, A-1405-0609-PL, A-1405-0610-PL, A-1405-0613-PL, A-1405-0614-PL, A-1405-0701-PL, A-1405-0702-PL, A-1405-0705-PL, A-1405-0801-PL/01, A-1405-0802-PL, A-1405-0803-PL, A-1405-0805-PL, A-1405-0806-PL, A-1405-0807-PL, A-1405-0810-PL, A-1405-0901-PL, A-1405-0903-PL, A-1405-0904-PL.. *SUPPORTING DOCUMENTS FOR INFORMATION:* Planning Statement dated October 2015 (as amended by the Post-Submission Amendments and Clarifications document dated 24 February 2016), Design and Access Statement (Volumes 1 and 2) dated October 2015 (as amended by the Planning Application Addendum dated 22 February 2016), Heritage Statement dated October 2015, Townscape and Visual Impact Appraisal dated October 2015 (as supplemented by letter from Turley dated 24 March 2016 and attached Hayes Davidson verified views from Kensington Garden Square), Historic Environment Assessment (Issue 2) dated 09/10/15, Transport Assessment (Rev.B) dated 02.11.15 (as amended by Response to Highways Comments document (Rev.A) dated 23/02/16 and letter from Turley dated 3 March 2016 and attached Public Car Park document dated 04/03/16), Servicing Management Plan dated 16/10/15, Daylight and Sunlight Assessment dated 16/10/15, Retail Assessment dated October 2015, Economic Statement dated October 2015, Internal Daylight and Sunlight Report dated 25/09/15, Sustainability Assessment dated October 2015, Climate Change Mitigation Note dated 08/02/16, Environmental Health and Environmental Sciences Note dated 12/02/16, Preliminary Ecological Appraisal (Version 1.0) dated 11/09/15, Noise Impact Assessment (Rev.03) dated 22/10/15, Ventilation and Extraction Statement dated October 2015, Structural Survey and Structural Method Statement dated October 2015, Basement Impact Assessment dated October 2015, Flood Risk Assessment (Rev. P02) dated 23/02/16, Air Quality Assessment (Rev. Final) dated 21/10/15, ARUP Note on Air Quality dated 29/01/16, Energy Statement dated October 2015, Drainage Strategy Report (Rev.P01) dated 16.10.15, Statement of Community Involvement dated October 2015, Construction Management Plan dated 23.10.16 (as supplemented by the Addendum Construction Traffic Management & Vehicle Access (Planning Response) document by A.I.A Consulting Ltd, Tree Survey/ Arboricultural Implications document dated October 2015.

As Amended by the Drawings and Documents Hereby Approved: A-011-xx-03, A-031-B1-01, A-031-B2M-01, A-031-B2-01, A-031-B3-01, A-031-00-01, A-031-00UG-01, A-031-01-01, A-031-02-01, A-031-03-01, A-031-04-01, A-031-005-01, A-031-06-01, A-031-07-01, A-031-08-01, A-031-09-01, A-031-rf-01, A-053-xx-01, A-053-xx-02, A-053-xx-03, A-053-xx-04, A-053-xx-06, A-064-xx-00, A-064-xx-01, A-064-xx-02, A-064-xx-03, A-064-xx-04, A-075-00-01, A-075-00-02, A-075-00-03, A-075-00-04, A-075-00-05, A-075-00-06, A-075-00-07, A-075-00-08, A-075-00-09, A-075-00-15, A-075-02-01, A-075-02-02, A-075-02-03, A-075-02-04, A-075-02-05, A-075-02-06, A-075-02-07, A-075-02-08, A-075-02-09, A-075-02-10, A-075-02-11, A-075-02-12, A-075-02-13, A-075-02-01, A-075-02-14, A-075-02-01, A-075-02-15, A-075-02-16, A-075-02-17, A-075-02-18, A-075-02-20, A-075-02-21, A-075-02-21A, A-075-02-22, A-075-02-22A, A-075-02-23, A-075-02-24, A-075-02-25, A-075-02-26, A-075-02-29, A-075-02-30, A-075-02-31, A-075-02-32,

A-075-02-33, A-075-02-34, A-075-02-35, A-075-02-36, A-075-02-37, A-075-03-01, A-075-03-01A, A-075-03-02, A-075-03-02A, A-075-03-03, A-075-03-04, A-075-03-05, A-075-03-06, A-075-03-09, A-075-03-10, A-075-03-11, A-075-04-01, A-075-04-02, A-075-04-03, A-075-04-04, A-075-04-05, A-075-04-06, A-075-04-07, A-075-04-08, A-075-04-09, A-075-04-10, A-075-04-11, A-075-04-12, A-075-04-13, A-075-04-01, A-075-04-14, A-075-04-15, A-075-04-16, A-075-04-17, A-075-04-20, A-075-05-01, A-075-05-02, A-075-05-03, A-075-05-04, A-075-05-05, A-075-05-06, A-075-05-07, A-075-05-08, A-075-05-09, A-075-05-10, A-075-05-11, A-075-06-01, A-075-06-02, A-075-06-02A, A-075-06-03, A-075-06-03A, A-075-06-04, A-075-06-04A, A-075-06-05, A-075-06-05A, A-075-06-06, A-075-06-06A, A-075-06-07, A-075-06-08, A-075-06-09, A-075-06-10, A-075-06-11, A-075-06-12, A-075-06-13, A-075-06-14, A-075-06-16, A-075-07-01, A-075-07-02, A-075-07-03, A-075-07-04, A-075-07-05, A-075-07-05A, A-075-07-06, A-075-08-01, A-075-08-02, A-075-08-03, A-075-08-04, A-075-08-05, A-075-08-05A, A-075-08-06, A-075-08-06A, A-075-08-07, A-075-08-07A, A-075-08-08, A-075-08-09, A-075-08-10, A-075-09-01. *SUPPORTING DOCUMENTS FOR INFORMATION:* Planning Statement dated December 2016, Design and Access Statement dated December 2016 (as supplemented by the Minor Material Amendments Clarification Note dated 4 April 2017), Section 73 Townscape and Visual Impact Appraisal Addendum dated December 2016, Heritage Statement Addendum dated December 2016, Daylight and Sunlight Assessment dated December 2016, Daylight and Sunlight Amenity Within the Site Report by GIA dated 19/12/16, Noise Impact Assessment Addendum dated December 2016, Ventilation & Extraction Statement Addendum dated December 2016, Transport Assessment dated December 2016, Travel Plan dated December 2016, Statement of Community Involvement dated December 2016, Energy Assessment Addendum dated December 2016, Flood Risk Assessment Addendum dated December 2016, Air Quality Assessment Addendum dated December 2016, Drainage Strategy Report dated December 2016, Basement Impact Assessment dated December 2016, Historic Environment Assessment Addendum dated 04/11/16, Operational Waste Strategy dated December 2016, Sustainability Assessment Addendum dated December 2016, Structural Survey & Structural Methodology Statement dated December 2016 (containing drawings S/SK249 P1, S/SK250 P1, S/SK251 P1, S/SK252 P1, S/SK253 P1, S/SK254 P1, S/SK255 P1, S/SK256 P1, S/SK257 P1, S/SK258 P1, S/SK259 P1, S/SK260 P1, S/SK261 P1, S/SK262 P1, S/SK263 P1, S/SK264 P1, S/SK265 P1, S/SK266 P1, S/SK270 P1, S/SK271 P1 and S/SK272 P1) and Construction Management Plan Addendum dated December 2016 (for information only - see Conditions 3 and 4).

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a detailed demolition and construction management plan (DCMP) and an updated Basement Impact Assessment Report for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The DCMP shall contain the following:
- i. a construction programme/phasing plan including a 24 hour emergency contact number; site manager contact details including details of regular resident liaison meetings, with local residents, businesses and the recognised amenity societies in respect of the construction programme, including a regular monthly newsletter to be sent out to neighbouring residents, businesses and the local amenity societies, and employ a dedicated Community Liaison Officer;
 - ii. details of the parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - iii. locations for loading/unloading and storage of plant and materials used in constructing the development and locations for site accommodation;
 - iv. erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
 - v. wheel washing facilities and measures to control the emission of dust and dirt during construction; and,
 - vi. a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in CM28.1 and S29 of

Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 4 **Pre-Commencement Condition.** Before any development (including demolition) takes place on site, you will need to submit a Construction Logistics Plan (CLP) for approval by the City Council in consultation with Transport for London (TfL). This Plan needs to include the predicted number of vehicle site movements, traffic direction and controls on the local feeder roads. This document shall also include a Vehicle Movement Strategy (VMS) for vehicle operators to understand the access and egress strategy for the site. The development shall be carried out in accordance with the agreed Plan.

Reason:

In order to safeguard the impact on Transport for London's Road Network and to protect the environment of residents and the area generally as set out in CM28.1 and S29 of Westminster's City Plan adopted November 2016 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 5 **Pre Commencement Condition.** No impact piling shall take place in respect of the redevelopment behind the retained facade, until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved by the City Council in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

The proposed works will be in close proximity to underground sewerage utility infrastructure and the proposed piling has the potential to impact on that infrastructure, and this condition was requested by Thames Water.

- 6 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed.

Phase 1: Desktop study - full site history and environmental information from the public records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what

action you will take in the future, if appropriate. (C18AA)

Reason:

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

- 7 **Pre-commencement condition.** The development hereby permitted shall not commence until a drainage strategy detailing on and off site drainage works has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. The strategy shall include the phasing of construction and provided a detailed maintenance regime of the proposed system. No discharge of foul or surface water from the site shall occur until the relevant phase of the drainage works set out in the approved strategy has been completed. The strategy shall be implemented in accordance with the approved details prior to first occupation of any of the approved buildings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason:

To ensure that the drainage for the proposed development can be adequately maintained, and to ensure that sufficient capacity is made available to cope with the new development and in order to avoid adverse environmental impact on the local community.

- 8 The cinema in the development shall only be used for this purpose and you must not use it for any other purpose, including any other uses 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). Customers shall not be permitted within the cinema premises before 06.30 or after 23.45 each day.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet SOC 1 of our Unitary Development Plan that we adopted in January 2007 and to safeguard the amenities of adjoining residents and future residents of the development as set out in S29 and S32 of Westminster's City Plan adopted November 2016 and ENV 6, ENV 7 and SOC1 of our Unitary Development Plan that we adopted in January 2007.

- 9 The gymnasium in the development shall only be used for this purpose and you must not use it for any other purpose, including any other uses 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). Customers shall not be permitted within the gymnasium premises before 06.30 or after 23.00 each day.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet SOC 1 of our Unitary Development Plan that we adopted in January 2007 and to safeguard the amenities of adjoining residents and future residents of the development as set out in S29 and S32 of Westminster's City Plan adopted November 2016 and ENV 6, ENV 7 and SOC1 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Queensway Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 11 You must apply to us for approval of 3m x 3m sample panels of the following parts of the development:
- i) typical re-constituted stone bay;
 - ii) typical Portland stone facework;
 - iii) typical brick facework.

The samples should demonstrate the colour, texture, face bond, pointing and means of construction (including any typical expansion/movement joints). You must not start any work on the superstructure of the development until we have approved the sample panels. You must then carry out the work according to these approved samples.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Queensway Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 12 You must apply to us for approval of detailed drawings at 1:5 and 1:20 of the following parts of the development - typical bay details to all new facades to indicate the following:

- i) windows;
- ii) external doors;
- iii) cills;
- iv) reveals;
- v) fascias;
- vi) shopfronts, including indicative locations and design principles for display of signage;
- vii) location and size of movement joints;
- viii) step backs in façade;
- ix) interfaces with windows;
- x) interfaces with landscaping;
- xi) interfaces with architectural metalwork;
- xii) ventilation and other services terminations at façade;
- xiii) balconies including method of drainage;
- xiv) railings and balustrades;
- xv) integral lighting;

- xvi) the interface of the re-positioned entrance screen with new structure;
- xvii) the link structures to the cupolas at 6th floor level;,, xviii) the north cupola;
- xviii) CCTV details and locations.

You must not start any work on the superstructure of the development until we have approved what you have sent us. You must then carry out the work according to these approved drawings.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Queensway Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 13 You must apply to us for approval of a scheme of public art to be installed in the retail court. You must not start work on the public art until we have approved what you have sent us. Before any retail units open you must have agreed the public art scheme and a timetable for installation with the City Council. You must maintain the approved public art and keep it on this site. You must not move or remove it.

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R37AB)

- 14 You must apply to us for approval of detailed drawings of a landscaping scheme which includes the surfacing of any part of the site not covered by buildings. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping according to these approved drawings within 12 month of completing the development (or within any other time limit we agree to in writing).

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Queensway Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 15 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved either:

- a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or,
- b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

You must only carry out the demolition and development according to the approved arrangements. (C29AC)

Reason:

To maintain the special architectural or historic interest of this listed building as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29BC)

- 16 **Pre Commencement Condition.** You must apply to us for approval of detailed drawings of the secure by design measures for the development. These drawings must be at a scale of 1:100. You must not start work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C16BB)

Reason:

To reduce the chances of crime without harming the special architectural and historic interest of this listed building and the character of the Queensway Conservation Area as set out in S29 of Westminster's City Plan adopted in November 2016 and DES 1 (B) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R16BC)

- 17 You must provide the public toilet (including a disabled toilet) shown on drawing A-031-00-01 for shoppers and visitors to the retail court prior to occupation of the retail floorspace. Thereafter you must permanently retain the public toilet in accordance with the approved drawings. (C26UB)

Reason:

To ensure that adequate public toilets are provided within the development to serve the retail accommodation as set out in policy SOC8 of our Unitary Development plan that we adopted in January 2007.

- 18 Details of the final layout of the retail accommodation (units to be Class A1 and Class A3 uses), including the provision of tables and chairs in the open retail court at the rear (including hours of use), shall be submitted to and approved by the City Council before the retail uses commence. Thereafter the development shall be carried out in accordance with the approved layout.

Reason:

To control the layout and mix of retail uses within the development, which forms part of the Queensway/Westbourne Grove District Centre, in accordance with Policies S13, S21 and S24 in Westminster's City Plan that we adopted in November 2016 and Policy SS6 in the Unitary Development Plan that we adopted in January 2007.

- 19 Customers shall not be permitted within the retail premises (Class A1 and A3 units) before 07.00 or after 23.30 each day.

Reason:

To safeguard the amenities of existing residents and future residents in the development, as set out in S29 and S32 of Westminster's City Plan adopted in November 2016 and ENV 6, ENV 7, SS6 and TACE 9 of our Unitary Development Plan that we adopted in January 2007.

- 20 The hotel accommodation hereby approved as part of the development shall only be used for hotel purposes and you must not use it for any other purpose, including any other uses within Class C1 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). The hotel's ancillary restaurant(s) and bar(s) must be closed to non-residents of the hotel between the hours of 24.00 (midnight) to 08.00 hours.

Reason:

We cannot grant planning permission for unrestricted Class C1 use in this case because it would not meet TACE 2 of our Unitary Development Plan that we adopted in January 2007 and to safeguard the amenities of adjoining residents and future residents of the development as set out in S22, S29 and S32 of Westminster's City Plan adopted in November 2016 and ENV 6, ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 21 A Servicing Management Plan (SMP) for the commercial uses shall be submitted to and approved by the City Council in consultation with Transport for London before the occupation of these parts of the development. This approved SMP shall be maintained for the life of the development. The SMP should be a practical document for everyday use and should identify process, storage locations, hours of servicing, scheduling of deliveries and staffing arrangements as well as the delivery size vehicles, how these vehicles will be managed including access and use of the service yard at basement level, and to demonstrate that the servicing will not affect access arrangements to the public car park and residential car parking areas. The development shall be carried out in accordance with the approved SMP, unless an alternative SMP has been submitted and approved by the City Council.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 22 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. Deliveries and collections associated with the development shall only take place between the hours of 07.00 to 20.00 hours Monday to Saturday and between 10.00 and 16.00 hours on Sundays and Bank Holidays. No delivery vehicles shall wait either on Queensway or on Redan Place.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 23 You must provide 103 residential car parking spaces at basement level 1 for the 129 residential flats as shown on the approved drawings and each car parking space shall only be used for the parking of vehicles

of people living in the residential part of this development. (C22BA)

Reason:

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

- 24 Notwithstanding the cycle parking shown on the submitted drawings, you must apply to us for approval of revised drawings showing the provision of not less than 238 cycle parking spaces for the occupiers of the residential part of this development. You must then provide the residential cycle parking spaces we approve and commercial cycle parking spaces shown the drawings hereby approved prior to occupation for the residential and commercial uses. Thereafter the cycle parking spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan (March 2016).

- 25 Prior to the occupation of the development, a minimum of 20% of the car parking spaces in the basement residential car park and the public car park shall be fitted with active electric charging points and 20% of the spaces to be passive. Thereafter these charging points shall be maintained in working order.

Reason:

To ensure that a number of electric charging points are provided in the basement car parks for the residential occupiers of this development and the users of the public car park and in accordance with policy 6.13 in the London Plan (March 2016).

- 26 Details of a vehicle signalling and access system for the basement car park shall be submitted to and approved by the City Council prior to use of the basement level car parking and shall thereafter maintained in working order for the life of the development.

Reason:

In the interests of highway safety of the users of the car park as set out in S41 of Westminster's City Plan adopted in November 2016 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 27 The blue badge car parking spaces as shown within the basement car parking shall be provided prior to occupation of the development.

Reason:

To ensure that the blue badge parking is provided as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

- 28 The public car park at basement level 2 comprising of a minimum of 36 spaces shall be provided prior to the occupation of the retail accommodation hereby provided and shall be maintained for the life of the development.

Reason:

To ensure that a public car park is provided for the retail accommodation in accordance with policy TRANS 25 of our Unitary Development Plan that we adopted in January 2007.

- 29 A minimum vertical clearance of 4.5 metres within the basement service area and the ramp to the service area shall be maintained at all times.

Reason:

To make sure that the service bay and ramp will be available for all types of vehicles for which they have been designed, to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan adopted in November 2016 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23BB)

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 31 Any structure (including awnings, canopies and signage) over the footway (public highway) must maintain 2.6 metre vertical clearance from the footway surface at all times and not extend closer than 1 metre to the kerb edge.

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 32 You must provide the waste management system in accordance with the drawings hereby approved and as set out in the Operational Waste Strategy dated December 2016, prior to occupation of the residential and commercial parts of the development. Thereafter you must permanently retain 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/ occupying the residential and commercial uses.

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 33 No coaches shall drop off or collect guests using the hotel.

Reason:

In the absence of any dedicated coach parking for the proposed hotel use and in the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan adopted in November 2016 and TRANS 2, TRANS 3 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 34 Before you begin to use the new commercial accommodation you must apply to us for approval of a Travel Plan. The Travel Plan must include details of:

- (a) A comprehensive survey of all users of the commercial accommodation
- (b) Details of local resident involvement in the adoption and implementation of the Travel Plan;
- (c) Targets set in the Plan to reduce car journeys to the development;
- (d) Details of how the Travel Plan will be regularly monitored and amended, if necessary, if targets identified in the Plan are not being met over a period of 5 years from the date the new commercial buildings are occupied.

At the end of the first and third years of the life of the Travel Plan, you must apply to us for approval of reports monitoring the effectiveness of the Travel Plan and setting out any changes you propose to make to the Plan to overcome any identified problems.

Reason:

In the interests of public safety, to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S41 of Westminster's City Plan adopted in November 2016 and TRANS 2, TRANS 3 and TRANS 15 of our Unitary Development Plan that we adopted in January 2007.

- 35 The development hereby approved shall achieve Building Research Establishment methods (BREEAM) 'Excellent' rating. If you use another method, you must achieve an equally high standard. You must provide all the environmental sustainability features referred to in the Energy Statement before you start to use the building. You must then not remove any of these features.

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44BC)

- 36 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of

any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 37 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.

- 38 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 36 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels.

- 39 You must apply to us for approval of details of the ventilation system to get rid of cooking smells in respect of the Class A3 units and the ancillary hotel restaurant/ kitchens, including details of how it will be built and how it will look. You must not begin the Class A3 and the Class C1 uses allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 40 The point of extract discharges associated with the Class A3 uses and the hotel's kitchen and ancillary restaurant shall be at least 1 metre above the ridge level of any building within 20 metres of the development.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

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

Reason:

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

- 42 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 41 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels.

- 43 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.
- (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.
- (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

- 44 A detailed scheme to prevent overheating based on a whole house ventilation scheme with the residential windows closed shall be submitted to and approved by the City Council and you must implement the scheme we approve prior to occupation of the residential flats and thereafter maintain it for the lifetime of the development.

Reason:

To ensure that the residential flats do not suffer from overheating and provide a high quality living environment in accordance with Policy S29 in Westminster's City Plan that we adopted in November 2016.

- 45 The measures as set out in the Design Recommendations in the revised Flood Risk Assessment Addendum dated December 2016; namely, the installation of a flood barrier to the basement entrance in Redan Place, a pumped drainage network to Basement Level 3, the position of electrical fittings, the provision of sealed food proof doors within the basement and a suitable sustainable drainage system (details of which are reserved by Condition 7), shall be implemented prior to the occupation of the

development. These measures shall not be removed unless approved by the City Council.

Reason:

To reduce the flood risk on the site and to mitigate the impact on the adjoining residential and commercial properties.

- 46 Prior to the commencement of the excavation of the additional basement floors, a detailed report shall be submitted to the City Council to demonstrate that this part of the proposed development together with the flood risk measures will not increase the flood risk to neighbouring properties in Kensington Gardens Square and Redan Place.

Reason:

To ensure that there is no flood risk on or off site resulting from the proposed development.

- 47 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roofs to include construction method, layout, species and maintenance regime. You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43AB)

- 48 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site. You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

Reason:

To make sure people in neighbouring properties are fully aware of the conditions and to protect their rights and safety. (R21GA)

- 49 **Pre Commencement Condition.** You must apply to us for approval of an amended tree protection method statement that demonstrates the ways in which you will protect the trees which you are keeping, as shown on drawings hereby approved. The amended tree protection method statement must include full details of canopy and root pruning to trees to the rear of Porchester Court, which is required to accommodate the development. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2005. You must then carry out the work according to the approved details. (C31AC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 50 The creche hereby approved shall only be used for this purpose and for no other user within Class D1 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). Customers/ users of the creche shall not be permitted within the creche premises before 07.00 or after 21.00 each day.

Reason:

We cannot grant planning permission for unrestricted Class D1 use in this case because it would not meet SOC 1 of our Unitary Development Plan that we adopted in January 2007 and to safeguard the amenities of adjoining residents and future residents of the development as set out in S29 and S32 of Westminster's City Plan adopted in November 2016 and ENV 6, ENV 7 and SOC1 of our Unitary Development Plan that we adopted in January 2007.

- 51 This permission must be commenced no later than 26 April 2019.

Reason:

As required by s91 of the Town and Country Planning Act 1990 as amended by s51 of the Planning and Compulsory Purchase Act 2004.

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 (November 2016), 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 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.**

- 3 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact: , Thames Water Utilities Ltd, Development Planning, Maple Lodge STW, Denham Way, Rickmansworth, Hertfordshire, WD3 9SQ, Tel: 01923 898072, Email: Devcon.Team@thameswater.co.uk
- 4 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work., , Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

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

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (150AA)

- 5 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
- * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and,
 - * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents. It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms

and conditions of this consent. (I59AA)

6 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:

1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>. Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).

7 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

8 This permission is governed by a legal agreement between the applicant and the City Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to public realm contribution, an affordable housing contribution, highway works associated with the development including the Stopping Up and Dedication of Land, a play space contribution, adherence to the Construction Code of Practice, Site Environmental Management Plan and construction monitoring, unallocated parking for the flats, the provision of a public car park and its management, provision of a cinema and the social and community uses (gym and creche), employment, training and skills provision, a management strategy for the shopping centre and hotel uses including the distribution of A1/A3 in the centre, provision of car club membership for residential units and section 106 monitoring costs.

9 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)

10 Under Section 8(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, you cannot demolish a listed building unless you have given Historic England the opportunity to make a record of the building. You must give given Historic England at least 30 days' notice before you start demolition work. And within that period you must allow its officers reasonable access to the

building. Historic England's address is:

Historic England, Architectural Investigations Section,
1 Waterhouse Square,
138-142 Holborn,
London,
EC1 2ST

- 11 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point., , If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

- 12 Condition 6 refers to a publication called 'Contaminated land, a guide to help developers meet planning requirements' - produced in October 2003 by a group of London boroughs, including Westminster. You can get a copy of this and more information from our environmental health section at the address given below.

Contaminated Land Officer, Environmental Health Consultation Team , Westminster City Council,
Westminster City Hall, 64 Victoria Street, London SW1E 6QP

Phone: 020 7641 3153 , (I73AB)

- 13 Please contact a Metropolitan Police Crime Prevention Design Adviser about suitable security measures for your development. These might include the measures required by Condition 16. You should also check whether these features will need planning approval.

You should contact:

David Fisher on 020 8217 3813 or by email docomailbox.ne@met.police.uk

He is based at:

Lower Ground
Bow Road Police Station
111-117 Bow Road
London E3 2AN

- 14 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the

Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)

- 15 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 16 You should include features that improve biodiversity when designing the development and any open areas. For more advice, please speak to our Biodiversity Project Manager on 020 7641 1951. (I81AA)
- 17 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at www.hse.gov.uk/pubns/indg244.pdf. (I80DB)
- 18 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
- Window cleaning - where possible, install windows that can be cleaned safely from within the building.,
 - Internal atria - design these spaces so that glazing can be safely cleaned and maintained, Lighting - ensure luminaires can be safely accessed for replacement.
 - Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm. Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use

equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 19 Buildings must be provided with appropriate welfare facilities for staff who work in them and for visiting members of the public. Detailed advice on the provision of sanitary conveniences, washing facilities and the provision of drinking water can be found in guidance attached to the Workplace (Health, Safety and Welfare) Regulations 1992.
www.opsi.gov.uk/SI/si1992/Uksi_19923004_en_1.htm

The following are available from the British Standards Institute - see <http://shop.bsigroup.com/>:

BS 6465-1:2006: Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances

BS 6465-3:2006: Sanitary installations. Code of practice for the selection, installation and maintenance of sanitary and associated appliances. (I80HA)

- 20 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 21 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 22 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)

- 23 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 24 Stopping Up: The area hatched red on drawing number A13039-T-106 must be stopped up prior to the commencement of the development and at no cost to the City Council, subject to any minor alterations to be agreed by the City Council as Local Highway Authority.
- 25 Dedication of Land: The area hatched blue on drawing number A13039-T-106 must be dedicated prior to the occupation of the development, at no cost to the City Council, subject to minor alterations agreed by the City Council as Local Highway Authority.
- 26 In respect of the piling condition recommended by Thames Water you are advised to contact Thames Water Development Services on 0800 009 3921 to discuss the details of the piling method statement.
- 27 Thames Water expects the developer to demonstrate what measures he will undertake to minimise ground water discharges into the public sewer. They advise that a Groundwater Risk Management Permit will be required to discharge groundwater into the public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water expects a developer to demonstrate what measures will be undertaken to minimise ground water discharges into the public sewer. Permit enquiries should be made to Thames Water Risk Management Team by telephoning 0203 577 9483 or emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via ww.thameswater.co.uk/wastewaterquality.
- 28 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point it leaves Thames Water pipes. The applicant is advised to take account of this minimum pressure in the design of the development.
- 29 Thames Water advise that this site falls within the highly flood sensitive Counters Creek Catchment area, and they will expect surface water to be attenuated to Greenfield run-off rates.
- 30 In respect of Condition 7, you are advised that Thames Water prefer all surface water to be disposed of on site using SUDs as per policy 5.13 of the London Plan. It is important that the

applicant liaises with Thames Water prior to an application being submitted to discharge this condition.

- 31 You are reminded of the need to apply for planning permission for the placing of tables and chairs on the public highway.
- 32 In respect of any lighting to the crane, this needs to be turned off in the evening in order to safeguard the amenities of neighbouring residents, and all lighting associated with the construction close to sensitive receptors shall be limited to working hours only and site lighting should be kept to a minimum.

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

DRAFT DECISION LETTER

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

Proposal: Variation of Condition 1 and removal of Condition 2 of listed building consent dated 27 April 2016 (RN: 15/10069/LBC) for: 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 up to 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, hotel (Class C1), cinema (Class D2), gym (Class D2), creche (Class D1) and public car park with associated landscaping and public realm improvements, provision of 103 basement residential parking spaces, cycle parking and associated basement level plant and servicing provision. NAMELY, to reduce the height of the front (Queensway frontage) of the building by 1.5m, reduce the two rear towers by one storey and remodel the new top storey as a recessed roof storey, amend the façade alignment on the set back upper floors to the rear, increase height and bulk of infill blocks between rear towers, omit the residential vehicular drop off in Redan Place and reconfigure the Redan Place façade, increase the depth and reconfiguration of the new basement, relocation of retained central staircase from hotel lobby to one of the principal retail units and associated internal and external alterations.

Reference: 16/12204/LBC

Plan Nos: **Drawings and Documents as Originally Approved on 27 April 2017 (RN: 15/10069/LBC):** A-0101-xx01-PL, A-0101-xx02-PL, A-0101-xx03-PL, A-0301-0001-PL, A-0301-0101-PL, A-0301-0201-PL, A-0301-0301-PL, A-0301-0401-PL, A-0301-b101-PL, A-0301-rf01-PL, A-0503-xx01-PL, A-0503-xx02-PL, A-0604-xx01-PL, A-0701-0001-PL, A-0701-0101-PL, A-0701-0201-PL, A-0701-0301-PL, A-0701-0401-PL, A-0701-b101-PL, A-0701-rf01-PL, A-0803-xx01-PL, A-0803-xx02-PL, A-0904-xx01-PL, A-0904-xx01-PL, A-1001-b101-PL, A-1001-b201-PL, A-1001-b301-PL/02, A-1001-0001-PL, A-1001-0101-UG-PL, A-1001-0101-PL, A-1001-0201-PL, A-1001-0301-PL, A-1001-0401-PL, A-1001-0501-PL, A-1001-0601-PL/01, A-1001-0701-PL/01, A-1001-0801-PL/01, A-1001-0901-PL/01, A-1001-1001-PL/01, A-1001-rf01-PL/01, A-1203-xx01-PL/01, A-1203-xx02-PL, A-1203-xx03-PL/01, A-1203-xx10-PL/01, A-1304-xx00-PL, A-1304-xx01-PL/01, A-1304-xx02-PL/01, A-1304-xx03-PL/01, A-1304-xx04-PL/01, A-1304-xx05-PL, A-1405-0002-PL, A-1405-0003-PL, A-1405-0004-PL, A-1405-0005-PL, A-1405-0006-PL, A-1405-0007-PL, A-1405-0008-PL/01, A-1405-0009-PL/01, A-1405-0201-PL, A-1405-0202-PL, A-1405-0203-PL, A-1405-0204-PL, A-1405-0205-PL, A-1405-0205A-PL, A-1405-0206-PL, A-1405-0209-PL, A-1405-0210-PL, A-1405-0211-PL, A-1405-0212-PL, A-1405-0213-PL, A-1405-0215-PL, A-1405-0218A-PL, A-1405-0219-PL, A-1405-0220-PL, A-1405-0221-PL, A-1405-0222-PL, A-1405-0223-PL, A-1405-0226-PL, A-1405-0227-PL, A-1405-0301-PL, A-1405-0302-PL, A-1405-0404-PL, A-1405-0405-PL, A-1405-0406-PL, A-1405-0409A-PL, A-1405-0501-PL, A-1405-0502-PL, A-1405-0503A-PL, A-1405-0505-PL, A-1405-0506-PL, A-1405-0507-PL,

A-1405-0510-PL, A-1405-0601-PL/01, A-1405-0602-PL, A-1405-0603-PL, A-1405-0604-PL, A-1405-0604A-PL, A-1405-0605-PL, A-1405-0608-PL, A-1405-0609-PL, A-1405-0610-PL, A-1405-0613-PL, A-1405-0614-PL, A-1405-0701-PL, A-1405-0702-PL, A-1405-0705-PL, A-1405-0801-PL/01, A-1405-0802-PL, A-1405-0803-PL, A-1405-0805-PL, A-1405-0806-PL, A-1405-0807-PL, A-1405-0810-PL, A-1405-0901-PL, A-1405-0903-PL, A-1405-0904-PL.. *SUPPORTING DOCUMENTS FOR INFORMATION:* Planning Statement dated October 2015 (as amended by the Post-Submission Amendments and Clarifications document dated 24 February 2016), Design and Access Statement (Volumes 1 and 2) dated October 2015 (as amended by the Planning Application Addendum dated 22 February 2016), Heritage Statement dated October 2015, Townscape and Visual Impact Appraisal dated October 2015 (as supplemented by letter from Turley dated 24 March 2016 and attached Hayes Davidson verified views from Kensington Garden Square), Historic Environment Assessment (Issue 2) dated 09/10/15, Transport Assessment (Rev.B) dated 02.11.15 (as amended by Response to Highways Comments document (Rev.A) dated 23/02/16 and letter from Turley dated 3 March 2016 and attached Public Car Park document dated 04/03/16), Servicing Management Plan dated 16/10/15, Daylight and Sunlight Assessment dated 16/10/15, Retail Assessment dated October 2015, Economic Statement dated October 2015, Internal Daylight and Sunlight Report dated 25/09/15, Sustainability Assessment dated October 2015, Climate Change Mitigation Note dated 08/02/16, Environmental Health and Environmental Sciences Note dated 12/02/16, Preliminary Ecological Appraisal (Version 1.0) dated 11/09/15, Noise Impact Assessment (Rev.03) dated 22/10/15, Ventilation and Extraction Statement dated October 2015, Structural Survey and Structural Method Statement dated October 2015, Basement Impact Assessment dated October 2015, Flood Risk Assessment (Rev. P02) dated 23/02/16, Air Quality Assessment (Rev. Final) dated 21/10/15, ARUP Note on Air Quality dated 29/01/16, Energy Statement dated October 2015, Drainage Strategy Report (Rev.P01) dated 16.10.15, Statement of Community Involvement dated October 2015, Construction Management Plan dated 23.10.16 (as supplemented by the Addendum Construction Traffic Management & Vehicle Access (Planning Response) document by A.I.A Consulting Ltd, Tree Survey/ Arboricultural Implications document dated October 2015.

As Amended by the Drawings and Documents Hereby Approved: A-011-xx-03, A-031-B1-01, A-031-B2M-01, A-031-B2-01, A-031-B3-01, A-031-00-01, A-031-00UG-01, A-031-01-01, A-031-02-01, A-031-03-01, A-031-04-01, A-031-005-01, A-031-06-01, A-031-07-01, A-031-08-01, A-031-09-01, A-031-rf-01, A-053-xx-01, A-053-xx-02, A-053-xx-03, A-053-xx-04, A-053-xx-06, A-064-xx-00, A-064-xx-01, A-064-xx-02, A-064-xx-03, A-064-xx-04, A-075-00-01, A-075-00-02, A-075-00-03, A-075-00-04, A-075-00-05, A-075-00-06, A-075-00-07, A-075-00-08, A-075-00-09, A-075-00-15, A-075-02-01, A-075-02-02, A-075-02-03, A-075-02-04, A-075-02-05, A-075-02-06, A-075-02-07, A-075-02-08, A-075-02-09, A-075-02-10, A-075-02-11, A-075-02-12, A-075-02-13, A-075-02-01, A-075-02-14, A-075-02-01, A-075-02-15, A-075-02-16, A-075-02-17, A-075-02-18, A-075-02-20, A-075-02-21, A-075-02-21A, A-075-02-22, A-075-02-22A, A-075-02-23, A-075-02-24, A-075-02-25, A-075-02-26, A-075-02-29, A-075-02-30, A-075-02-31, A-075-02-32, A-075-02-33, A-075-02-34, A-075-02-35, A-075-02-36, A-075-02-37, A-075-03-01, A-075-03-01A, A-075-03-02, A-075-03-02A, A-075-03-03, A-075-03-04, A-075-03-05, A-075-03-06, A-075-03-09, A-075-03-10, A-075-03-11, A-075-04-01,

A-075-04-02, A-075-04-03, A-075-04-04, A-075-04-05, A-075-04-06, A-075-04-07, A-075-04-08, A-075-04-09, A-075-04-10, A-075-04-11, A-075-04-12, A-075-04-13, A-075-04-01, A-075-04-14, A-075-04-15, A-075-04-16, A-075-04-17, A-075-04-20, A-075-05-01, A-075-05-02, A-075-05-03, A-075-05-04, A-075-05-05, A-075-05-06, A-075-05-07, A-075-05-08, A-075-05-09, A-075-05-10, A-075-05-11, A-075-06-01, A-075-06-02, A-075-06-02A, A-075-06-03, A-075-06-03A, A-075-06-04, A-075-06-04A, A-075-06-05, A-075-06-05A, A-075-06-06, A-075-06-06A, A-075-06-07, A-075-06-08, A-075-06-09, A-075-06-10, A-075-06-11, A-075-06-12, A-075-06-13, A-075-06-14, A-075-06-16, A-075-07-01, A-075-07-02, A-075-07-03, A-075-07-04, A-075-07-05, A-075-07-05A, A-075-07-06, A-075-08-01, A-075-08-02, A-075-08-03, A-075-08-04, A-075-08-05, A-075-08-05A, A-075-08-06, A-075-08-06A, A-075-08-07, A-075-08-07A, A-075-08-08, A-075-08-09, A-075-08-10, A-075-09-01. *SUPPORTING DOCUMENTS FOR INFORMATION:* Planning Statement dated December 2016, Design and Access Statement dated December 2016 (as supplemented by the Minor Material Amendments Clarification Note dated 4 April 2017), Section 73 Townscape and Visual Impact Appraisal Addendum dated December 2016, Heritage Statement Addendum dated December 2016, Basement Impact Assessment dated December 2016, Historic Environment Assessment Addendum dated 04/11/16 and Structural Survey & Structural Methodology Statement dated December 2016 (containing drawings S/SK249 P1, S/SK250 P1, S/SK251 P1, S/SK252 P1, S/SK253 P1, S/SK254 P1, S/SK255 P1, S/SK256 P1, S/SK257 P1, S/SK258 P1, S/SK259 P1, S/SK260 P1, S/SK261 P1, S/SK262 P1, S/SK263 P1, S/SK264 P1, S/SK265 P1, S/SK266 P1, S/SK270 P1, S/SK271 P1 and S/SK272 P1) .

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Queensway Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our

Unitary Development Plan that we adopted in January 2007. (R27AC)

3 You must apply to us for approval of full details of the following parts of the development:

- All proposed works of refurbishment, alteration and/or replacement of windows, within the historic facades, including the secondary glazing system. This is to be based on a detailed condition survey and on the underpinning principle, that windows are to be retained and repaired where possible and only replaced where demonstrably beyond repair.

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Queensway Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

4 You must apply to us for approval of full details of the following parts of the development:

- i) the replacement patterned stone floor behind the column line within the main entrance area. This must include samples of the proposed replacement stone and jointing details;
- ii) the floor finishes to the circular covered corners to the retained facade.

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Queensway Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

5 You must apply to us for approval of full details of the following parts of the development:

- A detailed methodology for the dismantlement, storage and re-assembly/ repositioning of the stone entrance screen and the central staircase and the central dome.

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Queensway Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 6 Before any demolition to the relevant parts takes place you must apply to us for approval of a Level 4 Survey of the following parts of the building:

- i) the octagonal atrium and dome;
- ii) the 1922 restaurant.

The Level 4 survey shall be in accordance with Historic England's "Understanding Historic Buildings: A Guide to Good Recording Practice". You must not remove any of these elements until we have approved what you have sent us.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 7 You must apply to us for approval of full details of the following parts of the development:

- i) the re-created central atrium, including details of columns, balconies, balustrades and the second floor glazed screen;
- ii) shopfronts to the retained facades, including indicative locations and design principles for display of signage;
- iii) railings and balustrades to the retained facades;
- iv) fixtures and fittings to windows of retained facade;
- v) integrated lighting to retained facade;
- vi) the plaster ceiling between the atrium and the facade columns;
- vii) the re-positioned statues from the entrance screen;
- viii) the interface of the re-positioned entrance screen with new structure;
- ix) the link structures to the cupolas at 6th floor level;
- x) the proposed northern cupola.

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Queensway Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 8 All new work and improvements to the retained facades must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Queensway Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 9 The development hereby permitted shall be begun no later than 26 April 2019.

Reason:

As required by s18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by s51 of the Planning and Compulsory Purchase Act 2004.

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
- * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and,
 - * any work needed to meet the building regulations or other forms of statutory control.
- Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents. It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)
- 3 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)

- 4 Under Section 8(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, you cannot demolish a listed building unless you have given English Heritage the opportunity to make a record of the building. You must give Historic England at least 30 days' notice before you start demolition work. And within that period you must allow its officers reasonable access to the building. Historic England 's address is: , ,

Historic England , Architectural Investigations Section,
1 Waterhouse Square,
138-142 Holborn,
London,
EC1 2ST

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