

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 8 October 2019	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Lancaster Gate	
<b>Subject of Report</b>	<b>Whiteleys Centre, Queensway, London, W2 4YH</b>		
<b>Proposal</b>	Variation of Condition 1 of planning permission dated 19 November 2018 (RN: 18/04595/FULL), which itself varied Conditions 1, 15 and 16 and removal of Condition 49 of planning permission dated 1 November 2017 (RN: 16/12203/FULL), which varied Condition 1 and removed 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 103 to 129 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, variation of Condition 1 to increase number of residential units from 129 to 153 units, including 14 affordable units; amendment to townhouses along Redan Place; amendment of residential unit mix; reduction in basement excavation depth with associated amendment to car and cycle parking and basement level plant, relocation of servicing bay to ground level and removal of public car park; revisions to hotel, cinema and gym floorspace, including increase in hotel room numbers to 111 and relocation of swimming pool to hotel; removal of crèche use; and replacement of windows to parts of the historic façade with double glazed windows.		
<b>Agent</b>	Turley		
<b>On behalf of</b>	Queens Road W2 Ltd		
<b>Registered Number</b>	19/02449/FULL and 19/02374/LBC	<b>Date amended/ completed</b>	17 April 2019
<b>Date Application Received</b>	2 April 2019		
<b>Historic Building Grade</b>	Grade 2 Listed		
<b>Conservation Area</b>	Queensway		

## 1. RECOMMENDATION

1. Subject to referral to the Mayor of London, grant conditional planning permission, subject to the completion of a deed of variation to the Section 106 agreement dated 1 November 2017 to secure originally agreed planning obligations, as set out below:
  - i. Provision of 14 intermediate affordable units on-site and provision for Early and Late Stage Review mechanisms in accordance with the Mayors Affordable Housing and Viability SPG;
  - ii. Costs of all the highway works associated with the development including the Stopping Up Order and the dedication of land;
  - iii. A financial contribution of £122,481.00 (index linked) towards improvements to play space in the vicinity of the development;
  - iv. 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;
  - v. Provision of the cinema, ready for occupation, prior to occupation of the retail use;
  - vi. Provision of the gym prior to occupation of the residential accommodation and the submission of a management plan including pricing;
  - vii. Provision of measures to support employment, training and skills programmes;
  - viii. 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 changes of use within the centre;
  - ix. Management strategy for the hotel use, including servicing and guest drop off arrangements;
  - x. Provision of lifetime (25 year) car club membership for each residential flat; and
  - xi. Provision of S106 agreement monitoring costs.
2. If the legal agreement and deed of variation to secure the planning obligations has not been completed by 4 June 2019 then:
  - a) The Director of Place Shaping and Town 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 Place Shaping and Town 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 Place Making and Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers
3. Grant conditional listed building consent;
4. Agree the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter;
5. Authorise the making of a draft order pursuant to s247 of the Town and Country Planning Act

1990 for the stopping up and dedication of parts of the public highway to enable this development to take place; and

6. Authorise the Director of Place Shaping and Planning, Executive Director of City Management and Communities, or other such proper officer of the City Council responsible for highway functions to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed. The applicant will be required to cover all costs of the Council in progressing the stopping up order.

## 2. SUMMARY

Whiteleys is a Grade II listed building located on the western side of Queensway, within the Queensway Conservation Area. The site forms the boundary with the Bayswater Conservation Area to its western frontage along Redan Place. The building was formerly use an indoor shopping centre with a public car park located at the rear at second floor level with vehicular access from Redan Place. Demolition works are in progress, implementing an earlier permission and listed building consent. The application site is located outside the Central Activities Zone (CAZ), but is within the Core Frontage of the Queensway/ Westbourne Grove Major Shopping Centre and is within the Queensway/ Bayswater Stress Area.

The applications seek to vary of Condition 1 of both planning and listed building consent dated 19 November 2018 (RN: 18/04595/FULL and 18/04775/LBC) 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 are principally the following

- Internal reconfiguration and subdivision to increase the consents number of residential units from 129 to 153 residential units, with associated change in residential mix;
- Provision of 14 on-site intermediate affordable homes within a block on the Redan Place frontage;
- Increase in hotel rooms from 42 to 111 through creation of smaller hotel units and consolidation of floorspace;
- Removal of the crèche at basement level;
- Removal of public car parking from the basement (36 spaces) and the provision of 113 allocated residential car parking spaces;
- Reduction in the basement level excavation depth from approximately 24 m to 16 m and introduction of a mezzanine level at Basement Level 1; and
- Revisions to the window strategy within the historic façades, including installation of a double-glazed unit system in place of the consented secondary glazing system where new windows are proposed.

The key considerations are:

- Impact on the special architectural and historic interest of this listed building and the character and appearance of surrounding conservation areas giving special regard to the desirability or their preservation or enhancement;

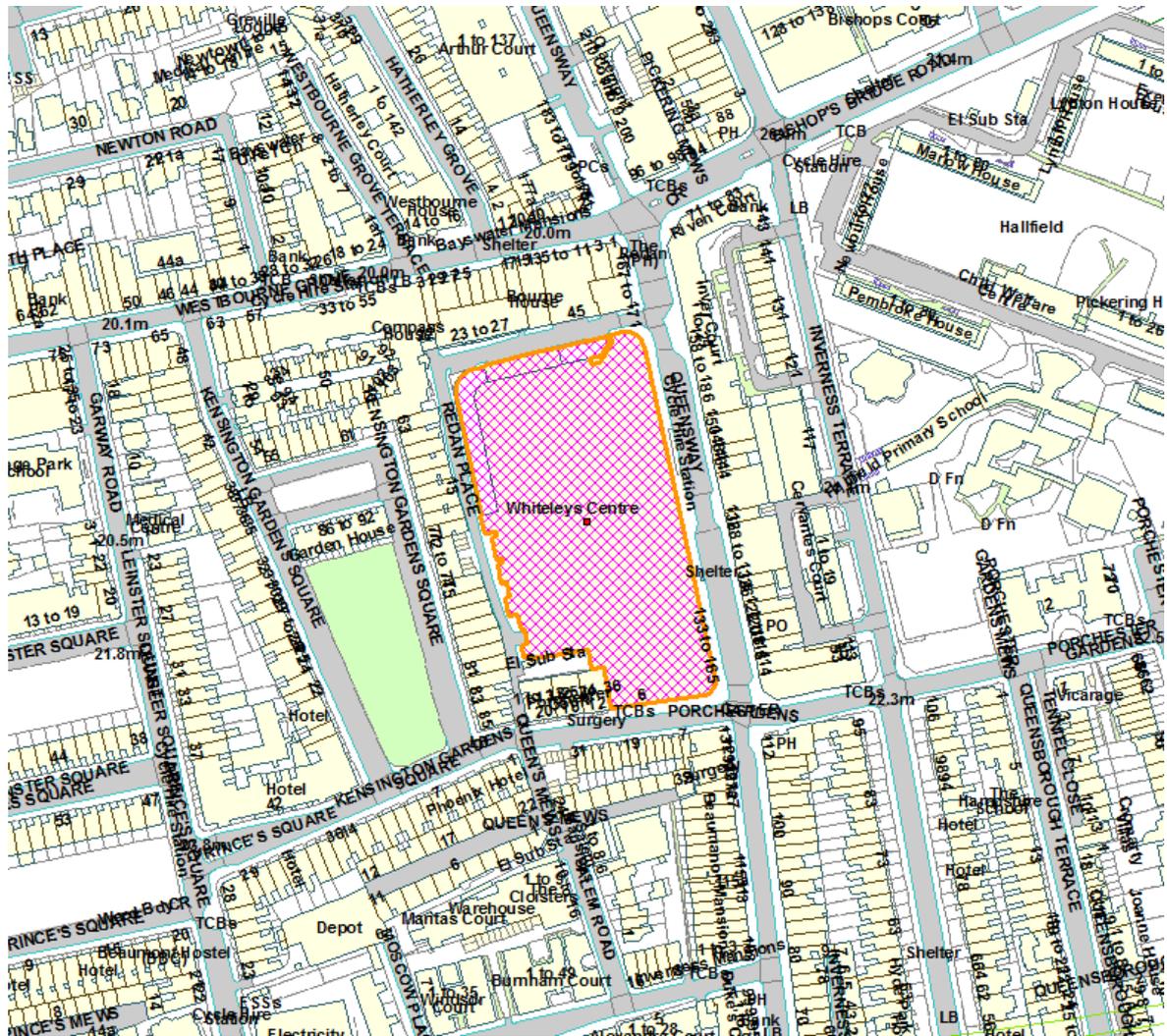
- Provision of additional residential accommodation, including the provision of affordable housing units;
- Impact of the proposed uses on this major shopping centre and the surrounding area in general; and
- Loss of the previously consented public car park and creche.

The revised window strategy proposed would result in loss of historic fabric and therefore less than substantial harm to this listed building. However, this harm would be outweighed by the public benefits of this development, particularly the new affordable and market housing units proposed. The development is also considered acceptable in land use, design, amenity, transportation and environment terms.

The applicant is now proposing 14 intermediate affordable units on site. The provision of these units on site is an improvement compared to the consented schemes which secured a payment in lieu. The amount of affordable housing has been independently tested and is considered the maximum amount possible.

Given the constraints of the site and having regard to the previously approved schemes, which remain extant, the currently proposed scheme would be consistent with relevant statutory, national planning considerations and the development plan. 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 and the securing of the planning obligations set out in Section 1 of this report via a deed of variation to the previous S106 agreement. These applications will need to be referred back to the Mayor of London.

## 3. LOCATION PLAN



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**4. PHOTOGRAPHS**



Pre-demolition Photos of the Front (west) elevation at corner of Queensway (top) and Porchester Gardens (bottom).



Pre-demolition Photos of Rear (top) and North Elevations in Redan Place (bottom).



**Demolition Works On-site (March 2019)**

## 5. CONSULTATIONS

### GREATER LONDON AUTHORITY

Principle of development is supported.

Proposal does not yet meet London Plan policies for the following reasons:

- Affordable housing: The development proposes 5% affordable housing (entirely intermediate) by habitable room. This is wholly unacceptable;
- Playspace: Sufficient on-site playspace for under 5s must be provided as a minimum. Any payment in lieu of playspace must be fully Justified and commensurate with the number and unit mix of the current scheme;
- Urban design: A fire strategy should be provided;
- Heritage: The proposed installation of double glazing within the historic facade would cause additional harm to the heritage significance of the building and wider conservation area. The degree of harm would be increased beyond that of the original scheme, as amended, but would still amount to less than substantial harm in both respects. The public benefits arising from the scheme would not be sufficient to outweigh harm. However, should the affordable housing offer be increased significantly, this may be deemed sufficient to outweigh harm;
- Energy: The applicant must provide the following additional information: use the GLA's Carbon Emission Reporting spreadsheet; separation of newbuild and refurbished elements in terms of emissions; further overheating analysis; information on the sitewide network; in the absence of biomass CHP, PV must be considered; and alternatives to CHP should also be considered;
- Drainage: The surface water drainage strategy is insufficient and additional attenuation storage volume calculations, SuDS maintenance information, and exceedance assessment should be provided. The development does not meet London Plan residential water consumption targets and should be revised accordingly.
- Transport: The development should be car free and should seek to make improvements to all adjacent streets and not only rely on the benefits arising from WCC'S Queensway public realm improvement scheme. The access arrangements and design of the cycle parking should be clarified. Visitor cycle parking should not impede the flow of pedestrians and the cycle hire facility on Queensway should be replaced. Planning conditions, or other legal mechanisms as required, must be secured in relation to servicing, construction logistics and management, and a travel plan.

### WARD COUNCILLORS FOR LANCASTER GATE

Any response to be reported verbally.

### WARD COUNCILLORS FOR BAYSWATER

Any response to be reported verbally.

### HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

The current listed building consent and planning permission envisages that a number of the original frames and copper lights will be reused within the scheme. As the manufacturing technique for the copper lights is no longer available, it will only be possible to use salvaged copper lights that are in a good state of repair. They accept

that a case has been made that the majority of original copper lights are beyond repair and only a small number are re-useable. However, given the high significance of these copper lights to the history and aesthetic of the building, the salvaged copper lights should be reinstated within the original frames to a number of full height bays on the building.

The sample of the refurbished original window frame with new copper came lights provides a good visual match for the original copper lights. It is difficult to accept that the applicants chosen company cannot make the required number of copper came lights for the entire building given that the same basic technique is proposed to the new lead came windows in the double glazed sample provided. However, there are good reasons to move away from the approved secondary glazing system, which has a negative impact on the visual appearance of the windows and is rather unwieldy to operate, particularly for residential occupiers. The water tightness and longevity of the copper came windows is also questionable given that there is no putty applied to the comes and internal water management will be required. There is therefore a strong argument for the copper comes to be used only in salvaged window frames to complement the salvaged copper lights on the reinstated window bays.

The proposed new double-glazed window provides a very good visual match for the original window and is of a high quality construction that utilises traditional craft techniques. The most obvious visual difference from the original windows is the use of lead comes, rather than copper framing, which will appear different on site against cleaned/new copper, but will have little visual difference to oxidised copper. The use of copper comes was considered, but ruled out due to a reaction with the silicone mastic, which resulted in a milky appearance to the glazing. Subject to the design amendments noted by the applicant on page 47 of the Foster and Partners report dated July 2019, Historic England would support an amended application for the installation of these double-glazed windows across the building in all locations other than to the area demarcated for salvaged windows. In the absence of the original copper lights, the significance of the windows lies with their consistency of architectural treatment and their lightness of construction, which would be retained in these current proposals.

Await confirmation from the applicant in relation to the amendments to the proposed double-glazed units and to confirm where the salvaged copper lights, new copper came lights and salvaged window frames will be used.

#### HISTORIC ENGLAND (ARCHAEOLOGY)

No objection.

#### THE VICTORIAN SOCIETY

Advise that they understand that the majority of the original copper lights cannot be salvaged and that the process of electro-glazing, used originally, is no longer available. They therefore accept that a significant proportion of the copper-lights would need to be replaced if the proposed option of refurbishment was adopted. They also understand that there is no company capable of replicating the copper lights at the scale required for this development. They also recognise that the cumulative effect of secondary glazing over a large proportion of the façade would outweigh the harm caused by the loss of original fabric. In light of these factors, they support the principle of an alternative system.

The proposed window system would produce lead lights rather than copper and reuse a smaller percentage of the original framing. However, despite the harm which this will likely cause, these visual changes have been largely justified. The use of double-glazed units would mean that the secondary glazing, and its associated visual impairment would be removed. However, the Victorian Society make the following observations:

- The pitting on the surface of the original steelwork is a distinct patina of age, and as much of this as possible should be reused;
- All the external fittings, including the stays and ironmongery, should be relocated to the new frames or replicated where they are missing;
- Internal ironmongery should also be reused, or replicated where necessary;
- The exact layout of the of the window needs to be reassessed so as to avoid truncated glass panes; and
- In the Windows Strategy it is stated that on the first floor, in non-residential units, refurbished windows would be reinstalled. However, given the amount of lights now found to be damaged, further clarification as to if and where these refurbished windows would be located is necessary. They expect a minimum of one full bay of the original frames, glazed with the best of the original material, to be incorporated into the scheme.

#### TWENTIETH CENTURY SOCIETY

Any response to be reported verbally.

#### 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.

#### TRANSPORT FOR LONDON

Trip Generation: The trip generation methodology is based on a pro-rata approach to the consented application's trip rates. Whilst the trip generation exercise has not been completed in line with TfL best practice guidance, it is considered unlikely that this development would impact the strategic public transport or public highway network.

Healthy Streets, Walking and Vision Zero: TfL has launched the Healthy Streets Approach, which aims to improve air quality, reduce congestion and make attractive places to live, work and do business. The development provides a permeable, well designed, mixed-use layout which connects to a central courtyard as well as to all four of the bounding streets. However, it must be demonstrated how the development meets the 10 Healthy Streets indicators set out within draft London Plan Policy T2. The development should improve all adjacent streets and not rely only on the benefits from

the City Council's Queensway public realm improvement scheme to meet London Plan Policy 6.10.

The developer should set out how the proposals meet the 'Vision Zero for Road Danger' agenda which ensures safety is at the forefront of new design, with the aim to create safe streets where everyone feels safe walking, cycling and using public transport in line with Policy 3 of the Mayor's Transport Strategy.

The applicant is strongly encouraged to identify improvements, no matter how small, in order to reduce the likelihood of an accident. TfL recently published 'Small Change, Big Impact' which highlights ways London's public spaces can be improved by small improvements.

Car Parking and Coaches: To meet Policy 1 of the Mayor's Transport Strategy and Policy T1 of the draft London Plan for 95% of trips made in Central London to be by walking, cycling or public transport the development should be car-free with the exception of blue badge (BB) spaces. A total of 113 parking spaces are proposed for 153 residential units which are wholly unnecessary in this location. The development should be car-free to comply with draft London Plan Policy T6.

The hotel element of the development does not provide parking and a public car park is to be removed as part of the proposals which is supported by TfL. This is subject to this being suitably secured in any planning permission.

The TA states that in high-end developments owning a car is not directly linked to regular vehicular trip generation. Given the site has the highest access to public transport available in London and equally excellent active travel links together with a location in central London with easy access by sustainable modes to the full range of local and city wide services and facilities a personal car should not be needed for any trip regardless of whether they are regular or not.

New development has the potential to create mixed, vibrant communities and high quality design should not be at the expense of car parking (or car storage as is suggested). Therefore, car parking should be removed apart from 5 blue badge spaces (or such lesser number if suitably justified) which should be provided to meet draft London Plan Policy T6.1.

Notwithstanding the above objection to the level of parking, all residential units should be sold/let with a permit free parking obligation; any spaces permitted should be short term let and not sold. Electric vehicle provision is proposed for 20% of spaces with a passive provision for all remaining spaces. At least this proportion of active provision for the ultimately approved spaces should be secured within a Car Park Management Plan as a condition.

Further information is required to understand the operational aspects of the hotel. A Coach Management Strategy should be provided to show, inter alia, how coach activity will not conflict with the operation of nearby bus stops. This should be secured by condition. A no group booking provision would be appropriate.

Cycle Parking: Cycle parking meets draft London Plan minimum standards in terms of quantum of spaces. However, no reference has been made to London Cycle Design Standards (LCDS) and it is not clear how a cyclist would access cycle parking from the street or from one of the residences. Step free access to cycle facilities should be provided, alongside the design/layout of the parking meeting the LCDS requirements.

No new visitor cycle parking is proposed on the basis of a survey of existing provision undertaken in 2015. This level of provision is contrary to London Plan Policy 6.9 and draft London Plan Policy T5 and should be increased. However, additional visitor parking should not impede the flow of pedestrians nor result in uncoordinated arrangements such that essential cycle parking becomes street clutter. The Queensway cycle hire facility was removed to accommodate construction works and should be replaced in consultation with TfL Cycle Hire department and secured by the s106 agreement.

Access and Servicing Strategy: All servicing and deliveries are off-street, which meets draft London Policy T7. The detail should be agreed by the City Council as the highways authority; the draft Delivery and Servicing Management Plan (DSMP) is acceptable in principle to TfL and is in line with London Plan Policy 6.3, but should be conditioned and approved by WCC prior to occupation.

Demolition and Construction Logistic Plan: A Construction Logistics Plan (CLP) should be provided in line with London Plan Policy 6.14 and draft London Plan Policy T7 and approved by the City Council before demolition and construction work commences on site. Appropriate construction management arrangements are also required to control impacts of the works on, inter alia, the public highway including operation of bus services and cycle hire.

Travel Plan: A Framework Work Place and Residential Travel Plan have been submitted and are generally acceptable and in line with London Plan Policy 6.3. However; the mode share targets should be more ambitious to reflect the expected shift from car travel to active travel, as set out in the Mayor's Transport Strategy and the draft London Plan. Updated Travel Plan guidance is being published by TfL in 2019 to which the applicant should refer to in the event it is published before submission of the final Travel Plans.

LONDON FIRE AND CIVIL DEFENCE AUTHORITY

No response received.

DESIGNING OUT CRIME OFFICER

No response received.

THAMES WATER

No response received.

NHS CENTRAL LONDON

No response received.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Advise that they welcome some of the variations to the existing planning consent but objects to others.

Object to loss of Public Car Park as a car park is essential for success of shopping centre, cinema complex and the hotel. Want car park reinstated even if it means less parking for the 113 spaces provided for the flats. Resident parking spaces should also be 'unallocated' or at least a high proportion 'unallocated'.

Do not object to the new entrance to cinema complex in Porchester Gardens but think it is essential that is connected to ground floor of shopping area rather than shoppers (especially elderly or those with children) having to leave Whiteleys to get into the cinema complex

Object to loss of Public Art contribution of £1 million as this would contribute to the success of the 'new' reborn Whiteleys. Public Art would offset the years of construction disruption that would occur.

Welcome the provision of 'Affordable Housing' on site. A contribution of around £14 million is still woefully short of what should be provided on a development of 153 residential units.

No objection to hotel room numbers being increased to 111 as this is probably necessary to make hotel viable & successful.

They welcome relocation of the historic famous central staircase as the approved position was not the best location.

The hours that the public are allowed into restaurants, cafes and bars should be restricted given this sites location in the 'Queensway / Bayswater Stress Area'.

Originally, they were opposed to changes to windows believing that the existing could be repaired and reinstated. The new double-glazed system does go a long way to satisfying our concerns. Will support the recommendation of the City Council's Design Officer, Historic England and the Victorian Society on this point.

They regret the loss of the Creche and consider the proposed private upmarket gym to be very large. Also regret the swimming pool now being part of hotel and regret that public will not have access to pool.

Very disappointed that the £6 million set aside for Public Realm improvements to Queensway is now withdrawn and trust public purse will not have to finance all the Public Realm Improvements outside Whiteleys (i.e. between Porchester Gardens & Redan Place).

BAYSWATER RESIDENTS ASSOCIATION

No response received.

PRACT

No response received.

BUILDING CONTROL

No response received.

**WASTE PROJECT OFFICER**

Objection. The route from the waste stores to the residential waste holding area is too long and will involve dragging cages of waste along the public highway over a long distance. The applicant needs to investigate alternative approaches to this method.

**ENVIRONMENTAL HEALTH OFFICER**

Contaminated Land: There has been a recent submission to discharge part of the contaminated land condition attached to application RN: 18/04595/FULL (RN: 19/03480/ADFULL). As part of this current submission the applicant has submitted older documents that have less information and is recommended that the full contaminated land condition.

Noise from Plant and Machinery: The acoustic report has not provided information as to the proposed plant and predicted levels at the nearest noise sensitive receptor. A supplementary acoustic report demonstrating that any proposed plant complies with the City Council's standard noise condition should be imposed. A condition controlling noise from emergency plant should also be imposed.

Internal Noise levels: recommend a supplementary acoustic report that internal noise levels do not exceed the City Council's standard noise requirements.

A3/Kitchen Extract: As the proposal includes a restaurant use, a condition requiring the submission of details of how cooking smells will be extracted should be imposed.

Air Quality: No objection to the development on Air Quality grounds.

Means of Escape: The arrangements for Means of Escape in Case of Fire appear to be inadequate. The escape route for occupiers of the bedrooms in some of the proposed residential dwellings is not adequately separated and protected from the area of highest risk, namely the kitchen/living area. The internal layout of the affected units should be revised to provide adequate fire separation and protected routes of escape. 'Open plan' layouts should be approved by Building Control and/or the LFB.

**HIGHWAYS PLANNING MANAGER**

Supports removal of the public car parking spaces and reduction in residential car parking spaces, subject to remaining spaces being 'unallocated'.

Redan Place entrance to car park is also supported provided any barrier/gate is set back a minimum of 5.0 metres from the highway must be set back a minimum of 5.0 metres from the highway boundary. The size, dimensions, vertical clearance and layout of the basement car parking is considered acceptable.

The proposal provides a total of 334 cycle parking spaces within various secure stores. It is accepted that communal store approach allows for provision for all users of the building, with separate storage for the residential element. The quantum and quality of cycle parking for the whole development is welcomed, as is the provision of cycle support facilities.

Short term cycle parking is proposed on public highway and it is therefore unclear whether it can actually be provided. This element should be reviewed.

Relocation of the servicing bay to ground /street level is welcomed and considered an improvement. Provided all servicing is conditioned to occur off-street, no objection is raised to the revised servicing arrangements.

The changes to the hotel do not raise any additional highway or transport concerns except for potential impact of coach arrivals and departures. Limited updated information is provided on this aspect. No formal process has been provided for dealing with coach arrivals or departures, including managing the transfer of guests to and from the coach to the hotel.

#### AFFORDABLE HOUSING SUPPLY MANAGER

No response received to date and will be reported verbally.

#### ARBORICULTURAL MANAGER

No response received.

#### CHILDREN'S SERVICES

No response received.

#### PLACESHAPING (PUBLIC REALM)

No response received.

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

No. Consulted: 1570

Total No. of replies: 4

No. of objections: 4

No. in support: 0

In summary, the objectors raise the following issues:

- Removing the creche and public car parking and allocating the pool to the hotel would remove benefits of the development to the local community;
- Relocation of the residential car ramp from the northern end of Redan Place to the southern end would result in cars now running along the full length of Redan Place, rather than just its east/west leg. This will result in unacceptable noise for the occupants of Kensington Garden Square whose bedrooms back on to Redan Place;
- The applicant led residents to believe that all of the existing windows would be retained and refurbished. The current proposal to replace these windows with new double-glazed windows is therefore dishonest.
- The new double-glazed windows will be noticeable to residents;
- Placement of original architectural features in the hotel will make them unable to be appreciated by local residents;
- Existing construction noise and disturbance and the way local residents have been treated by contractors is unacceptable; and
- The City Council should take the residents side on these applications.

PRESS ADVERTISEMENT / SITE NOTICE:

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. Until recently, the building was used 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 applicant is currently implementing the previously granted permissions and the existing building has been largely demolished, except for facades facing Porchester Gardens, Queensway and the norther arm of Redan Place. Prior to demolition, the building comprised basement, ground and four upper floors. The building was arranged as an inward facing shopping centre with pedestrian access via three main entrance points along Queensway. The existing basement included ancillary retail floor space, servicing areas and a bowling lane (Class D2 use). The ground floor comprised 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 was also a bank and coffee shops. The first floor was 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 accommodated a four-screen cinema. The third and fourth floors were used as office floorspace and included television recording studios.

### 6.2 Recent Relevant History

#### 6.2.1 Application Site

##### 15/06074/EIAOP

Request 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.

Applicant advised that EIA not required

10 August 2015

15/10072/FULL & 16/12204/LBC

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.

Permission and Consent Granted

27 April 2016

16/12203/FULL and 16/12204/LBC

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.

Permission and Consent Granted

1 November 2017

17/10221/FULL and 17/10258/LBC

Variation of Condition 1 of planning permission dated 1 November 2017 (RN: 16/12203/FULL) for the Variation of Condition 1 and removal of Condition 10 of planning permission dated 27 April 2016 (RN: 15/10072/FULL) for the 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 8 upper floor levels, containing up to 129 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. Currently proposed amendments are NAMELY to

reorganise the layout of the residential units and reduce the number residential units to 113 residential units (Class C3), reorganisation to basement levels and associated non-residential uses, amend the number of residential parking spaces at basement level to 110 with retention of a 36 space public car park, reconfigure the hotel use including increase in number of hotel rooms to up to 50 rooms, replacement of nursery/ crèche unit with a flexible Class D1/D2 unit located on Porchester Gardens frontage, formation of separate car and servicing access from Redan Place, formation of townhouses to rear of Porchester Court, alterations at roof level including addition of photovoltaic panels and associated external alterations.

Applications withdrawn            25 May 2018

18/04595/FULL and 18/04775/LBC

Variation of Conditions 1, 15 and 16 and removal of Condition 49 of planning permission dated 1 November 2017 (RN: 16/12203/FULL) which itself varied Condition 1 and removed 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, variation of Condition 1 to allow the southern cupola, central clock-tower and existing balconies to be carefully dismantled, stored during works and reinstated; amend the wording of Condition 15 to remove the requirement for approval of a construction contract prior to commencement of development; amendment of Condition 16 to require approval of Secure by Design measures prior to work commencing on the superstructure and removal of Condition 49 related to approval of tree protection measures.

Permission and Consent Granted            19 November 2018

19/02704/EIASC

Request for an Environmental Impact Assessment (EIA) Screening Opinion pursuant to Regulation 5 of the Town and Country Planning (EIA) Regulations 2017 for an application to vary Condition 1 of planning permission dated 19th November 2018 (RN: 18/04595/FULL), which itself varied Conditions 1, 15 and 16 and removal of Condition 49 of planning permission dated 1st November 2017 (RN: 16/12203/FULL), which varied Condition 1 and removed 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), creche (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, variation of Condition 1 to increase residential numbers to provide 153 residential units (class C3) including affordable housing (class C3), revisions to the hotel (class C1), cinema (Class

D2), gym (Class D2), removal of crèche (Class D1), with associated landscaping and public realm improvements, provision of 113 basement car parking spaces, removal of public car parking, provision of basement level cycle parking, associated plant and servicing provision over ground and basement levels, revisions to window strategy to the historic facade.

Under Consideration

### **6.2.2 Porchester Court**

This site is also owned by the application and adjoins the application site at its south western corner. The following permission has been granted and the applicant proposes relying on this permission to provide a landscaped courtyard area for the proposed townhouses:

#### 17/11240/FULL

Excavation of ground level to form new lowered landscaped courtyard area to the rear elevation, with associated removal of existing structures and trees, including TPO London Plane tree; new landscaping including replacement trees, erection of new walls, gates and bin store to Redan Place, and provision of green wall to western end of courtyard

Permission Granted 15 May 2018

## **7. THE PROPOSAL**

The applicant proposes varying condition 1 (Decision Drawings) of application RN's 18/04595/FULL and 18/04775/LBC. The applicant proposes amending the decision drawings to accommodate the following changes to the development:

- Internal reconfiguration and subdivision to increase the consents number of residential units from 129 to 153 residential units, with associated change in residential mix;
- Provision of 14 on-site intermediate affordable homes within a block on the Redan Place frontage;
- Provision of four townhouses on the southern return elevation on Redan Place, facing Porchester Court to the south;
- Increase in hotel rooms from 42 to 111 through creation of smaller hotel units and consolidation of floorspace;
- Relocation of swimming pool from approved gym to hotel;
- Removal of the crèche at basement level;
- Relocation of the cinema entrance from an internal position to Porchester Gardens frontage;
- Amendments to the layout, disposition and circulation of other uses;
- Removal of public car parking from the basement (36 spaces) and the provision of 113 residential car parking spaces;
- Conversion of townhouses in Redan Place into a block of apartments;
- Introduction of new residential entrances and entrances to the gym and cinema from Porchester Gardens;
- Relocation of the vehicular drop off and residential arrival at basement level one;

- Relocation of servicing yard to the ground floor;
- Reduction in the basement level excavation depth from approximately 24 m to 16 m and introduction of a mezzanine level at Basement Level 1;
- Installation of clock within historic clock tower on Queensway façade and provision of residential space to its void area;
- The historic staircase is moved back to the originally approved location within the hotel;
- New infill structures are added between some of the rooftop pavilions to the lower section of Redan Place buildings and minor external alterations throughout;
- Minor changes to height of uppermost floors; and
- Revisions to the window strategy within the historic façades, including installation of a double-glazed unit system in place of the consented secondary glazing system where new windows are proposed.

The proposed amendments alter the floorspace within the development as follows:

**Table 1: Previously Approved and Now Proposed Floorspace.**

	Previously Approved GIA (m <sup>2</sup> )	Proposed GIA (m <sup>2</sup> )	+/- (Previously Approved v Proposed)
Retail (Classes A1-A3)	8,888	8,273	-615
Office (Class B1)	0	0	0
Hotel (Class C1)	9,245	13,677	+4,432
Residential (Class C3)	46,907	51,694	+4,787
Nursery/ Creche (Class D1)	1,582	0	-1,582
Gym (Class D2)	3,617	3,471	-146
Cinema (Class D2)	2,337	2,909	+572
Bowling Alley (Class D2)	0	0	0
Basement Ancillary Floorspace	21,634	21,324	-310
Total	94,211	101,349	+7,138

The residential composition proposed would be as follows:

**Table 2: Residential Tenure and Mix**

TENURE	NUMBER OF BEDROOMS				TOTAL
	STUDIO	ONE	TWO	THREE+	
Private Sale	6	33	30	70	<b>139</b>
Intermediate	0	11	3	0	<b>14</b>
Social Rent	0	0	0	0	<b>0</b>

<b>TOTAL UNITS</b>	<b>6</b>	<b>44</b>	<b>33</b>	<b>70</b>	<b>153</b>
<b>TOTAL (%)</b>	<b>4</b>	<b>29</b>	<b>22</b>	<b>45</b>	

## 8. DETAILED CONSIDERATIONS

The development approved under application RN's: 15/10072/FULL, 16/12203/FULL and 18/04595/FULL remains extant and works are underway on-site to implement the development approved by these collective applications. Accordingly, this approved development is considered a material consideration when assessing the subject applications. There have also been no significant policy changes since those applications were decided and that relate specifically to the changes proposed by the applicant. The extant permissions are therefore a viable fallback position and it is considered appropriate in this instance to consider only the impact of the changes proposed.

### 8.1 Land Use

#### 8.1.1 Amendments to Residential Floorspace

The proposed amendments would increase the approved number of residential units on-site from 129 to 153. This is achieved through subdivision of some of the approved units and reconfiguration of internal floorspace. Accordingly, the provision of additional residential units and floorspace is supported in principle.

Other relevant residential use considerations are set out below.

#### Affordable Housing

Pursuant to policies H4 of the UDP and S16 of the City Plan, the City Council's Interim Guidance Note on Affordable Housing (November 2013) ("the Interim Note"), requires 35% of the proposed residential floorspace (i.e. approx. 18,093 sqm GIA) to be affordable.

Policy S16 requires this affordable floorspace to be provided on-site. Only where the Council considers that this is not practical or viable, affordable housing should be provided off-site in the vicinity. Off-site provision beyond the vicinity will only be acceptable where the Council considers that the affordable housing being offered is greater and of a higher quality than would be possible on or off-site. A financial contribution in lieu will only be acceptable where the above options are not possible

The applicant proposes the provision of 14 intermediate affordable units on-site, equating to 914 sqm GIA or approximately 1.8% of the residential floorspace proposed. This offer seeks to address the GLA's concern with the absence of on-site affordable housing proposed in the previously withdrawn scheme (see RN: 17/10221/FULL) To achieve this level of provision on-site, the applicant does not now propose a financial contribution of £6 million to the City Council's affordable housing fund. The applicant also does not now propose a £6 million contribution to public realm improvements in the area and a £750,000 public art contribution.

The GLA have highlighted in their Stage 1 response that they consider the affordable housing offer wholly unacceptable, particularly in the context of: reduced build costs associated with less basement excavation; improved value from the increase in the number of residential units; the increase in the size of the hotel and improvements to the facilities attributed to it; and the costs savings associated with the updated window strategy to name a few. The GLA also note that exceptional circumstances have not been demonstrated to justify the wholly intermediate tenure proposed. However, the GLA themselves note that they have yet to viability test the development.

The applicant has submitted a viability assessment to support their claim that the 14 intermediate units proposed is the maximum reasonable contribution that the development can make. As per paragraph 57 of the NPPF, the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. In this instance, the City Council have yet to produce an up-to-date and examined development plan and it therefore appropriate to give weight to the viability assessment submitted.

The applicant's viability assessment has been reviewed on behalf of the City Council by Avison Young. This independent review concludes that the 14 intermediate units offered are the maximum reasonable contribution the development can make. The development cannot make any further contributions off-site or to the City Council's affordable housing fund and social rented units cannot be provided on-site. Avison Young's assessment will be provided to the GLA to assist them with their own viability testing of the development as part of their Stage 2 referral, which will follow the Sub-Committee's resolution to determine the application.

In accordance with the Mayors Affordable Housing and Viability SPG (August 2017) and policy H6 of the Draft London Plan, it is recommended that Early and Late Stage Review Mechanisms are imposed on this permission. These review mechanisms would secure additional on-site affordable housing and/or contributions to the City Council's Affordable Housing Fund should site and development circumstances change.

Should the affordable housing offer be found acceptable a deed of variation to the original legal agreement for this development is recommended to secure the additional units proposed and the review mechanisms proposed. Subject to this deed of variation, the affordable housing offer proposed is considered acceptable.

### Residential Mix

Policy H5 of the UDP requires 'one third' of the units to be family sized units (i.e. with 3 bedrooms or more), as specified in policy H5 of the UDP. In this instance, 45% of the units proposed would have three or more bedrooms, although none of the affordable units have three or more bedrooms. However, this is an improvement on the currently consented development which has 39% family sized units. Accordingly, the proposed development provides a policy compliant level of family sized accommodation.

### Standard of Residential Accommodation

All of the proposed units would meet the size requirements within the Governments Nationally Prescribed Space Standard (March 2015) (“the Space Standard”). No north facing single aspect flats are proposed and many are dual or triple aspect. Where heritage constraints allow, private outdoor amenity space is provided in the form of balconies and terraces, in accordance with policy H10 of the UDP and standards 26 and 27 of the Mayors Housing SPG. The flats are also designed to ensure that they have Average Daylight Factors in excess of BRE Guidance, in accordance with policy ENV 13 of the UDP.

Subject to the recommended conditions, the proposal would be consistent with policy S32 of the City Plan and policies ENV 6 and ENV 7 of the UDP.

### **8.1.2 Amendments to Retail Floorspace**

As noted in Table 1 above, the proposed development results in a 615 sqm GIA reduction in retail floorspace relative to first variation scheme (See RN: 16/12203/FULL), which included 8,888 sqm of retail floorspace and the original permission (See RN: 15/10072/FULL) which included 10,530 sqm.

The principle of a significant reduction in the overall quantum of retail floorspace on this site was accepted as part of the originally approved scheme which permitted an approximate 50% reduction in retail floorspace (from approximately 20,000 sqm to 10,530 sqm). The originally approved scheme represented an acknowledgement that Whiteleys 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. In this context, the first variation approved scheme allowed a further reduction in the quantum of retail floorspace on this site at basement, ground and first floor levels.

A further reduction in retail floorspace on the site is regrettable, but careful examination of the proposed floorplans reveals that the reduction in retail floorspace at ground floor level would be relatively limited, with reductions proposed to accommodate the reconfigured residential and cinema entrances/ cores and the ground floor servicing bay. The loss of retail floorspace at ground floor level would also be mitigated in part by an increase in retail floorspace at first floor level. Most of the additional floorspace to be omitted would be back of house floorspace previously proposed at basement level. Overall the extent of retail frontage at ground floor level would not be significantly eroded relative to the previously approved scheme. Consequently, despite the proposed reduction in retail floorspace it is not considered that there would be a materially adverse impact on the retail character or function of the proposed development or the Queensway/ Westbourne Grove Major Shopping Centre. As such, despite the reduction in retail floorspace, the amended scheme is in accordance with Policy SS6 in the in the UDP and S21 in the City Plan.

As per the approved scheme, the proportions of Class A1 and Class A3 floorspace is to be limited to a 70:30 split, with this to be controlled via the S106 agreement.

### 8.1.3 Amendments to Hotel Floorspace

The proposed development would increase the hotel floorspace on-site by 4,432 sqm GIA to the first variation scheme (See RN: 16/12203/FULL), which included 9,245 sqm of hotel floorspace and the original permission (See RN: 15/10072/FULL) which included 7,607 sqm. The number of hotel rooms would increase from 42 to 111.

The previously approved schemes established the principle of providing a hotel use in this location to support the other uses within this mixed-use development, despite the policy presumption against hotels in this area set out in policy TACE 2 of the UDP and policy S23 in the City Plan, which guides new hotel uses to within the Central Activities Zone, Named Streets, Opportunity Areas. It should also be noted that the 2018 NPPF and policy E10 of the Draft London Plan encourage hotels in town centres such as the Queensway/Westbourne Grove Major Shopping Centre. This represents a change in the development plan that now encourages a hotel on-site.

The increase in the size of the hotel is achieved through consolidation of floorspace to the northern part of the building and subdivision of larger approved hotel rooms. 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 within a Major Shopping Centre, the revised hotel use is considered to be acceptable in land use terms. It is not considered that the proposed increase in hotel rooms will have any adverse impact on the amenities of nearby residents.

### 8.1.4 Amendments to Other Uses

Objectors have raised concern with the proposed loss of the approved nursery/ crèche use. The applicant advises that omission of the creche is required to contribute to the increase in residential and hotel floorspace proposed. Whilst the omission of the nursery/ crèche unit from the scheme is regrettable, the policy requirement to provide social and community uses within a development of this size would continue to be met by the retained gym use. Accordingly, loss of the nursery/ crèche unit would not be contrary to adopted land use policies.

It is noted that the gym would be reduced in size by approximately 146 sqm or 4%. This is largely due to the approved swimming pool being allocated to the hotel use. Whilst this is regrettable, the gym remains a substantial size and would still provide for the social and community needs of residents on-site and in the wider community, in accordance with policies SOC 1 and H10 of the UDP and policy S34 of the City Plan.

The current scheme proposes relocating the cinema entrance to the Porchester Gardens frontage of the site to provide it with a more appreciable presence in street views of the site. As per Section 8.1.2, this has an impact in terms of causing a slight reduction in retail floorspace and frontage, but not to the degree that the scheme is harmful to the retail character and function of the Core Frontage of the Major Shopping Centre. The proposed cinema use is a complementary use that will support the overall retail character and function of the Major Centre. The 572 sqm increase in the size of the

cinema unit is not objectionable and will assist in ensuring its layout is flexible and attractive to a range of cinema operators.

## 8.2 Townscape and Design

Whiteley's is a landmark Grade II listed building within the Queensway Conservation Area. 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 (see RN: 15/10072/FULL & 16/12204/LBC) 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 and a cinema. A substantial basement area over three levels was also included which was mainly for car parking and plant. This permission was varied by a subsequent permission in November 2017 (see RN: 16/12203/FULL and 16/12204/LBC). The varied scheme addressed amending conditions within the original permission, as well as modifications to the design, including layout changes to increase the number of residential units and additional basement excavation associated with the proposed cinema. A further amended scheme was approved in November 2018 (see RN: 18/04595/FULL and 18/04775/LBC).

This current application seeks to vary or remove certain conditions, as well as amending the approved scheme. A number of changes relate to layout modifications, including the introduction of on-site affordable housing and enlargement of the amount of hotel floorspace. In terms of external design changes there are some alterations to the approved scheme, albeit the height, bulk and massing largely remains unaltered. The main design/heritage changes are:

- The introduction of a bespoke double-glazed window system to the historic facades on Queensway and Porchester Gardens;
- A reduction to the basement depth;
- Relocation of the residential car park ramp;

- Introduction of new residential entrances;
- Conversion of townhouses in Redan Place into a block of apartments;
- An entry to the gym from Porchester Gardens;
- An entry to the cinema from Porchester Gardens;
- The historic staircase is moved back to the originally approved location within the hotel;
- A clock is introduced to the clock tower, with the space within the tower modified to form further internal residential space;
- New infill structures are added between some of the rooftop pavilions to the lower section of Redan Place buildings;
- A series of external and façade modifications;
- Minor changes to height of uppermost floors.

### Historic Fabric Changes

Several of the amendments proposed relate to historic fabric and raise heritage issues and probably the primary issue is the proposed change to the historic windows within the main façade. The consented scheme sought to ensure that the historic windows were retained and the listed building consent included condition 3 which stated:

*“You must carry out the initial phase of the window refurbishment works (window removal and condition survey only) in accordance with the details we previously approved on 13 July 2018 and 1 November 2018 (RN: 18/05124/ADLBC and 18/07768/ADLBC) and 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.”*

The wording of this condition demonstrates that considerable attention has already been paid to the temporary removal and storage of the existing windows and a full sample repaired window has been prepared. The condition survey work has indicated that the steel window frames whilst suffering from corrosion and deflection are for the most part capable of being fully repaired and re-used. The condition of the glass is not such a positive story, with a very high percentage of the original glass damaged and not possible to repair. The alternative that has thus far been pursued is a new copper-light glass, which is manufactured in a different way to the original chemical process, but nonetheless produces a high-quality and authentic appearance. This application, however, seeks permission and consent for an alternative design and instead of a refurbished original metal frame with new copper light glass and secondary glazing, the proposal is to introduce a double-glazed system, thus dispensing with the secondary glazing and the single-glazed copper-light glass.

The applicant's reasoning for the proposed window changes include:

- In any event most of the glass would be new whether single or double-glazed;
- In the case of the single glazed option, the technical performance of the external glazing would require secondary glazing. Because the windows open inwards and are in effect large French doors, this means the secondary glazing also needs to open inwards. The operability of this system would be extremely cumbersome and deter residents from opening the windows;
- The framing to the secondary glazing will be very visible from the street and will have the effect of making the windows appear cluttered and erode the clean lines of the historic framing; and
- Procurement of the replacement glazing has proved very difficult to a point which may undermine delivery of the project, or as stated in the Design and Access Statement "may impact catastrophically on the delivery and ultimately viability of the project."

As part of our consideration of the replacement double-glazed window system, the applicants have developed a bespoke and unique approach and in order to demonstrate the character and appearance of the windows have prepared a full-size sample window. The new window will actually comprise substantial parts of the original steel windows, including the large decorative mullions, the perimeter beading, the glazing bars and the window stays, which will mean that a substantial part of the external steel-framing of the windows will be re-used original historic fabric. With respect to the glass, this will comprise a double-glazed unit, onto which a lattice of hand set glass panes in lead comes will be bonded, with the intention of matching the original copper-light. The change from copper to lead derives from a chemical reaction between copper and the bonding agent which has a harmful visual impact, clouding the glass. The bespoke sample window has been inspected by officers and other interested parties including Historic England and the Victorian Society, both of whom have accepted the glazing will, for the most part, need to be new and that the secondary glazing does have a detrimental visual impact. Both organisations have indicated their broad support for the change, but have sought further refinements to detail and also indicated that as some of the original copper-light glazing is capable of re-use that a group of fully refurbished original windows are retained in the façade.

The proposed new windows that are now being proposed represent a very high quality, handcrafted and bespoke window system, which uses substantial elements of the original steel frames while maintaining the appearance and clean lines of the original windows. While the changes from copper comes to lead; and the overall loss of original glazing is regrettable, the reasoning for these aspects of the scheme have been fully justified and as such while there is considered to be some harm caused by the proposed change, the new window system will not adversely affect the appearance of the façade and any harm (through loss of fabric) is in the category of less than substantial and would be outweighed by the public benefits of the scheme. In addition to the public benefits of this development already secured through the extant permissions, this development also includes the provision of 14 affordable housing units on-site and an additional 29 market residential units. CIL receipts from this development would also contribute to the ongoing regeneration of Queensway. Accordingly, the additional public

benefits arising from this development would outweigh the less than substantial harm arising from the loss of historic fabric proposed.

A final point on the windows is the intention for the frames to be finished in a dark grey (near black) finish. It is understood that this would match the original finish and more closely match the original appearance than the white painted finish that was a later decorative scheme for the windows. The dark colour is considered to provide an elegant finish, which complements the darker framed elements of the lower floors of the façade.

With regards to the other heritage changes proposed, re-positioning of the 'La Scala' staircase back to the hotel connecting ground and first floor. This is acceptable in principle, occupying a space that is accessible to the general public and maintaining a relationship with the relocated entrance screen.

The central clock tower represents a prominent central element in the main Queensway façade, in its present condition it is open to the elements around its base and does not contain a clock. The proposal will internalise the space in the base and introduce a clock face, as envisaged in the original design drawings. The main alteration will be the introduction of glazing within the openings – this is to be set at the back of the stonework to leave a substantial reveal and will provide a somewhat unique living space. The proposals would not adversely affect the structure and the introduction of a clock is considered to be an enhancement, subject to the detailed design.

### Layout Changes

The revised layout proposes two residential lobby entrances directly off Queensway within the historic façade; in addition a centrally-placed entrance lobby in the rear block will be accessed from the courtyard, with this entrance on axis with the entry into the courtyard. A series of four entrances will also be positioned off Redan Place. While the introduction of residential entrances into the ground floor retail façade onto Queensway somewhat compromises the retail character of the façade at street level, it also provides an alternative form of animation to the façade and the wider distribution of residential entrances encourages activation of all facades.

The number of residential entrances in Redan Place is a reduction on the consented scheme and this is brought about by changing from a series of townhouses (each with own entrance) to flatted apartments with communal entrance cores. The overall design concept for the Redan Place fronting block does not significantly change, broadly maintaining the consented massing and height; and remaining a brick and stone façade with punched openings.

The re-positioning of the cinema entrance to Porchester Gardens reduces the variety of activities facing into the new retail courtyard, which is regrettable. While a main street-frontage will arguably provide a better street presence, the connectivity with the courtyard was previous seen as a desirable feature of the layout. It is noted that the proposed layout does allow the potential for the cinema foyer to be linked to the courtyard, but this would require taking one bay of retail floorspace. That the design allows this flexibility to still be possible is welcome.

### External / Façade Changes

The window design to the new-build elements which enclose the retail courtyard are modified. They will be steel windows to complement the windows of the historic façade, however, the degree of subdivision in the approved scheme is to be reduced with a simplified pattern to the glazing. This is somewhat regrettable as the multi-pane design of the approved scheme was felt to echo the copper-light of the historic windows. Nevertheless, the revised design is still considered acceptable, with a high-quality material and still maintains a good degree of subdivision to the glass.

There are various small changes to the new facades mainly to those facing into the retail courtyard, these are minor in nature and reflect a process of design refinement but do not dilute the quality of the architecture.

This proposal initially sought to re-introduce a larger format slate cladding to the Level 7 (mansard style roof element) above the main historic façade. The 1 November 2017 permission (RN: 16/12203/FULL) approved a small, traditional format slate covering for this part of the building, which successfully resolved an unacceptable aspect of the original permission of 26 April 2016 (RN: 15/10072/FULL). It is considered important that the small format traditionally laid slate covering remains part of the scheme, complementing the historic façade below. As such the applicants have agreed to omit this change from the current application.

The Redan Place facing 3-storey facade is modified in part relating to the change from townhouses to apartments. The overall character and appearance of the façade is broadly retained. The changes include a step in the façade, with the lower floor slightly recessed; a reduction in the height of the parapet by 700mm; at roof level a series of infill structures have been added to connect the rooftop pavilions with the main rear block; on the façade Juliet balconies are introduced to the upper two floors; and the new vehicle entrance is introduced at ground level towards the southern end of Redan Place. A further group of townhouses are introduced at the southern end facing onto the private courtyard referred to as Porchester Court. All of these changes will not undermine the strengths of the original scheme, in animating this side of Redan Place and introducing a typology which respects the character and appearance of the area. Indeed, the recessed ground floor allows the introduction of some landscaping and provides a small amount of defensible space for the windows at this level.

The changes to the overall height of the top storeys result in very small changes to their height due to design development and to achieve certain technical performance levels. The changes in height range between 136mm and 295mm. The very modest height difference would have an imperceptible impact when compared with the consented scheme. Also at roof level it is proposed to introduce some skylights to the new penthouse structures, although these will be imperceptible from most aspects.

### Design Conclusions

The proposed changes to the scheme are wide-ranging and complex but reflect a process of detailed design development and changes to the overall project brief, deriving

from a variety of drivers. Nevertheless, the changes proposed are considered to be well-considered and fully justified. The commitment to a high-quality scheme remains very much in evidence and the overall impacts on the historic building and the surrounding townscape are considered acceptable.

Subject to the proposed conditions, the proposal is considered acceptable in design terms and would accord with design policies S25 and S28 of the City Plan; and DES 1, DES 5, DES 6, DES 9 and DES 10 of the UDP.

### **8.3 Residential Amenity**

#### **8.3.1 Daylight and Sunlight and Sense of Enclosure**

The proposed amendments do not result in any material enlargement of the buildings approved. Accordingly, the currently proposed scheme would not result in any additional material losses of daylight or sunlight relative to the previously approved scheme. Similarly, as the bulk of the building and its proximity to neighbouring windows would not be altered, there would be no additional material increases in enclosure relative to the previously approved scheme. Accordingly, the proposed development would comply with policy ENV13 of the UDP and policy S29 in the City Plan for the detailed reasons set out in the committee report dated 16 May 2017 relating to the first variation approved scheme (RNs 16/12203/FULL & 16/12204/LBC).

#### **8.3.2 Privacy/ Overlooking**

The currently proposed scheme does introduce amendments that alter the impact on neighbours in terms of overlooking. The proposed townhouses to be introduced along the southern boundary of the site facing the rear of Porchester Court would include windows facing towards the rear windows of properties in Porchester Court at lower ground, ground and first floor levels. However, although the windows would be in relatively close proximity (separated by approximately 8-10m), the applicant has sought to address this by angling the windows into the façade to limit the extent to which occupiers of the proposed townhouses could look straight out towards the rear windows of Porchester Court. It is considered that this architectural device is sufficient to alleviate the degree to which the three new townhouses would cause overlooking, such that the increase in overlooking would not justify refusal of the scheme.

Elsewhere across the scheme there are no significant alterations in terms of the position of window openings relative to neighbouring windows and proposed external amenity spaces would be consistent with the previously approved scheme in terms of their location and extent. As such, and subject to the recommended conditions, the remainder of the scheme would not cause a material increase in overlooking relative to the scheme approved in November 2017.

In summary the currently proposed 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.

#### **8.3.3 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. As per the previously approved scheme, a condition is recommended to secure a supplementary acoustic report to demonstrate the operational noise level of the mechanical plant when it has been specified, would accord with adopted policies. Subject to this condition the scheme would accord with Policies ENV6 and ENV7 in the UDP.

As per the previously approved schemes 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).

The Highways Planning Manager has noted that the relocation of the servicing yard to ground floor level may increase noise transference to residential accommodation proposed on the upper floors. To address this concern, a condition is recommended to prevent noise transference between different uses within the building.

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

##### **8.4.1 Public Car Park**

The applicant proposes removing all 36 public car parking spaces from the development and this has attracted objections from SEBRA.

The applicant has demonstrated that there is no need for these spaces and the Highways Planning Manager has raised no objection to the loss of these spaces and its removal is welcomed by the GLA. Given this sites very high PTAL rating, it is also highly unlikely that visitors to the site will drive. The site is also within a Control Parking Zone which means anyone who does drive to the site will therefore be prevented from parking in surrounding streets. Notwithstanding this, the total loss of public car parking is supported by policies STRA25, TRANS21, TRANS22 and TRANS25 of the UDP. Accordingly, refusal of permission on this basis would not be sustainable.

##### **8.4.2 Car Parking Levels**

The ratio of car parking is now 153 residential units for 113 car parking spaces. This is 0.73 spaces per unit.

Policy TRANS23 of the UDP indicates that up to 153 spaces should be provided for the proposed residential units. No parking is required or proposed for the non-residential uses.

Policy TRANS23 details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency. The evidence of the City Council's most recent night time parking survey in 2018 indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 78%. However, policy TRANS23 includes all legal parking spaces (e.g. Single Yellow Lines, Metered Bays, P&D, and Shared Use) as such with the addition of Single Yellow Line availability at night, the stress level reduces to 61%.

During the daytime, the parking occupancy of ResPark bays within a 200 metre radius of the site is 78%. TRANS23 includes all legal parking spaces. During the daytime within the area, the only legal on-street spaces for permit holders are Residential and Shared Use Bays.

Whilst it is acknowledged that the site has a high level of public transport accessibility, 31% of households have one or more car in the Lancaster Gate Ward (2011 Census figures). This indicates that residents in the area do own cars, along with the fact that during the day Residential Bays has a high level of occupancy.

Based on the above, 153 residential units would be expected to generate approximately 47 vehicles – significantly below the 113 spaces provided. Accordingly, it is anticipated that the parking demand associated with this development can be accommodated on-site and would be consistent with policy TRANS23 of the UDP.

Whilst the number of residential parking spaces on the site accords with UDP policy, the GLA and TFL raise strong objections to the quantum of parking proposed in what they consider to be a highly accessible location. Both are seeking a reduction in the number of spaces proposed, which they consider would help to limit car use in the vicinity of the site and improve the pedestrian environment. The GLA refer to Draft London Plan Policies T6.1 and T6.3 which seek car free developments in all PTAL 5 and 6 locations.

Notwithstanding the objections of TFL and the GLA, the extant permissions are significant material considerations in this instance. The originally approved scheme (April 2016) delivered 139 parking spaces for 103 residential units (a ratio of 1.35) and the proposed development represents a significant reduction. Additionally, regard must also be had to the trip generation of the lawful use of the site, including a large public car park. A further consideration is that Westminster does not operate a system that would enable the restriction of the provision of on-street parking permits to future residents. Cumulatively, it is considered that these considerations justify the provision of the residential parking ratio proposed and the objections made on this ground by the GLA and TFL do not amount to a sustainable ground on which to withhold permission.

The Highways Planning Manager and SEBRA have requested that parking spaces on-site remain 'unallocated' as per previous permissions. However, the ability to allocate spaces and the revenue this generates has been factored into the viability appraisal for this development. An 'unallocated' arrangement would result in less affordable housing. Given this and that the parking demand associated with the development would be accommodated by the car parking already proposed, it is not considered appropriate to retain the consented 'unallocated' parking arrangement.

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).

#### **8.4.3 Cycle Parking**

The proposed development would generate a requirement for 332 long stay cycle parking spaces and 334 spaces are provided within various cycle stores on-site. The

quantum and quality of cycle parking for the whole development is welcomed, as is the provision of cycle support facilities.

Short term cycle parking is proposed – however not within the development site and on the highway. This short-term cycle parking would obstruct pedestrian movement, being placed in the middle of the existing footway. It therefore is unlikely to be deliverable and cannot be counted towards the short-term requirement. It is unclear why short-term cycle parking cannot be provided within the private public realm or elsewhere within the development site. An amending condition is recommended to secure additional short-term cycle parking on-site. Subject to this condition, the proposed development would be consistent with policy 6.9 of the London Plan and policy T5 of the Draft London Plan.

#### **8.4.4 Access Points and Associated Highway Safety Considerations**

The new residential car park access on Redan Place would provide acceptable visibility splays. The size, dimensions, vertical clearance and layout of the basement car parking is considered acceptable.

An objector notes that the new residential access may result in excessive levels of traffic using the western arm of Redan Place 24 hours a day. However, the recently demolished shopping centre had a vehicle access point in this position and this vehicle access had no controls on its use. Accordingly, the objector's concerns could take place at present. The junction of Redan Place and Porchester Gardens is also closed between 10 pm and 8 am and there are no plans to change this. As noted in the applicants Transport Assessment and endorsed by TFL, it is not anticipated that the proposal will result in an increase in the number of residential vehicle movements in any event. Accordingly, refusal of permission on this ground would not be sustainable.

The basement car park ramp gate would also cause vehicles waiting to enter the basement to block the footway of the public highway as it is not sufficiently recessed from the highway. However, and as per the Highways Planning Managers recommendation, it is recommended that an amending condition is imposed to deliver revisions to the scheme that resolve these highway safety concerns. Subject to the recommended condition, the scheme would accord with Policy TRANS3 in the UDP and S41 in the City Plan.

#### **8.4.5 Servicing**

The Highways Planning Manager welcomes the relocation of the servicing bay to ground level as this will improve the efficiency of servicing on the site and remove conflict with other vehicles. However, to achieve the provision of a servicing bay at ground floor level a more compact servicing bay arrangement has been proposed than was previously approved within the basement. The servicing bay now proposed at ground floor level will therefore require careful management to ensure the vehicle loading/ unloading space within it remains free for scheduled servicing vehicles. To address these concerns and ensure that servicing occurs in an efficient manner that does not obstruct the highway, it is recommended that a Servicing and Delivery Strategy is secured by condition. A further condition is also recommended to prevent servicing occurring on the highway. Subject to the recommended conditions the proposed ground floor servicing bay would accord with

Policy S42 in the City Plan and TRANS 20 in the UDP and would prevent the need for any on-street servicing.

#### **8.4.6 Highway Stopping up/ Dedication of New Highway Land and Highway Works**

As per the previously approved schemes, 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. Again, as per the approved schemes, amendments to on-street parking restrictions will require a separate Traffic Management Order.

The layout of the public highway shown on the planning application drawings is indicative and, as noted by the Highways Planning Manager the design of the public highway, including its levels, is subject to separate detailed design and agreement with the Local Highway Authority.

#### **8.4.7 Waste and Recycling Storage Strategy**

The Waste Project Officer has objected to the distances between waste route Cores PC, R-North and R-Central to the residential waste holding area. This may result in waste being dragged along the public highway. However, these objections can be addressed by the recommended conditions requiring an amended waste management strategy and a further condition preventing waste being stored and manoeuvred on the public highway.

#### **8.4.8 Coach Parking**

Policies TRANS6 and TRANS22 require hotels to provide for coach arrivals and departures. The applicant suggests that the hotel is not marketed to coach parties or groups who would arrive by coach. However, the type of hotel can change over time and is not restricted by the planning land use.

The changes to the hotel do not raise any additional highway or transport concerns except for potential impact of coach arrivals and departures. The applicant has provided limited information on this aspect of the development. No formal process has been provided for dealing with coach arrivals or departures, including managing the transfer of guests to and from the coach to the hotel.

It is also unclear if the existing on-street coach provision has enough capacity for additional coach activity associated with a hotel use. The Highways Planning Manager is concerned that, without sufficient coach parking or a plan to deal with coaches dropping off and picking hotel guests, coaches will stop in the carriageway and obstruct traffic (including buses) and other highway users – such as pedestrians. This includes groups of hotel guests (with luggage) blocking footways while loading and unloading coaches.

To address this issue, a condition is recommended that would prevent coaches visiting the hotel. Subject to this condition, the proposed development would be consistent with policies TRANS6 and TRANS22 of the UDP.

## **8.5 Economic Considerations**

As per the previously approved schemes, 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**

As per the previously approved schemes, level step free access will be provided throughout the development, including to access facilities such as parking and the cinema at basement level. A disabled accessible public toilet is to be provided at ground floor level for users of the retail courtyard and basement car park.

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

### **8.7.1 Basement Excavation and Flood Risk**

The reduction in the volume of excavation and construction work required to deliver the subterranean element of this development is welcome in terms of reducing the impact of the scheme on the amenity of neighbouring residents and the local highway network during construction. Consequently, the reduction in the depth of the proposed basement by up to 8 metres is supported. The reduction in depth and extent of the basement would accord with the objectives of policy CM28.1 of the City Plan, which are to ensure that basements are proportionate to the development which they support and minimise their neighbour amenity, highway, heritage asset, structural and environmental impacts.

The applicant has provided an updated Basement Impact Assessment, Structural Methodology and Flood Risk Assessment in relation to the reduced basement now proposed and these documents demonstrate compliance with the technical requirements of policy CM28.1 in the City Plan. As per the previously approved schemes, conditions are recommended to:

- i. Secure further details of the proposed drainage strategy to ensure it is designed to attenuate water run-off from the development to greenfield levels and prevent sewer flooding
- ii. Ensure the submission of and consultation on a construction management plan for the carrying out of the proposed development.
- iii. Secure the flooding prevention measures designed into the proposed development, which includes a physical barrier at the vehicular entrance to the basement to prevent surface water flooding entering the basement.

In addition to the recommended conditions, compliance with the Code of Construction Practice is to be secured via the S106 agreement accompanying the scheme. This will include monitoring of the construction site by the Environmental Inspectorate at the applicant's expense.

In conclusion, subject to the recommended conditions and planning obligations, the currently proposed basement is considered to remain compliant with Policy CM28.1 in the City Plan and the flood resilience of the development would continue to accord with the requirements of the NPPF and Policy 5.12 in the London Plan (March 2016).

### **8.7.2 Energy Use and Carbon Emissions**

As per the previously approved schemes, the applicant's BREEAM pre-assessments confirm that the proposal will achieve an 'Excellent' rating in line with Council policy. The sustainability strategy incorporates energy efficiency measures to reduce carbon emissions and sustainable construction methods. Water energy measures include SUDs.

The energy strategy proposed incorporates a Combined Heat and Power system. However, unlike the previously approved scheme, the current proposal omits the use of biofuel as the applicant has concerns regarding the viability of the technology given the restricted market, which the applicant advises is limited to a single supplier. In the absence of biofuel to power the CHP system, the applicant proposes a gas fired CHP. This would deliver a CO<sub>2</sub> emission saving of 37.1%. Whilst this is a reduction relative to the scheme approved in November 2017, which delivered a reduction in carbon emissions saving of 43%, given the limited alternative options in terms of on-site renewal energy generation and the limited space available at roof level for provision of photovoltaic panels, the CO<sub>2</sub> emission saving proposed is considered acceptable. Had the scheme been sufficiently viable, a carbon offset contribution would have been sought in accordance with relevant London Plan policies and the Mayor's Sustainable Design and Construction SPG (April 2014).

Subject to the recommended conditions to ensure the delivery of the scheme in accordance with the proposed energy strategy, deliver the scheme to BREEAM 'Excellent', deliver the energy centre within the basement with future capability to connect to adjoining sites and the updated sustainability and energy strategies in the currently proposed 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), when the constraints of the site are taken into account.

The GLA requested additional information on carbon emission reporting, SAP outputs, BRUKL outputs, overheating checklist and energy network details from the applicant in their Stage 1. It is understood that this has been provided directly to the GLA.

### **8.7.4 Fire Escape Strategy**

The GLA have requested an independent Fire Statement produced by a suitably qualified assessor that details how the development proposal would function in

the event of a fire. A condition is recommended to secure a Fire Statement. Subject to this condition, the proposed development would be consistent with policy D3 of the Draft London Plan.

## **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

## **8.9 London Plan**

This application is referable to the Mayor as it is mixed use scheme; is over 30 metres in height and contains over 150 residential units. The Mayor has advised in the GLA 'Stage 1' response (see background papers) that it is not considered that the application complies with the London Plan (March 2016) and the Draft London Plan (Consultation Draft December 2017). The areas of concern to the Mayor are summarised in Section 5 above and the Stage 1 response is provided in full in the Background Papers. The principal areas of concern that have been raised are considered in the relevant sections of this report.

If Committee resolve to grant permission, this application needs to be reported back to the Mayor ('Stage 2 referral'), and the Mayor has 14 days to direct approval or refusal.

## **8.10 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

No pre-commencement conditions are recommended that would necessitate the applicants approval.

## 8.11 Planning Obligations

As noted above, the £6 million public realm, £6 million affordable housing and £750,000 public art contributions and 'unallocated parking' obligation are no longer sought in lieu of the affordable housing offer proposed. The public art would also be secured through recommended condition 13 in any event. Instead, these funds have been put toward the provision of the 14 intermediate units which would be secured by the s106 agreement. As the creche is no longer proposed, this obligation has also been omitted.

Further to the GLA's comments and given the increase in residential units proposed, the playspace contribution has been increased on a pro-rata basis from £100,000.00 to £122,481.00.

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.

- i. Provision of 14 intermediate affordable units on-site and provision for Early and Late Stage Review mechanisms in accordance with the Mayors Affordable Housing and Viability SPG;
- ii. Costs of all the highway works associated with the development including the Stopping Up Order and the dedication of land;
- iii. A financial contribution of £122,481.00 (index linked) towards improvements to play space in the vicinity of the development;
- iv. 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;
- v. Provision of the cinema, ready for occupation, prior to occupation of the retail use;
- vi. Provision of the gym prior to occupation of the residential accommodation and the submission of a management plan including pricing;
- vii. Provision of measures to support employment, training and skills programmes;
- viii. 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 changes of use within the centre;
- ix. Management strategy for the hotel use, including servicing and guest drop off arrangements;
- x. Provision of lifetime (25 year) car club membership for each residential flat; and
- xi. Provision of S106 agreement monitoring costs.

Subject to any exemptions or relief that may be available to the applicant, the estimated Westminster CIL payment from this development would be £2,267,450.00.

## 8.12 Environmental Impact Assessment

As established by the Screening Opinion issued on 10 August 2015, the originally approved 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). Given the uplift in residential unit numbers proposed, the applicant has submitted a further request for a Screening Opinion and the City Council will issue its decision on this before the committee date. The committee will be updated on this decision at or shortly before the committee meeting.

The environmental impacts of the amended scheme proposed by the current application are considered, where relevant, in other sections of this report.

### **8.13 Other Issues**

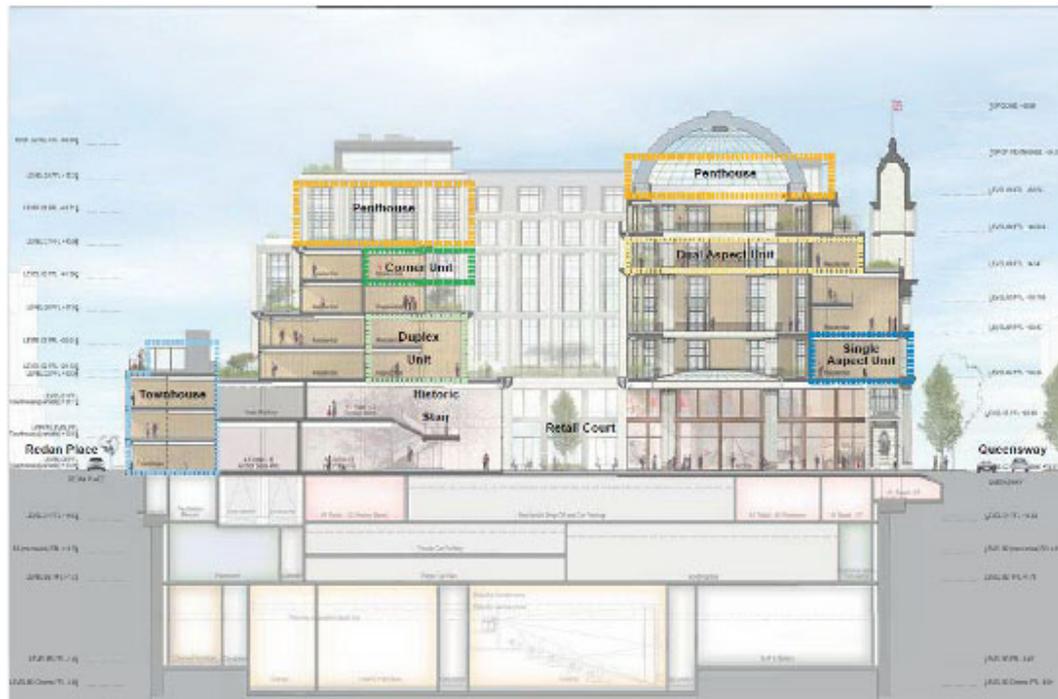
The current application has attracted a number of objections from neighbouring residents regarding the impact of construction works. This is following recent complaints from local residents regarding noise from ongoing demolition works on-site.

To address these concerns, it is recommended that the measures adopted in granting permission previously for redevelopment of this site are again adopted. The applicant has undertaken to comply with the City Council's Code of Construction Practice and to provide 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.

(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: NATHAN BARRETT BY EMAIL AT [nbarrett@westminster.gov.uk](mailto:nbarrett@westminster.gov.uk)

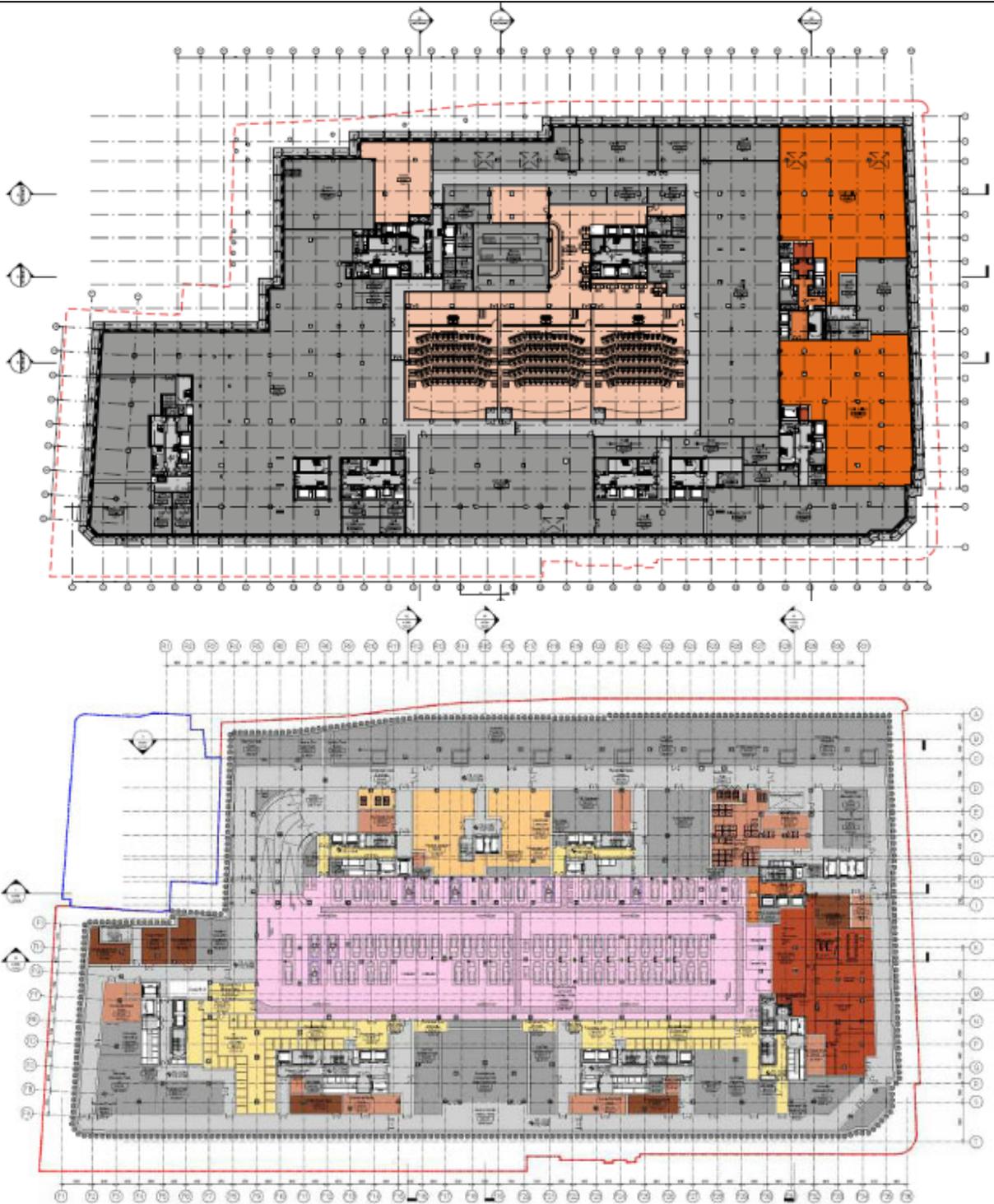
### 9. KEY DRAWINGS



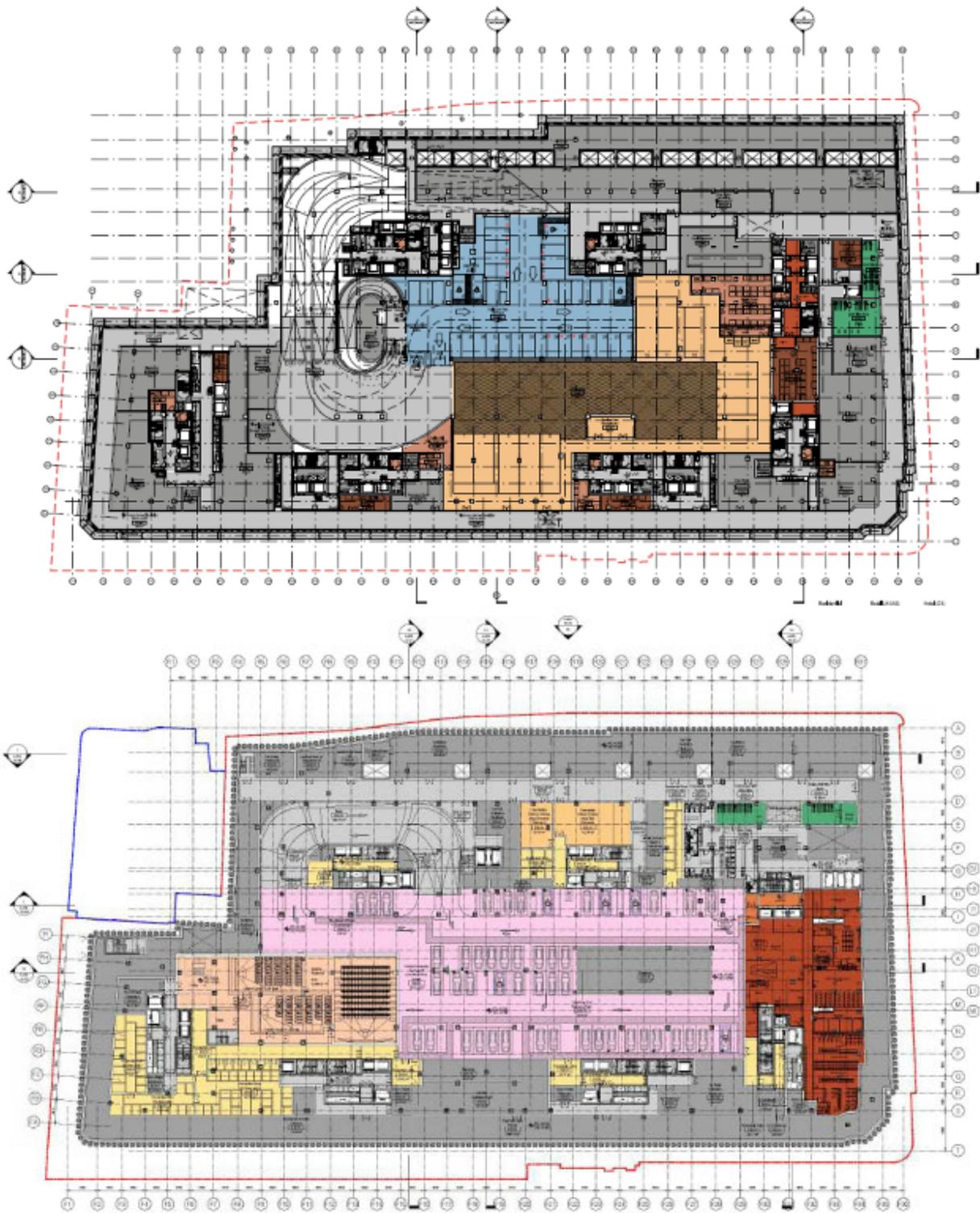
As approved section (top) and as proposed section (bottom) showing reduction in basement depth.



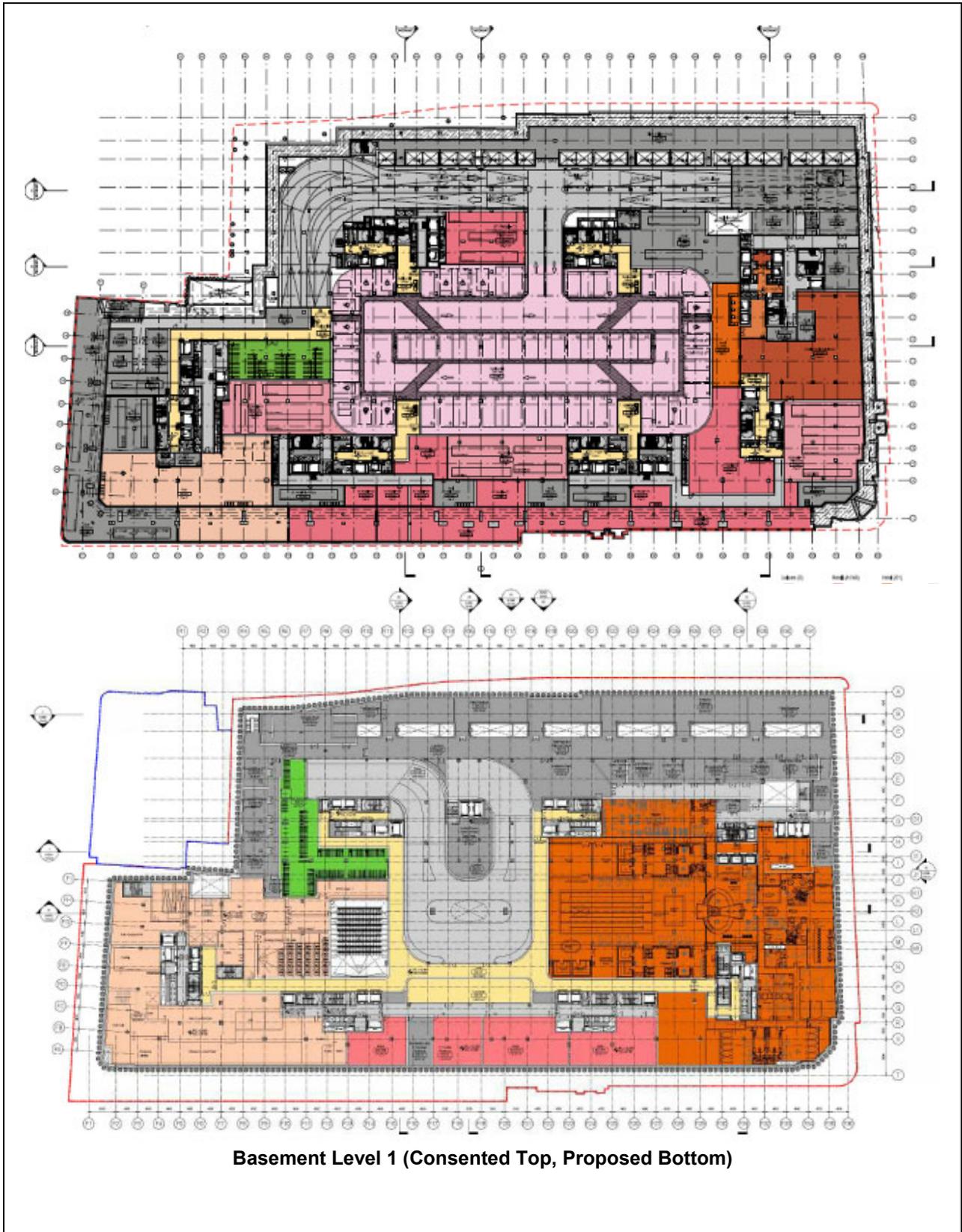




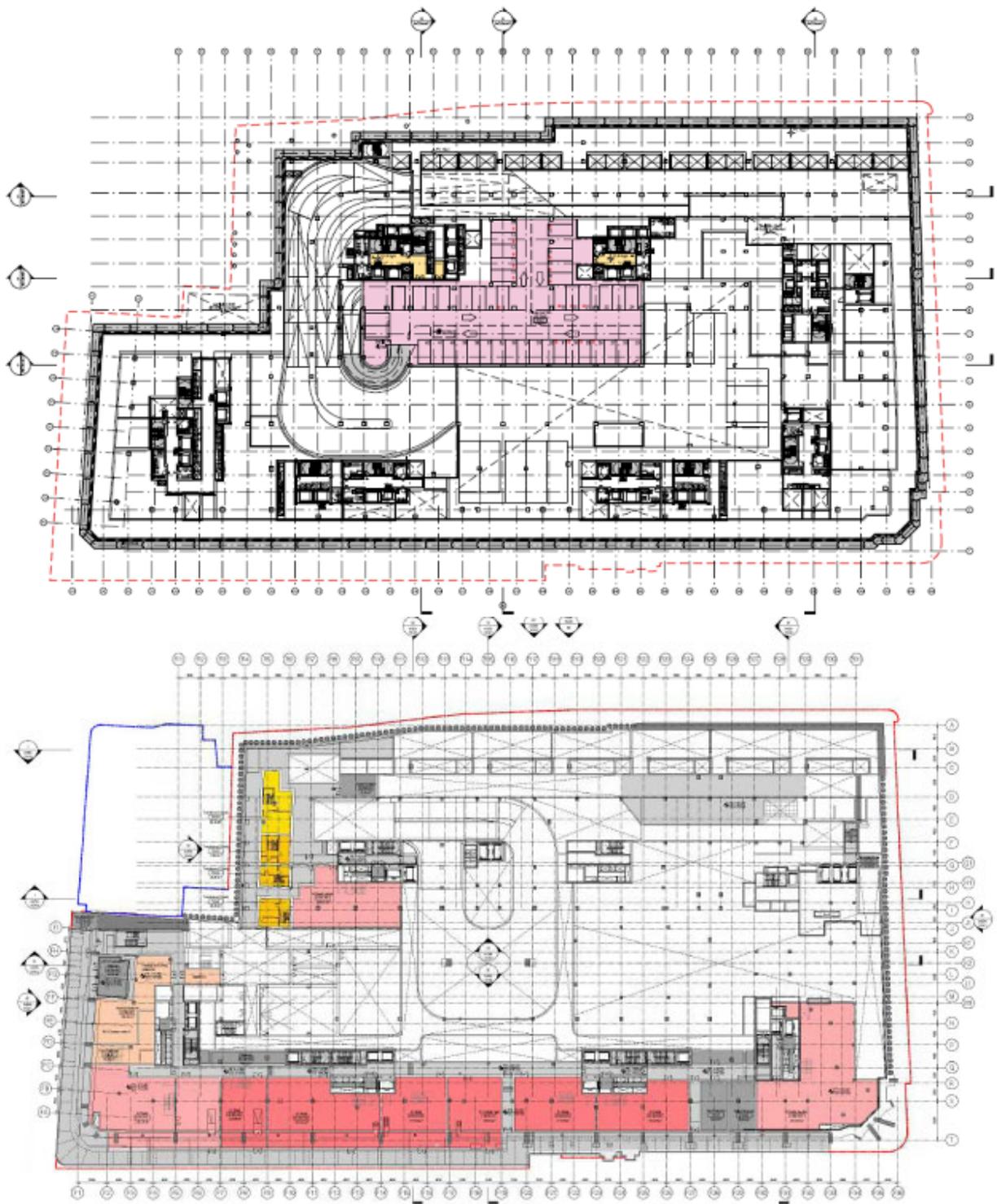
**Basement Level 3 (Consented Top, Proposed Bottom)**



**Basement Level 2 (Consented Top, Proposed Bottom)**



**Basement Level 1 (Consented Top, Proposed Bottom)**



**Basement Mezzanine Level (Consented Top, Proposed Bottom)**



- Retail (R)
- Office (O)
- Hotel (H)
- Restaurant (AR)
- Leisure (L)
- Residential (R)

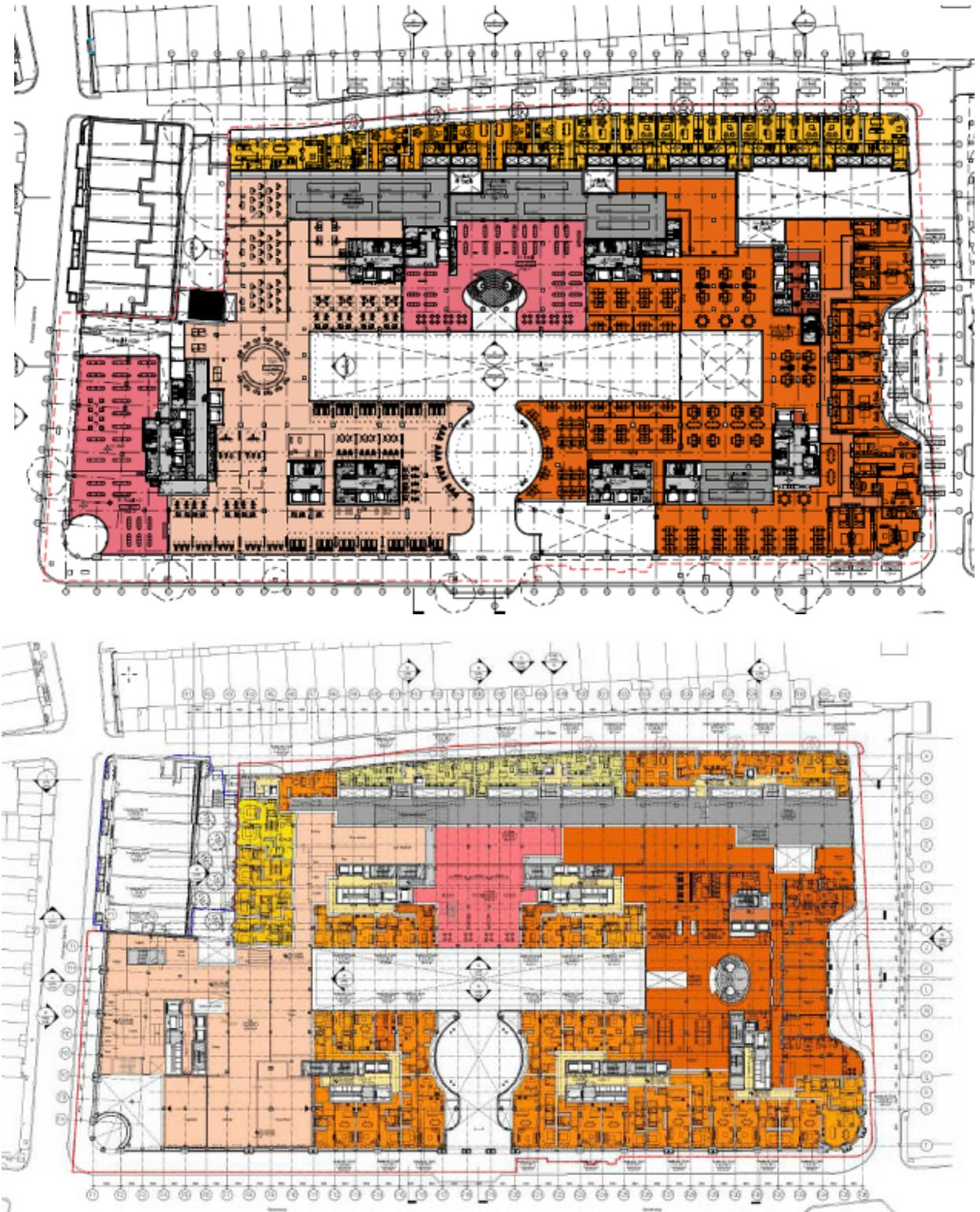
Please note, pavement configuration around site is indicative only and will be developed in consultation with WCC as part of their wider public realm enhancement project. Landscaping in retail court indicative only as this is proposed to be a flexible space capable of accommodating a wide range of public events



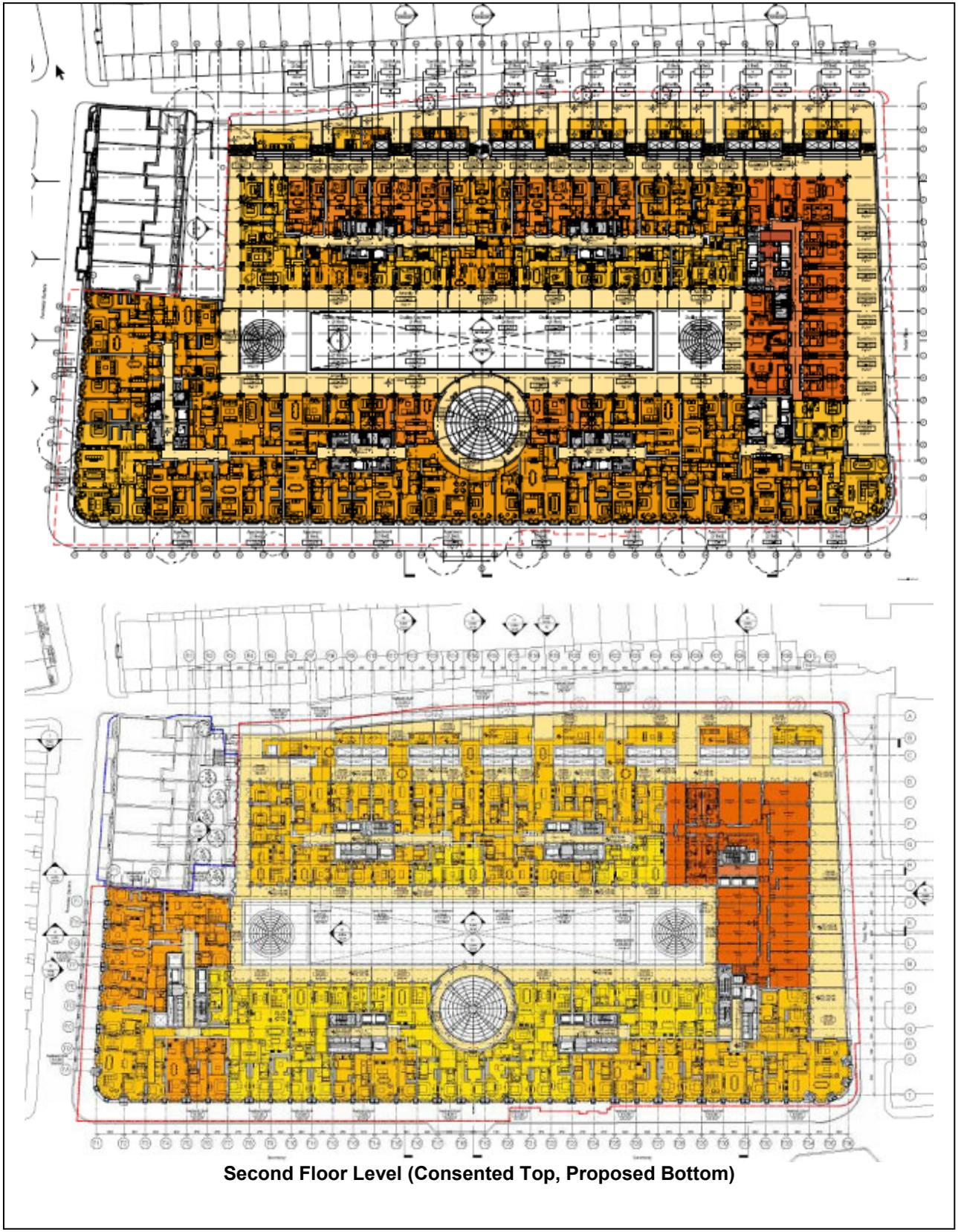
- Retail (R)
- Office (O)
- Hotel (H)
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- Leisure (L)
- Residential (R)

Please note, pavement configuration around site is indicative only and will be developed in consultation with WCC as part of their wider public realm enhancement project. Landscaping in retail court indicative only as this is proposed to be a flexible space capable of accommodating a wide range of public events

Ground Floor Plan (Consented Top, Proposed Bottom)



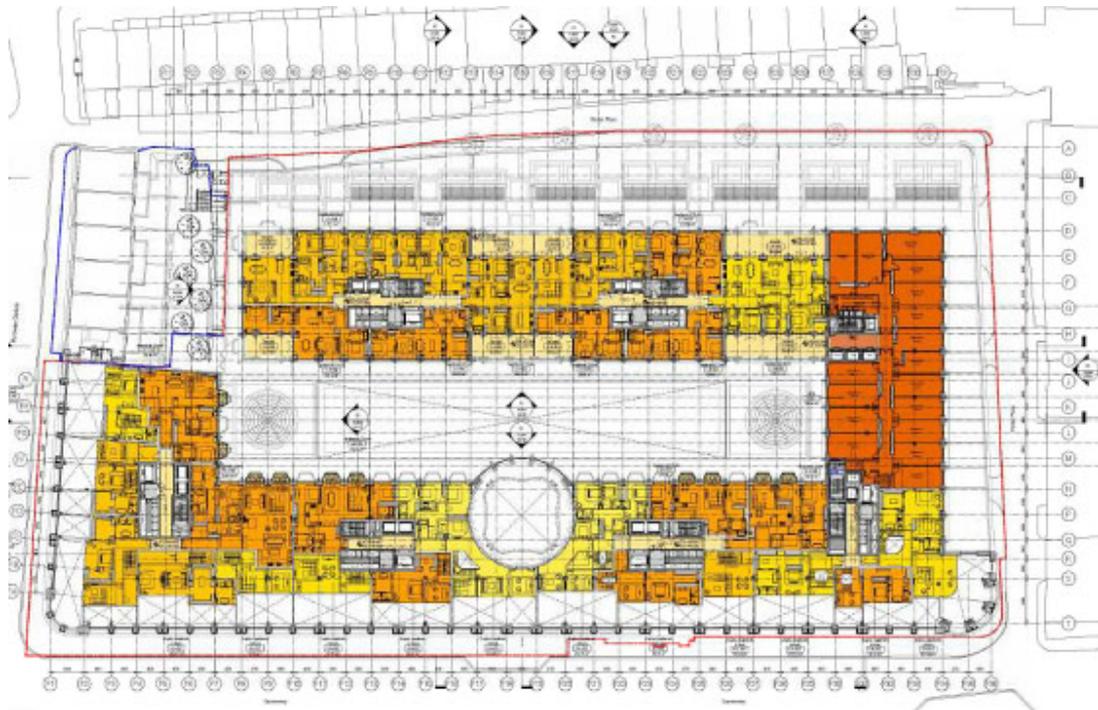
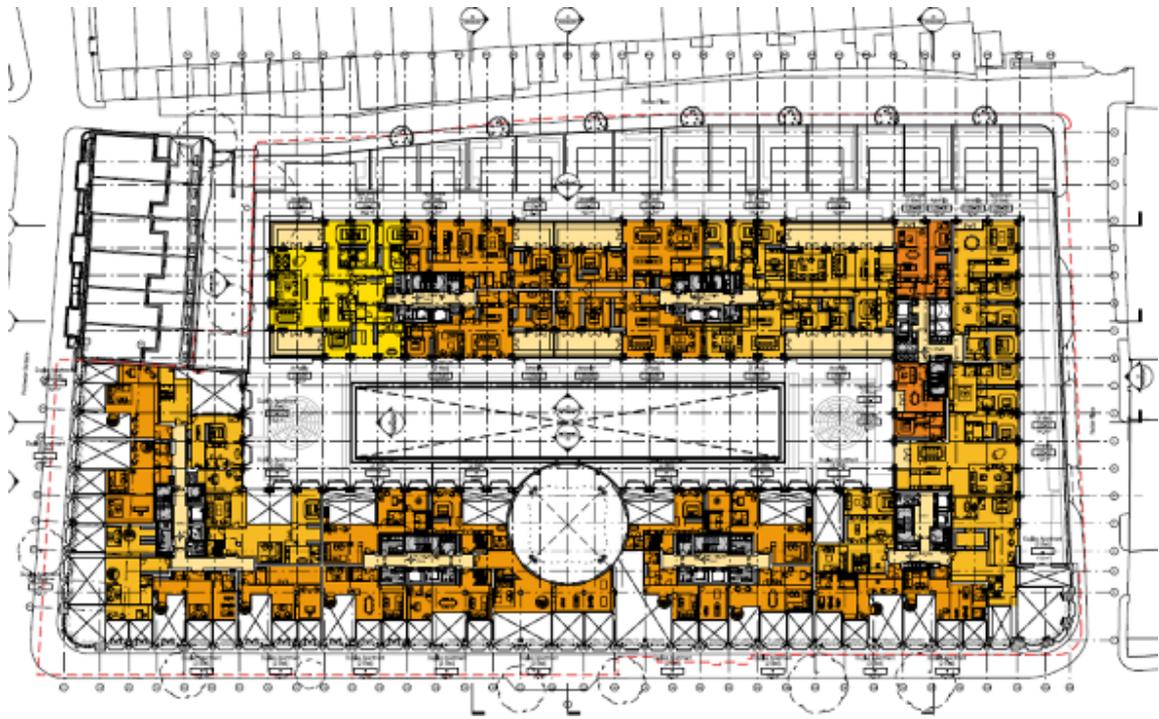
First Floor Level (Consented Top, Proposed Bottom)



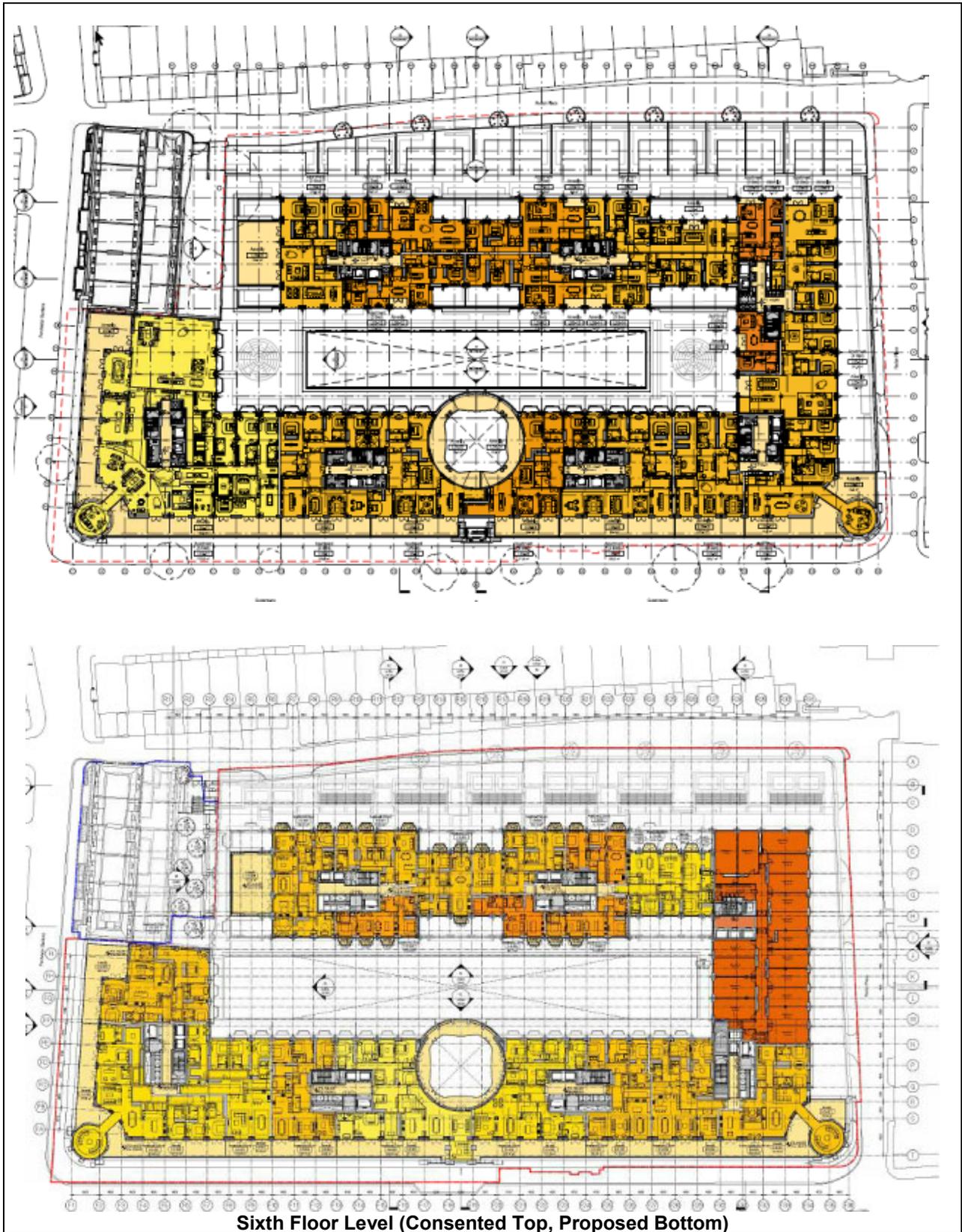
Second Floor Level (Consented Top, Proposed Bottom)



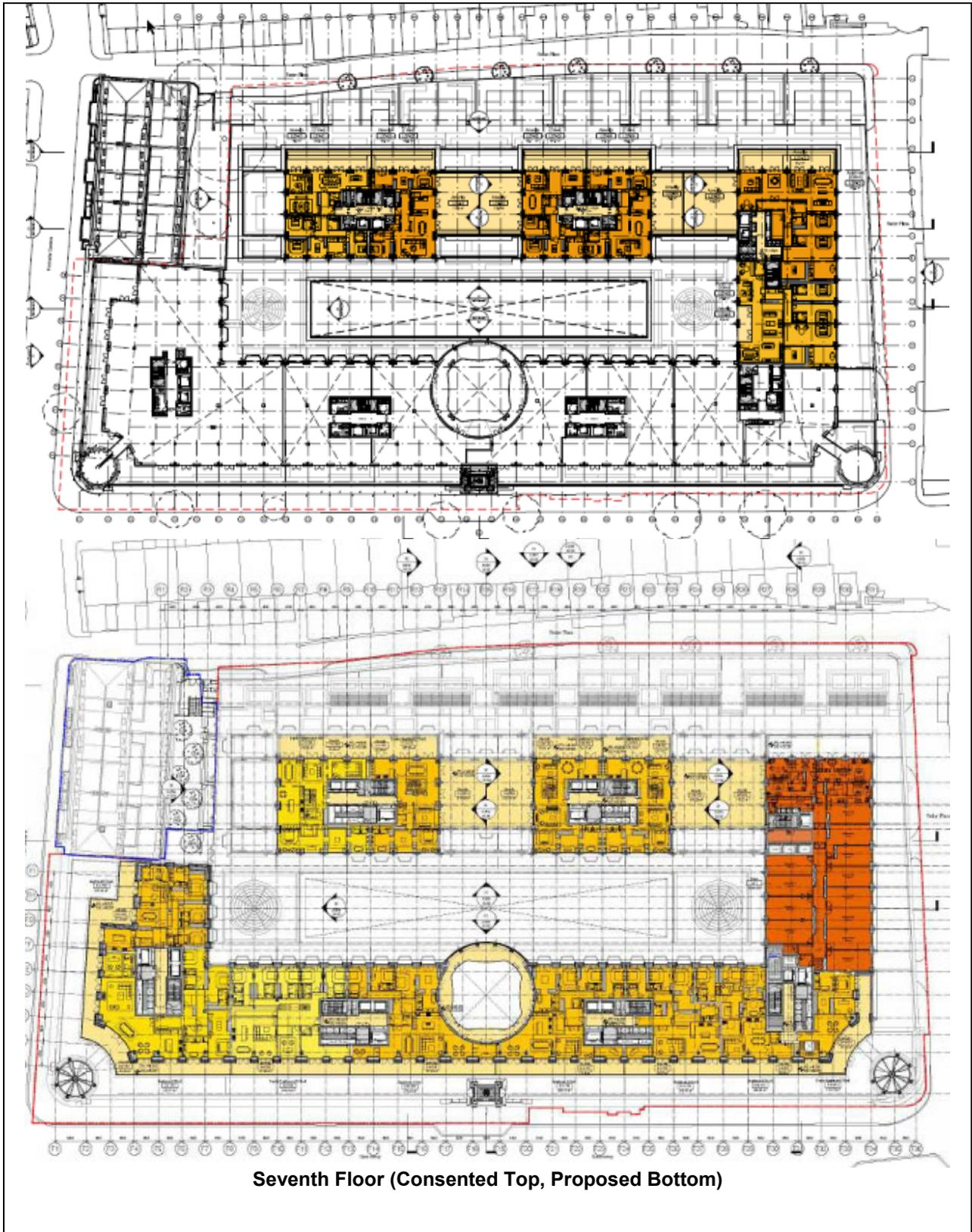
**Third Floor Level (Consented Top, Proposed Bottom)**



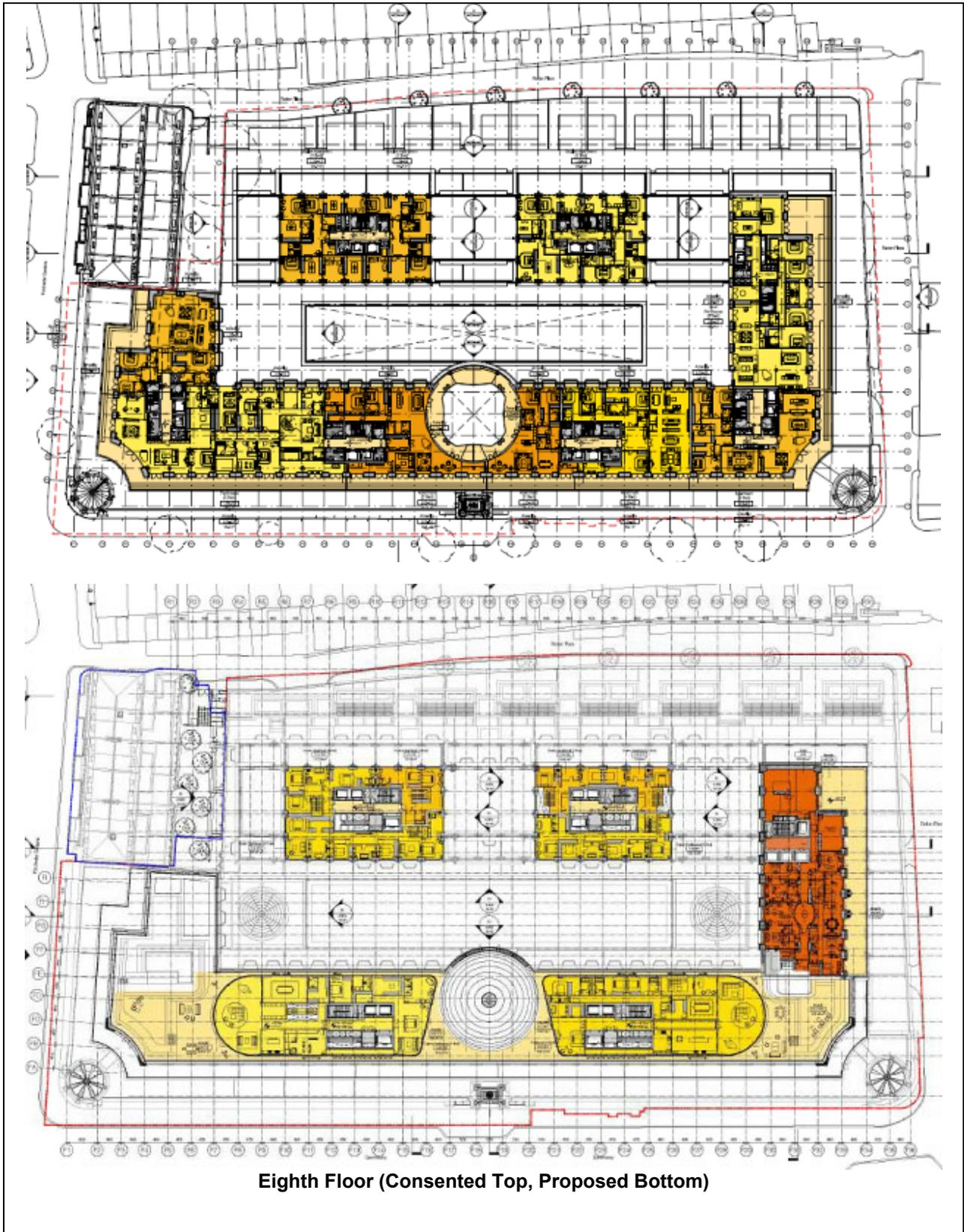
**Fifth Floor Level (Consented Top, Proposed Bottom)**



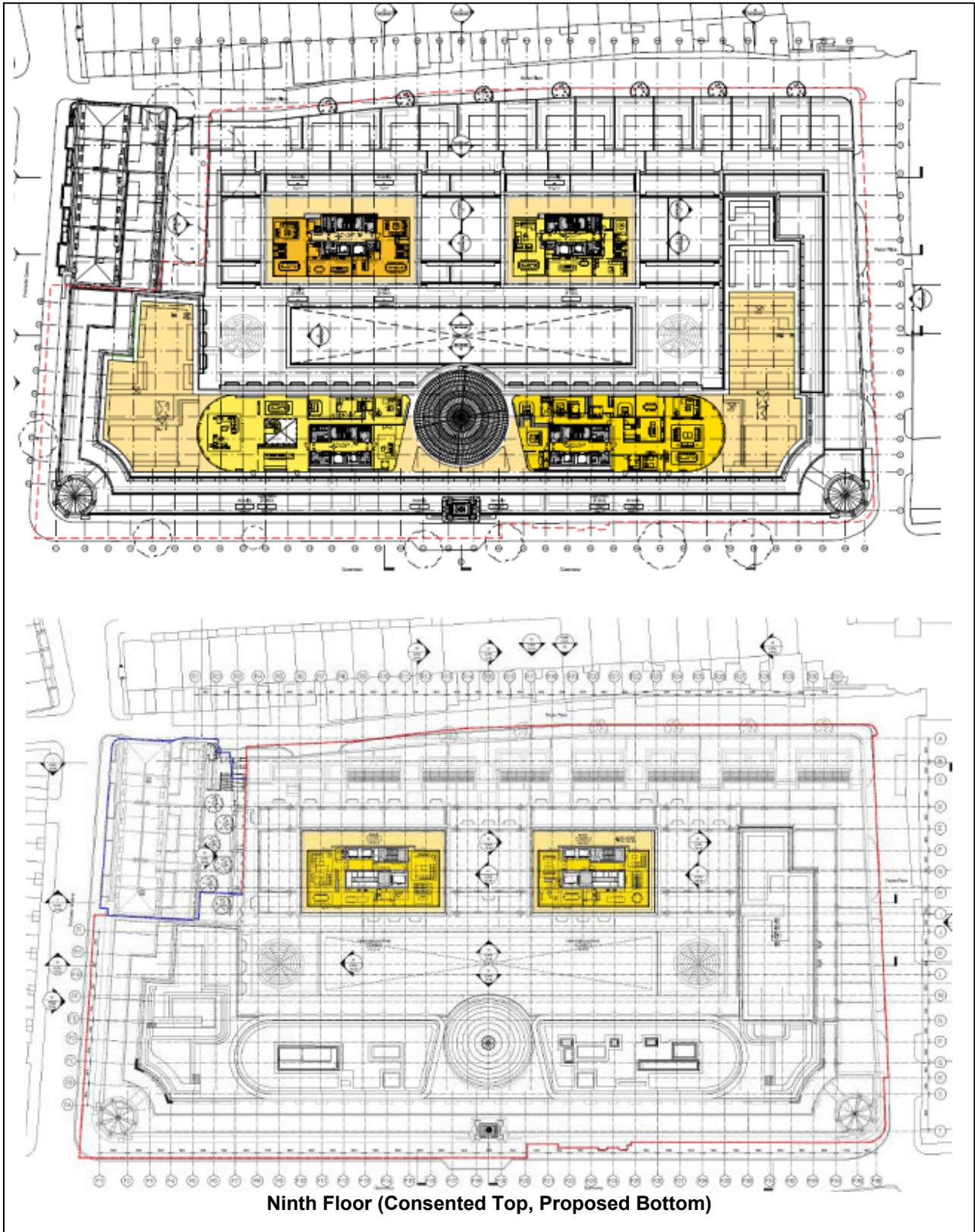
Sixth Floor Level (Consented Top, Proposed Bottom)



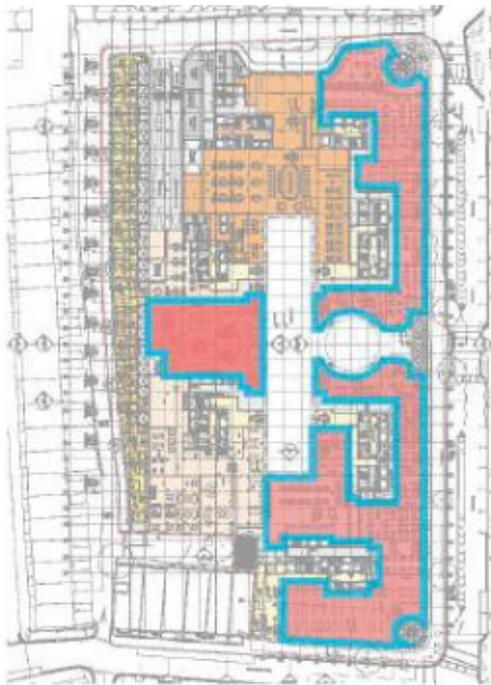
Seventh Floor (Consented Top, Proposed Bottom)



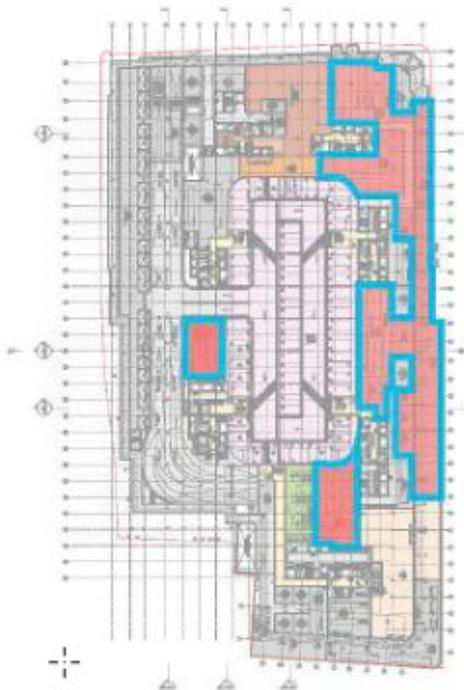
**Eighth Floor (Consented Top, Proposed Bottom)**



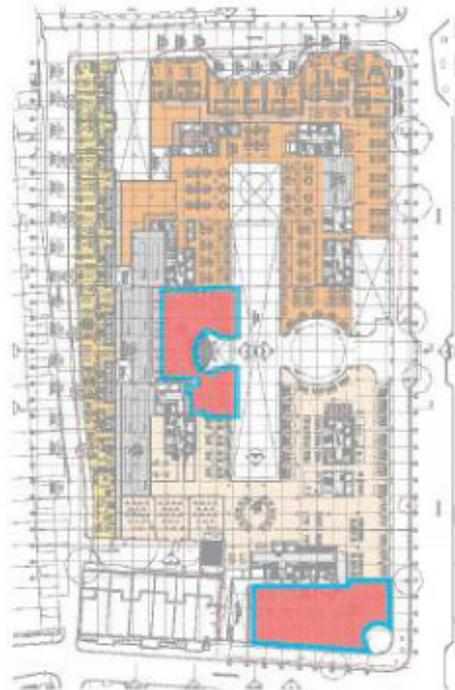
**Ninth Floor (Consented Top, Proposed Bottom)**



Ground Floor Plan - Total A1 & A3 (GEA excluding cores) : 3,937 m<sup>2</sup>

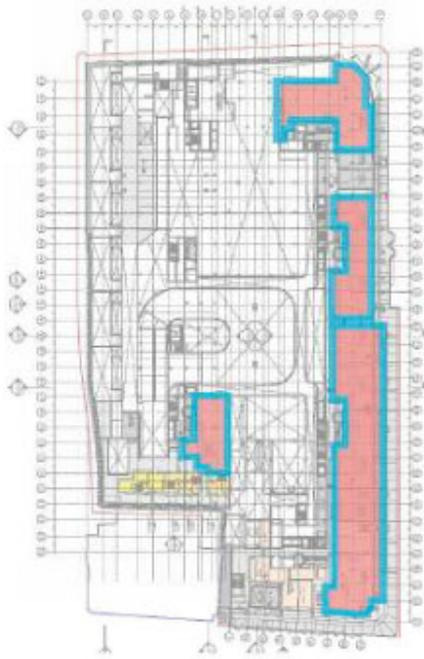


Basement Level B01 Plan - Total A1 & A3 (GEA excluding cores) : 2,406 m<sup>2</sup>

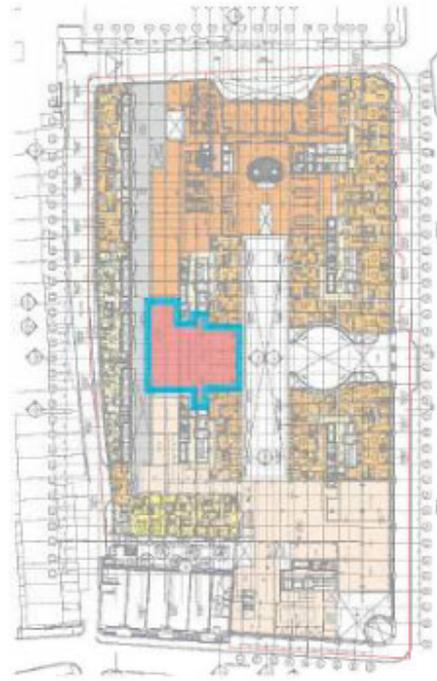


First Floor Plan - Total A1 & A3 (GEA excluding cores) : 1,262 m<sup>2</sup>

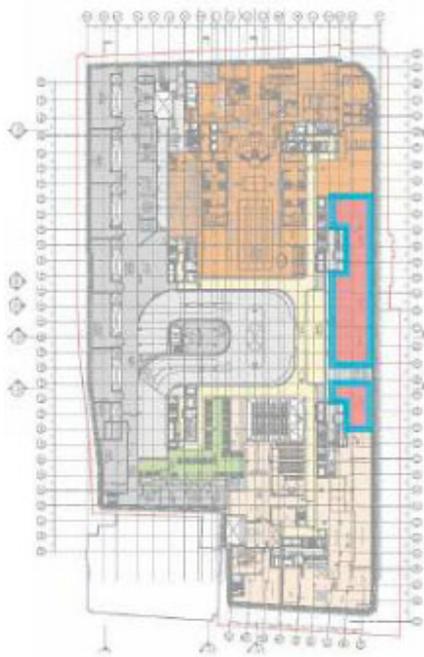
**Consented Retail Floor Areas**



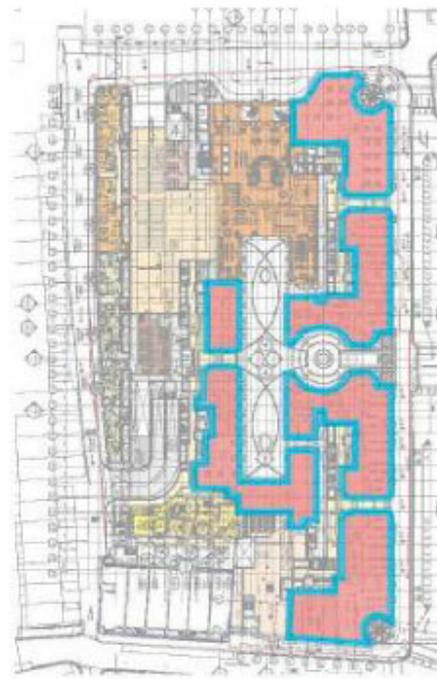
Basement Mezzanine Level D01 Plan - Total A1 & A3 (GEA excluding cores) : 2,333 m<sup>2</sup>



First Floor Plan - Total A1 & A3 (GEA excluding cores) : 613 m<sup>2</sup>

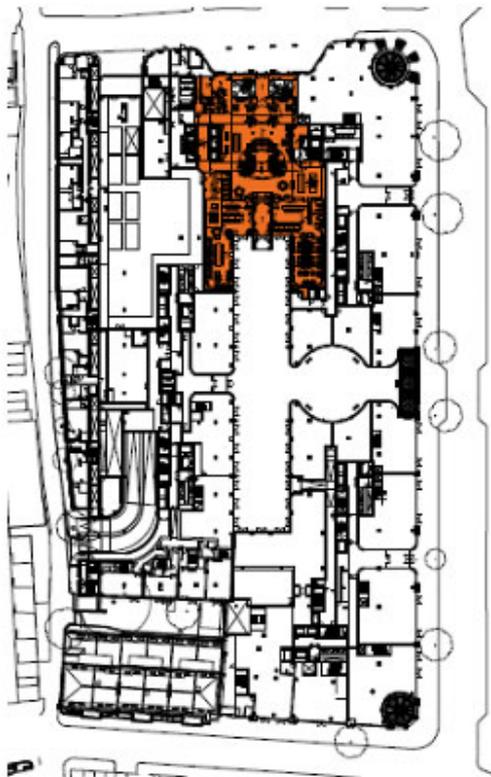


Basement Level D01 Plan - Total A1 & A3 (GEA excluding cores) : 673 m<sup>2</sup>

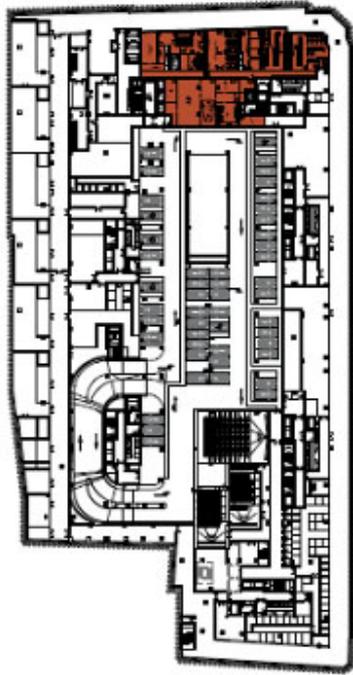


Ground Floor Plan - Total A1 & A3 (GEA excluding cores) : 3,019 m<sup>2</sup>

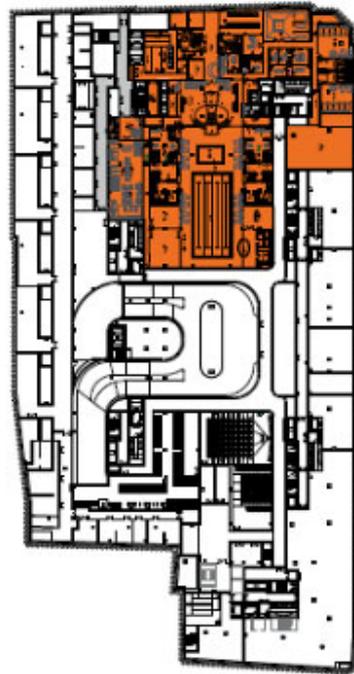
**Proposed Retail Floor Areas**



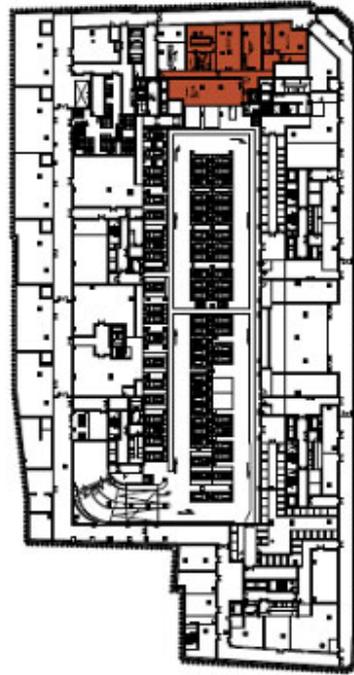
Ground floor plan



Basement 02



Basement 01

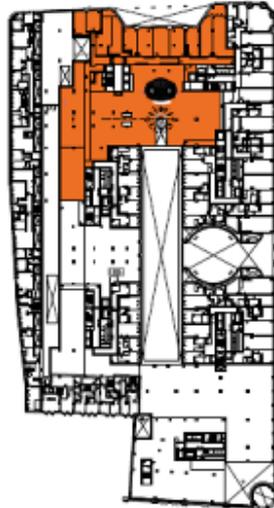


Basement 03

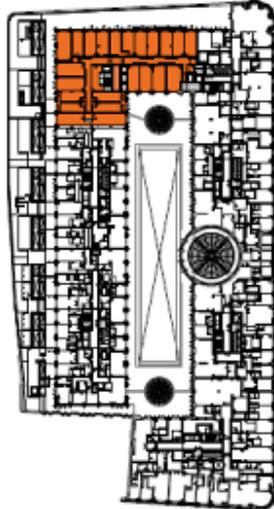
**Hotel Floor Plans (Basement Level 3 to Ground Floor)**

The upper levels of the hotel are proposed to extend to encompass all floors of the north block, allowing for a more streamlined and secure entry and core solution.

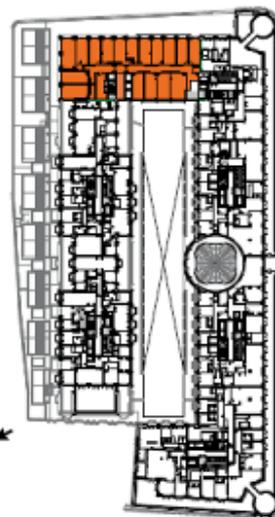
The first floor contains a large flexible space that links directly to the Ground Floor below with the relocated heritage 'La Scala' staircase.



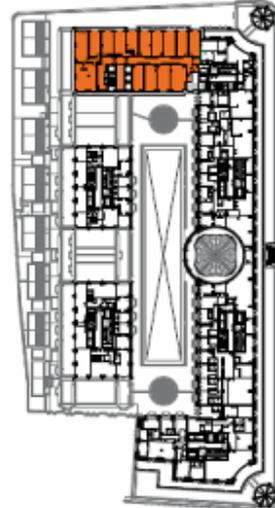
First floor plan



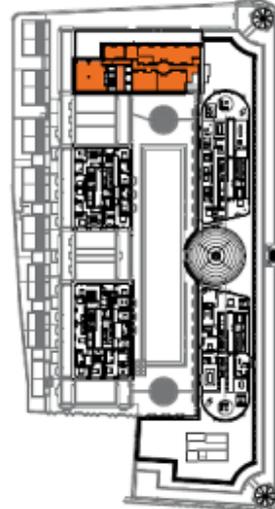
Second/Third floor plan



Fifth/Sixth floor plan

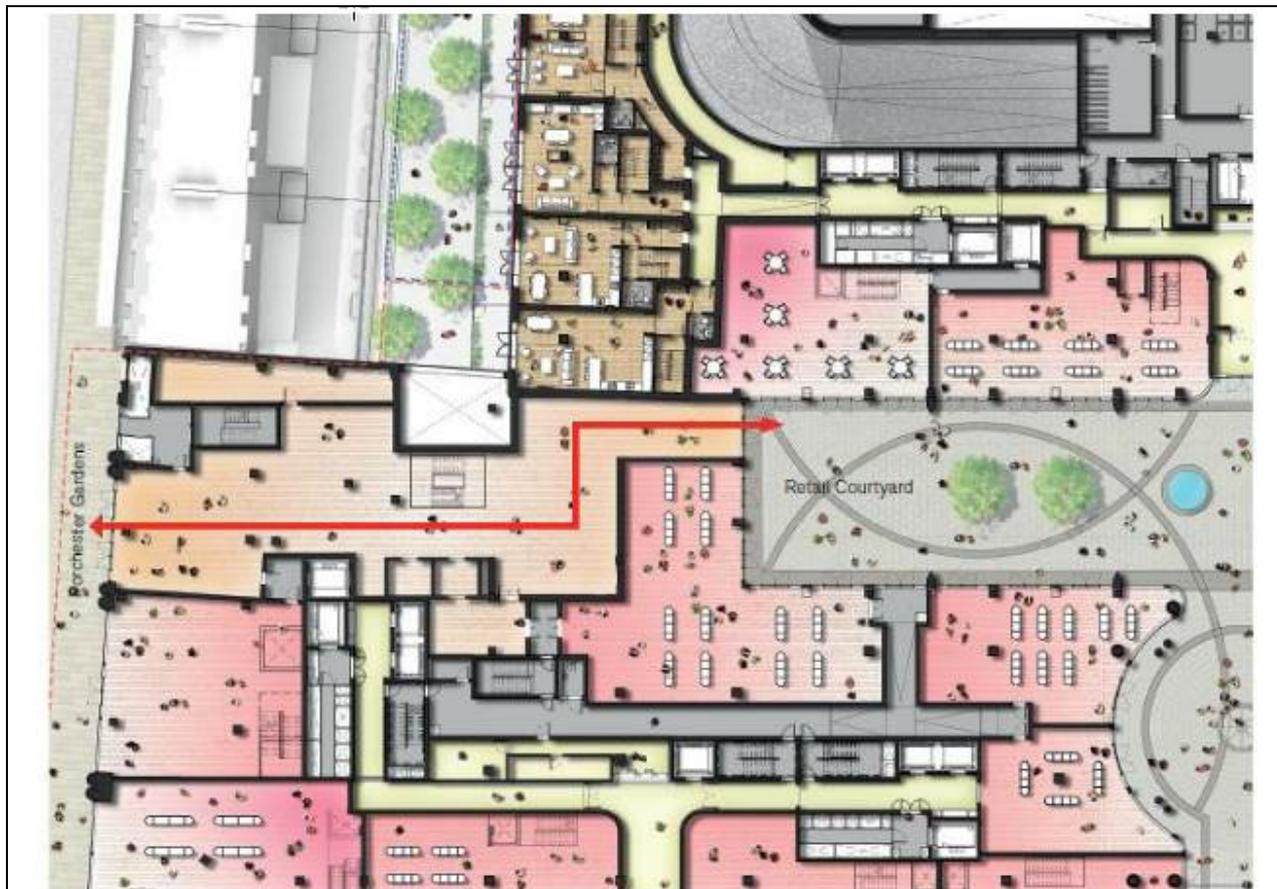


Seventh floor plan

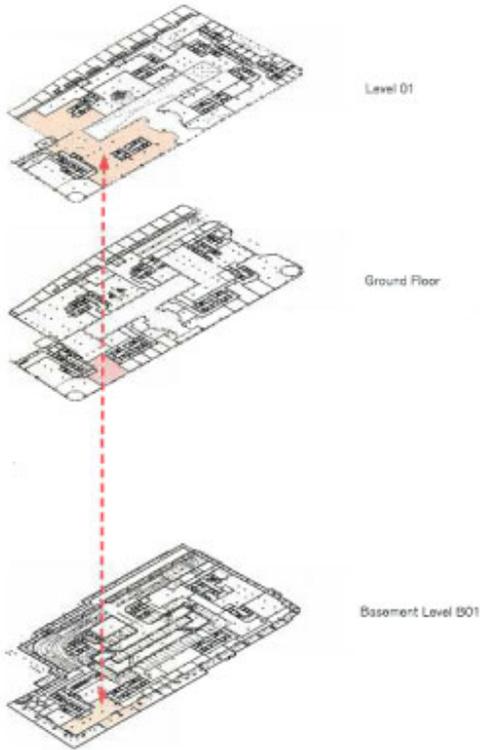


Eighth floor plan

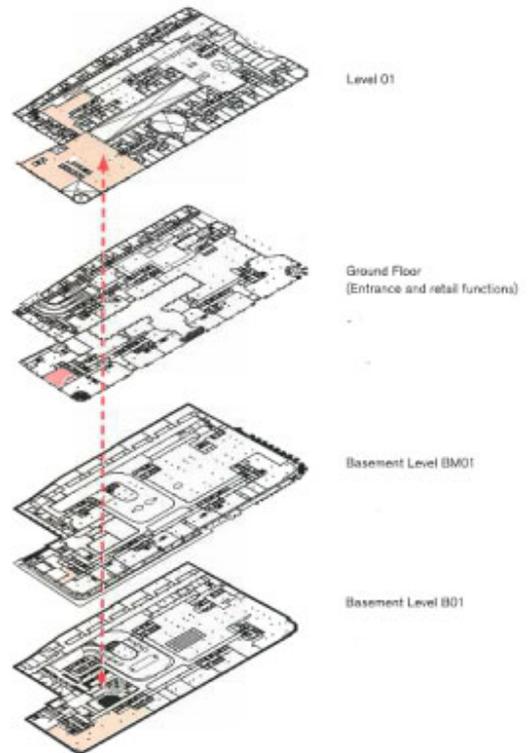
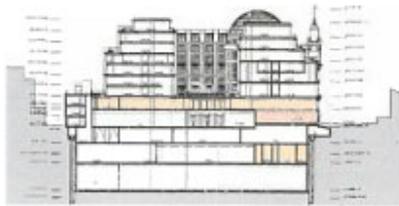
### Hotel Floor Plans (First to Eighth Floors)



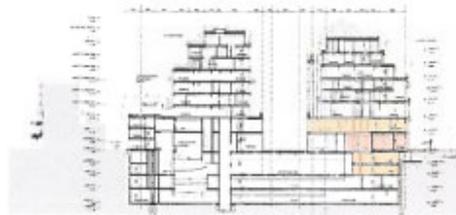
New Cinema Entrance from Porchester Gardens



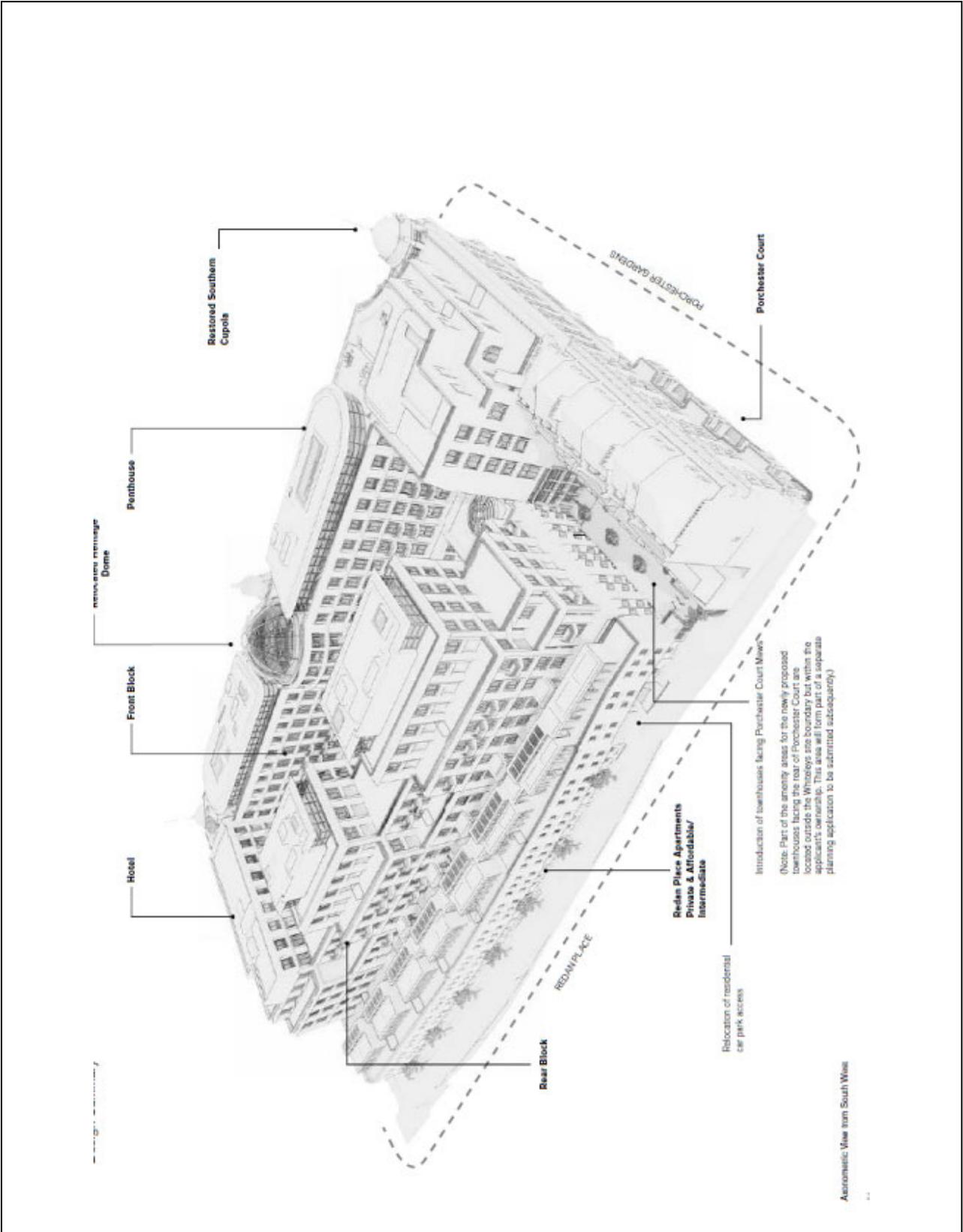
**Gym**  
Approximate area : (GEA excluding cores and retail entrance on ground floor) : 3,263 m<sup>2</sup>



**Gym**  
Approximate area : (Excluding cores and retail entrance on ground floor) 3,123 m<sup>2</sup>(GEA)



**Gym Location (Consented Left, Proposed Right)**



Overview Image Showing New Townhouses to Porchester Gardens



### Redan Place Townhouses as Consented



**Proposed Redan Place Apartments**



**Visualisation of Redan Place Buildings (Consented Top, Proposed Bottom)**



**Image showing proposed hotel entrance (left of image) servicing bay entrance (right).**

Item No.

**1**

**External Photo of Full Size Window Mock-up**



Item No.

**1**

**Internal Photo of Full Size Window Mock-up**



**DRAFT DECISION LETTER**

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

**Proposal:** Variation of Condition 1 of planning permission dated 19 November 2018 (RN: 18/04595/FULL), which itself varied Conditions 1, 15 and 16 and removal of Condition 49 of planning permission dated 1 November 2017 (RN: 16/12203/FULL), which varied Condition 1 and removed 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 103 to 129 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, variation of Condition 1 to increase number of residential units from 129 to 153 units, including 14 affordable units; amendment to townhouses along Redan Place; amendment of residential unit mix; reduction in basement excavation depth with associated amendment to car and cycle parking and basement level plant, relocation of servicing bay to ground level and removal of public car park; revisions to hotel, cinema and gym floorspace, including increase in hotel room numbers to 111 and relocation of swimming pool to hotel; removal of crèche use; and replacement of windows to parts of the historic façade with double glazed windows (Linked to 19/02374/LBC).

**Reference:** 19/02449/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-1001-b101-PL, A-1001-b201-PL, A-1001-b301-PL/02, A-1001-0001-PL, A-1001-0001-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/01, 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 Previously Approved Under**

**RN: 16/12203/FULL:** A-011-xx-03, A-031-B1-01 Rev.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-031-05-01, 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-075-02-14, 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-075-04-14, 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).

**As Amended by the Drawings and Documents Hereby Approved:**

Drawing numbers: A-011-XX-01 REV 00, A-031-00-01 REV 02, A-031-00M-01 REV 02, A-031-01-01 REV 02, A-031-02-01 REV 02, A-031-03-01 REV 02, A-031-03-01 REV 02, A-031-05-01 REV 02, A-031-06-01 REV 02, A-031-07-01 REV 02, A-031-08-01 REV 02, A-031-09-01 REV 02, A-031-B1M-01 REV 01, A-031-B2-01 REV 02, A-031-B3-01 REV 02, A-031-RF-01 REV 02, A-031-RF-01-REV 02, A-053-XX-01 REV 02, A-053-XX-02 REV 02, A-053-XX-03 REV 02, A-053-XX-03-REV 02, A-053-XX-04 REV 02, A-053-XX-05 REV 00, A-064-XX-01 REV 02, A-064-XX-02 REV 02, A-064-XX-03 REV 02, A-064-XX-04 REV 02, A-064-XX-05 REV 00, A031-B1-01 REV 02, Window Mock-Up Report dated July 2019

*SUPPORTING DOCUMENTS FOR INFORMATION:* Design and Access Statement dated March 2019, Daylight and Sunlight Report Addendum dated March 2019, Basement Impact Assessment dated March 2019, Flood Risk Assessment Addendum dated March 2019, Addendum to the TVIA dated March 2019, Planning Statement dated March 2019, Sustainability Statement Addendum dated March 2019, Transport Assessment dated March 2019, Ventilation and Extraction Statement Addendum dated March 2019, Waste Management Plan dated March 2019, Air Quality Assessment dated 10 April 2019, Noise Impact Report dated 27 March 2019, Commercial Report on Options dated April 2019, Internal daylight and Sunlight Report Addendum dated March 2019, Energy Assessment dated March P01, Heritage Statement Addendum dated March 2019, Window Strategy Report dated March 2019.

**Case Officer:** Nathan Barrett

**Direct Tel. No.** 020 7641 5943

**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 residents and the area generally as set out in 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. (R11AC)

- 3 (a) Demolition works shall be carried out in complete accordance with the demolition management plan approved under application RN: 18/09246/ADFULL unless otherwise agreed in writing with the City Council as local planning authority.

(b) No construction works shall take place, until a construction management plan for the

construction works has been submitted to and approved in writing by the City Council as local planning authority. The plan must include the following details (where appropriate):

- (i) a construction programme including a 24 hour emergency contact number;
- (ii) 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;
- (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 the construction works until we have approved what you have sent us. You must then carry out the construction works 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 (a) Demolition works shall be carried out in complete accordance with the Construction Logistics Plan (CLP) approved under application RN: 18/09246/ADFULL unless otherwise agreed in writing with the City Council as local planning authority.

(b) Before any construction works takes place on site, you must submit a 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.

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 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 carry out the development in complete accordance with the Desktop Study (Phase 1), Building Investigation (Phase 2(a)) and Remediation Strategy (Phase 2(b)) approved under application RN: 18/09452/ADFULL unless otherwise agreed in writing with the City Council as local planning authority.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases and 3(a) and 3(b) before any excavation starts and for phase 4 when the development has been completed.

Phase 3(a): Land investigation - to assess potential contamination within the land beneath the buildings and the possible effect it could have on human health, pollution and damage to property.

Phase 3(b): Remediation strategy - details of this, having regard to the results of phase 3(a) and 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.

**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 The development hereby approved shall be carried out in accordance with the drainage strategy detailing on and off site drainage works that we approved on 23 August 2018 (RN: 18/05160/ADFULL), unless or until we approve an alternative drainage strategy in writing. 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;
- ii) 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;
- xix) CCTV details and locations;
- xx) the new clock face;
- xxi) the skylights to the retail courtyard;
- xxii) new privacy screens;
- xxiii) any fixed cleaning or maintenance elements/structures.

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 You must not carry out demolition work unless it is part of the complete development of the site for which we have given planning permission on the same date as this consent. You must carry out the demolition and development without interruption and according to the drawings we have approved.

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) or Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29BC)

- 16 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 on the superstructure until we have approved what you have sent us. You must then carry out the work according to the approved drawings

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 113 residential car parking spaces at basement levels 2 and 3 for the 153 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 You must provide long stay cycle parking spaces in accordance with the approved drawings prior to occupation of the commercial and the residential uses. Thereafter the cycle 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 You must apply to us for approval of details of secure short stay cycle storage on the application site and for the commercial and residential uses. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the short stay cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 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 Before the commercial and residential uses are occupied, you must apply to us with an updated Operational Waste Strategy that contains measures to prevent waste and recycling being manoeuvred and/or left on public highway. You must then operate the commercial and residential uses in accordance with the updated Operational Waste Strategy approved by the City Council as local planning authority. You must also 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. (R46AB)

- 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. (R48AA)

- 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(s) 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. (R51AB)

- 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. (R49AA)

- 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. (R51AB)

- 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. (R50AB)

- 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 You must apply to us for approval of a full-scale sample of the replacement window system to be incorporated within the retained historic façade. This should be similar in extent and type to the sample window prepared as part of the consideration of this application. You must not install any windows to the historic facades until we have approved the sample window system. You must then carry out the work according to this approved sample.

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)

- 50 Before occupation of the commercial and residential uses, you must apply to us for approval of an independent Fire Statement produced by a suitably qualified assessor. The Fire Statement must detail how the development would function in terms of the building's construction; means of escape; features which reduce risk to life; access for fire service personnel and equipment; and any future modifications in the event of a fire. The development must be carried out and operated in accordance with the approved Fire Strategy.

Reason:

To safeguard life in the event of a fire, in accordance with policies D3 and D11 of the Draft London Plan (July 2019).

**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, neighbourhood plan (where relevant), 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](http://www.westminster.gov.uk/cil)

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

CIL forms are available from the planning on the planning portal:  
<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

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

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

- 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. (I50AA)

- 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, [sitenquiries@ccscheme.org.uk](mailto:sitenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://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 provision of 14 intermedaite affordable units on-site, 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, provision of a cinema and the social and community uses (gym and D1/D2 unit), 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 lifetime car club membership and provision of 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. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)
- 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

I enclose their form for you to report the demolition. (I60AA)

- 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. 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](mailto:docomailbox.ne@met.police.uk)

He is based at:  
Lower Ground  
Bow Road Police Station  
111-117 Bow Road  
London E3 2AN  
(I74AA)

- 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<sub>s</sub>). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM<sub>s</sub>, 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](http://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](http://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](http://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](http://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](http://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](mailto: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](http://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](http://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](http://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 [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [ww.thameswater.co.uk/wastewaterquality](http://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.

**DRAFT DECISION LETTER**

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

**Proposal:** Variation of Condition 1 of planning permission dated 19 November 2018 (RN: 18/04595/FULL), which itself varied Conditions 1, 15 and 16 and removal of Condition 49 of planning permission dated 1 November 2017 (RN: 16/12203/FULL), which varied Condition 1 and removed 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 103 to 129 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, variation of Condition 1 to increase number of residential units from 129 to 153 units, including 14 affordable units; amendment to townhouses along Redan Place; amendment of residential unit mix; reduction in basement excavation depth with associated amendment to car and cycle parking and basement level plant, relocation of servicing bay to ground level and removal of public car park; revisions to hotel, cinema and gym floorspace, including increase in hotel room numbers to 111 and relocation of swimming pool to hotel; removal of crèche use; and replacement of windows to parts of the historic façade with double glazed windows (linked to 19/02449/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-1001-b101-PL, A-1001-b201-PL, A-1001-b301-PL/02, A-1001-0001-PL, A-1001-0001-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/01, 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 Previously Approved Under**

**RN: 16/12203/FULL:** A-011-xx-03, A-031-B1-01 Rev.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-031-05-01, 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-075-02-14, 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-075-04-14, 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).

**As Amended by the Drawings and Documents Hereby Approved:**

Drawing numbers: A-011-XX-01 REV 00, A-031-00-01 REV 02, A-031-00M-01 REV 02, A-031-01-01 REV 02, A-031-02-01 REV 02, A-031-03-01 REV 02, A-031-03-01 REV 02, A-031-05-01 REV 02, A-031-06-01 REV 02, A-031-07-01 REV 02, A-031-08-01 REV 02, A-031-09-01 REV 02, A-031-B1M-01 REV 01, A-031-B2-01 REV 02, A-031-B3-01 REV 02, A-031-RF-01 REV 02, A-031-RF-01-REV 02, A-053-XX-01 REV 02, A-053-XX-02 REV 02, A-053-XX-03 REV 02, A-053-XX-03-REV 02, A-053-XX-04 REV 02, A-053-XX-05 REV 00, A-064-XX-01 REV 02, A-064-XX-02 REV 02, A-064-XX-03 REV 02, A-064-XX-04 REV 02, A-064-XX-05 REV 00, A031-B1-01 REV 02, Window Mock-Up Report dated July 2019

**SUPPORTING DOCUMENTS FOR INFORMATION:** Design and Access Statement dated March 2019, Daylight and Sunlight Report Addendum dated March 2019,

Basement Impact Assessment dated March 2019, Flood Risk Assessment Addendum dated March 2019, Addendum to the TVIA dated March 2019, Planning Statement dated March 2019, Sustainability Statement Addendum dated March 2019, Transport Assessment dated March 2019, Ventilation and Extraction Statement Addendum dated March 2019, Waste Management Plan dated March 2019, Air Quality Assessment dated 10 April 2019, Noise Impact Report dated 27 March 2019, Commercial Report on Options dated April 2019, Internal daylight and Sunlight Report Addendum dated March 2019, Energy Assessment dated March 2019, Heritage Statement Addendum dated March 2019, Window Strategy Report dated March 2019.

**Case Officer:** Nathan Barrett

**Direct Tel. No.** 020 7641 5943

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

- 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 a detailed window schedule which demonstrates the extent of re-used historic window fabric (including window ironmongery). The schedule should clarify where re-used fabric is to be positioned and incorporated within the new window system to the historic retained facades. You must not install any windows to the historic facades until we have approved this schedule. You must then carry out the work according to this approved schedule.  
  
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 replace the patterned stone floor behind the column line within the main entrance area and the floor finishes to the circular covered corners to the retained facade in accordance with the details we approved on 15 October 2018 (RN: 18/07190/ADLBC) unless or until we approve alternative details for these parts of the works. If we approve alternative details you must then carry out the work according to the alternative details we approve.

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 a) You must carry out the development in complete accordance with the detailed methodology for dismantlement and storage of the stone entrance screen, the central staircase and the central dome approved under application RN: 18/10014/ADLBC unless otherwise agreed in writing with the City Council as local planning authority.

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

- A detailed methodology for the re-assembly/ repositioning of the stone entrance screen, the central staircase and the central dome. You must not start construction 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 You must carry out the works in complete accordance with the Level 4 survey approved under application RN: 19/06292/ADLBC unless otherwise agreed with the City Council as local planning authority.

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;
- xi) the new clock face.

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 (a) You must carry out the development in complete accordance with the detailed methodology for the dismantlement and storage of the southern cupola; the central clock tower and the balconies to the Queensway and Porchester Gardens facades approved under application RN: 18/10018/ADLBC unless otherwise agreed in writing with the City Council as local planning authority.

(b) You must apply to us for approval of full details of the following parts of the development:

- A detailed methodology for the repair/modification and re-assembly/ repositioning of the southern cupola; the central clock tower and the balconies to the Queensway and Porchester Gardens facades. You must not start any construction work on these parts of the development until we have approved what you have sent us.

You must then carry out the work in accordance with the details we approve. The southern

cupola, central clock tower and balconies to the Queensway and Porchester Gardens facades must be reinstated on site in their entirety in accordance with the methodology we approve prior to occupation of any of the uses within the development.

**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)

- 10 You must apply to us for approval of a full-scale sample of the replacement window system to be incorporated within the retained historic façade. This should be similar in extent and type to the sample window prepared as part of the consideration of this application. You must not install any windows to the historic facades until we have approved the sample window system. You must then carry out the work according to this approved sample.

**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.

**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 July 2018, 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 result in less than substantial harm to the special architectural and historic interest of this listed building and this harm would be outweighed by the public benefits of the development.

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 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

I enclose their form for you to report the demolition. (I60AA)

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.