



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (1)

Meeting Date:

Tuesday 24th April, 2018

Time:

6.30 pm

Venue:

Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR

Members:

Councillors:

Richard Beddoe (Chairman)
David Boothroyd
Susie Burbridge
Tim Mitchell



Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Tristan Fieldsend, Committee and Governance Officer.

**Tel: 020 7641 2341; Email: tfieldsend@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

3. MINUTES

To sign the minutes of the last meeting as a correct record of proceedings.

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|--|--------------------------|
| 1. WHITELEYS CENTRE, QUEENSWAY, LONDON, W2 4YH | (Pages 7 - 98) |
| 2. PORCHESTER COURT, PORCHESTER GARDENS, LONDON, W2 4DF | (Pages 99 - 122) |
| 3. 1 NEATHOUSE PLACE, LONDON, SW1V 1LH | (Pages 123 - 158) |
| 4. 13-14 HANOVER STREET, LONDON, W1S 1YH | (Pages 159 - 188) |
| 5. MEDICAL CENTRE, 14 - 16 NEWTON ROAD, LONDON, W2 5LT | (Pages 189 - 232) |
| 6. BASEMENT, 35 THE PIAZZA, COVENT GARDEN, LONDON, WC2E 8BE | (Pages 233 - 262) |
| 7. 1 WOOD'S MEWS, LONDON, W1K 7DL | (Pages 263 - 296) |

8. 24 AND 26 HUNTSWORTH MEWS, LONDON, NW1 6DD | (Pages 297 - 312)

Stuart Love
Chief Executive
16 April 2018

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CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 24th April 2018
 PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolved
1.	RN(s) : 17/10221/FULL 17/10258/LBC Lancaster Gate	Whiteleys Centre Queensway London W2 4YH	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), 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. 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.	
<p>Recommendation</p> <p>1. Grant conditional permission, subject to the concurrence of the Mayor of London and to the completion of a deed of variation to the Section 106 legal agreement dated 1 November 2017, to secure the following:</p> <ul style="list-style-type: none"> i. A financial contribution of £6,000,000 (index linked and payable on commencement of development) towards public realm improvements to Queensway; ii. A financial contribution of £6,000,000 to the Affordable Housing Fund (index linked and payable on commencement of development); iii. Costs of all the highway works associated with the development including the Stopping Up Order and the dedication of land; iv. A financial contribution of £100,000 (index linked) towards improvements to play space in the vicinity of the development; v. Compliance with the Code of Construction Practice, to provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £40,000 per annum during 				

**CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 24th April 2018
PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED**

demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;

vii. Provision of car parking for the residential flats on an unallocated basis;

viii. Provision of the public car park at basement level prior to the occupation of retail use commencing and the submission of a management plan including details of car park pricing;

ix. Provision of the cinema, ready for occupation, prior to occupation of the retail use;

x. Provision of the gym and flexible Class D1/D2 unit prior to occupation of the residential accommodation and the submission of a management plan including pricing;

xi. Implementation of a rolling programme of public art within the retail courtyard (provision of public art as part of the programme to a value of £740,000) and its on-going maintenance;

xii. Provision of measures to support employment, training and skills programmes;

xiii. 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;

xiv. Management strategy for the hotel use, including servicing and guest drop off arrangements;

xv. Provision of lifetime (25 year) car club membership for each residential flat;

xvi. Requirement to provide alterations to garden area to rear of Porchester Court, including ground level changes (RNs: 17/11240/FULL & 17/11241/LBC), prior to occupation of the three townhouses to the southern elevation at ground, upper ground and first floor levels.

xvii. Provision of S106 agreement monitoring costs.

2. If the deed of variation to the S106 legal agreement dated 1 November 2017 has not been completed by 24 June 2017 then:

a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;

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

4. Grant conditional listed building consent.

5. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.

6. That Committee authorises 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.

7. That the Executive Director of City Management & Communities or other appropriate officer be authorised 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.

Item No	References	Site Address	Proposal	Resolved
2.	RN(s) : 17/11240/FULL 17/11241/LBC Lancaster Gate	Porchester Court Porchester Gardens London W2 4DF	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	

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 24th April 2018
 PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

			Redan Place, and provision of green wall to western end of courtyard..	
<p>Recommendation</p> <p>1. Grant conditional permission, subject to a Section 106 legal agreement to secure the following:</p> <p>i. The provision, management and accessibility of the publicly accessible bulk waste store.</p> <p>ii. The provision of a financial contribution of £50,000 for street tree planting in the vicinity of the application site.</p> <p>iii. Provision of replacement off-street parking spaces for occupiers of Porchester Court elsewhere in the vicinity of the site.</p> <p>2. If the S106 legal agreement has not been completed by 24 June 2017 then:</p> <p>a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;</p> <p>b) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p> <p>3. Grant conditional listed building consent.</p> <p>4. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.</p>				
Item No	References	Site Address	Proposal	Resolved
3.	RN(s) : 17/10921/FULL Warwick	1 Neathouse Place London SW1V 1LH	Demolition and reconstruction of Nos. 27-31 and 39-40 Wilton Road to form an extended Building at 1 Neathouse Place for use as two hotels (Class C1), restaurant with ancillary bar (class A3) and coffee shop (Class A1); external alterations to Wilton Road and Vauxhall Bridge Road elevations; creation of rooftop plant well and installation of new and replacement plant.	
<p>Recommendation</p> <p>1. Grant conditional permission, subject to the views of the Mayor and the completion of a S106 legal agreement to secure:</p> <p>i) Employment and Training Strategy for the construction phase and operational phase of the proposed development;</p> <p>ii) Financial contribution of £18,000 towards Legible London wayfinding signage, £200,000 towards Cycle Hire station and £230,000 towards Subway Decommissioning as requested by TFL.</p> <p>iii) Crossrail payment</p> <p>iv) Monitoring costs.</p> <p>2. If the agreement has not been completed within six weeks of the date of the Committee resolution then:</p> <p>a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate the Director of Planning is authorised to determine and issue such a decision under Delegated Powers.</p>				

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 24th April 2018
PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.			
Item No	References	Site Address	Proposal	Resolved
4.	RN(s) : 17/10871/FULL West End	13-14 Hanover Street London W1S 1YH	Redevelopment of 13-14 Hanover Street/6-7 Pollen Street behind retained Hanover Street facade, including excavation of an additional basement, to provide a new building for retail use (Class A1) on basement, lower ground and part ground floors and office use (Class B1) at part ground, and first to part fifth/ part sixth floors with a roof top plant enclosure to 13-14 Hanover Street and a green roof to 6-7 Pollen Street (Site includes 6-7 Pollen Street).	
Recommendation Grant conditional permission				
Item No	References	Site Address	Proposal	Resolved
5.	RN(s) : 17/11306/FULL Bayswater	Medical Centre 14 - 16 Newton Road London W2 5LT	Extensions to the existing building at roof, ground and lower ground level in connection with the reprovision of 961 sq.m (GEA) Class D1 floorspace and 9 residential flats (Class C3), together with associated parking and landscaping.	
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Resolved
6.	RN(s) : 18/01142/FULL 18/01143/LBC St James's	Basement 35 The Piazza Covent Garden London WC2E 8BE	Alterations to ground floor entrances to the Piazza and Tavistock Court; lowering of existing basement floor level and associated internal and external alterations, including internal strip out, removal and repositioning of internal staircases and installation of a new platform lift.	
Recommendation 1. Grant conditional permission and listed building consent. 2. Agree the reasons for granting conditional listed building consent as set out in informative 1 of the draft decision letter.				
Item No	References	Site Address	Proposal	Resolved
7.	RN(s) : 18/00046/FULL	1 Wood's Mews London W1K 7DL	Demolition of the existing building and erection of a three storey building with basement, terraces at rear first and second floor level roof for use as a single family dwelling house (Class	

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 24th April 2018
 PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	West End		C3); new canopy on the west elevation, and green roof.canopy on the west elevation, and green roof at roof level.	
Recommendation Grant conditional planning permission				
Item No	References	Site Address	Proposal	Resolved
8.	RN(s) : 18/01124/FULL Bryanston And Dorset Square	24 And 26 Huntsworth Mews London NW1 6DD	Conversion of garages into habitable space, replacement of first floor windows and door and associated external alterations.	
Recommendation Grant conditional permission.				

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Agenda Item 1

Item No.
1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 24 April 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	Whiteleys Centre, Queensway, London, W2 4YH,		
Proposal	<p>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), 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. 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.</p>		
Agent	Turley		
On behalf of	Queens Road W2		
Registered Number	17/10221/FULL & 17/10258/LBC	Date amended/ completed	23 November 2017
Date Application Received	15 November 2017		
Historic Building Grade	II		
Conservation Area	Queensway		

1. RECOMMENDATION

1. Grant conditional planning permission, subject to the concurrence of the Mayor of London and to the completion of a deed of variation to the Section 106 legal agreement dated 1 November 2017, to secure the following:
 - i. A financial contribution of £6,000,000 (index linked and payable on commencement of development) towards public realm improvements to Queensway;
 - ii. A financial contribution of £6,000,000 to the Affordable Housing Fund (index linked and payable on commencement of development);
 - iii. commencement of development);
 - iv. Costs of all the highway works associated with the development including the Stopping Up Order and the dedication of land;
 - v. A financial contribution of £100,000 (index linked) towards improvements to play space in the vicinity of the development;
 - vi. Compliance with the Code of Construction Practice, provision of a Site Environmental Management Plan prior to commencement of development and provision of a financial contribution of £40,000 per annum during demolition and construction to fund monitoring by the Environmental Inspectorate and Environmental Sciences officers;
 - vii. Provision of car parking for the residential flats on an unallocated basis;
 - viii. Provision of the public car park at basement level prior to the occupation of retail use commencing and the submission of a management plan including details of car park pricing;
 - ix. Provision of the cinema, ready for occupation, prior to occupation of the retail use;
 - x. Provision of the gym and flexible Class D1/D2 unit prior to occupation of the residential accommodation and the submission of a management plan including pricing;
 - xi. Implementation of a rolling programme of public art within the retail courtyard (provision of public art as part of the programme to a value of £740,000) and its on-going maintenance;
 - xii. Provision of measures to support employment, training and skills programmes;
 - xiii. 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;
 - xiv. Management strategy for the hotel use, including servicing and guest drop off arrangements;
 - xv. Requirement to remove the TPO London Plane tree and two Sycamore trees to the rear of Porchester Court pursuant to planning permission RNs: 17/11240/FULL (see Item 2 on this committee agenda) prior to commencement of development and provision of mitigation measures comprising alterations to rear yard area of Porchester Court, including ground level changes and replacement tree planting prior to occupation of the three townhouses to the southern elevation of the site;
 - xvi. Provision of S106 agreement monitoring costs.
2. If the deed of variation to the S106 legal agreement dated 1 November 2017 has not been completed by 24 June 2017 then:
 - a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed

above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;

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

4. Grant conditional listed building consent.
5. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.
6. That Committee authorises 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.
7. That the Executive Director of City Management & Communities or other appropriate officer be authorised 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 is currently in use as an indoor shopping centre with a public car park located at the rear at second floor level with vehicular access from Redan Place. The application site is located outside the Central Activities Zone (CAZ), but is within the Core Frontage of the Queensway/ Westbourne Grove Major Shopping Centre and is within the Queensway/ Bayswater Stress Area.

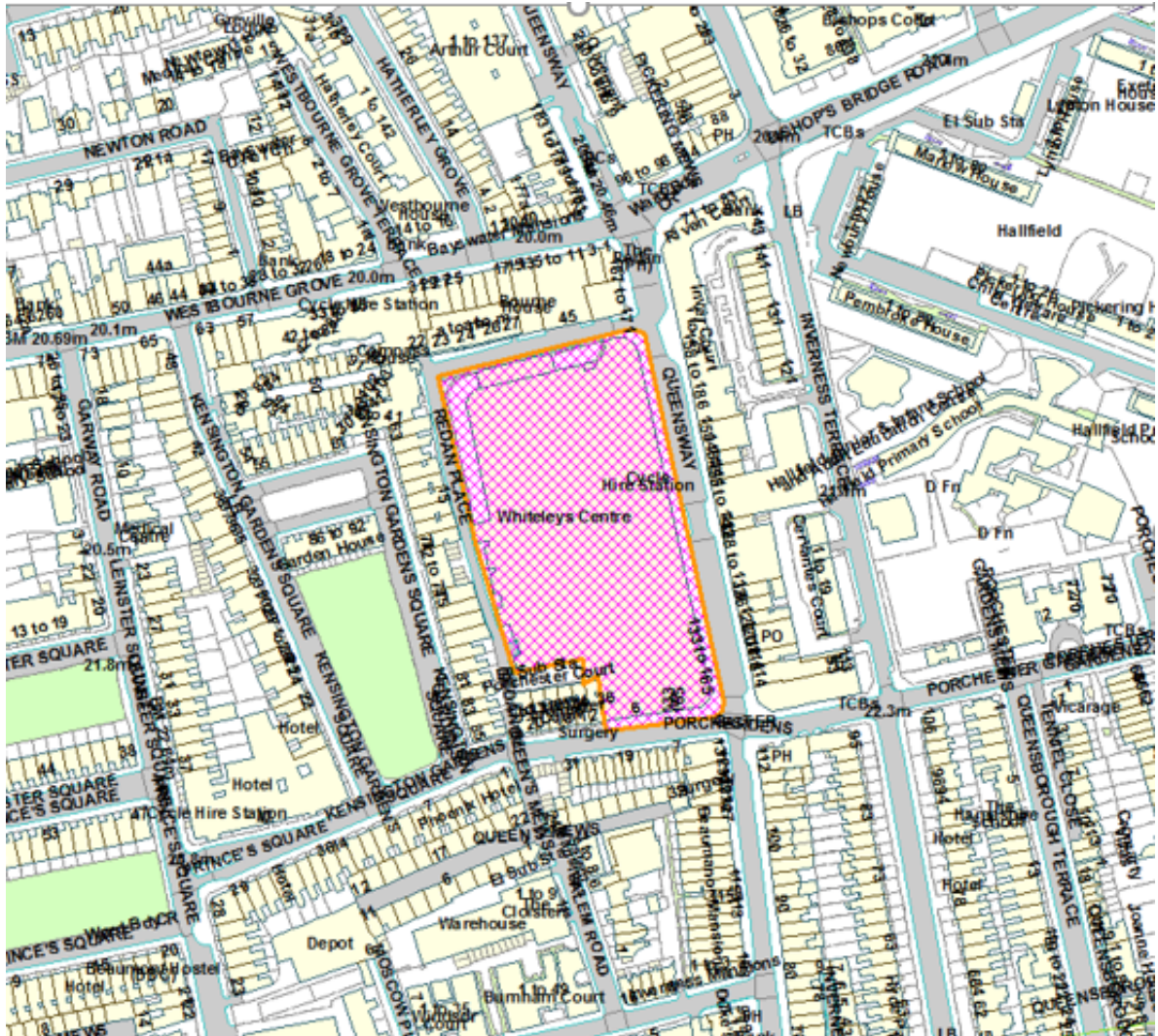
The applications seek to vary of Condition 1 of both planning and listed building consent dated 1 November 2017 (RN: 16/12203/FULL and 16/12204/LBC), which varied the original planning permission and listed building consent (RN: 15/10072/FULL & 16/12204/LBC), for comprehensive mixed use redevelopment of the site behind retained and refurbished facades to the Queensway and Porchester Gardens frontages of the site. The amendments to the approved scheme, for which permission and consent are now sought, are principally:

- a) To reorganise layout of the residential units and reduce the number residential units from 129 to 113 residential units (Class C3);
- b) Amendments to the disposition and quantum of all land uses across the site;
- c) Reorganisation of the basement levels and associated reduction in basement depth of up to 8 metres;
- d) Amend the number of residential parking spaces at basement level to 110 with retention of a 36 space public car park;
- e) Reconfigure the hotel use including an increase in number of hotel rooms to up to 50 rooms;

- f) Replacement of crèche with a flexible Class D1/D2 unit located to the Porchester Road frontage of the site;
- g) Formation of separate car and servicing access from Redan Place with servicing bay relocated to ground floor level;
- h) Relocation of entrance to cinema and residential entrances to Queensway;
- i) Creation of townhouses to rear of Porchester Court, with associated external alterations to southern elevation.
- j) Alterations at roof level including introduction of photovoltaic panels and flues.

The amended scheme now proposed is considered to be acceptable in land use, design, amenity, transportation and environment terms. 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 the relevant policies in the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan adopted in November 2016 (the City Plan). Similarly, the current proposal is considered to be consistent with adopted London Plan. Where there is divergence from the Draft London Plan, this is set out and assessed in this report along with consideration of the weight to be afforded to the Draft London Plan (see Sections 8.1.2 and 8.8). 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.

3. LOCATION PLAN



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4. PHOTOGRAPHS



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



5. CONSULTATIONS

5.1 Consultation on Initially Submitted Scheme (November 2017)

WARD COUNCILLORS (LANCASTER GATE & BAYSWATER)

Any response to be reported verbally.

COUNCILLOR HUG

Requests clarification as to why a daylight and sunlight assessment had not been submitted with the current application.

GREATER LONDON AUTHORITY

Any response to be reported verbally.

BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

AFFORDABLE HOUSING SUPPLY MANAGER

Any response to be reported verbally.

ARBORICULTURAL MANAGER

Any response to be reported verbally.

BUILDING CONTROL

Any response to be reported verbally.

CLEANSING MANAGER

Cannot locate separately submitted Waste Strategy and details in Transport Assessment are not sufficient. More details of tow vehicle to move waste from basement level 3 to ground level are required. Amendments recommended to waste holding area adjacent to the loading bay to reduce obstructions to bin movements.

DESIGNING OUT CRIME ADVISOR

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

Concern regarding the means of escape for some flats where the escape route is through a high risk area, such as a kitchen. Suggest that the applicant should demonstrate that a strategy for means of escape has been approved by Building Control and/ or the London Fire Brigade. Conditions recommended to control noise from mechanical plant. Supplementary acoustic report recommended to demonstrate internal noise levels within the residential parts of the development would be consistent with policy requirements. Contaminated land condition recommended to secure further details of existing soil conditions and remedial strategy. The mitigation measures set out in the submitted Air Quality Assessment should be secured.

HIGHWAYS PLANNING MANAGER

Any response to be reported verbally.

HISTORIC ENGLAND

Authorisation to determine listed building consent. Application should be determined in accordance with national and local policy guidance and on the basis of specialist conservation advice.

HISTORIC ENGLAND (ARCHAEOLOGY)

Proposal is unlikely to have significant impacts on archaeological remains. No conditions or further assessment is therefore necessary.

NHS CENTRAL LONDON

Any response to be reported verbally.

THAMES WATER

Any response to be reported verbally.

TRANSPORT FOR LONDON

Objection on the following grounds:

- Ratio of car parking to unit numbers is too high and should be reduced in accordance with the adopted and draft London Plan policies. Note that the draft London Plan is a material consideration and that this promotes car free residential and retail development within PTAL5 and 6 areas. Consider scheme should be 'car free' with only 3 blue badge spaces provided.
- Long stay residential cycle parking provision should be increased from 212 spaces to 221 to accord with the draft London Plan standards. 3 short stay spaces should also be secured.
- Other uses are provided for in terms of long stay cycle parking but there is a 142 space deficit in terms of short stay cycle parking. This should be addressed before Stage 2 referral.
- If short stay spaces cannot be secured, then a contribution to Cycle Hire docking stations around the site should be secured.
- Other cycling facilities should be provided in accordance with the London Cycle Design Standards.
- Proposal will increase or maintain the level of trip generation caused by the approved scheme, encouraging congestion on surrounding streets.
- Amendments to the consolidated service yard at ground floor level are supported.
- A full Construction Logistics Plan should be secured by condition.
- Construction Logistics Plan should be rewritten to follow TfL's new guidance.

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.

SOCEITY FOR PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally.

THE VICTORIAN SOCIETY

Any response to be reported verbally.

TWENTIETH CENTURY SOCEITY

Any response to be reported verbally.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 1616.

Total No. of replies: 9.

No. of objections: 8.

No. in support: 1.

Eight emails/ letters received raising objection on all or some of the following grounds:

Land Use

- Concerned that the number of flats will be decreased in exchange for increased parking and hotel rooms.
- More residential accommodation needed, preferably affordable, and hotel accommodation is not need.
- More affordable housing should be provided including social housing.
- Would prefer to see more retail units in the building.
- Note that there has been a slow decline in the number of useful shops over the past 20 years.
- More consideration should be given to how Whiteleys can be useful to residents and not tourists.
- Reducing crèche facility in favour of providing more hotel rooms skews the local offering towards tourists and away from local residents.
- Area is well serviced by hotel/ visitor accommodation of various types.

Design

- Development is far too high. No other building nearby has 8 upper floors.
- Upper levels should be set back further from the existing facades.
- Scheme should support the renewal of the area and not detract from it.
- No mention in application of retaining the interior of the listed building or its dome and statues at roof level.

Amenity

- Amendments make no attempt to reduce the height and mass of the proposed building which encroaches on the light and amenity of all the flats that back on to Redan Place.
- Distance between Redan Place properties and proposed townhouses is as little as between 7-9m in places and this is unacceptable.
- Maintain objection to previously approved scheme in terms of loss of natural light.

Transportation/ Parking

- Object to the loss of the public car park. There is a lot of pressure on local parking and current Whiteley's car park is well used.
- The loss of the public car park will increase local car parking pressure.
- High existing pressure on highway space due to parking demand and servicing demand. Current Whiteley's car park relieves this pressure.
- Photomontages suggest that Redan Place will become two way, but the Council must ensure it remains a one way street with the existing gate shut between 10.00pm and 8.00am daily.

Other Matters

- Noise and general disturbance to neighbouring residents from excavation of proposed basement.
- Noise and disturbance from construction vehicle movements.
- There are conceal waterways in the area and no indication of a hydrological survey having been undertaken.
- Note that description of development incorrectly refers to Porchester Road, rather than Porchester Gardens.
- Reduction in basement excavation by 8m is welcome, as is the tree planting and waste store provision for the townhouses.

One email in support of the scheme commenting that the scheme should include a prayer room (Masque) as there is no such facility in the area for local Muslims and this would be a good business venture to attract shoppers.

ADVERTISEMENT/ SITE NOTICE

Yes.

5.2 Consultation on Revised Scheme (March 2018)

(Amendments including (i) reintroduction of a 36 space public car park within basement; reduction in number of residential parking spaces in basement from 145 to 113; amendments to vehicle gates; revision of vehicle visibility splays to basement entrance; amendments to fenestration of townhouses to rear of Porchester Court; amendments to townhouse waste stores; and relocation of residential lobbies; and installation of photovoltaic panels at roof level.)

WARD COUNCILLORS (LANCASTER GATE & BAYSWATER)

Any response to be reported verbally.

COUNCILLOR HUG

Any response to be reported verbally.

GREATER LONDON AUTHORITY

Comments and objections made on the following grounds in Stage 1 response:

- Support the amendments to the retail, leisure and hotel uses and consider this to be appropriate in this location within the Queensway/ Westbourne Grove Major Shopping Centre.
- Provision of £6m financial contribution to provision of affordable housing elsewhere in the City is insufficient in light of the reduction in basement excavation and the

excessive provision of car parking at basement level. Note that the GLA will robustly interrogate the applicant's viability assessment to ensure maximum amount of affordable housing is provided.

- Early implementation and late stage viability review mechanisms must be secured in accordance with the draft London Plan and the Mayor's Affordable Housing SPG.
- Applicant should investigate grant funding to increase affordable housing provision on the site.
- Content that there would not be any additional harm in listed building and conservation area terms relative to the previously approved scheme.
- Car parking ratio for the residential part of the development is excessive. Development should be 'car free' save for 3 blue badge spaces.
- Applicant must provide justification for provision of 36 space public car park and confirm this will not be in addition to the public car park currently proposed on the adjacent Queensway Parade site.
- Cycle parking provision (long stay and short stay) should be increased in accordance with comments made by Transport for London.
- Funding should be secured for a new cycle hire docking station.
- A Construction Logistics Plan should be secured by condition.

ARBORICULTURAL MANAGER

Five privet trees in Redan Place would be removed. This was not objected to previously in the earlier applications. Their replacement should be secured by condition or via a S106 agreement, but noted that it is unlikely that replacement tree planting could be accommodated within the new footpath to be formed along Redan Place. Given this, a financial contribution towards off-site tree planting should be sought. The current application indicates that three trees in the Porchester Court courtyard would be removed, including a protected London Plane tree. These were previously shown to be retained. A tree survey and arboricultural assessment of the impact of the development on these adjacent trees is requested. These details should show any changes from the previous permissions, including changes to the basement arrangement should be highlighted. Would support refusal of the application if it results in the loss of the protected London Plane tree.

BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Comments made on the following grounds:

- No objection to retaining public car park.
- Appears that parking may be being provided for the hotel, which would not be supported by policy.
- Details of how the valet parking system would work should be provided by condition.
- Return of parked cars to the hotel drop off would increase vehicle movements in Redan Place to the detriment of the pedestrian environment and air quality.
- Loss of the public car park would be broadly supported by TRANS25.

- Car parking ratios proposed would be consistent with Policies TRANS21 and TRANS23.
- No car parking should be provided for the non-residential uses in the development.
- Need for a residential drop off within the basement is unclear.
- The principle of relocating the servicing yard to ground floor level is supported. However, its layout is tight and will require careful management. Note also that the internal routes to the servicing yard appear convoluted.
- Setting back of the gates to the servicing bay is accepted to prevent vehicles blocking the highway.
- Relocating the servicing bay to ground floor level may give rise to noise concerns to adjacent residential accommodation.
- The design of the entrance to the basement car park in Redan Place remains unresolved as the design would result in unacceptable visibility splays towards pedestrians when entering and exiting the car park and the proposed gates would cause waiting vehicles to block the footpath and hotel drop off.
- Conditions and S106 obligations are recommended in accordance with the previously approved schemes.

TRANSPORT FOR LONDON

Note that they are aware of the amendments to the scheme and their amended comments on the application will be included in the GLA response.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 1616.
Total No. of replies: 2.
No. of objections: 2.
No. in support: 0.

Two emails/ letters received raising objection on all or some of the following grounds:

- Concern that the developer's light surveyor has yet to provide neighbouring residents with technical data to demonstrate the harm of the development in terms of rights to light infringements. Whilst it is appreciated that rights to light is a separate matter from the planning application; nevertheless, in this context neighbours are uneasy about further amendments to the previously approved scheme. Consider the applicant should provide the rights to light data first.
- Applicant should provide a three dimensional representation of the proposed structure.
- Hours of construction works should be controlled. No construction work should be allowed at weekends. Undertakings should be given that the working hours (08.00 to 18.00 hours) will be adhered to.

6. BACKGROUND INFORMATION

6.1 The Application Site

Whiteleys is a landmark Grade II listed building located on the western side of Queensway, within the Queensway Conservation Area. It is bounded by Porchester Gardens to the south and Redan Place to the north and the west. The building is currently in use as an indoor shopping centre with a public car park located at the rear at second floor level with vehicular access from Redan Place. It covers an area of approximately 1.42 hectares. The site is well served by public transport, with the Bayswater and Queensway Underground stations are in close proximity.

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

The building currently comprises basement, ground and four upper floors. The building arranged as an inward facing shopping centre with pedestrian access via three main entrance points along Queensway. The existing basement includes ancillary retail floor space, servicing areas and the All Stars bowling lanes (Class D2 use). The ground floor comprises of a mix of retail units, dominated by Class A1 units, including several large units currently occupied by 'anchor' retailers including Marks and Spencer and a range of mainly fashion retailers. There is also a bank and coffee shops. The first floor is predominantly retail, with a food hall provided at second floor level, which predominantly comprises Class A3 restaurant/ cafe units. The second floor and part of the third floor also accommodate a four screen cinema. The third and fourth floors are in use as office floorspace and include television recording studios.

6.2 Recent Relevant History

6.2.1 Planning History up to 2014

Whiteleys has an extensive planning history. The building was originally built as a department store and was completed and opened in 1911. Following the decline and closure of the department store, planning permission was granted on 30 March 1988 for the redevelopment of the building to provide a new retail shopping centre incorporating offices, a cinema, restaurants, hot food take-aways and car parking. The 1988 scheme comprised a comprehensive redevelopment of the site behind the retained facades in Queensway and Porchester Gardens. The permission restricted the amount of retail and restaurant floorspace to not more than 23,500m² and this restriction is controlled via a legal agreement. The legal agreement also covered a range of other issues, including provision of highways works, controls on the amount of restaurant/ hot food takeaway uses and controls in relation to the management of the centre and the public car park to the rear. Relevant planning history since the 1988 permission for the redevelopment of Whiteleys to form an indoor shopping centre is set out below:

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

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

March 2008 – Permission granted for use of part of the basement as a bowling alley/ restaurant/ drinking establishment/private members club (sui generis use) together with associated alterations to the roof top plant area.

6.2.2 Planning History Since 2014

From late 2014 onwards the applicants have been developing a scheme for redevelopment of Whiteleys to comprise a mixed use development comprising retail, residential, hotel and social and community uses. As set out below, the scheme for redevelopment of the site was initially approved in April 2016. The initially approved scheme was then the subject of a S73 application in 2017, which sought to make various amendments, principally to reduce the height and remodel the bulk of the rear of the scheme and amend the quantum and disposition of land uses within the development, including increasing the number of residential units within the development from 103 to 129 units. The S73 application was approved on 1 November 2017. The full planning history since 2014 is set out below:

10 August 2015 – Request made for a Screening Opinion pursuant to Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) in connection with the comprehensive redevelopment of the site to include demolition of existing structures (retention of historic facade and key historic elements of the fabric of the building), and provision of retail (Class A1) restaurant (Class A3) hotel (Class C1), assembly and leisure (Class D2) and residential (Class C3) uses, with associated landscaping, public realm works, cycle and car parking, plant and other associated works (RN: 15/06074/EIAOP).

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

27 April 2016 – Planning permission and listed building consent granted for demolition and redevelopment of building behind retained and refurbished facades to Queensway and Porchester Gardens facades to provide a mixed use development comprising three basement levels, ground floor and up to 10 upper floor levels, containing up to 103 residential units (Class C3), retail floorspace (Class A1 and A3) facing Queensway and arranged around a new retail arcade below re-provided central atrium and central retail courtyard, public car park, hotel (Class C1), cinema (Class D2) gym (Class D2), crèche (Class D1), with associated landscaping and public realm improvements, provision of 103 basement residential parking spaces, cycle parking and associated basement level plant and servicing provision (RN: 15/10072/FULL & 16/12204/LBC).

The above application was reported to the Planning Applications Committee on 29 March 2016 at which the committee resolved to grant conditional planning permission and listed building consent subject to the completion of a S106 agreement to secure a package of planning obligations, including a £6m financial contribution to the Affordable Housing Fund and £6m financial contribution to public realm works in Queensway. The S106 agreement was subsequently completed and permission and consent were granted on 27 April 2016.

1 November 2017 – Planning permission and listed building consent granted for: 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 (RN: 16/12203/FULL & 16/12204/LBC).

The above application was reported to the Planning Applications Committee on 16 May 2017 at which the committee resolved to grant conditional planning permission and listed building consent, subject to the completion of a deed of variation to the S106 agreement dated 27 April 2016 to ensure the continued provision of the package of planning obligations, including a £6m financial contribution to the Affordable Housing Fund and £6m financial contribution to public realm works in Queensway, that were secured in conjunction with the original planning permission. The deed of variation was subsequently completed and permission and consent were granted on 1 November 2017.

7. THE PROPOSAL

The applications for planning permission and listed building consent are submitted under S73 of the Town and Country Planning Act 1990 (as amended) and Section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). The applications seek variation of Condition 1 (of both the planning permission and listed building consent) dated 1 November 2017 (RNs: 16/12203/FULL & 16/12204/LBC). As set out in Section 6.2.2, this permission and consent were themselves variations of the original permission and consent for comprehensive mixed use redevelopment of the Whiteleys site behind retained and refurbished facades to the Queensway and Porchester Gardens facades, which were approved on 27 April 2016 (RN: 15/10072/FULL & 16/12204/LBC).

By seeking to vary Condition 1 of the previous permission and consent, which requires the scheme to be carried out in accordance with the previously approved drawings, the

applicant is seeking to make various amendments to the approved scheme. The amendments, for which permission and consent are now sought, are principally:

- a) To reorganise layout of the residential units and reduce the number residential units from 129 to 113 residential units (Class C3);
- b) Amendments to the disposition and quantum of all land uses across the site;
- c) Reorganisation of the basement levels and associated reduction in basement depth of up to 8 metres;
- d) Amend the number of residential parking spaces at basement level to 110 with retention of a 36 space public car park;
- e) Reconfigure the hotel use including an increase in number of hotel rooms to up to 50 rooms;
- f) Replacement of crèche with a flexible Class D1/D2 unit located to the Porchester Road frontage of the site;
- g) Formation of separate car and servicing access from Redan Place with servicing bay relocated to ground floor level;
- h) Relocation of entrance to cinema and residential entrances to Queensway;
- i) Creation of townhouses to rear of Porchester Court, with associated external alterations to southern elevation;
- j) Alterations at roof level including introduction of photovoltaic panels and flues.

The existing, originally approved (27 April 2016), first variation approved scheme (1 November 2017) and now proposed floorspace figures are provided in the Table 1 below.

Table 1 – Originally Approved, First Variation Approved Scheme and Currently Proposed Floorspace Figures

Use	Existing NIA (m2)	Originally Approved (April 2016) GIA (m2)	First Variation Approved Scheme (Nov 2017) GIA (m2)	Currently Proposed Scheme GIA (m2)	+/- 1 st Variation Approved v Currently Proposed (Originally Approved v Currently Proposed in brackets)
Retail (Classes A1-A5)	19,360	10,530	8,888	7,089	-1,799 (-3,441)
Office (Class B1)	3,095	0	0		0
Hotel (Class C1) (incl. serviced office floorspace)	0	7,607	9,245	8,453	-792 (+846)
Residential (Class C3)	0	43,248	43,044	47,180	+4,136 (+3,932)
Nursery/ Creche (Class D1)	158	1,625	1,582	183 (Flexible D1/D2 Use)	- 1,399 (-1,442)
Gym (Class D2)	0	1,666	3,617	3,937	+320 (+2,271)
Cinema (Class D2)	2,352	2,041	2,337	2,575	+238 (+534)
Bowling Alley (Class D2)	1,250	0	0		0
Ancillary Floorspace (incl. Public Car Park)	19,749	21,435	23,416	24,164	+748 (+2,729)

Loading Bay	N/A	1,082	2,081	1,496	-585 (+414)
Total	45,964 (GIA = 50,279)	89,233	94,211	95,066	+855 (+5,833)

For the avoidance of doubt, this report focuses on the amendments proposed to the first variation scheme that was granted permission and consent on 1 November 2017 and does not seek to replicate the full assessment of the previously approved scheme, which is set out in the reports to the Planning Applications Committee dated 29 March 2016 and 16 May 2017, which can be obtained from the City Council's website. In assessing the amendments proposed, this report considers all material changes in circumstance that have occurred since November 2017, including amendments that have occurred to emerging and adopted development plan policies.

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Amendments to Residential Accommodation

The application proposes an increase of 4,136m² in the quantum of residential floorspace that would be provided across the site. Given that the size of the external envelope of the proposed building remains unchanged this increase is achieved through improving efficiencies in the layout of the scheme and by reducing the amount of floorspace given over to other non-residential uses (see Table 1). The increase in residential floorspace would accord with Policy H3 in the UDP and Policy S14 in the City Plan. In addition to the change in the quantum of residential floorspace to be provided, it is proposed to reduce the number of residential units to be delivered from 129 to 113 units. However, despite the reduction in the number of residential units to be provided relative to the first variation permission (November 2017), the number of units to be provided would remain higher than in the originally approved scheme, which included 103 units. Overall the average size of the proposed units has increased, but not to the extent that it can reasonably be argued that the proposed residential floorspace would not be optimised. The increase in the average size of the units results in an overall improvement in the quality of the residential accommodation to be provided, as noted by the GLA, with a lesser number of single aspect units. Accordingly, in terms of optimisation, the scheme is considered to be compliant with Policy S14 in the UDP.

With regard to the mix of units proposed (in terms of bedrooms), this would remain compliant with Policy H5 in the UDP and Policy S15 in the City Plan, with more than 33% of the units containing 3 or more bedrooms. Overall, whilst the number of 1 and 2 bedroom flats would be reduced relative to the first variation scheme approved in November 2017, the mix of unit sizes would be more balanced than was approved originally in April 2016. The changes in the mix of units since the approval of the original scheme in April 2016 is shown in Table 2.

Table 2 – Originally Approved (April 2016), First Variation Approved Scheme (November 2017) and Currently Proposed Unit Mix

Unit Size	Originally Approved Scheme	Originally Approved %	1 st Variation Approved Scheme	Proposed %	Currently Proposed Scheme	Currently Proposed %	+/- Variation Approved v Currently Proposed (Originally Approved v Currently Proposed in brackets)
1 Bed Units	6	6%	20	16%	14		-6 (+8)
2 Bed Units	28	27%	58	45%	35		-23 (+7)
3 Bed Units	41	40%	44	34%	36		-8 (-5)
4 Bed Units	28	18%	3	2%	17		+14 (-11)
5 Bed Units	9	9%	4	3%	11		+7 (+2)
Total	103	100%	129	100%	113	100%	

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

8.1.2 Affordable Housing Provision

The current scheme generates a requirement for the provision of 35% of the residential floorspace (18,466m² – based on residential floorspace including parking provision) on-site to be provided as affordable housing. If on-site provision is not practical or viable and affordable housing cannot reasonably be provided off-site in the vicinity, a financial contribution of £108,051,328 to the Affordable Housing Fund in lieu of on-site provision may be considered as a policy compliant level of affordable housing provision.

As per the approved scheme, the current scheme does not include the provision of affordable housing on-site and the applicant contends that on-site provision remains unviable despite the reduction in the extent of basement excavation and the uplift in residential and overall floorspace. The viability of the development has been independently assessed on behalf of the City Council by viability consultants GVA, who

provided the independent assessment for both previously approved versions of the scheme. Their detailed viability assessment concludes that the provision of affordable housing on-site remains unviable and that the scheme is also insufficiently viable to provide any financial contribution to the Affordable Housing Fund. Notwithstanding this, as per the two previously approved schemes, the applicant continues to offer an ex-gratia financial contribution of £6m to the Affordable Housing Fund. Given that the limited viability of the development has been evidenced and robustly independently tested, it is considered that the offer of a £6m financial contribution to affordable housing provision elsewhere in the City is acceptable and accords with Policy H4 in the UDP, Policy S16 in the City Plan and the Interim Note on Affordable Housing Policy (November 2013).

The GLA have highlighted in their Stage 1 response that they consider that the amendments to reduce the extent of basement excavation and a reduction in the number of residential parking spaces proposed should result in the scheme being capable of providing an additional contribution to affordable housing provision. However, it is clear from paragraph 16 of the GLA response that they have yet to viability test the current scheme. In this context, it is not considered that the concerns they express in their Stage 1 response dated 26 March 2018 amounts to a sustainable ground on which to withhold permission for the current scheme given that paragraph 173 of the NPPF requires Local Planning Authorities to have regard to the viability of proposed developments when determining the degree to which they can deliver planning obligations. The independent viability report commissioned from GVA by the City Council 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 view of the shortfall in affordable housing provision, relative to adopted development plan policies and the emerging policies in the Draft London Plan, the GLA are seeking a clause in the S106 agreement requiring early and late stage review of the viability of the scheme post determination of the application. Policy H6 in the Draft London Plan and the guidance in the Mayor's SPG 'Affordable Housing and Viability' adopted in August 2017 refer to the use of such viability review mechanisms.

However, the Draft London Plan was first published in December 2017 and whilst its first round of public consultation has now ended (on 2 March 2018), it will not progress to Examination in Public stage and final adoption until Autumn 2018 and Autumn 2019 respectively. The affordable housing targets and review mechanisms in policies H5 and H6 of the Draft London Plan are likely to be contentious and are not based on any apparent viability or locally specific evidence that has been subject to examination, unlike policy S16 of the City Plan. The Mayor's 'Affordable Housing and Viability' SPG, whilst adopted, is subject to legal challenge at the present time on several grounds, including the introduction of new policy via supplementary planning guidance. Notwithstanding this, an SPG cannot have more weight than adopted and locally specific policy. Accordingly, and having regard to the tests set out in paragraph 216 of the NPPF, the Draft London Plan and Mayor's 'Affordable Housing and Viability' SPG have considerably less weight than adopted policies 3.11 and 3.12 in the London Plan and policy S16 in the City Plan.

City Plan policies do not include mechanisms to justify the imposition of post permission viability review mechanisms. Policy 3.12(B) in the London Plan makes reference to the use of re-appraisal of the viability of schemes:

‘Negotiations on sites should take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for re-appraising the viability of schemes prior to implementation (‘contingent obligations’), and other scheme requirements.’

Paragraph 3.75 supplements the text above and states:

‘In making arrangements for assessing planning obligations, boroughs should consider whether it is appropriate to put in place provisions for re-appraising the viability of schemes prior to implementation. To take account of economic uncertainties, and in respect of schemes presently anticipated to deliver low levels of affordable housing, these provisions may be used to ensure that maximum public benefit is secured over the period of the development.’

In light of the extracts above the imposition of a post permission viability review mechanism could be justified having regard to the adopted London Plan policy. However, a further significant material consideration in this case is that permission has been granted on two previous occasions since the adoption of the adopted London Plan in March 2015 for redevelopment of the site without the imposition of post permission review mechanisms, with the most recent permission granted in November 2017, which was also after the adoption of the Mayor’s ‘Affordable Housing and Viability’ SPG in August 2017. For these reasons it is not considered that the Mayor’s ‘Affordable Housing and Viability’ SPG (adopted in August 2017) or the affordable housing policies in the Draft London Plan have sufficient material weight to now justify imposing a requirement for post permission viability review of the latest iteration of this scheme.

8.1.3 Amendments to Retail Floorspace

The quantum of retail floorspace in the currently proposed scheme 7,089m² represents a reduction relative to both the first variation scheme approved in November 2017, which included 8,888m² of retail floorspace and the scheme originally approved in April 2016, which proposed 10,530m².

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 20,000m² to 10,530m²). 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.

Table 3 – Reductions in Retail Floorspace by Floor Level

Floor Level	First Variation Approved Scheme (GIA m2)	Currently Proposed Scheme (GIA m2)	+/-
Basement	3,112	1,791	-1,321
Ground	4,501	3,927	-574
First	1,275	1,501	+226
Total	8,888	7,216	-1,672

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 (1,324m²) 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.

8.1.4 Amendments to Other Uses

In terms of social and community uses, the proposed scheme seeks to retain the gym use at first floor level and expand it by 320m² from 3,617m² to 3,937m². The increase in gym floorspace is supported by Policy S34, which encourages the provision of social and community uses, and therefore the enlarged gym unit is acceptable in land use terms.

The proposed scheme seeks the omission of the previously approved nursery/ crèche use (1,582m²) in favour of the provision of a smaller flexible Class D1/ D2 unit (183m²) accessed from the Porchester Gardens frontage of the site. 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 and enlarged gym use and the flexible Class D1/ D2 unit, which could be used for a range of social and community uses requiring accommodation of more limited size. In this context, the omission of the larger nursery/ crèche unit is not considered to be contrary to adopted land use policies. A condition is recommended reserving details of the Class D1 or D2 use of this unit to ensure the use proposed is not harmful to the amenity of neighbouring residents or the local highway network.

The current scheme proposes to relocate the cinema entrance to the Queensway frontage of the site to provide it with a more appreciable presence in street views of the site. As per Section 8.1.3, 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 238m² 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.

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 normal policy presumption, which guides new hotel uses to within the Central Activities Zone, Named Streets, Opportunity Areas and other specific areas specified in Policy S23 in the City Plan.

The proposed scheme would reduce the hotel floorspace from 9,245m² as previously approved, to 8,453m², a reduction of 792m². Despite the reduction in overall hotel floorspace, it is proposed to increase the number of bedrooms from 42 to 50 rooms. This is principally achieved by inclusion of additional hotel bedrooms at first floor level at the expense of some of the previously approved ancillary serviced office space. The proposed hotel offer would remain balanced, and would not be reliant upon a single element of its function (i.e. sleeping accommodation, serviced offices and food and drink offer). 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.

8.2 Townscape and Design

8.2.1 Design Context and Introduction

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

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

The currently proposed scheme represents an evolution of the first variation scheme approved in November 2017. The bulk, height and form of the proposed development remain unaltered from that scheme, as does the prevailing detailed design approach. The principal areas of design amendment from the previously approved scheme are therefore considered in turn in the following subsections of the report.

8.2.2 Ground Floor Service Yard and Associated Façade Alterations

By introducing a ground floor service yard off Redan Place, the main design change is the introduction of a second vehicle entry point in the northern façade in Redan Place for access to the car parking accommodation at basement level. This second entrance is proposed to be sited immediately adjacent to the re-positioned listed entrance screen at the entrance to the hotel. In order to ensure that this relatively utilitarian function would not compromise the setting of the historic screen, some further refinement of the proposed vehicle entrance gates has been undertaken. The flanking bays to the historic screen are now to feature greater elements of bronze metal framing and key datums in the façade will be established to tie in with the screen. These will be separated by stone piers, which in many ways reflects the former context of the entrance screen. With the design refinements made, the changes to the entry points are considered to have been successfully resolved so as to ensure that the façade is well mannered and that the setting of the relocated entry screen is respectful of this importance of this part of the listed building. The new entry gates to the car park are intended to be a high quality bronze metal with a vertical emphasis, which will be in two parts – the lower section opening and the upper section fixed, with a horizontal transom aligned with a datum on the historic screen. The gates are likely to be detailed to minimise visual permeability in to the basement access ramp, which is desirable in design terms. It is recommended that finalised details of the vehicle access gates to the basement parking and ground level servicing bay are secured by condition.

8.2.3 Additional Townhouses to Rear of Porchester Court

A revised internal layout of the ground, upper ground and first floors allows for the creation of three new townhouses facing the rear of Porchester Court, without the need to expand the previously approved building envelope. The proposed townhouses would face into the courtyard at the south western corner of the site, with only façade changes to introduce fenestration to the southern elevation of the scheme required to facilitate their provision. The façade changes proposed are reliant at ground floor level on alterations to reduce the ground level of the rear courtyard of Porchester Court, and therefore should be considered alongside the landscaping scheme proposed for this courtyard that includes a reduction in the level of the courtyard by 1.8m. The landscaping scheme for the Porchester Court courtyard forms part of a parallel but separate application (ref. 17/11240/FULL & 17/11241/LBC), which is also on this committee agenda (see Item 2).

The proposed fenestration changes comprise a series of doors at ground level to provide access into new small private garden spaces and a series of recessed and angled windows following a regular arrangement on the two upper floors. These amendments to the approved scheme are acceptable in design terms would have a respectful relationship with the rear of the listed properties that comprise Porchester Court, whilst also proving animation and passive surveillance of the courtyard area.

8.2.4 Amendments to Detailed Design of Redan Place Townhouses

It is proposed to amend the ground floor of the previously approved townhouses facing Redan Place to incorporate a recessed bin storage enclosure beneath a deeply recessed ground floor window. The door to the storage enclosure would roll up and over to avoid the need for it to open over the highway. It is also proposed to introduce a planter box above this. These amendments to the previously approved scheme are modest and generally considered to be acceptable. The one concern of this design is that if the doors are left open then waste containers are left exposed and could spill onto the highway. For this reason, a condition is recommended requiring the bin storage enclosure doors to be maintained in the closed position other than when being accessed.

8.2.5 Relocation of Residential Entrance Lobbies

Within the approved scheme most of the entrances at ground floor level into the residential cores were accessed from within the new retail courtyard. The current scheme proposes the introduction of residential entrances directly from Queensway (two entrance lobbies) and also a primary entrance lobby within the main atrium space. The initially submitted scheme omitted almost all of the previously approved courtyard access points, but this has since been amended so that two lobbies remain within the courtyard, located either side of the anchor retail store are retained. The introduction of residential lobbies into prime retail locations in the retained façade and within the atrium is regrettable in design terms as Whiteleys is a building that has always been principally associated with retail and the ground floor treatment of it, including the space beneath the atrium, should maintain a retail character. That said, following revision of the scheme during the course of the current application, a better balance has been struck in the revised design and the retention of residential entrances within the courtyard will maintain a diversity of uses within this space and provide the opportunity for greater animation of the space throughout the day. A condition is recommended to secure details of all non-retail entrances at ground floor level to ensure they are designed to sit comfortably within what should be frontage that has a predominantly retail character.

8.2.6 Relocation of Cinema Entrance to Queensway

The previously approved arrangement located the cinema entrance within the retail courtyard, but in the current application proposes the relocation of the entrance to directly off Queensway, within the retained listed façade. There would be no specific design changes to the façade, over and above the principles already approved, and the applicants have indicated where cinema signage could be accommodated, mindful that it will need to be reasonably discreet and not have a harmful impact on the principal façade. In summary, the physical changes of relocating the cinema entrance to Queensway are negligible and it is clear that a signage strategy could be developed. The one disappointing aspect of the proposal is that it will remove the entrance from the courtyard, thus removing a point of difference from within the courtyard. That said, there will remain considerable points of animation within the courtyard, particularly following the reintroduction of the residential entrance to the central courtyard during the course of the application (see Section 8.2.5).

8.2.7 Roof Level Amendments

At main roof level the current application seeks amendments to the previously approved scheme to introduce photovoltaic panels, additional skylights, flues and lift overruns. Most of these additional features would be located on the roofs of the penthouse residential units. The sections submitted with the application indicate that all of these new roof level features would be very low profile additions to the previously approved building, with the exception of the boiler flues. The applicant has clarified that the photovoltaic panels, of which a significant number are proposed, will lie flat on the roof. As such, whilst the rooftop may appear more cluttered from a bird's eye viewpoint, these changes will be visually discreet in perspective views from both the public realm and private views from neighbouring properties.

8.2.8 Other Design Alterations

There are numerous other amendments proposed to the previously approved scheme, such as reduced basement excavation, basement layout changes, removal of the nursery/ crèche, but for the most part these alterations would not have a significant design impact or have any further implications for the relevant designated heritage assets.

8.2.9 Design Conclusions

The proposals are considered acceptable in design and conservation terms and subject to details, which are to be secured by the recommended conditions, the currently proposed scheme would accord with the relevant design and conservation policies, which are namely, Policies DES1, DES4, DES9 and DES10 in the UDP and S25 and S28 in the City Plan.

8.3 Residential Amenity

8.3.1 Daylight and Sunlight and Sense of Enclosure

There has been limited objection to the current scheme as it does not propose the enlargement of the building relative to that approved in November 2017 as part of the first variation permission scheme. As a consequence 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. As a consequence, the currently proposed scheme is considered to be acceptable in these amenity terms and in compliance with Policy ENV13 in 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, 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 current application initially sought to omit the public car park from the Whiteleys site in favour of relocating in to the redevelopment of the site opposite at Nos.114-150 Queensway. However, following concerns expressed by officers and objectors, the

scheme has been revised to retain a public car park on the Whiteleys site and the proposal for a public car park on the site at Nos.114-150 Queensway is to be omitted from that scheme as part of forthcoming revisions to that application (i.e. there will not be the provision of two public car parks on either side of Queensway).

The principle of reducing the existing public car park on the site from 177 spaces to 36 spaces was accepted under Policy TRANS25 in the UDP as part of the two previously approved schemes and Highways Planning Manager remains content that this is acceptable and there is sufficient alternative provision to reduce the surplus parking provision in this location.

As part of the reorganisation of the basement accommodation in the latest amended scheme the public car park has been relocated to basement level 2 and it is proposed to operate the car park as a valet parked car park with cars dropped off and collected from the hotel drop off in Redan Place. The Highways Planning Manager does not object to the principle of a valet parked public car park, but the level of detail submitted regarding its method operation is limited and given it would be operated from the hotel premises at ground floor level he has concerns that the car park may act predominantly as a hotel car park. In this context, it is recommended that full details of the functional operation on the car park are reserved by condition to ensure that the public car park is managed and operated in such a way that it is an appreciable and genuinely publically accessible car parking facility for visitors to the Queensway/ Westbourne Grove Major Shopping Centre. In terms of the size of the public car park, this would be maintained at 36 spaces, as per the previously approved schemes.

The day to day management strategy of the proposed car park, including hours of operation and tariffs are to be controlled as part of the legal agreement, as per the previously approved scheme.

8.4.2 Car Parking Levels

The currently proposed scheme includes the provision of an increased number of residential car parking spaces relative to the first variation approved scheme. The number of parking spaces has been increased from 103 spaces serving 129 units to 110 spaces serving 113 units (this was initially 113 spaces but 3 are now to be provided to mitigate the loss of parking for occupiers of Porchester Court as a result of the linked redevelopment of the rear yard area of Porchester Court - see Item 2 on this committee agenda). The parking ratio has therefore improved from 0.79 spaces per unit to 0.97 spaces per unit. The location of the residential car parking spaces has been amended to basement levels 2 and 3. Given the significant improvement in the parking ratio proposed it is not considered that the provision of car club membership for each flat, as was secured as part of the first variation approved scheme, is necessary in the context of the currently proposed scheme, as all parking demand from the development should be capable of being accommodated on-site. The number and ratio of parking spaces would accord with Policy TRANS23 in the UDP and, as per the previously approved schemes, the residential off-street parking is to be provided on an unallocated basis.

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. However, as set out in Section 8.8 of this report it is considered that the policies in the Draft London Plan can be afforded very limited weight given the early stage of the Draft London Plan in the adoption process. The GLA also cite the number of parking spaces as having an adverse impact on the viability of the scheme.

In this case the originally approved and first variation approved scheme remain extant and are significant material considerations. The originally approved scheme (April 2016) delivered 139 parking spaces for 103 residential units (a ratio of 1.35). Additionally, regard must also be had to the trip generation of the existing 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 in the currently proposed scheme and the objections made on this ground by the GLA and TfL do not amount to a sustainable ground on which to withhold permission.

No car parking is being provided for the non-residential uses, save for two drop off spaces for the hotel within the basement as per the approved scheme, and this approach is compliant with policies TRANS 21 and TRANS 22 in the UDP.

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 GLA and TfL identify that the provision of 'long-stay' cycle parking is compliant with the adopted London Plan (March 2016), but the number of spaces falls short of the higher number of spaces required by the Draft London Plan. Given there are two extent schemes for redevelopment of the site and as the scheme is compliant with the currently adopted London Plan, it is not considered that permission could reasonably be withheld on the basis that the number of cycle parking spaces falls short of the policy requirement in the emerging Draft London Plan, which has very limited weight (see Section 8.8).

The GLA and TfL are seeking 145 short stay cycle parking spaces; however, neither previously approved scheme has provided this number of short stay cycle parking spaces and a significant number of short stay spaces will be provided as part of the highway works along Queensway to which the proposed development is to make a significant contribution. In this context, it is not considered that a contribution to towards the enlargement of the adjacent cycle hire docking station is necessary to mitigate the short fall in short stay cycle parking.

8.4.4 Access Points and Associated Highway Safety Considerations

The revised servicing strategy (see Section 8.4.5) introduces a second vehicular entrance on to the northern section of Redan Place. Whilst this is acceptable in principle in highway terms, the Highways Planning Manager has concerns regarding the detailed

design of these entrances in terms of the visibility splays they afford drivers of vehicles emerging from within the proposed building. 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, given the principle of the two entrances is not objectionable, 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 Cleansing Manager does not raise specific objection to the bin stores that have been added to the townhouses in Redan Place, but has requested further details of the waste management strategy, including the specification of the tow vehicle to be used within the basement and a waste route diagram. He also suggests amendment to the layout of the loading bay to improve access to the servicing bay from the waste handling area. It is recommended that the detailed changes to the waste management strategy,

which all relate to amendments within the envelope of the proposed building, are secured via a condition requiring an amended waste management strategy.

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 Development and Flood Risk

The first variation approved scheme permitted the provision of a substantially enlarged basement relative to the originally approved scheme, with the depth of the originally approved basement increased by between 5.5 and 8.5 metres from a depth of approximately 16 metres as originally approved to approximately 24 metres. The acceptability of the previously approved enlarged basement was assessed against the 'Basement Development' policy in the City Plan, CM28.1, and the guidance in the 'Basement Development in Westminster' Supplementary Planning Document (October 2014) and the provision of a multi-level basement on this site was found to be compliant with the requirements of the policy.

Notwithstanding this, any 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. As a consequence, the reduction in the depth of the proposed basement by up to 8 metres, so that it would be approximately 16 metres in depth, as per the originally approved scheme, is supported. The reduction in depth and extent of the basement would accord with the objectives of Policy CM28.1, 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 of the proposed basement 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 Tree Impact

The extent of tree removal within the application site does not differ from the approved scheme and the Arboricultural Manager does not object to the removal of these trees on that basis.

The Arboricultural Manager does though raise significant concerns regarding the impact of the currently proposed scheme on the TPO London Plane tree and two Sycamore trees within the rear yard area of Porchester Court. The previously approved schemes set the piled basement wall of the proposed development back from the existing elevation at ground floor level and above to provide room for the TPO London Plane to continue to root under part of the south west corner of the application site; albeit the crown of the tree on its northern side would have to be reduced to a significant degree to accommodate the previously approved scheme. The currently proposed scheme omits this set back and the piled retaining wall below the south west corner of the building would now follow the perimeter of the site. The introduction of three townhouses with windows immediately behind the tree trunk and canopy further reduces the compatibility of the currently proposed scheme with retention of the existing TPO tree.

The tree and the other two Sycamore trees within the rear yard area of Porchester Court are located outside of the application site, but are within the application site for Item 2 on this committee agenda (RNs: 17/11240/FULL and 17/11241/LBC). This linked application proposes the removal of the trees in conjunction with level changes and replacement landscaping within the existing yard, including replacement tree planting. As this linked application is recommended for conditional approval, it would enable the removal of the TPO London Plane and two Sycamore trees, whilst also delivering mitigation of their loss in the form of replacement tree planting and enhanced landscaping. Therefore, it is recommended that a clause is included in the legal agreement accompanying the currently proposed scheme preventing commencement of the development until the TPO London Plane and two Sycamore trees have been removed pursuant to the linked application (Item 2 on this agenda) and preventing

occupation of the residential part of the development facing the rear of Porchester Court until the replacement landscaping, including replacement tree planting, has been provided to the rear of Porchester Court.

Subject to the measures set out in the preceding paragraph, which would ensure the delivery of the mitigation measures for the loss of the TPO London Plane tree and two Sycamore trees adjoining the site that are set out in Item 2 on this committee agenda, the scheme would accord with Policies ENV16 and ENV17 in the UDP.

8.7.3 Biodiversity & Sustainability

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

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 with the introduction of 473m² of photovoltaic panels at roof level (see Section 6.2). The introduction of the photovoltaic panels, along with further energy demand reductions and savings from the CHP system would deliver a CO₂ emissions saving of 37.1%. Whilst this is a reduction relative to the scheme approved in November 2017, which delivered a CO₂ emissions saving of 43%, given the limited alternative options in terms of on-site renewable energy generation and the limited space available at roof level for provision of more photovoltaic panels, the CO₂ emissions 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).

The current scheme does propose the provision of an expanded energy centre on the Whiteleys site, which presents the opportunity for redevelopment of neighbouring sites at the north end of Queensway to be linked to the energy centre at Whiteleys, thereby delivering additional CO₂ emissions savings. It is expected that the redevelopment scheme on the opposite side of Queensway (Nos.114 to 150 Queensway) will be connected to the Whiteleys energy centre (RNs: 17/10151/FULL and 18/00294/FULL). The applications for this neighbouring site remain under consideration by officers and they are likely to be reported to a Planning Applications Sub-Committee later in 2018 following their revision by the applicant and subsequent reconsultation on the revised schemes.

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 deliver the photovoltaic panels at roof level, 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.

8.7.4 Means of Escape

Environmental Health have expressed concern regarding the means of escape for some flats where the escape route is through a high risk area, such as a kitchen. This matter is principally one dealt with under building regulations and various measures can be utilised to ensure that open plan accommodation is suitably fire protected. Nevertheless, it is considered that it is appropriate to take a precautionary approach and the applicant has been asked to clarify the fire safety strategy for the residential accommodation. This clarification will be reported verbally to the committee.

8.8 London Plan

The application is referable to the Mayor as it is mixed use scheme and is over 30 metres in height. 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 5.1 of the report 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.

The first draft of the revised London Plan was consulted on publically between December 2017 and March 2018, with the consultation period ending on 2 March 2018. It is at a very early stage of preparation and it is unclear what, if any, unresolved objections there may be to its policies following the recently completed first round of public consultation. Accordingly, and having regard to paragraph 216 of the NPPF, the policies in the Draft London Plan have been given little weight. As set out in Section 8.1.2, where a conflict arises between the Draft London Plan and adopted policy, Draft London Plan policies have been disregarded.

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.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

The draft 'Heads of Terms', setting out the planning obligations that are necessary to make the development acceptable in accordance with Regulation 122 of the CIL Regulations 2010 (as amended) and Policy S33 in the City Plan, are set out below. In terms of financial contributions, these remain the same as were secured as part of the scheme previously approved in November 2017 due to the limited viability of the development, which has been tested independently on behalf of the City Council by GVA. They conclude that the development cannot deliver any additional planning obligations beyond those secured in 2017 and that the viability of the development falls below what is considered to be viable, such that some of the obligations offered by the developer are being offered on an ex gratia basis in lieu of what would normally be viewed as being an acceptable level of developer profit. All index figures below are to be indexed from the date of the original S106 agreement in April 2016.

- i. A financial contribution of £6,000,000 (index linked and payable on commencement of development) towards public realm improvements to Queensway;
- ii. A financial contribution of £6,000,000 to the Affordable Housing Fund (index linked and payable on commencement of development);
- iii. commencement of development);
- iv. Costs of all the highway works associated with the development including the Stopping Up Order and the dedication of land;
- v. A financial contribution of £100,000 (index linked) towards improvements to play space in the vicinity of the development;
- vi. Compliance with the Code of Construction Practice, provision of a Site Environmental Management Plan prior to commencement of development and provision of a financial contribution of £40,000 per annum during demolition and construction to fund monitoring by the Environmental Inspectorate and Environmental Sciences officers;
- vii. Provision of car parking for the residential flats on an unallocated basis;
- viii. Provision of the public car park at basement level prior to the occupation of retail use commencing and the submission of a management plan including details of car park pricing;
- ix. Provision of the cinema, ready for occupation, prior to occupation of the retail use;
- x. Provision of the gym and flexible Class D1/D2 unit prior to occupation of the residential accommodation and the submission of a management plan including pricing;
- xi. Implementation of a rolling programme of public art within the retail courtyard (provision of public art as part of the programme to a value of £740,000) and its on-going maintenance;
- xii. Provision of measures to support employment, training and skills programmes;
- xiii. 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;
- xiv. Management strategy for the hotel use, including servicing and guest drop off arrangements;
- xv. Requirement to remove the TPO London Plane tree and two Sycamore trees to the rear of Porchester Court (forming part of RNs: 17/11240/FULL & 17/11241/LBC- see Item 2 on this committee agenda) prior to commencement of development and provision of alterations to garden area to rear of Porchester Court, including

- ground level changes and replacement tree planting prior to occupation of the three townhouses to the southern elevation of the site.
- xvi. Provision of S106 agreement monitoring costs.

In addition to the planning obligations set out above, the development is liable to pay Westminster's and the Mayor's Community Infrastructure Levy (CIL). The whole of the development would be liable to pay the Mayoral CIL (projected to be approximately £2.83m); whereas the only the uplift in residential, retail and hotel floorspace relative to the originally approved scheme will generate a Westminster CIL payment as the originally approved scheme was determined prior to the introduction of the Westminster CIL on 1 May 2016. The Westminster CIL payment is therefore projected to be circa £1.98m.

8.11 Environmental Impact Assessment

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

8.12 Other Issues

8.12.1 Construction Impact

The current application has attracted a number of objections from neighbouring residents regarding the impact of construction works. Concerns focus on the period of construction required to carry out a development of the scale proposed, the noise impact on neighbouring residents and the impact of the currently proposed construction vehicle route between the Westway (A40) and the application site. 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.

8.12.2 Other Matters

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

9 BACKGROUND PAPERS

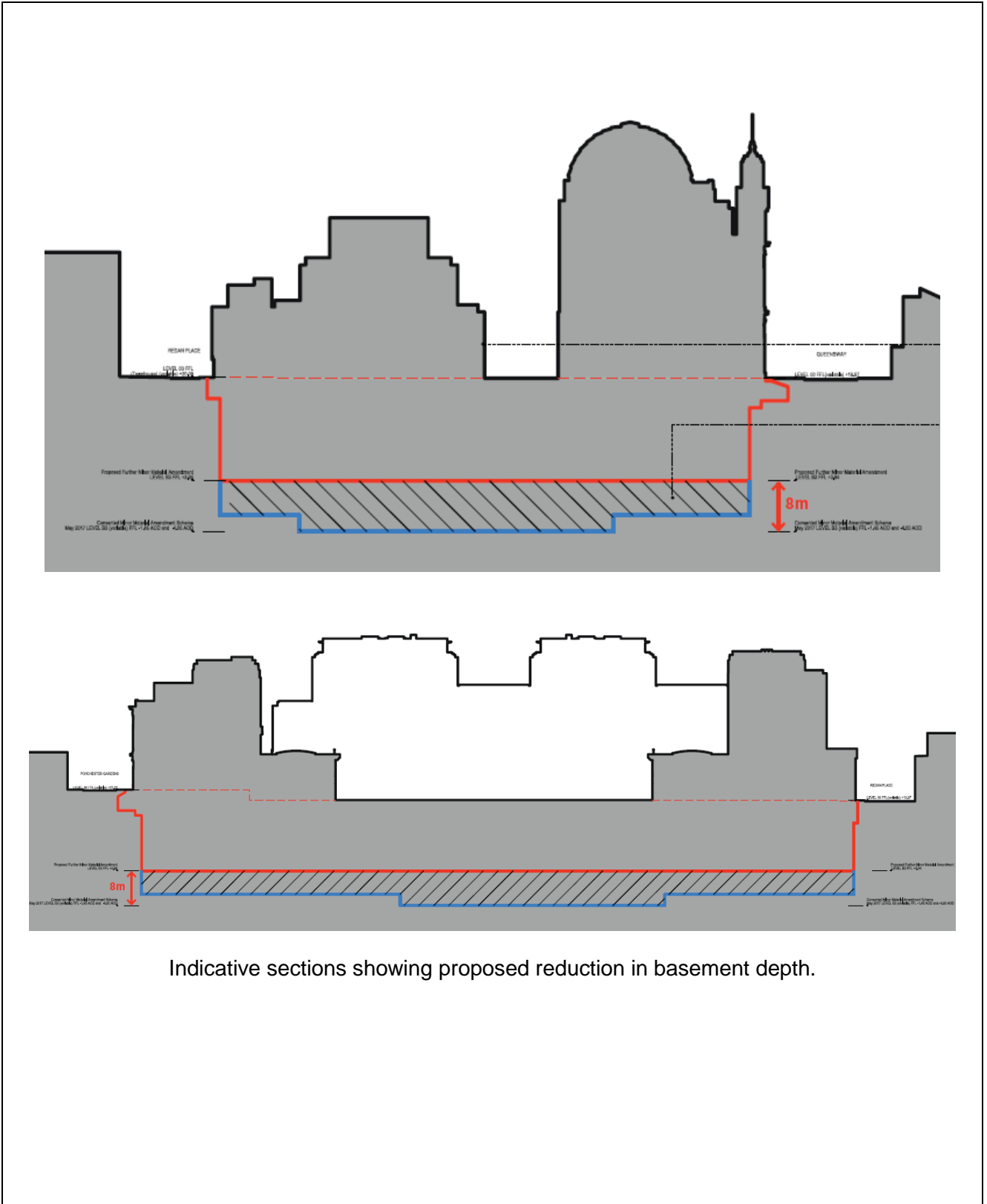
1. Application form.
2. Note of Meeting with Cabinet Member/ Chair of Planning dated 14 September 2017.
3. Letter from the Greater London Authority dated 26 March 2018.
4. Emails on behalf of Councillor Hug dated 15 January 2018 and 19 January 2018.
5. Letters from Historic England (x3) dated 5 December 2017.
6. Letter from Historic England (Archaeology) dated 15 December 2017.
7. Memo from the Cleansing Manager dated 15 December 2017.
8. Emails and letter from Transport for London dated 21 December 2017, 1 February 2018 and 14 March 2018.
9. Memo from Environmental Health dated 21 December 2017.
10. Memo from the Arboricultural Manager dated 5 April 2018.
11. Memo from the Highways Planning Manager dated 5 April 2018.
12. Email from the occupier of the Basement Flat, 19A Sutherland Place dated 4 December 2017.
13. Email from the occupier of 59B Kensington Gardens Square dated 4 December 2017.
14. Email from the occupier of 512 Balmoral Apartments, 2 Praed Street dated 5 December 2017.
15. Email from the occupier of the Garden Flat, 6 Alexander Street dated 6 December 2017
16. Email from the occupier of Flat 5, 11 Kensington Garden Square dated 15 December 2017.
17. Emails (x2) from the occupiers of Flat 9, Bayswater Mansions, 10-12 Westbourne Grove dated 17 December 2017.
18. Email from the occupier of 66a Kensington Gardens Square dated 19 December 2017.
19. Email from the occupier of 66 Kensington Gardens Square dated 21 December 2017.
20. Email from the occupier of Flat 3, 46 Kensington Gardens Square dated 14 March 2018.
21. Email from the occupier of 148a Queensway dated 18 March 2018.

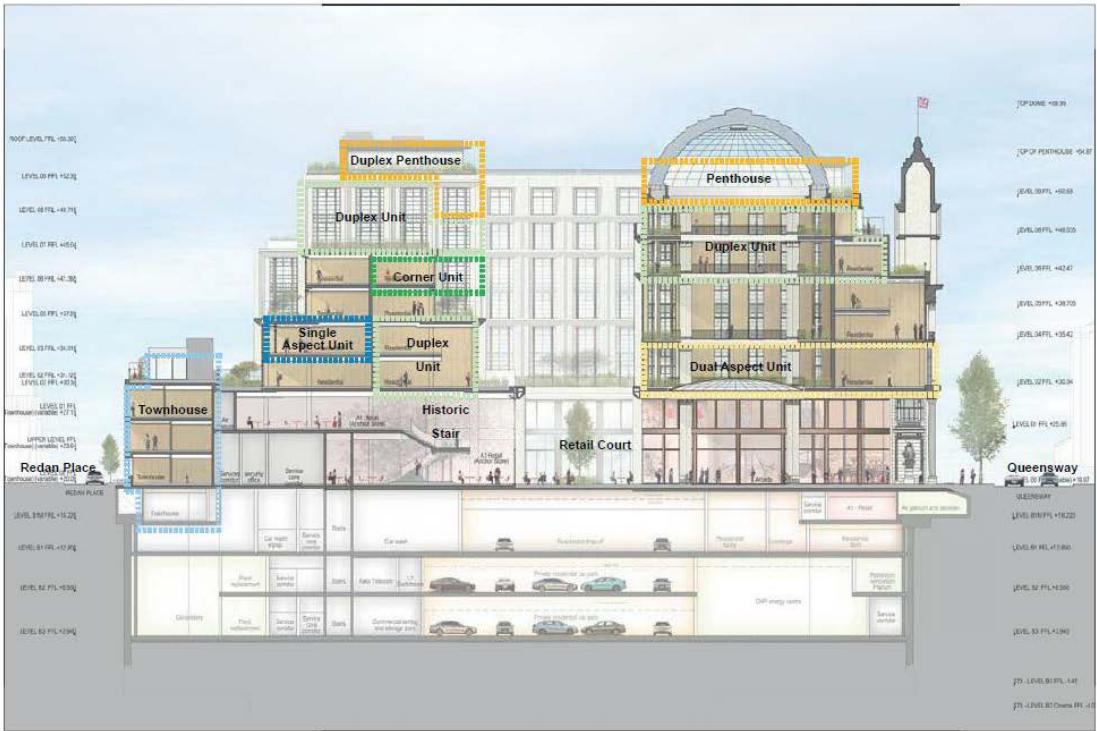
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk.

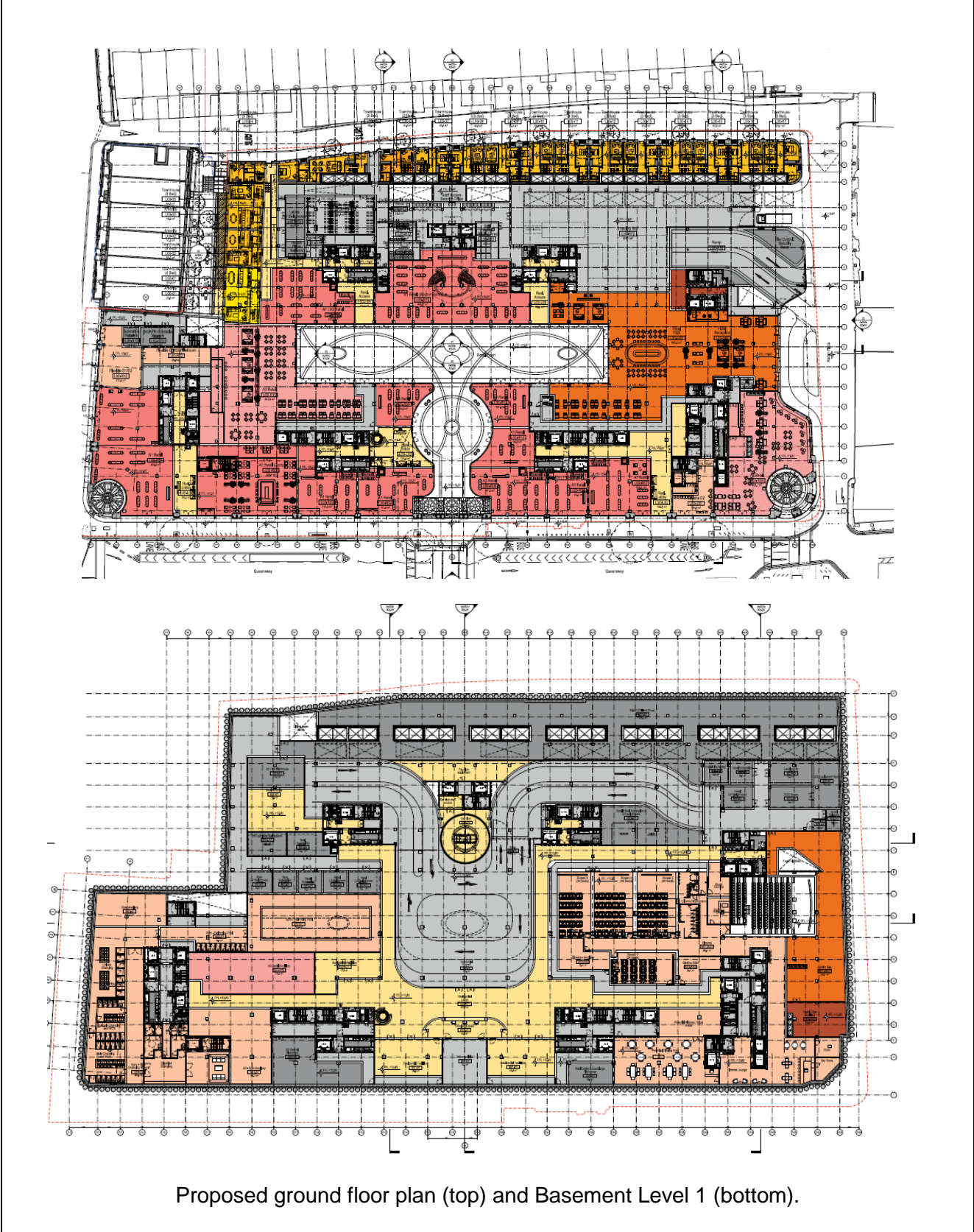
Item No.
1

10 KEY DRAWINGS

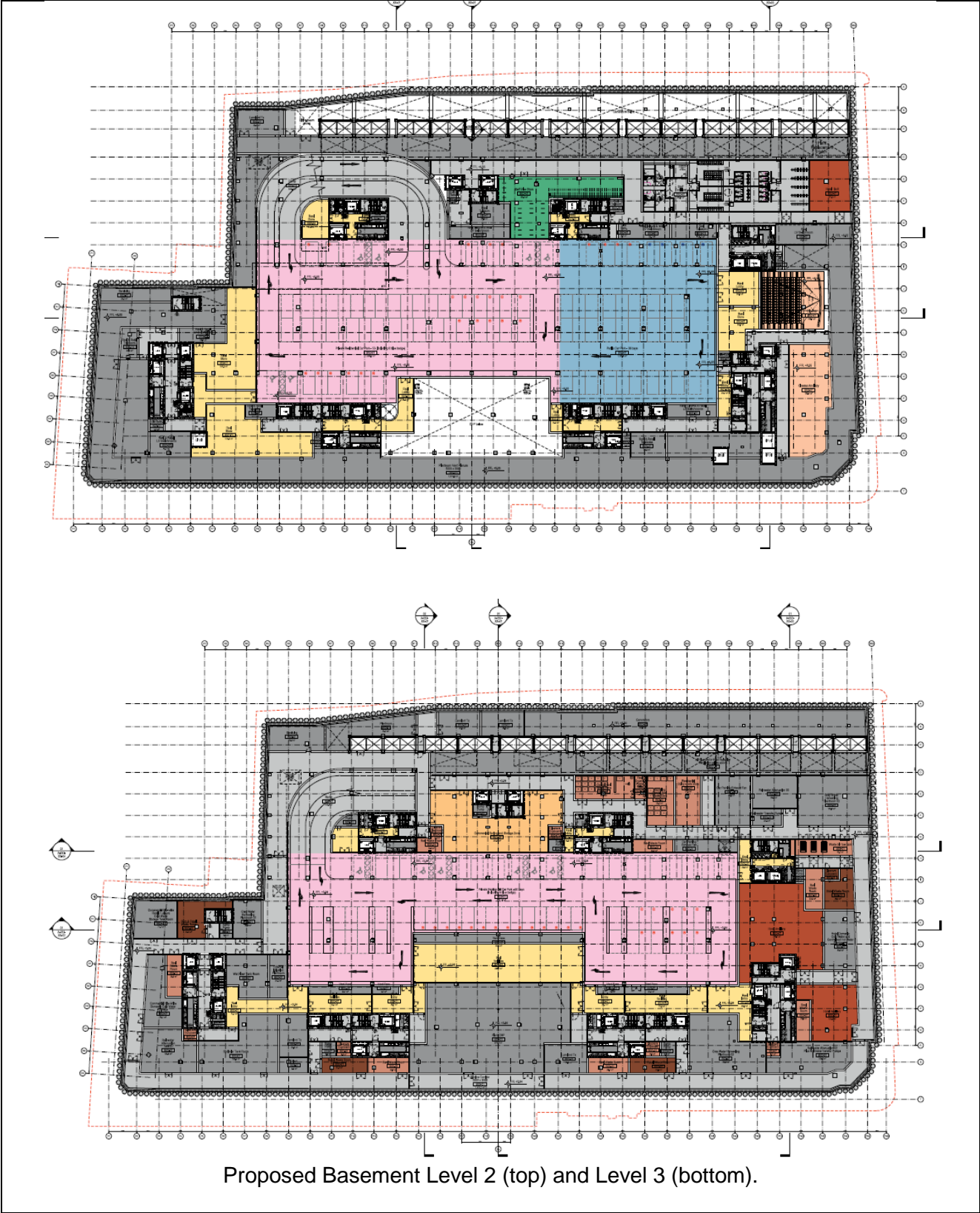




As approved section (top) and as proposed section (bottom) showing reduction in basement depth.

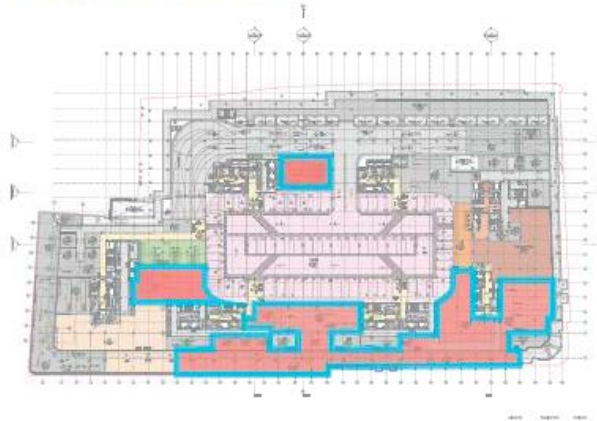


Proposed ground floor plan (top) and Basement Level 1 (bottom).

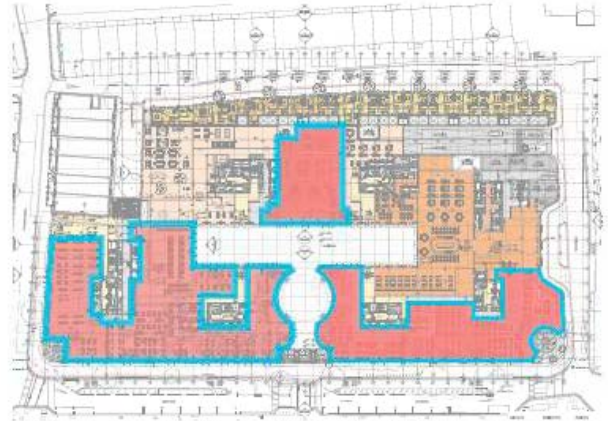


Proposed Basement Level 2 (top) and Level 3 (bottom).

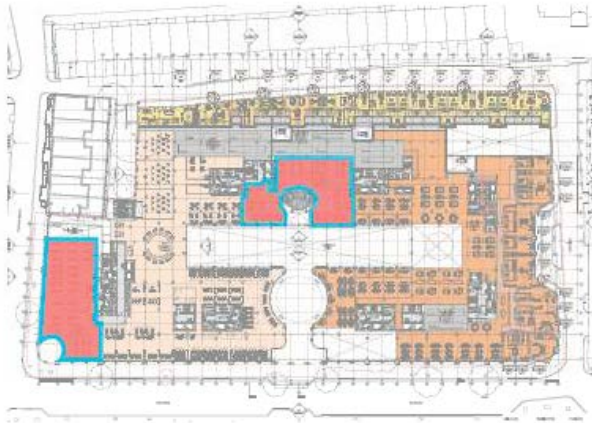
Consented Scheme (as amended)



Basement Level B01 Plan - Total A1 & A3 (GEA excluding cores) : 2,456 m²



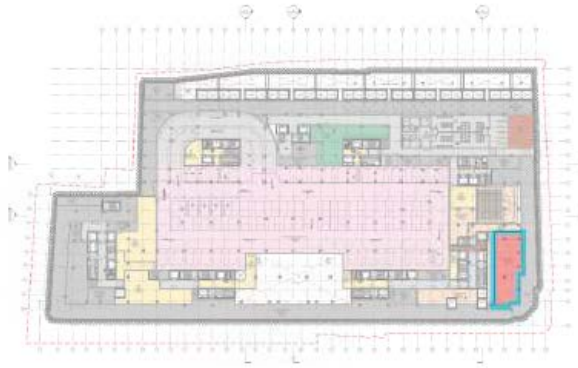
Ground Floor Plan - Total A1 & A3 (GEA excluding cores) : 3,937 m²



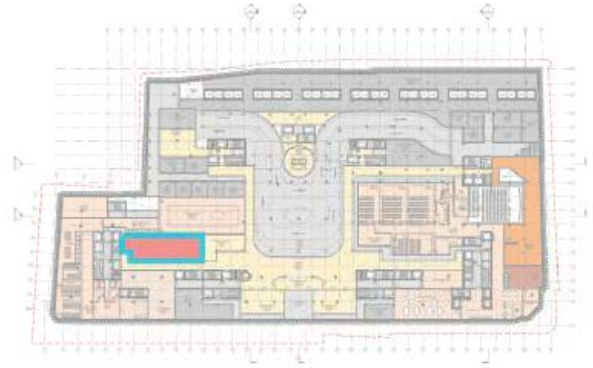
First Floor Plan - Total A1 & A3 (GEA excluding cores) : 1,262 m²

Location and extent of retail floorspace in previously approved scheme (November 2017).

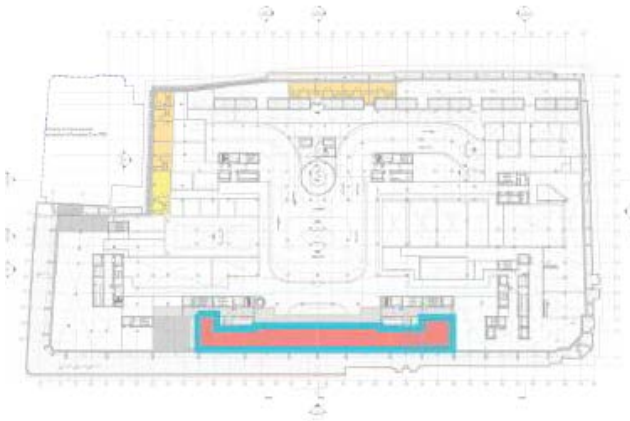
Proposed Further Minor Material Amendment



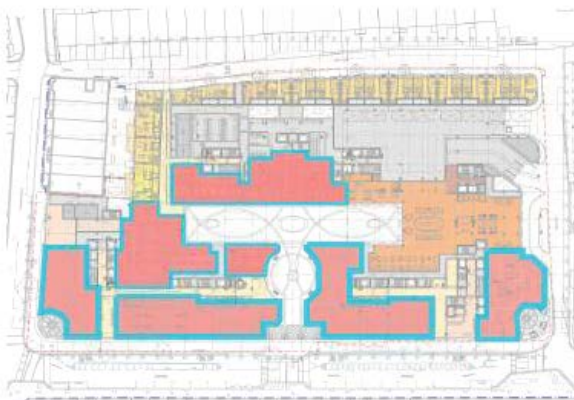
Basement Level B02 Plan - Total A1 & A3 (GEA excluding cores) : 201 m²



Basement Level B01 Plan - Total A1 & A3 (GEA excluding cores) : 229 m²



Basement Mezzanine Level B01 Plan - Total A1 & A3 (GEA excluding cores) : 593 m²



Ground Floor Plan - Total A1 & A3 (GEA excluding cores) : 3,838m²



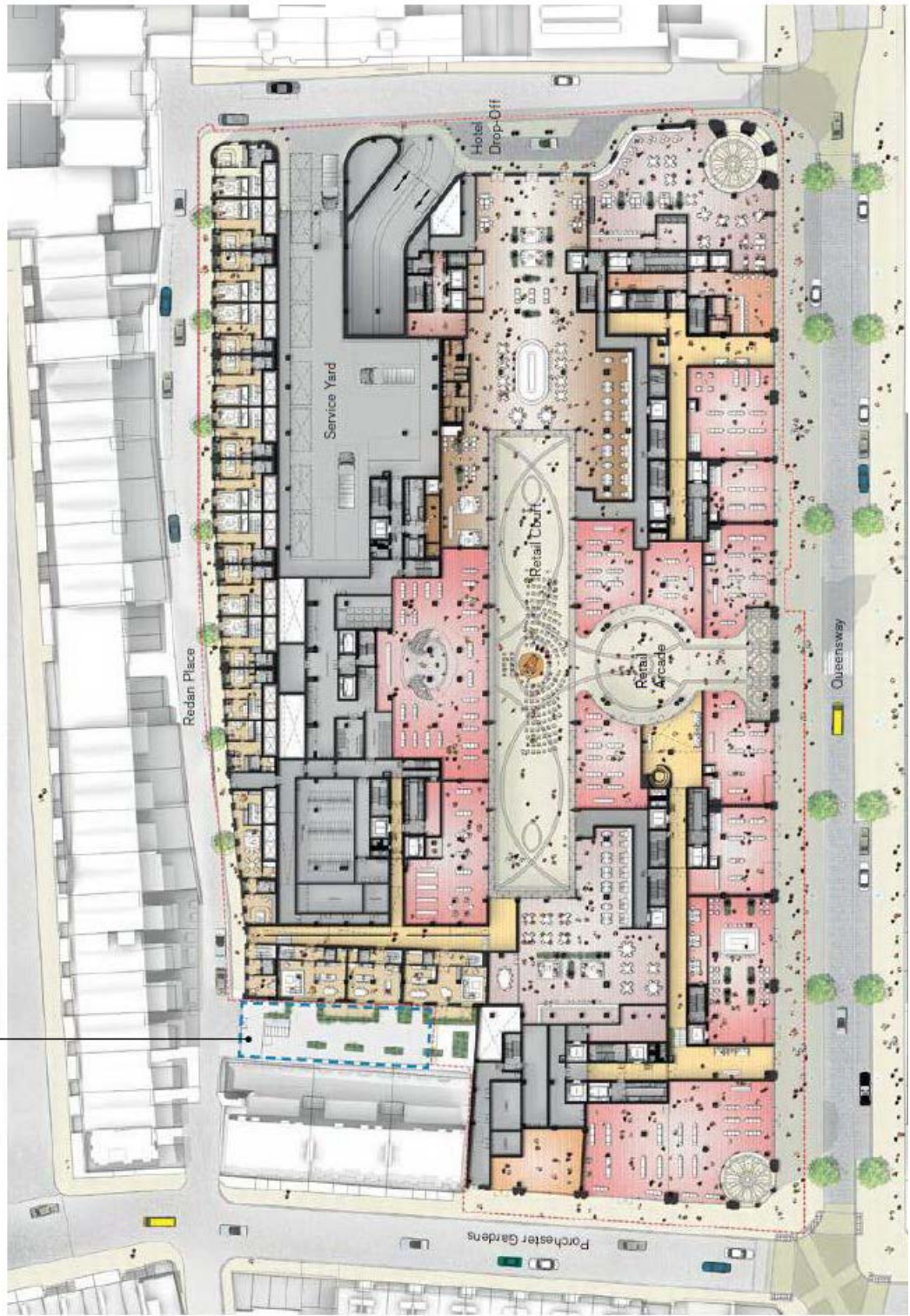
First Floor Plan - Total A1 & A3 (GEA excluding cores) : 1,395 m²

Location and extent of retail floorspace in scheme now proposed.

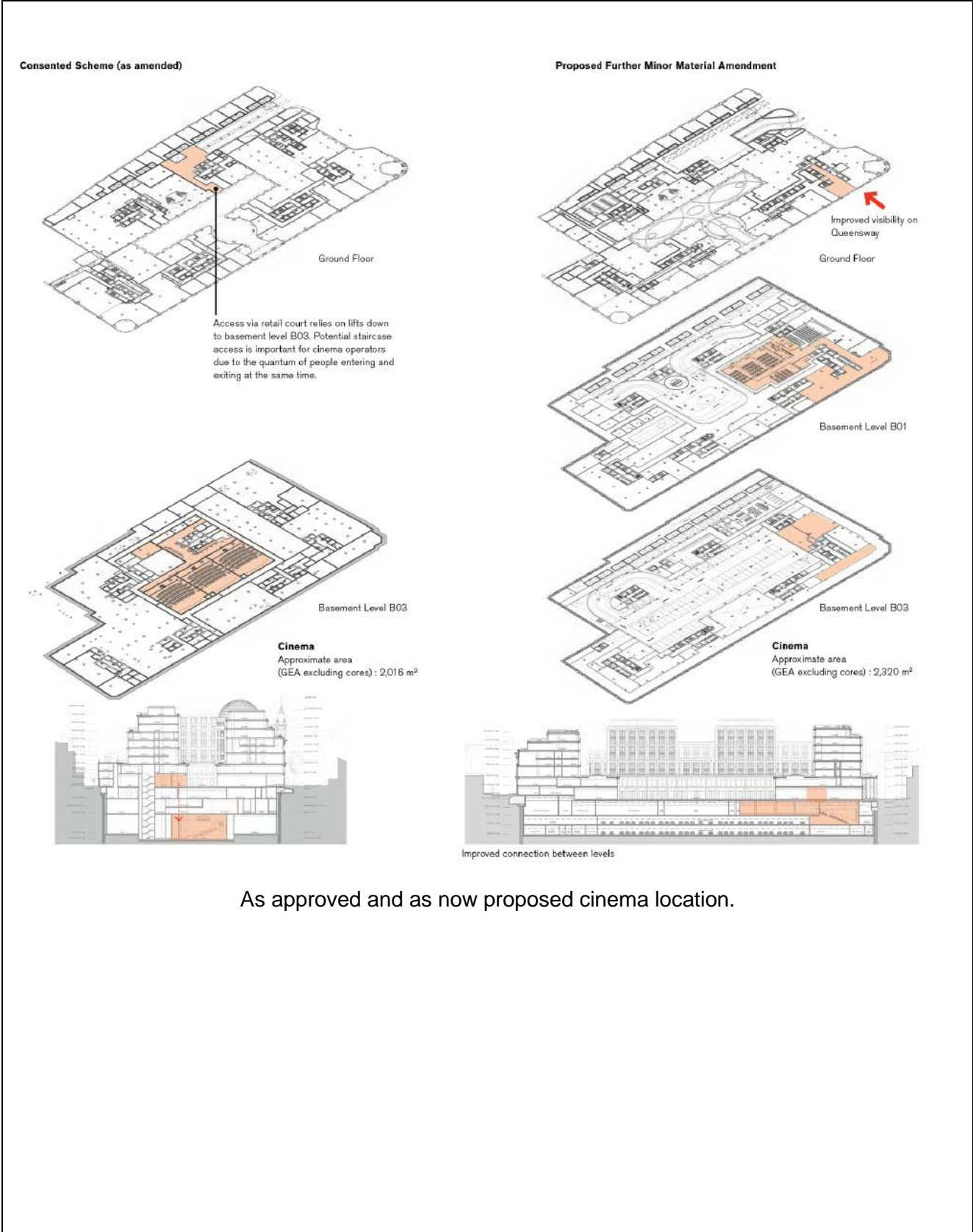


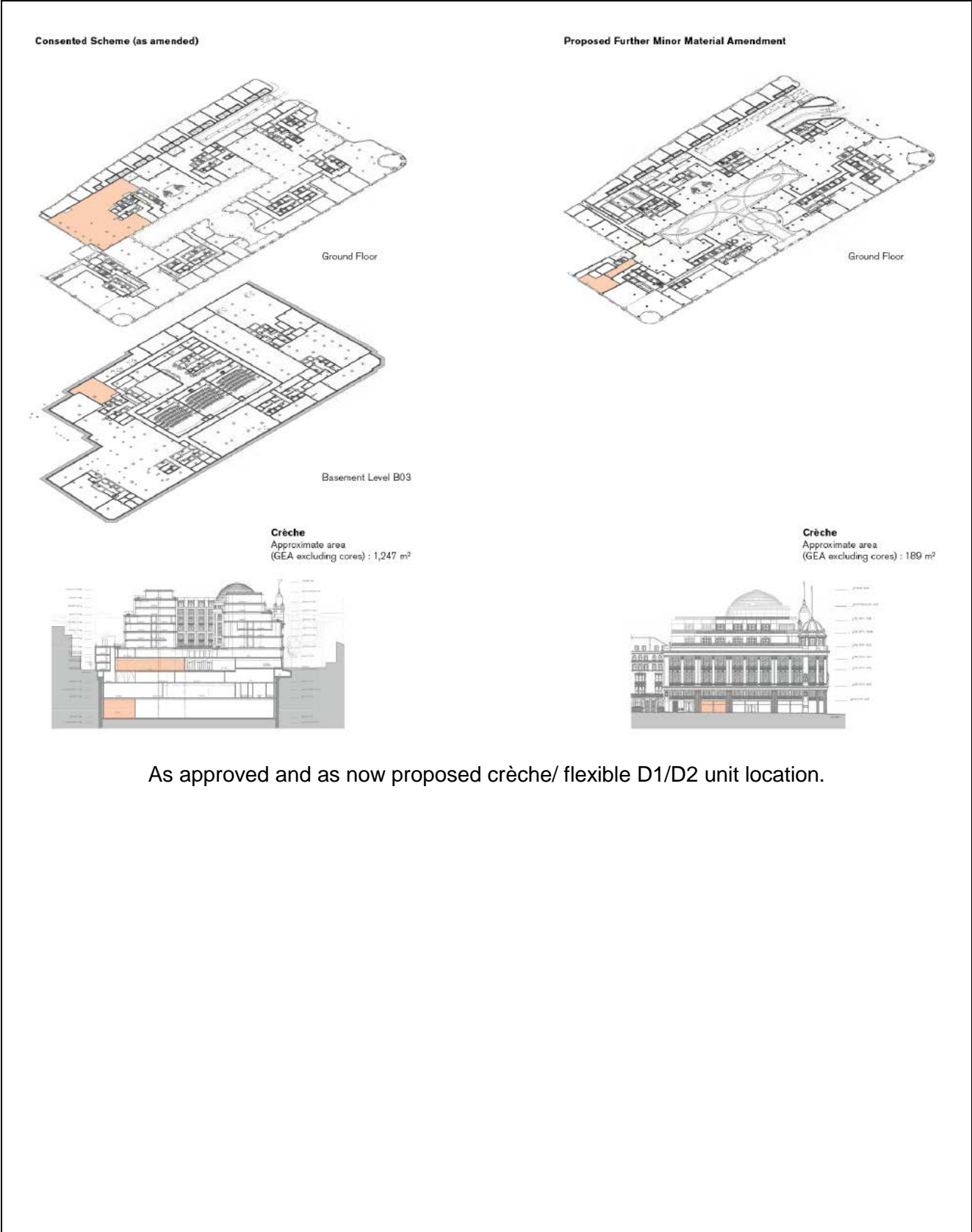
Previously approved ground floor plan (November 2017).

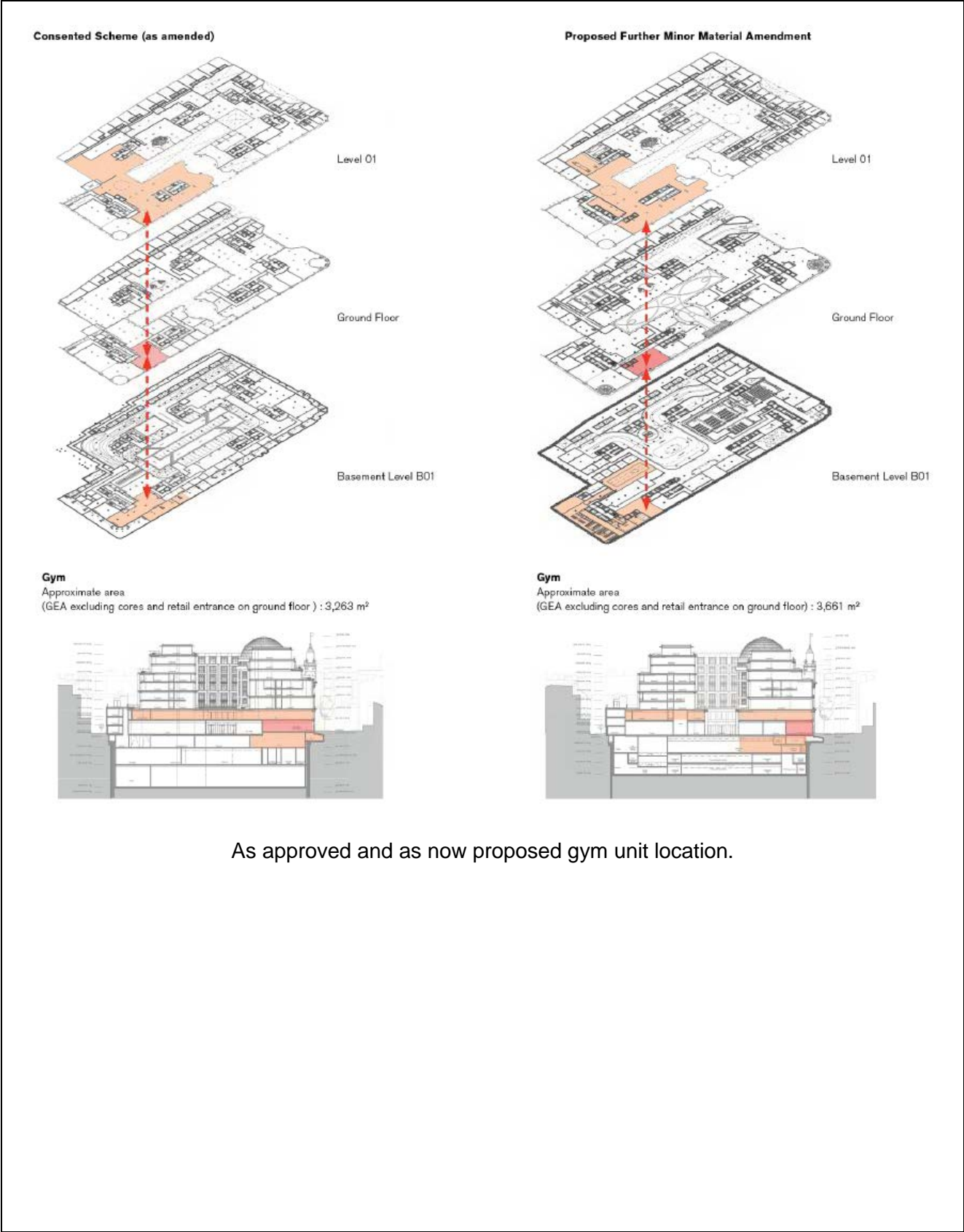
Drawing shows design intent for area within the applicant's ownership beyond the red line boundary of the proposed further minor material amendment application. The detailed layout of this area will form part of a separate planning application to be submitted subsequently.

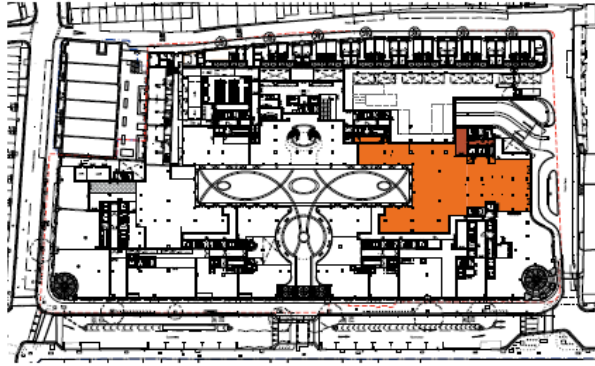


Ground floor plan of scheme now proposed.

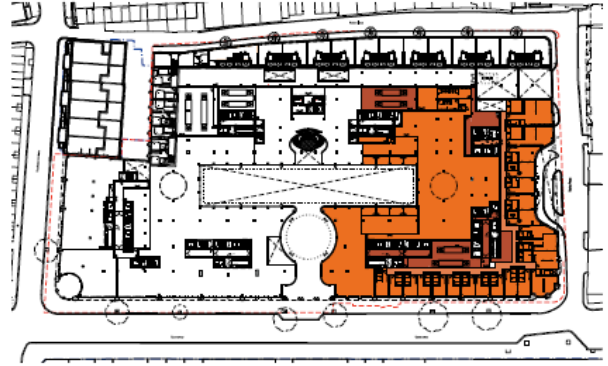




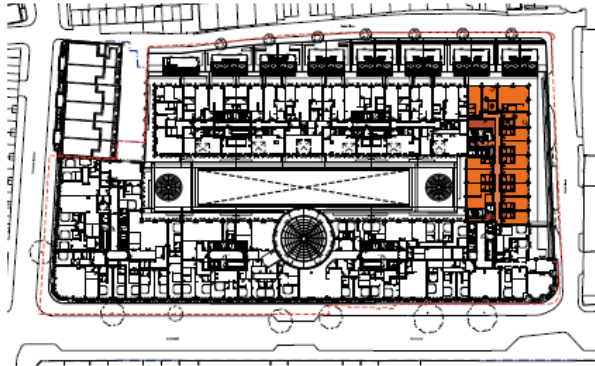




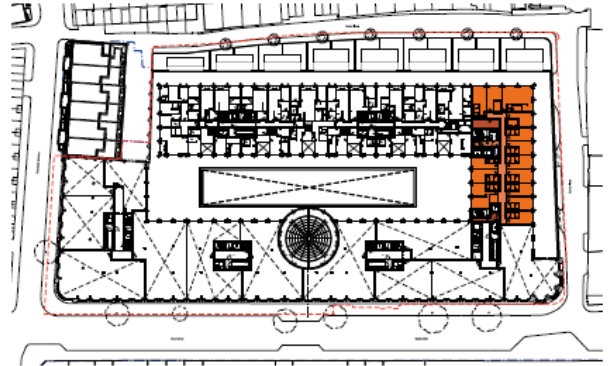
Ground floor plan



First floor plan Additional rooms

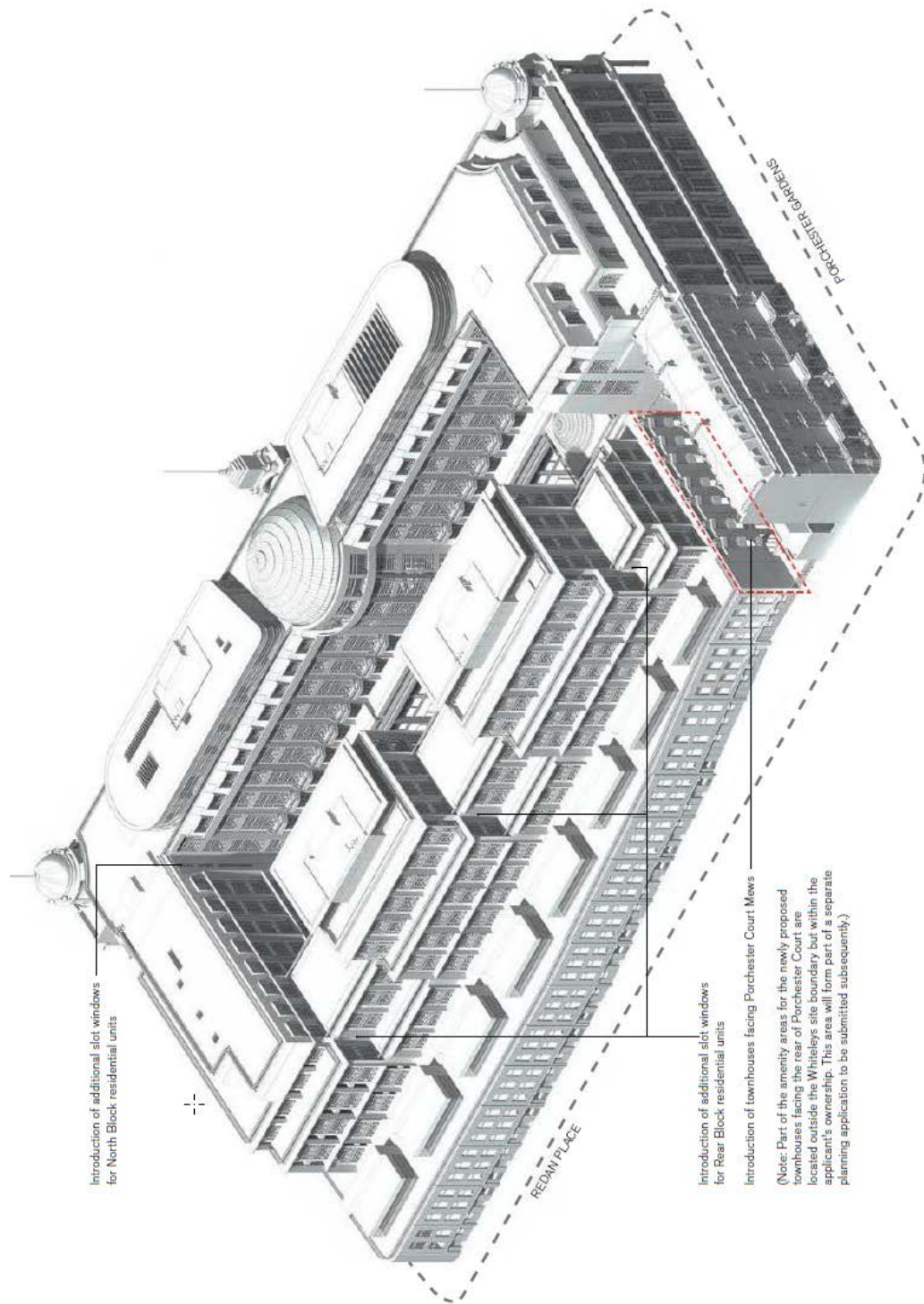


Second floor plan

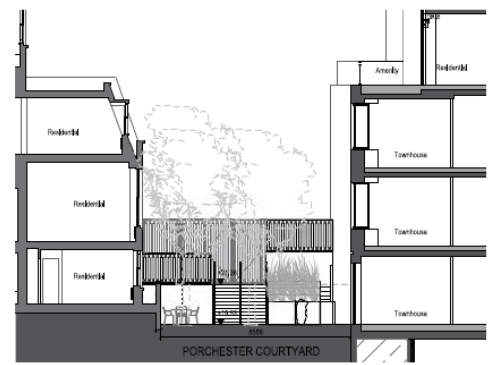
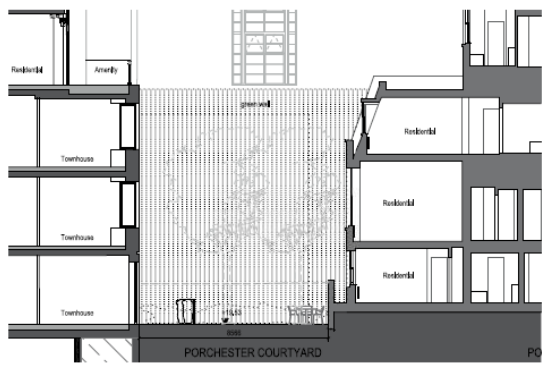
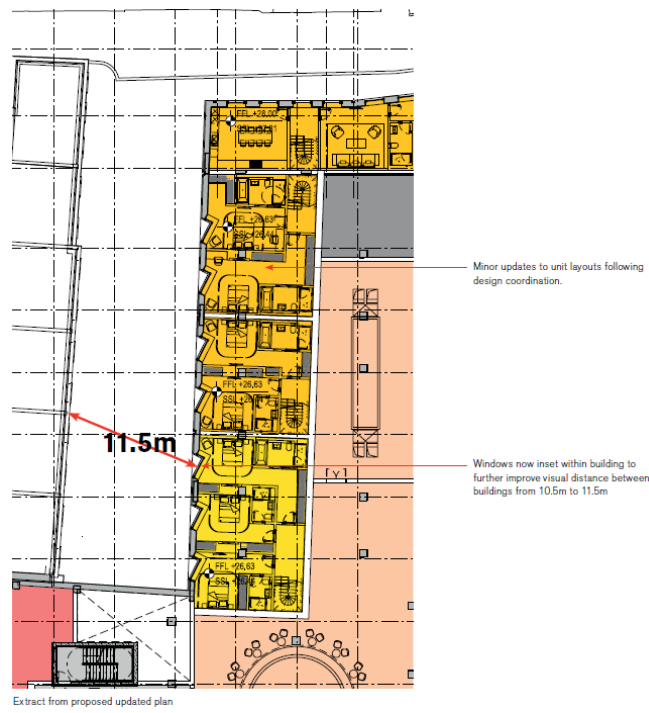


Third floor plan

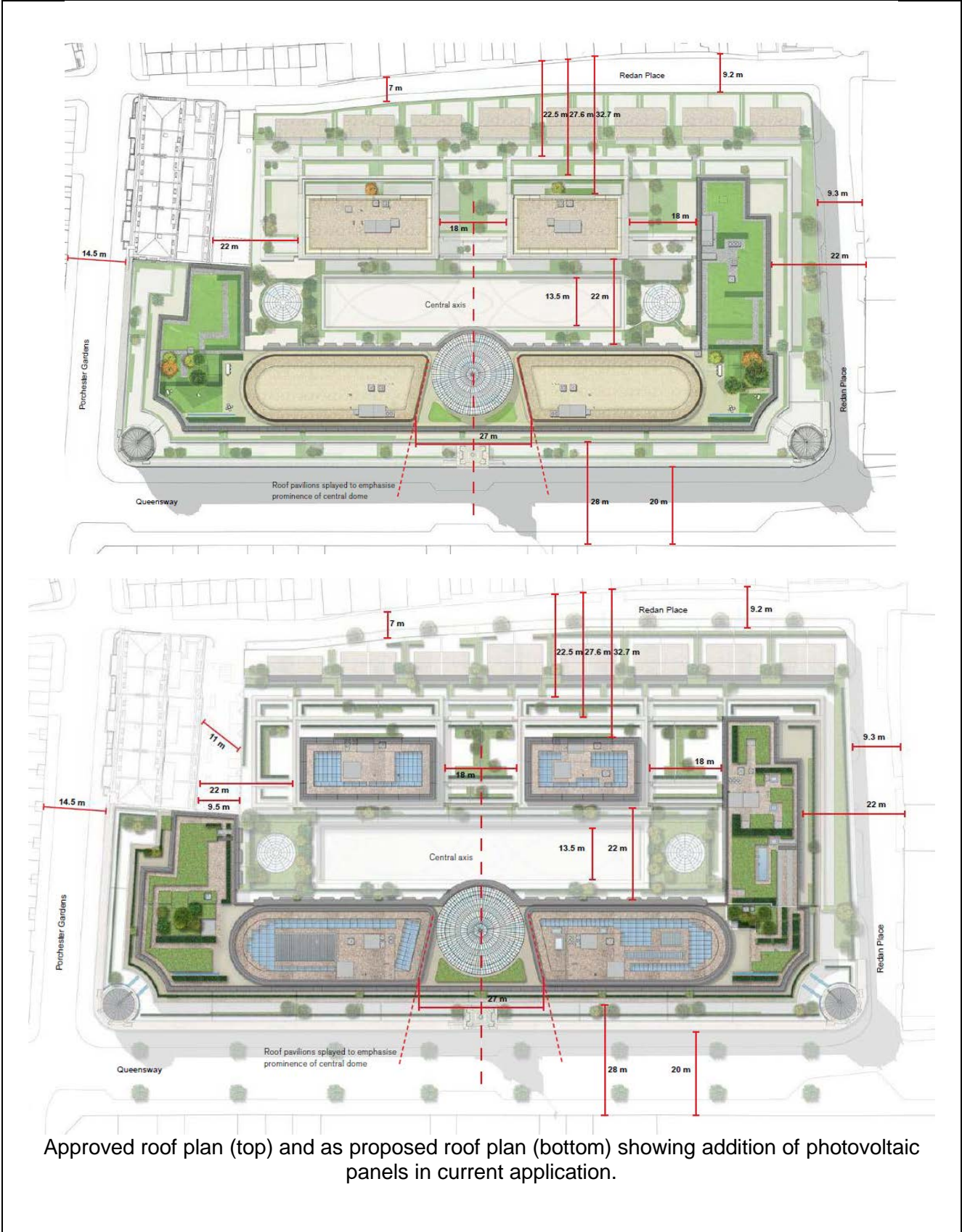
Proposed hotel floorplans.



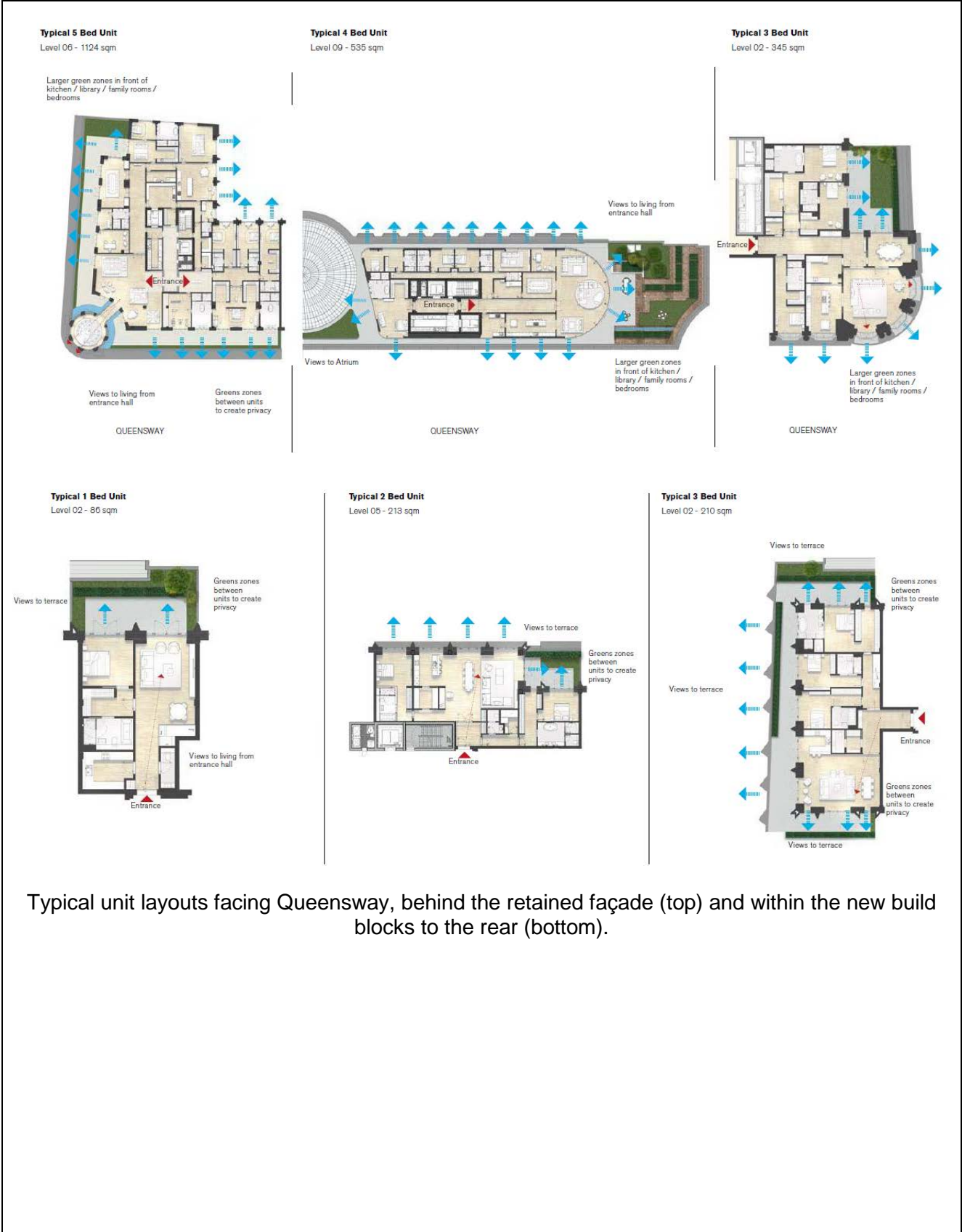
Proposed image showing additional townhouses introduced to rear of Porchester Court.



Typical plan, elevation and sections showing proposed townhouses to rear of Porchester Court.



Approved roof plan (top) and as proposed roof plan (bottom) showing addition of photovoltaic panels in current application.



Typical unit layouts facing Queensway, behind the retained façade (top) and within the new build blocks to the rear (bottom).



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



Image showing proposed hotel entrance (left of image), basement parking entrance (centre) and servicing bay entrance (right).

DRAFT DECISION LETTER - 17/10221/FULL

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

Proposal: 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), 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. 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. (linked application - 17/10258/LBC).

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-

Item No.
1

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,

Item No.
1

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: A-000-xx-01 Rev.01, A-011-XX-01 Rev.00, A-011-XX-02 Rev.00, A-011-XX-03 Rev.01, A-031-B3-01 Rev.02, A-031-B2-01 Rev.02, A-031-B1-01 Rev.02, A-031-B1M-01 Rev.01, A-031-00-01 Rev.02, A-031-00UG-01 Rev.02, A-031-01-01 Rev.02, A-031-02-01 Rev.01, A-031-03-01 Rev.01, A-031-04-01 Rev.01, A-031-05-01 Rev.01, A-031-06-01 Rev.01, A-031-07-01 Rev.01, A-031-08-01 Rev.01, A-031-09-01 Rev.01, A-031-RF-01 Rev.02, A-053-XX-01 Rev.01, A-053-XX-02 Rev.02, A-053-XX-03 Rev.02, A-053-XX-04 Rev.02, A-064-XX-00 Rev.02, A-064-XX-01 Rev.01, A-064-XX-02 Rev.01, A-064-XX-03 Rev.01, A-064-XX-04 Rev.01, A-075-00-01 Rev.01, A-075-00-02 Rev.01, A-075-00-03 Rev.01, A-075-00-04 Rev.01, A-075-00-05 Rev.01, A-075-00-06 Rev.01, A-075-00-07 Rev.01, A-075-00-08 Rev.01, A-075-00-09 Rev.01, A-075-00-10 Rev.00, A-075-00-11 Rev.00, A-075-00-17 Rev.00, A-075-02-01 Rev.01, A-075-02-02 Rev.01, A-075-02-03 Rev.01, A-075-02-04 Rev.01, A-075-02-05

Item No.
1

Rev.01, A-075-02-06 Rev.01, A-075-02-07 Rev.01, A-075-02-08 Rev.01, A-075-02-09 Rev.01, A-075-02-10 Rev.01, A-075-02-11 Rev.01, A-075-02-12 Rev.01, A-075-02-13 Rev.01, A-075-02-14 Rev.01, A-075-02-15 Rev.01, A-075-02-16 Rev.01, A-075-02-17 Rev.01, A-075-02-18 Rev.00, A-075-02-20 Rev.01, A-075-02-21 Rev.01, A-075-02-23 Rev.01, A-075-02-24 Rev.01, A-075-02-25 Rev.01, A-075-02-26 Rev.01, A-075-02-27 Rev.00, A-075-02-29 Rev.01, A-075-03-01 Rev.01, A-075-03-02 Rev.01, A-075-03-03 Rev.01, A-075-03-04 Rev.01, A-075-03-05 Rev.01, A-075-03-06 Rev.01, A-075-03-08 Rev.01, A-075-03-09 Rev.01, A-075-03-11 Rev.01, A-075-04-01 Rev.01, A-075-04-02 Rev.01, A-075-04-03 Rev.01, A-075-04-04 Rev.01, A-075-04-05 Rev.01, A-075-04-06 Rev.01, A-075-04-07 Rev.01, A-075-04-08 Rev.01, A-075-04-09 Rev.01, A-075-04-10 Rev.01, A-075-04-11 Rev.01, A-075-04-12 Rev.01, A-075-04-13 Rev.01, A-075-04-14 Rev.01, A-075-04-15 Rev.01, A-075-04-16 Rev.01, A-075-04-17 Rev.01, A-075-04-19 Rev.00, A-075-04-20 Rev.01, A-075-05-01 Rev.01, A-075-05-02 Rev.01, A-075-05-03 Rev.01, A-075-05-04 Rev.01, A-075-05-05 Rev.01, A-075-05-06 Rev.01, A-075-05-07 Rev.01, A-075-05-08 Rev.01, A-075-05-09 Rev.01, A-075-06-01 Rev.01, A-075-06-02 Rev.01, A-075-06-03A Rev.01, A-075-06-03B Rev.00, A-075-06-05A Rev.01, A-075-06-05B Rev.00, A-075-06-06A Rev.01, A-075-06-06B Rev.00, A-075-06-07 Rev.01, A-075-06-08 Rev.01, A-075-06-09 Rev.01, A-075-06-10 Rev.01, A-075-06-11 Rev.01, A-075-06-12 Rev.01, A-075-06-13 Rev.01, A-075-06-15 Rev.00, A-075-07-01 Rev.01, A-075-07-02 Rev.01, A-075-07-03 Rev.01, A-075-07-04 Rev.01, A-075-08-01 Rev.01, A-075-08-02 Rev.01, A-075-08-03 Rev.01, A-075-08-04 Rev.01, A-075-08-05 Rev.01 and A-075-09-01 Rev.01.

SUPPORTING DOCUMENTS FOR INFORMATION:

Design and Access Statement ('Further Minor Material Amendment Application') dated November 2017 (as amended Clarification Notes for Planning Application 17/10221/FULL dated February 2018), Planning Statement dated November 2017, Noise Impact Assessment Addendum dated November 2017, Transport Assessment dated November 2017 (as amended by Clarification Note by WSP dated 26 February 2018), Energy Assessment dated November 2017, Sustainability Assessment Addendum dated November 2017, Ventilation and Extraction Statement Addendum dated November 2017, Statement of Community Involvement Addendum dated October 2017, Flood Risk Assessment Addendum dated November 2017, Drainage Strategy Report dated November 2017, Draft Construction Management Plan Addendum and Site Waste Management Plan Addendum dated November 2017, Basement Impact Assessment dated November 2017 (as amended by Revised Appendix B containing S/D030 Rev.T2, S/D031 Rev.T2, S/D032 Rev.T2 and S/D033 Rev.T2), Air Quality Assessment dated November 2017, Structural Plans document dated November 2017 (as amended by BIA Appendix B drawings showing retention of clock tower) and letter from GIA dated 22/01/2018.

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

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

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the

City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

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

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

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

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

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

Reason:

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

- 3 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a detailed demolition and construction management plan (DCMP) and an updated Basement Impact Assessment Report for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The DCMP shall contain the following:

- (i) a construction programme/phasing plan including a 24 hour emergency contact number; site manager contact details including details of regular resident liaison meetings, with local residents, businesses and the recognised amenity societies in respect of the construction programme, including a regular monthly newsletter to be sent out to neighbouring residents, businesses and the local amenity societies, and employ a dedicated Community Liaison Officer;
- (ii) details of the parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- (iii) locations for loading/unloading and storage of plant and materials used in constructing the development and locations for site accommodation
- (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
- (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

Reason:

To protect the environment of residents and the area generally as set out in CM28.1 and S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

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

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

Reason:

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

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

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

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

Item No.
1

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

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

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.
(C18AA)

Reason:

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

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

Reason:

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

- 8 The cinema in the development shall only be used for this purpose and you must not use it for any other purpose, including any other uses within Class D2 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it). Customers shall not be permitted within the cinema premises before 06.30 or after 23.45 each day.

Reason:

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

- 9 The gymnasium in the development shall only be used for this purpose and you must not use it for any other purpose, including any other uses within Class D2 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any

Item No.
1

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) all non-retail entrances and frontages at ground floor level located within the retail facades of the building.

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 Notwithstanding the drawings hereby approved, 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 months of completing the development (or within any other time limit we agree to in writing).

Item No.
1

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 carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

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

- 16 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. (C16BB)

Reason:

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

- 17 You must provide the public toilet (including a disabled toilet) shown on the proposed ground floor plan hereby approved 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 ground floor level. 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 110 residential car parking spaces at basement levels 2 and 3 for the 113 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 cycle parking spaces in accordance with the approved drawings prior to occupation for 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 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:
As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 27 The blue badge car parking spaces as shown within the basement car parking shall be provided

Item No.
1

prior to occupation of the development.

Reason:

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

- 28 The public car park at basement level 2 comprising of a minimum of 36 spaces shall be provided prior to the occupation of the retail accommodation hereby provided and shall be maintained for the life of the development. Prior to operation of the public car park you must apply to us for our written approval of its method of operation, including full details of the valet service for the dropping off and collection of vehicles. You must then operate the car park in accordance with the method of operation we approve.

Reason:

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

- 29 A minimum vertical clearance of 4.5 metres within the ground floor service area and the access road to the service area shall be maintained at all times.

Reason:

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

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

Reason:

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

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

Reason:

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

- 32 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately including details of the tow vehicle to be

Item No.
1

within the basement and details of waste transfer routes within the basement. The details you submit should also reduce the number of obstructions between the waste holding area and the servicing bay. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone occupying the uses within the development. (C14EC)

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

Item No.
1

protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

Development Plan that we adopted in January 2007. (R14AC)

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

Reason:

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

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

Reason:

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

- 43 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.

(2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.

(3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

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

- 44 A detailed scheme to prevent overheating based on a whole house ventilation scheme with the

Item No.
1

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 November 2017; namely, the installation of a flood barrier to the basement entrance in Redan Place, a pumped drainage network within the basement, the position of electrical fittings, the provision of sealed flood proof doors within the basement and a suitable sustainable drainage system (details of which are reserved by Condition 7), shall be implemented prior to the occupation of the development. These measures shall not be removed unless approved by the City Council.

Reason:

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

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

Reason:

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

- 47 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roofs to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

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

- 48 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours

of building work. (C21KA)

Reason:

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

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

Reason:

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

- 50 Prior to occupation of the unit, you must apply to us for written approval of the proposed use of the Class D1/ D2 unit at ground floor level to the Porchester Gardens elevation of the building. Thereafter you must only use this unit for the use we approve and you must not use it for any other purpose, including any within Classes D1 or 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/ users of the Class D1/ D2 unit shall not be permitted within the premises before 07.00 or after 21.00 each day.

Reason:

We cannot grant planning permission for unrestricted Class D1 use in this case because it would not meet SOC 1 of our Unitary Development Plan that we adopted in January 2007 and to safeguard the amenities of adjoining residents and future residents of the development and the function of the local highway network, as set out in S29, S32 and S41 of Westminster's City Plan adopted in November 2016 and ENV6, ENV7, SOC1, TRANS2 and TRANS3 of our Unitary Development Plan that we adopted in January 2007.

- 51 You must apply to us for approval of detailed drawings showing the following alterations to the scheme:
- Amendment of the vehicle entrance gates to the basement car park in Redan Place to (i) prevent vehicles waiting to enter the basement from obstructing the hotel drop off and the public highway and (ii) to ensure vehicles exiting the basement parking and servicing bay have adequate visibility splays. The details submitted should also include finalised design details of the proposed gates and any associated framing or other structures.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings prior to occupation of the development. (C26UB)

Reason:

To maintain the safety of the public highway and 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 and Bayswater Conservation Areas. This is as set out in S25, S28 and S41 of Westminster's City Plan (November 2016) and TRANS2, TRANS3, DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 52 The doors to the bin stores to the front elevations of the 'townhouses' facing Redan Place shall be kept in the closed position at all times except when the bin stores are in use for the placing of waste or recycling within them or when waste or recycling is being collected from the bin stores.

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 and Bayswater Conservation Areas. 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)

- 53 You must not use the roofs of the building for sitting out or for any other purpose unless they are annotated or otherwise shown as a terrace or balcony on the drawings hereby approved. You can however use the roofs to escape in an emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 54 All servicing of the development must be carried out from the internal ground floor servicing bay and the development shall not be serviced from the public highway.

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)

- 55 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

- (a) Roof level photovoltaic panels.
- (b) The energy centre at basement level with capability for future connection to adjacent sites.

You must not remove any of these features. (C44AA)

Reason:

Item No.
1

To make sure that the development provides the environmental sustainability features included in your application as set out in S28, S39 and S40 of Westminster's City Plan (November 2016) and 5.2, 5.3, 5.6 and 5.7 in the London Plan (March 2016).

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

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

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

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

Forms can be submitted to CIL@Westminster.gov.uk

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

3

Item No.
1

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.

Item No.
1

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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

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

This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).

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

8 This permission is governed by a legal agreement between the applicant and the City Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to public realm contribution, an affordable housing contribution, highway works associated with the development including the Stopping Up and Dedication of Land, a play space contribution, adherence to the Construction Code of Practice, Site Environmental Management Plan and construction monitoring, unallocated parking for the flats, the provision of a public car park and its management, provision of a cinema and the social and community uses (gym and 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, ensuring the removal and mitigation of trees adjacent to the site and section 106 monitoring costs.

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

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

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

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

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

Phone: 020 7641 3153
(I73AB)

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

You should contact:

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

He is based at:
Lower Ground
Bow Road Police Station
111-117 Bow Road
London E3 2AN
(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's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)
- 15 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
- * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
 - * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.
- Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.
- It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.
- 16 You should include features that improve biodiversity when designing the development and any open areas. For more advice, please speak to our Biodiversity Project Manager on 020 7641 1951. (I81AA)

- 17 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at www.hse.gov.uk/pubns/indg244.pdf. (I80DB)
- 18 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
- * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
 - * Lighting - ensure luminaires can be safely accessed for replacement.
 - * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).
- More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm.

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

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

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

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

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

- 20 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

- 21 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

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

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

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

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

- 23 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

- 24 Stopping Up: The area hatched red on drawing number A13039-T-106 must be stopped up prior to the commencement of the development and at no cost to the City Council, subject to any minor alterations to be agreed by the City Council as Local Highway Authority.

- 25 Dedication of Land: The area hatched blue on drawing number A13039-T-106 must be dedicated prior to the occupation of the development , at no cost to the City Council, subject to minor alterations agreed by the City Council as Local Highway Authority.

26

In respect of the piling condition recommended by Thames Water you are advised to contact Thames Water Development Services on 0800 009 3921 to discuss the details of the piling method statement.

- 27 Thames Water expects the developer to demonstrate what measures he will undertake to minimise ground water discharges into the public sewer. They advise that a Groundwater Risk Management Permit will be required to discharge groundwater into the public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water expects a developer to demonstrate what measures will be undertaken to minimise ground water discharges into the public sewer .Permit enquiries should be made to Thames Water Risk Management Team by telephoning 0203 577 9483 or emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via ww.thameswater.co.uk/wastewaterquality.
- 28 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point it leaves Thames Water pipes. The applicant is advised to take account of this minimum pressure in the design of the development.
- 29 Thames Water advise that this site falls within the highly flood sensitive Counters Creek Catchment area, and they will expect surface water to be attenuated to Greenfield run-off rates.
- 30 In respect of Condition 7, you are advised that Thames Water prefer all surface water to be disposed of on site using SUDs as per policy 5.13 of the London Plan. It is important that the applicant liaises with Thames Water prior to an application being submitted to discharge this condition.
- 31 You are reminded of the need to apply for planning permission for the placing of tables and chairs on the public highway.
- 32 In respect of any lighting to the crane, this needs to be turned off in the evening in order to safeguard the amenities of neighbouring residents, and all lighting associated with the construction close to sensitive receptors shall be limited to working hours only and site lighting should be kept to a minimum.
- 33 You are advised that alterations to the height of the boiler flues at roof level that are hereby approved are likely to require the benefit of further planning permission.

Item No.
1

DRAFT DECISION LETTER - 17/10258/LBC

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

Proposal: Variation of Condition 1 of listed building consent dated 1 November 2017 (RN: 16/12204/LBC) for Variation of Condition 1 and removal of Condition 2 of listed building consent dated 27 April 2016 (RN: 15/10069/LBC) 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), 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. 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 113 with a 36 space public car park, reconfigure the hotel use including increase in number of hotel rooms to up to 50 rooms, conversion of crèche unit to flexible Class D1/D2 location on Porchester Road frontage, formation of separate car and servicing access to Redan Place, formation of townhouses to rear of Porchester Court and associated external alterations. (linked application- 17/10221/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-

Item No.
1

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,

Item No.
1

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: A-000-xx-01 Rev.01, A-011-XX-01 Rev.00, A-011-XX-02 Rev.00, A-011-XX-03 Rev.01, A-031-B3-01 Rev.02, A-031-B2-01 Rev.02, A-031-B1-01 Rev.02, A-031-B1M-01 Rev.01, A-031-00-01 Rev.02, A-031-00UG-01 Rev.02, A-031-01-01 Rev.02, A-031-02-01 Rev.01, A-031-03-01 Rev.01, A-031-04-01 Rev.01, A-031-05-01 Rev.01, A-031-06-01 Rev.01, A-031-07-01 Rev.01, A-031-08-01 Rev.01, A-031-09-01 Rev.01, A-031-RF-01 Rev.02, A-053-XX-01 Rev.01, A-053-XX-02 Rev.02, A-053-XX-03 Rev.02, A-053-XX-04 Rev.02, A-064-XX-00 Rev.02, A-064-XX-01 Rev.01, A-064-XX-02 Rev.01, A-064-XX-03 Rev.01, A-064-XX-04 Rev.01, A-075-00-01 Rev.01, A-075-00-02 Rev.01, A-075-00-03 Rev.01, A-075-00-04 Rev.01, A-075-00-05 Rev.01, A-075-00-06 Rev.01, A-075-00-07 Rev.01, A-075-00-08 Rev.01, A-075-00-09 Rev.01, A-075-00-10 Rev.00, A-075-00-11 Rev.00, A-075-00-17 Rev.00, A-075-02-01 Rev.01, A-075-02-02 Rev.01, A-075-02-03 Rev.01, A-075-02-04 Rev.01, A-075-02-05 Rev.01, A-075-02-06 Rev.01, A-075-02-07 Rev.01, A-075-02-08 Rev.01, A-075-02-

Item No.
1

09 Rev.01, A-075-02-10 Rev.01, A-075-02-11 Rev.01, A-075-02-12 Rev.01, A-075-02-13 Rev.01, A-075-02-14 Rev.01, A-075-02-15 Rev.01, A-075-02-16 Rev.01, A-075-02-17 Rev.01, A-075-02-18 Rev.00, A-075-02-20 Rev.01, A-075-02-21 Rev.01, A-075-02-23 Rev.01, A-075-02-24 Rev.01, A-075-02-25 Rev.01, A-075-02-26 Rev.01, A-075-02-27 Rev.00, A-075-02-29 Rev.01, A-075-03-01 Rev.01, A-075-03-02 Rev.01, A-075-03-03 Rev.01, A-075-03-04 Rev.01, A-075-03-05 Rev.01, A-075-03-06 Rev.01, A-075-03-08 Rev.01, A-075-03-09 Rev.01, A-075-03-11 Rev.01, A-075-04-01 Rev.01, A-075-04-02 Rev.01, A-075-04-03 Rev.01, A-075-04-04 Rev.01, A-075-04-05 Rev.01, A-075-04-06 Rev.01, A-075-04-07 Rev.01, A-075-04-08 Rev.01, A-075-04-09 Rev.01, A-075-04-10 Rev.01, A-075-04-11 Rev.01, A-075-04-12 Rev.01, A-075-04-13 Rev.01, A-075-04-14 Rev.01, A-075-04-15 Rev.01, A-075-04-16 Rev.01, A-075-04-17 Rev.01, A-075-04-19 Rev.00, A-075-04-20 Rev.01, A-075-05-01 Rev.01, A-075-05-02 Rev.01, A-075-05-03 Rev.01, A-075-05-04 Rev.01, A-075-05-05 Rev.01, A-075-05-06 Rev.01, A-075-05-07 Rev.01, A-075-05-08 Rev.01, A-075-05-09 Rev.01, A-075-06-01 Rev.01, A-075-06-02 Rev.01, A-075-06-03A Rev.01, A-075-06-03B Rev.00, A-075-06-05A Rev.01, A-075-06-05B Rev.00, A-075-06-06A Rev.01, A-075-06-06B Rev.00, A-075-06-07 Rev.01, A-075-06-08 Rev.01, A-075-06-09 Rev.01, A-075-06-10 Rev.01, A-075-06-11 Rev.01, A-075-06-12 Rev.01, A-075-06-13 Rev.01, A-075-06-15 Rev.00, A-075-07-01 Rev.01, A-075-07-02 Rev.01, A-075-07-03 Rev.01, A-075-07-04 Rev.01, A-075-08-01 Rev.01, A-075-08-02 Rev.01, A-075-08-03 Rev.01, A-075-08-04 Rev.01, A-075-08-05 Rev.01 and A-075-09-01 Rev.01.

SUPPORTING DOCUMENTS FOR INFORMATION: Design and Access Statement ('Further Minor Material Amendment Application') dated November 2017 (as amended Clarification Notes for Planning Application 17/10221/FULL dated February 2018), Planning Statement dated November 2017, Noise Impact Assessment Addendum dated November 2017, Transport Assessment dated November 2017 (as amended by Clarification Note by WSP dated 26 February 2018), Energy Assessment dated November 2017, Sustainability Assessment Addendum dated November 2017, Ventilation and Extraction Statement Addendum dated November 2017, Statement of Community Involvement Addendum dated October 2017, Flood Risk Assessment Addendum dated November 2017, Drainage Strategy Report dated November 2017, Draft Construction Management Plan Addendum and Site Waste Management Plan Addendum dated November 2017, Basement Impact Assessment dated November 2017 (as amended by Revised Appendix B containing S/D030 Rev.T2, S/D031 Rev.T2, S/D032 Rev.T2 and S/D033 Rev.T2), Air Quality Assessment dated November 2017, Structural Plans document dated November 2017 (as amended by BIA Appendix B drawings showing retention of clock tower) and letter from GIA dated 22/01/2018.

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

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.

Item No.
1

Reason:

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

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

Reason:

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

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

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

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

Reason:

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

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

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

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

Reason:

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

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

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

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

Reason:

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

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

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

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

Reason:

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

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

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

Item No.
1

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

Reason:

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

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

Reason:

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

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

Reason:

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

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.

Agenda Item 2

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 24 April 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	Porchester Court, Porchester Gardens, London, W2 4DF,		
Proposal	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..		
Agent	Turley		
On behalf of	MB 32 SS Ltd		
Registered Number	17/11240/FULL & 17/11241/LBC	Date amended/ completed	3 January 2018
Date Application Received	20 December 2017		
Historic Building Grade	II		
Conservation Area	Queensway		

1. RECOMMENDATION

<p>1. Grant conditional planning permission, subject to a Section 106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> i. The provision, management and accessibility of the publically accessible bulk waste store. ii. The provision of a financial contribution of £50,000 for the provision of street trees in the vicinity of the application site. iii. Provision of replacement off-street parking spaces for occupiers of Porchester Court elsewhere in the vicinity of the site. <p>2. If the S106 legal agreement has not been completed by 24 June 2017 then:</p> <ul style="list-style-type: none"> a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;

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

3. Grant conditional listed building consent.
4. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

The application site comprises the rear parking area/ yard of Porchester Court, which is located at the corner of Porchester Gardens and Redan Place. The site is located within the Queensway Conservation Area. The adjacent buildings comprising Porchester Court are grade II listed and located within the Bayswater Conservation Area. To the rear the site immediately adjoins the rear of the Whiteleys shopping centre to the north and west boundaries, which is also grade II listed.

The application proposes excavation of the ground level of the existing yard area by 1.8 metres to form new lowered landscaped courtyard area between the redeveloped Whiteleys site (see Item 1 on this committee agenda) and the rear of Porchester Court. To facilitate the change in levels it is proposed to remove the three existing trees, which are protected by the fact they are within a conservation area and, in the case of the London Plane tree, it is subject to a Tree Preservation Order (TPO). It is proposed to provide replacement landscaping across the lowered court yard, including new tree planting and a green wall, to act as a screen in front of the western wall of the Whiteleys site. New gates and railings are proposed to the frontage of the site with Redan Place and it is proposed to provide an off-street bin store for the publically accessible bulk waste bins that are currently placed on the public highway outside the site in Redan Place.

The key issues in this case are:

- The impact on the development on the special interest of the listed building and the character and appearance of the Queensway Conservation Area and the neighbouring Bayswater Conservation Area.
- The acceptability of the removal of the TPO London Plane tree and two Sycamore trees.
- The acceptability of the loss of the existing on-site parking for occupiers of Porchester Court.
- The impact on the amenity of neighbouring residents.

Subject to the recommended conditions and the planning obligations set out in Section 1 of this report it is considered that the proposed development, including the removal of the TPO London Plane tree, is acceptable and would accord with the relevant design and conservation, trees and landscaping, amenity and transportation policies in the Unitary Development Plan (UDP) and City Plan. As such, it is recommended that conditional planning permission and listed building consent are granted, as per the detailed recommendation in Section 1 of this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View from Redan Place (top) and eastward view within existing yard area (bottom).



Westward view within existing yard area looking towards Redan Place.

5. CONSULTATIONS

WARD COUNCILLORS (LANCASTER GATE)

Any response to be reported verbally.

BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

There should be substantial compensation for loss of attractive tree within existing area.

ARBORICULTURAL MANAGER

Objection to the loss of the existing TPO London Plane tree that is of high amenity value and makes a positive contribution to the character and appearance of the conservation area. Removal of the two Sycamores could be justified if adequate replacement tree planting is proposed, but considers that the replacement landscaping scheme is unrealistic and the space would be dark and uninviting. Not convinced that lowering the ground level, which is required in conjunction with the current application for the redevelopment of Whiteleys, provides sufficient justification for removing the London Plane tree.

BUILDING CONTROL

Any response to be reported verbally.

CLEANSING MANAGER

No objection. Not aware of any waste issues.

DESIGNING OUT CRIME ADVISOR

Comments and recommendations made as set out below:

- Entry and exit point should be adequately protected and fencing proposed is appropriate. Advice provided on the mechanism and design of the proposed gate.
- Currently proposed pedestrian gate is a concern as it is a 'double leaf'. It is suggested that a single leaf door would be more secure. Advice provided on the design and mechanism of a single leaf door.
- Pedestrian gate should have two magnetic locking points. And locked/ opened with a FOB and not a pin code.
- Push release buttons should be situated away from the gate, out of reach.
- Bin store being located outside of the secure area is regrettable. Measures should be considered to prevent the bin store being climbed on to gain access.
- Lighting in the area should conform with BS5489 on a 'dusk to dawn' activation. Advise on the form of light provided.

ENVIRONMENTAL HEALTH

No objection. Suggest that hours of use of the amenity space should be controlled by condition.

ENVIRONMENT AGENCY

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Welcomes storage of bins off the highway. Loss of parking from the rear yard area could only be justified if replacement off-street parking for the occupiers of Porchester Court is provided elsewhere in the vicinity. A condition should be imposed preventing the proposed gates from opening over the highway.

HISTORIC ENGLAND (ARCHAEOLOGY)

No objection. There is no need for archaeological investigation on this site.

NATIONAL GRID

Any response to be reported verbally.

THAMES WATER

Any response to be reported verbally.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 36.
Total No. of replies: 0.
No. of objections: 0.
No. in support: 0.

ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises the rear parking area/ yard of Porchester Court, which is located at the corner of Porchester Gardens and Redan Place. The site is located within Queensway Conservation Area. The buildings are grade II listed and located within the Bayswater Conservation Area.

To the rear the site immediately adjoins the rear of the grade II listed Whiteleys shopping centre to the north and west boundaries. The latest scheme for mixed use redevelopment of the Whiteleys shopping centre is also on this committee agenda and details of the recent planning history for the Whiteley's site can be found in Section 6.2.2 of this report. This application is linked to the Whiteleys scheme as the proposed landscaping is required to provide garden spaces, increased daylight to the lowest floor level and secondary access to the townhouses, which are proposed along the southern boundary of the Whiteleys site, facing the rear of Porchester Court.

The application site is currently predominantly finished with a gravel surface with a small shed and substation structure, which is to be relocated within the Whiteleys redevelopment. The site has walls and gates to Redan Place. The area currently provides the space for off street parking for the occupiers of Porchester Court as required by Condition 4 of the 1990's permission for the use of Porchester Court as 36 flats (See Section 6.2.1), The applicant advises that it only used for parking by the porter and is not currently used by occupiers of Porchester Court, but this has not been

corroborated and two vehicles were parked in the area at the time of the officer site visit during the application.

The application site, Porchester Court and the Whiteleys site are all in the applicant's ownership.

6.2 Recent Relevant History

6.2.1 Porchester Court (Application site)

15 March 1988 – Permission and consent granted for extension and refurbishment of residential flats including creation of eighteen additional units (RNs: 87/04287/FULL, 87/04288/CAC, 87/04289/FULL and 87/04290/CAC).

22 August 1989 – Permission and consent granted for extensions at first floor level to rear, new third floors and new fifth floors, and refurbishment of existing residential flats (RNs: 88/04024/FULL and 88/04025/LBC).

14 July 1994 – Permission and consent granted for alterations including erection of new fifth floor mansard and extensions at first and third floor levels to rear, in connection with conversion to 18 maisonettes and 18 self contained flats. (Renewal of permission and consent granted on 22 August 1989) (RNs: 94/01071/FULL and 94/01072/LBC).

The planning permission includes a condition (Condition 4) requiring the provision of the car parking accommodation shown on the drawings. The planning documents for the application indicate that 3 parking spaces are required to be provided within the courtyard space to the rear. Condition 4 reads as follows:

'The whole of the car parking accommodation shown on the drawings shall be provided and retained permanently for the accommodation of vehicles of the occupiers of residential accommodation in this development'.

29 August 1997 – Permission and consent granted for modification of previous consent RNs: 94/1071 and 94/01072 namely for reconstruction of north-west corner as existing but with realigned west flank wall (RNs: 97/04962/FULL and 97/04963/LBC).

30 January 2017 – Tree works application submitted seeking the removal of 1 x TPO London Plane tree (T7) located within the rear courtyard adjacent to southern wall of the Whiteleys shopping centre. Application relates to the same TPO London Plane tree that the current planning application seeks to remove. The tree works application remains under consideration pending the outcome of the current planning application.

6.2.2 Whiteleys (Adjacent Site to North and West of Application Site)

27 April 2016 – Planning permission and listed building consent granted for demolition and redevelopment of building behind retained and refurbished facades to Queensway and Porchester Gardens facades to provide a mixed use development comprising three basement levels, ground floor and up to 10 upper floor levels, containing up to 103 residential units (Class C3), retail floorspace (Class A1 and A3) facing Queensway and arranged around a new retail arcade below re-provided central atrium and central retail

courtyard, public car park, hotel (Class C1), cinema (Class D2) gym (Class D2), crèche (Class D1), with associated landscaping and public realm improvements, provision of 103 basement residential parking spaces, cycle parking and associated basement level plant and servicing provision (RN: 15/10072/FULL & 16/12204/LBC).

The above application was reported to the Planning Applications Committee on 29 March 2016 at which the committee resolved to grant conditional planning permission and listed building consent subject to the completion of a S106 agreement to secure a package of planning obligations, including a £6m financial contribution to the Affordable Housing Fund and £6m financial contribution to public realm works in Queensway. The S106 agreement was subsequently completed and permission and consent were granted on 27 April 2016.

1 November 2017 – Planning permission and listed building consent granted for: 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 (RN: 16/12203/FULL & 16/12204/LBC).

The above application was reported to the Planning Applications Committee on 16 May 2017 at which the committee resolved to grant conditional planning permission and listed building consent, subject to the completion of a deed of variation to the S106 agreement dated 27 April 2016 to ensure the continued provision of the package of planning obligations, including a £6m financial contribution to the Affordable Housing Fund and £6m financial contribution to public realm works in Queensway, that were secured in conjunction with the original planning permission. The deed of variation was subsequently completed and permission and consent were granted on 1 November 2017.

Planning permission and listed building consent for further amendments to the originally approved scheme for the redevelopment of Whiteleys are currently under consideration (RNs: 17/10221/FULL & 17/10258/LBC). These applications include the introduction of

townhouses to the southern elevation of the Whiteleys site, where it faces the rear yard area of Porchester Court. These applications are described as follows and are also on this committee agenda:

‘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 113 with a 36 space public car park, reconfigure the hotel use including increase in number of hotel rooms to up to 50 rooms, conversion of crèche unit to flexible Class D1/D2 located to the Porchester Gardens frontage, formation of separate car and servicing access to Redan Place, formation of townhouses to rear of Porchester Court and associated external alterations.’

7. THE PROPOSAL

The application proposes excavation of the ground level of the existing rear yard area by 1.8 metres to form new lowered landscaped courtyard area between the southern elevation of Whiteleys and the rear of Porchester Court. As referenced in Section 6.1, the proposal is linked to the redevelopment of the adjacent Whiteleys site, as the proposed lowered courtyard garden would provide external amenity space, improved daylight and a secondary means of access to the townhouses proposed along the southern elevation of the Whiteleys site (see Item 1 on this committee agenda).

To facilitate the change in levels, it is proposed to remove the three existing trees, which are protected by the fact they are within the Bayswater Conservation Area and, in the case of the London Plane tree, it is subject to a Tree Preservation Order (TPO). It is proposed to provide replacement landscaping across the lowered courtyard, including new tree planting and a green wall, to act as a screen in front of the western wall of the Whiteleys site.

New gates and railings are proposed to the frontage of the site with Redan Place and it is proposed to provide an off-street bin store for the publically accessible bulk waste bins that are currently placed on the public highway outside the site in Redan Place.

8. DETAILED CONSIDERATIONS

8.1 Land Use

In land use terms the scheme does not raise any significant concerns as the site is currently in use as ancillary residential land, used as car parking. The proposal would retain the predominant use of the land as ancillary residential land; albeit as external amenity space for the occupiers of Porchester Court and Whiteleys, if the redevelopment of the latter site is carried out. As such, the proposal would accord with Policies S13 and S14 in the City Plan, which seek the retention of residential land and floorspace in this part of the City. The issue of the loss of the existing residential parking is addressed in Section 6.4 of this report.

8.2 Townscape and Design (including Tree Removal and Landscaping)

In design terms the existing courtyard space and associated boundary wall and gates make a very limited contribution to the character and appearance of the Bayswater Conservation Area and don't contribute to the significance of the grade II listed Porchester Court. The existing ground level of the area is of limited historical significance and appears to relate to a later addition to Porchester Court at lower ground and ground floor level, albeit the ground level that has been formed is at the cill level of the lower ground floor level windows, rather than at a level consistent with the internal floor levels of these rear extensions as may typically be expected. In this context, the principle in design terms of lowering the level of the area to the rear of Porchester Court, save for the area immediately behind the street boundary along Redan Place is not considered to be objectionable in listed building and conservation area terms.

However, the key consideration in townscape terms in this application is the contribution made to the townscape in this part of the Queensway Conservation Area and the neighbouring Bayswater Conservation Area by TPO London Plane tree and the two Sycamore trees, the former of which is considered to have high public amenity value.

In respect of the Sycamore trees, one is set back significantly from the street frontage and is smaller in scale such that it makes the least contribution to the conservation area of the three trees. The other Sycamore, whilst closer to the street frontage of the site and larger in scale, has an elongated and unusual form with limited canopy. Given the position and form of these trees the Arboricultural Manager does not object to the loss of these trees subject to the provision of adequate replacement tree planting.

The Arboricultural Manager has more significant concerns regarding the loss of the TPO London Plane tree, which she considers makes a positive contribution to the conservation area, and she therefore objects to the application on the basis of its removal. This tree was retained as part of the redevelopment of the Whiteleys site in the 1980's. However, whilst the contribution of this tree to the conservation area is acknowledged, the tree has continued to grow in size since it was previously retained and due to its large size and location, immediately abutting the southern elevation of Whiteley, it is considered that it has outgrown the site such that it compromises the overall landscaping that can be achieved on the application site. A further consideration is that the tree whilst large, is screened in many views from the north by the bulk of the existing building on the Whiteleys site and this screening would be further increased by implementation of the extant scheme for redevelopment of the Whiteleys site. Consequently, the amenity value of the tree is largely limited to the immediate public

views within the southernmost section of Redan Place and the private views from within Porchester Court and the rear views from uppermost floor properties opposite in Kensington Gardens Square. The properties immediately opposite the site in Kensington Garden Square are in hotel use. In this context, it is considered that the loss of the TPO tree can be justified in this case if suitable mitigation measures are offered in the form of replacement tree planting and enhanced landscaping across the whole of the application site.

In terms of mitigation measures, the applicant proposes the provision of replacement landscaping across the whole of the application site, which includes 8 trees (7x Gleditsias and 1 x Acer), as well as other soft landscaping and a large 3 storey green wall at the eastern end of the site. Given the existing hard landscaped nature of the site, the general landscaping approach (i.e. predominantly hard landscaped scheme with planters, hedges and trees) is considered to be acceptable. However, the Arboricultural Manager's concerns regarding the number of trees being 'an oversupply', given the limited size of the space, are shared. It is therefore recommended that the detailed design of the landscaping scheme is reserved by condition to allow the applicant to review the number of trees proposed and ensure that the species choice for planting within the landscaped area is consistent with the submitted ecology report.

The provision of a green wall of substantial scale to the eastern end of the site will substantially improve the setting of the space in views from Redan Place. Currently the yard area is 'hemmed in' on two sides by the blank brickwork facades of the rear of Whiteleys. This would be altered if the redevelopment scheme for Whiteleys, which is also on this committee agenda is approved, as this would introduce an active residential frontage to the north side of the space; however, a utilitarian western elevation to the eastern end of the application site would remain, as a large passive air intake vent is proposed in this elevation. The applicant has confirmed that the proposed green wall has been designed to be compatible with the proposed air intake vent located behind it, such that it will act as a biofilter system that improves the quality of the air entering the air intake vent, as well as acting as a visual screen for the vent. It is recommended that the final detailed design of the green wall and its provision on site as part of the scheme are secured by condition.

The proposed boundary treatment to Redan Place and associated publically accessible bulk waste bin store enclosure are formed of appropriately detailed railings and these would provide a permeable boundary treatment which would allow views of the enhanced landscaping and green wall from Redan Place. This would assist in softening the appearance of this area to the rear of Porchester Court in public views of the site. These physical structures, which would replace a modern brick wall and gates (likely dating from the 1990's alterations and extensions to Porchester Court), would not adversely affect the significance of the listed buildings, nor would they harm the character or appearance of the Queensway or Bayswater Conservation Areas.

In conclusion in design, townscape and arboricultural terms the proposed development is considered to be acceptable. Whilst the loss of the TPO tree is regrettable, it is considered that it's amenity value and contribution to the conservation area are limited due to its growing position within a relatively enclosed part of the conservation area. Given this, and the benefits that can be secured in terms of the improved landscaping to the application site (including replacement tree planting) and the provision of new on-

street tree planting in the vicinity, it is considered that the scheme accords with Policies DES1, DES5, DES9, DES10, ENV4, ENV16 and ENV17 in the UDP and Policies S25, S28 and S38 in the City Plan and the removal of the TPO tree is therefore justified in this case.

8.3 Residential Amenity

In amenity terms the proposal would not have any significant impacts on the amenity of neighbouring occupiers. The reduction in the ground level of the application site would ensure that the communal amenity space formed to the rear of Porchester Court would not afford users of it views back into the rear lower ground floor flats in Porchester Court. The ground floor windows of the townhouses proposed to the south elevation of the Whiteleys site would be screened by planted hedges. As such, there would not be significant overlooking to neighbouring occupiers.

The proposed green wall would be set away from neighbouring windows in Porchester Court such that this would not enclose or cause a loss of light to existing windows.

The use of the amenity space would be unlikely to generate significant noise given the limited overall scale of the space, which is proposed to be further broken down in to a series of landscaped spaces. Environmental Health suggest a condition to control the hours of use of the gardens; however, as they are to be used for residential purposes and not for commercial purposes this not considered to be necessary.

In summary the amenity impacts of the proposal are considered to be acceptable and in accordance with Policies ENV6 and ENV13 in the UDP and S29 and S32 in the City Plan.

8.4 Transportation/ Parking

As set out in Section 6.2.1 the rear yard area of Porchester Court is intended to be used as off-street parking for the residents of Porchester Court and its use is reserved for that purpose under Condition 4 of the 1990s permissions for alteration and extension of Porchester Court to provide 36 flats. The documents for the 1990s applications indicate that 3 parking spaces were to be provided within the rear yard area. The applicant has advised that the yard area is not currently offered as parking to residents of the Porchester Court flats and has not been offered to them for a significant period of time. Nevertheless, this does not override the requirement of the condition attached to the 1990s permissions which secures this space for parking, with the intention that this limits the impact of occupiers of Porchester Court on on-street parking occupancy levels in the vicinity of the site. The loss of this off-street residents parking without alternative provision would therefore be contrary to Policies STRA25 and TRANS23.

In light of the above concern, the applicant proposes the provision of alternative parking for the residents of Porchester Court in the vicinity of the site. Their intention is to provide the parking for residents of Porchester Court within the basement of the neighbouring Whiteleys redevelopment, which is a site also in their ownership. It is recommended that the provision of alternative off-street parking for the residents of Porchester Court in the vicinity of the site in perpetuity is secured via a legal agreement

and an informative added to the decision letter advising the applicant that it is expected that 3 parking spaces will be provided within the basement parking area of the Whiteleys redevelopment. Details of access arrangements to the parking spaces for occupiers of Porchester Court will also be secured via the legal agreement.

The Cleansing Manager does not object to the proposed public bulk waste bin store and the Highways Planning Manager welcomes the provision of a facility that will allow the publically accessible bins to be relocated off the public highway (they are currently located outside the site on the highway in Redan Place). It is recommended that the provision of the public bulk waste bin store enclosure is to be secured by way of a legal agreement, as well as details of the future management and accessibility of the proposed facility. These details will include who is responsible for ensuring the bin store is open to the public and kept clean and tidy and during what hours the bin store is accessible to the public.

8.5 Economic Considerations

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

8.6 Access

The scheme includes the provision of a platform lift to provide access to the garden area at the lowered garden level. A condition is recommended to ensure that the platform lift is provided. Subject to the recommended condition the scheme would comply with Policy DES1 in accessibility terms.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Crime and Security

Whilst the Designing Out Crime Advisor is concerned that double gates to the landscaped area, as proposed, are less secure than a single leaf gate, it is not considered that permission could reasonably be withheld on this ground as the access to the existing yard area is via double gates. As such, there would be no material worsening in the security of the application site. The detailed advice provided by the Designing Out Crime Advisor, including regarding the method of opening/ fixing of the gates and the gate access system, has been made available to the applicant to assist them in ensuring the security of the scheme is maximised.

The publically accessible bin store does not include a roof and this addresses the Designing Out Crime Advisor's comments regarding whether this structure could be scaled by intruders.

8.7.2 Drainage

The applicant has noted the need for sustainable urban drainage systems to be incorporated to prevent increases in water run off rates; however, the detail of what measures are to be delivered are unclear. It is recommended that these details are secured by condition.

8.7.3 Archaeology

Historic England have confirmed that the archaeological value of the site is likely to be low and therefore no further archaeological investigation of the site is required by condition.

8.8 London Plan

This application itself does not raise any strategic issues. It is though linked to the redevelopment scheme for Whiteleys, which does raise strategic issues, and the report for the Whiteleys scheme (Item 1 on this committee agenda) deals with the relevant strategic issues and compliance with the adopted and draft versions of the London Plan.

8.9 National Policy/ Guidance Considerations

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

8.10 Planning Obligations

As referenced in Sections 6.2 and 6.4 of this report, planning obligations are necessary to ensure that the impacts of the proposed development in Arboricultural and parking terms are adequately mitigated and to ensure that the planning benefits offered in terms of enhanced public bulk waste bin storage are secured. The draft 'Heads' of agreement are proposed to cover the following issues:

- i. The provision, management and accessibility of the publically accessible bulk waste store that is to be formed to the Redan Place frontage of the site.
- ii. The provision of a financial contribution of £50,000 for the provision of street trees in the vicinity of the application site.
- iii. Provision of replacement off-street parking spaces for occupiers of Porchester Court elsewhere in the vicinity of the site to mitigate the loss of existing off street parking for the occupiers of Porchester Court.

The scheme would not generate a requirement for a CIL payment as no new floorspace is proposed.

8.11 Environmental Impact Assessment

The proposed development does not necessitate the submission of an Environmental Impact Assessment. Where relevant the environmental impact of the proposed development has been assessed in other sections of this report.

8.12 Other Issues

None relevant.

9. BACKGROUND PAPERS

Item No.
2

1. Application form.
2. Email from the South East Bayswater Residents Association dated 4 January 2018.
3. Undated email from the Metropolitan Police Designing Out Crime Officer.
4. Email from Environmental Health dated 11 January 2018
5. Memo from the Cleansing Manager dated 12 January 2018.
6. Letter from Historic England (Archaeology) dated 24 January 2018.
7. Memo from the Arboricultural Manager dated 5 April 2018.
8. Email from the Highways Planning Manager dated 13 April 2018.

(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: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk .
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10. KEY DRAWINGS

Plan of development showing position of existing trees

- T6 – Sycamore - B
- T7 – London Plane - A
- T8 – Sycamore - B

The proposed scheme suggests the demolition of the 3 existing trees and replacement of 8 new trees.

Note: Vegetation and materials shown for illustrative purposes and subjected to further refinements.

Trees to be removed including TPO tree (T7) (top), proposed landscaping plan (middle) and proposed long section (bottom).



Proposed short section looking east (top) and proposed short section looking west towards Redan Place (bottom).

DRAFT DECISION LETTER - 17/11240/FULL

Address: Porchester Court, Porchester Gardens, London, W2 4DF

Proposal: 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.

Plan Nos: A-PCC-011-XX-01-PL, A-PCC-011-XX-02-PL, A-PCC-011-XX-03-PL, A-PCC-EX-031-00-01-PL, A-PCC-EX-031-B1-01-PL, A-PCC-EX-053-XX-01-PL, A-PCC-EX-064-XX-01-PL, A-PCC-DE-031-00-01-PL, A-PCC-DE-031-B1-01-PL, A-PCC-DE-053-XX-01-PL, A-PCC-DE-064-XX-01-PL, A-PCC-031-00-01-PL, A-PCC-031-B1-01-PL, A-PCC-053-XX-01-PL, A-PCC-064-XX-01-PL, CCL09918 Rev.1 (Tree Constraints Plan), CCL09918 Rev.1 (Tree Removal Plan), Tree Schedule, Arboricultural Report and Impact Assessment dated 18 December 2017, Design and Access Statement dated December 2017, Planning Statement dated December 2017, letter from Turley dated 19 December 2017, Historic Environment Assessment dated December 2017, Biodiversity Survey and Report dated December 2017, TPO Tree Works Supporting Information Report dated 14 August 2017 (for information only).

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

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

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

To 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 Bayswater 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)

- 4 You must paint, or otherwise finish, the railings hereby approved black and thereafter retain them in that colour.

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 Bayswater 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)

- 5 Notwithstanding the landscaping scheme shown in the submitted drawings and documents, you must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes:

- (i) the number, size, species and position of trees and shrubs;
- (ii) samples of hard paving and facing materials for walls within the garden area;
- (iii) the depth of top soil to be provide across the site; and
- (iv) the sustainable urban drainage system(s) to be utilised to reduce water run off from the landscaped area.

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 and planting within one planting season of completing the development (or within any other time limit we agree to in writing). If you remove any trees or find that they are dying, severely damaged or diseased within five of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Bayswater Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38

Item No.
2

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)

- 6 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the proposed green wall 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 install the green wall prior to first use of the landscaped area. Thereafter retain and maintain the green wall in accordance with the approved management plan.

Reason:

To protect and increase 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. (R43CB)

- 7 You must provide the platform lift between street level and the lower level of the landscaped area that is shown on the drawings hereby approved prior to first use of the landscaped area. Thereafter you must retain and maintain the platform lift for the lifetime of the development.

Reason:

To make sure that there is reasonable access for people with disabilities as set out in S28 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 8 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)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
- i. The provision, management and accessibility of the publically accessible bulk waste store.
 - ii. The provision of a financial contribution of £50,000 for the provision of street trees in the vicinity of the application site.
 - iii. Provision of replacement off-street parking spaces for occupiers of Porchester Court elsewhere in the vicinity of the site.

You are advised that in respect of (iii), it is expected that the replacement off-street parking provision for residents of Porchester Court will be provided in the basement car park of the redeveloped Whiteleys site, unless the redevelopment of that site does not occur.

- 3 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)
- 4 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 5 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

DRAFT DECISION LETTER - 17/11241/LBC

Address: Porchester Court, Porchester Gardens, London, W2 4DF

Proposal: Excavation of ground level to form new lowered landscaped courtyard area to the rear elevation, with associated removal of existing structures, erection of new walls, gates and bin store to Redan Place, and provision of green wall to western end of courtyard.

Plan Nos: A-PCC-011-XX-01-PL, A-PCC-011-XX-02-PL, A-PCC-011-XX-03-PL, A-PCC-EX-031-00-01-PL, A-PCC-EX-031-B1-01-PL, A-PCC-EX-053-XX-01-PL, A-PCC-EX-064-XX-01-PL, A-PCC-DE-031-00-01-PL, A-PCC-DE-031-B1-01-PL, A-PCC-DE-053-XX-01-PL, A-PCC-DE-064-XX-01-PL, A-PCC-031-00-01-PL, A-PCC-031-B1-01-PL, A-PCC-053-XX-01-PL, A-PCC-064-XX-01-PL, CCL09918 Rev.1 (Tree Constraints Plan), CCL09918 Rev.1 (Tree Removal Plan), Tree Schedule, Arboricultural Report and Impact Assessment dated 18 December 2017, Design and Access Statement dated December 2017, Planning Statement dated December 2017, letter from Turley dated 19 December 2017, Historic Environment Assessment dated December 2017, Biodiversity Survey and Report dated December 2017. TPO Tree Works Supporting Information Report dated 14 August 2017 (for information only).

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater 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 paint, or otherwise finish, the railings hereby approved black and thereafter retain

Item No.
2

them in that colour.

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 Bayswater 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)

Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 24 April 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Warwick	
Subject of Report	1 Neathouse Place, London, SW1V 1LH,		
Proposal	Demolition and reconstruction of Nos. 27-31 and 39-40 Wilton Road to form an extended Building at 1 Neathouse Place for use as two hotels (Class C1), restaurant with ancillary bar (class A3) and coffee shop (Class A1); external alterations to Wilton Road and Vauxhall Bridge Road elevations; creation of rooftop plant well and installation of new and replacement plant.		
Agent	DP9		
On behalf of	Sackville UKPEC8 Victoria Nominee 1 Limited and Sackville UKPEC8 Victoria Nominee 2 Limited and Whitbread Plc		
Registered Number	17/10921/FULL	Date amended/ completed	12 December 2017
Date Application Received	8 December 2017		
Historic Building Grade	Unlisted		
Conservation Area	outside		

1. RECOMMENDATION

<p>1. Grant conditional permission, subject to the views of the Mayor and the completion of a S106 legal agreement to secure:</p> <ul style="list-style-type: none"> • Employment and Training Strategy for the construction phase and operational phase of the development; • Financial contribution of £18,000 towards Legible London wayfinding signage, £200,000 towards Cycle Hire station and £230,000 towards Subway Decommissioning. • Crossrail payment • Monitoring costs. <p>2. If the agreement has not been completed within six weeks of the date of the Committee resolution then:</p> <p>a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate the Director of Planning is authorised to determine and issue such a decision under Delegated Powers.</p> <p>b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the</p>

proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

One Neathouse Place is an office building with retail along the Wilton Road frontage. Planning permission is sought to provide two hotels, a 533-bedroom Premier Inn and 183-bedroom Hub by Premier Inn hotel and a restaurant and retail unit at ground floor level. The application includes the replacement of the buildings to the Wilton Road frontage, to provide extensions to 1 Neathouse Place twelve stories in height to reflect the height of adjacent buildings.

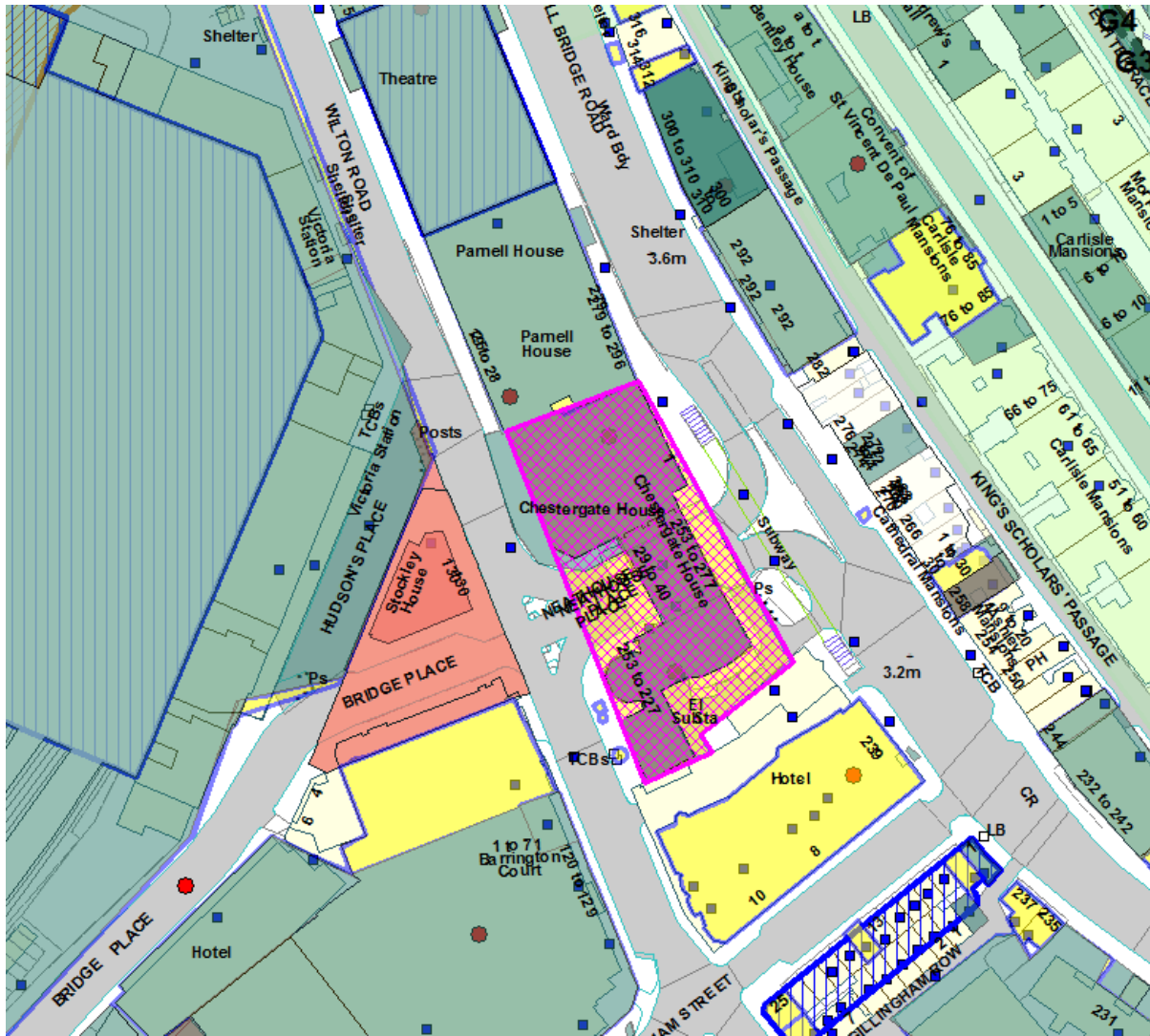
The key issues for consideration are:

- The impact of the proposed works on the character and appearance of the existing building and surrounding area.
- The land use implications of the proposal;
- The impact of the proposal on the amenity of surrounding residents; and
- The impact of the proposal on the surrounding highway network.

The proposed hotel use is considered acceptable in design, conservation, land use, amenity and highway terms in accordance with the City Plan and Unitary Development Plan (UDP) policies.

The application is referable under the Greater London Authority Act 1999 and the mayor has 14 days from the date of the Sub-Committees resolution to exercise his right to direct refusal.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Wilton Road frontage





Vauhall Bridge Road frontage



5. CONSULTATIONS

GREATER LONDON AUTHORITY

- The redevelopment of the site to provide a 716-bed hotel is compliant with London Plan policy.
- The design is of good quality and will not harm the significance of the Westminster Cathedral, Pimlico or Grosvenor Conservation Areas.
- The carbon dioxide savings exceed the target set out in the London Plan, however, further information and clarifications are required.
- The proposed car free development is welcomed, but issues relating to blue badge parking, coach parking, service access and public realm require further discussion. A contribution to public realm improvements should be secured through s.106 agreement.

TRANSPORT FOR LONDON

- Vauxhall Bridge Road, Neathouse Place (continuing to Bridge Place) and Wilton Road to the north of Neathouse Place are all part of the Transport for London Road Network.
- An 8.3m long rigid delivery vehicle will be able to enter into the servicing area without the loss of footway.
- The applicant has offered funding to allow the decommissioning of the disused pedestrian subway and for a new cycle hire docking station which is welcomed. A contribution should also be sought towards Legible London Wayfinding in the area.
- Cycle parking is largely acceptable.
- The removal of existing car parking is acceptable. Two accessible spaces are proposed within the servicing ramp area which is likely to be sufficient.
- Revised coach arrangements and draft travel plan are acceptable.
- A construction logistics and traffic management plan should be secured.

WESTMINSTER SOCIETY

Any response to be reported verbally.

VICTORIA NEIGHBOURHOOD FORUM

It is undesirable to lose the substantial area of office space from the Victoria Opportunity Area. The area is already well served with hotel accommodation, in particular with middle and lower market range units like that proposed. Question the scope of the consultation.

VICTORIA BID

Any response to be reported verbally.

ENVIRONMENT AGENCY

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

The area is very well served by public transport. No car parking is proposed with the exception of two disabled spaces which is acceptable. The property has a fairly extensive off-street servicing area and should be capable of being served without the need to stop on the highway. A Servicing Management Plan and Operational Management Plan should be secured by condition. Long-stay cycle parking is in accordance with London Plan policy.

CLEANSING

No objection subject to conditions. The storage arrangements for waste and recycling are in line with the Council's requirements.

BUILDING CONTROL

Any response to be reported verbally

DESIGNING OUT CRIME

Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 279

No. of objections: 3

Design

- Retaining the existing structures is the best attribute to the project.

Land use

- Victoria is already well served by hotels of the low to medium level already.
- Victoria needs amenities for residents not visitors.
- Street level interaction will not be improved upon. More retail and mixed use options should be considered.

Amenity

- The proposal will result in a loss of light and overlooking to flats in Barrington Court, 124 Wilton Road.
- Loss of views.
- Increased noise from hotel guests and deliveries.

Other

- Noise and disturbance during construction.
- Loss of jobs from the loss of office use.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

One Neathouse Place was constructed between 1959-1962 for office use and was refurbished in the mid-1990s. It comprises 11 storeys plus basement with Vauxhall Bridge Road to the east and Wilton Road to the west. The building spans Neathouse Place, a vehicular and pedestrian route below. The building is in office use (class B1) and is currently vacant.

27-31 Wilton Road is a 3 storey building with retail (Argos) at basement and ground floor level. On the south side of Neathouse Place is a glazed circular office entrance (entrance drum) and 39-40 Wilton Road which comprises two small retail units at basement and ground floor level. The basement is shared by 1 Neathouse Place. Vehicular access to the basement is made via a ramp off Vauxhall Bridge Road and all elements of the building are serviced from here.

The site is not located within a Conservation Area and the buildings are not listed. The site falls within the Core Central Activities Zone (CAZ) and the Victoria Opportunity Area.

The roads surrounding the site, Vauxhall Bridge Road, Neathouse Place and Wilton Road, north of Neathouse Place, are part of the Transport for London road network, while Westminster City Council are the highway Authority for Wilton Road, south of Neathouse Place.

6.2 Recent Relevant History

The existing building underwent a significant refurbishment programme pursuant to a planning permission dated 13 July 1995, with alterations during construction formalised through a subsequent planning permission dated 19 March 1996.

Planning permission was granted for the erection of a glazed pavilion on the existing roof terrace at third floor level to create additional floorspace for the existing staff cafe at third floor level in November 2011.

Other minor applications have been granted for plant and advertisement consent for signage.

7. THE PROPOSAL

Planning permission is sought for the demolition and reconstruction of the building's two Wilton Road 'wings' either side of Neathouse Place (Nos. 27-31 and 39-40 Wilton Road) comprising ground and eleven upper floors to form an extended Building at 1 Neathouse Place. The building will provide two hotels (Class C1) (716 hotel bedrooms in total), and a restaurant with ancillary bar (Class A3) and retail unit (Class A1) at ground floor level.

The application includes external alterations to the retained buildings elevations on Wilton Road and Vauxhall Bridge Road and the creation of a rooftop plant well to house new and replacement plant. A common servicing access is proposed from Vauxhall Bridge Road.

The application has been submitted on behalf of Whitbread PLC who propose two separate hotels, a standard Premier Inn comprising 533 rooms and a more compact 'hub by Premier Inn' comprising 183 rooms. The 'Hub by Premier Inn' concept is to provide compact, city centre hotels which offer good value for money and appeal to customers who value price, location and design over space.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The existing and proposed land uses can be summarised as follows.

	Existing GIA (sqm)	Proposed GIA (sqm)
Office (class B1)	14,206	0
Hotel (class C1)	0	23,460
Retail (class A1)	2,373	188
Restaurant Class A3)	0	668
Total	16,579	24,350

(Applicants calculations)

Loss of office use

The site lies within the core CAZ and the Victoria Opportunity Area. The existing offices are currently vacant. The proposal will result in the loss of 14,206sqm of office floorspace. Policy S20 of Westminster's City Plan (November 2016) relates to offices and seeks to restrict the loss of office space to housing, however, the loss of offices to other commercial uses is acceptable. The proposal is therefore in accordance with this policy.

Increase in commercial floorspace

Policy S1 of the City Plan relates to mixed uses in the CAZ. It encourages development which promotes Westminster's World City functions, manages its heritage and environment and supports its living, working and visiting population. Within the CAZ, a mix of uses consistent with supporting its vitality, function and character will be promoted. The policy requires an element of residential floorspace to be provided on developments where additional B1 office floorspace of a certain scale is proposed. There is no policy requirement for residential floorspace to be provided where increases in hotel floorspace are proposed.

Hotel use

Policy S23 of the City Plan and TACE 2 of the UDP relate to new hotels. Policy S23 states that new hotels will be directed to the Victoria Opportunity Area and Core CAZ. Policy TACE 2 states that within the CAZ, in streets that do not have a predominantly

residential character, planning permission will be granted for new hotels where no environmental and traffic effects would be generated and adequate on-site facilities are incorporated within developments proposing significant amounts of new visitor accommodation, including spaces for the setting down and picking up of visitors by coaches and taxis serving the hotel.

The Premier Inn will comprise 533 rooms split between a range of sizes and types (doubles, triples, quads and accessible rooms). The entrance will be on Wilton Road on the corner with Neathouse Place (south side), with a secondary access from Vauxhall Bridge Road. The Premier Inn rooms are arranged between first and eleventh floor, with an ancillary breakfast area in the basement, shared with the Hub by Premier Inn guests.

The Hub by Premier Inn will comprise 183 rooms located between basement and third floor level. The concept is to provide affordable, high quality accommodation and achieve a feeling of comfort within a limited floor area. The hotel bedrooms are of a compact size with approximately half of rooms without windows. The hub entrance will be on Wilton Road to the north of Neathouse Place.

The hotel reception areas will be staffed 24 hours a day and provide natural surveillance to this part of Wilton Road. An ancillary restaurant of approximately 805sqm (GIA) is proposed at basement level and will provide breakfast for the guests of both hotels. A separate restaurant (Class A3) is proposed at ground floor level which is considered below. No other facilities such as a spa/gym, meeting rooms or conference facilities are proposed.

The hotels of the scale proposed are considered appropriate in this central area of Westminster, close to many of London's top tourist attractions and with excellent access to public transport. The primary function of the hotels operation will be to ensure that guests benefit from a quiet environment during night time hours. Therefore, it is in the hotels interests to ensure that noise disturbance from hotel guests is kept to a minimum. It is recommended that an operational management plan and a servicing management plan be secured by condition to ensure that the proposed hotels will not have a significant effect on residential amenity or local environmental quality.

Concern has been raised regarding the cumulative impact of hotel developments within the area. Whilst there is an established hotel next door (Park Plaza), and other hotels nearby, it is not considered that there is an over proliferation of hotel uses and the proposal would complement the existing multifaceted mix of uses in the Victoria area, catering for tourist and business travellers. It is considered that this location within the Core CAZ and Victoria Opportunity Area would be appropriate for a new hotel use.

The servicing and highways implications of the development are detailed in section 7.4 of this report.

Retail and restaurant floorspace

Policy S4 relates to the Victoria Opportunity Area and aims to provide a mix of uses on all development sites including active frontages at ground floor level.

Policy S6 of the City Plan and SS4 of the UDP encourage new retail floorspace in the core CAZ. Policy SS4 states that development schemes should provide at least the same amount of retail floorspace as was there before.

Policy TACE 10 of the UDP relates to restaurant uses within the core CAZ with a gross floorspace over 500sqm² which will only be permissible in exceptional circumstances. Policy S24 of the City Plan relates to new entertainment uses and states that they will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area. New large scale late-night entertainment uses of over 500sqm will not generally be appropriate.

A restaurant with ancillary bar (class A3) is proposed at ground floor level measuring approximately 668sqm (GIA) for use by hotel guests and visiting members of the public. The entrance is on Wilton Road, to the north side of Neathouse Place. The opening hours proposed are between 6:30am to 12 midnight.

The restaurant will be under the same management as the hotel (Whitbread PLC) and will be governed by the same operational standards. Given the location of hotel bedrooms directly above and below, it will be in the interests of the hotel to ensure that the restaurant is properly managed. On this basis and given the busy location, in close proximity to Victoria Station, the size of the restaurant proposed is considered acceptable in this instance, subject to conditions to secure an Operational Management Plan and controlling opening hours (as outlined above).

A Costa Coffee (class A1)(188sqm) serving coffee, cold floor and drinks is proposed at ground floor level fronting Wilton Place, on the south side of Neathouse Place, where the existing retail units are currently located which is welcomed.

The proposal will result in a significant loss of retail floorspace (a reduction of 2,185sqmsqm). However, the existing retail unit at 27-31 Wilton Road, on the north side of Neathouse Place (Argos) is heavily biased towards back of house space (1,829sqm), given the Argos business model with a relatively small front of house/retail sales area (352sqm) and dead frontage to Neathouse Place and Vauxhall Bridge Road.

Whilst the loss of retail floorspace is highly regrettable, the provision of the restaurant (class A3) and café (class A1) will provide a service for visiting members of the public and will result in a greater level of active frontages to Wilton Road, Neathouse Place and Vauxhall Bridge Road. It is not therefore considered that a refusal on the ground of loss of retail floorspace could be sustained.

8.2 Townscape and Design

The site is not in a conservation area and has no impact on the setting of adjacent conservation areas. There are nearby listed buildings at Victoria Station and the Apollo Theatre but the application site does not impact on these in any meaningful way and is not seen in any key views that could be considered to affect their setting. The building

currently on the site was built between 1959 and 1962 and refurbished in 1994-97. It is a modern, contemporary office design with large areas of curtain wall glazing. The large block to Vauxhall Bridge Road is topped by a cylindrical roof addition and has a façade of angled glazing. This is the more successful part of the building design. The lower elements to Wilton Road relate poorly to the surrounding context and the main building block. They have large areas of blank ground floor frontages and contribute little to the surrounding townscape.

The proposal is to remove the buildings to the Wilton Road façade and replace them with taller built forms that reflect the height of adjacent buildings. The top three floors are set back to reflect the massing of the adjacent Parnell House. While this element of the scheme is considerably higher than the existing buildings, it is considered that these buildings are incongruous within the existing scale of streetscene and that there is no harm to the surrounding townscape by virtue of the increased scale of this part of the scheme. The increased scale would strengthen the contribution of this part of the site to Wilton Road and help to maximize the efficient use of urban land. The alterations to the Vauxhall Bridge Road façade are minimal and will have no discernible effect on the appearance of the building. The creation of an active ground floor frontage to Vauxhall Bridge Road is welcomed.

The new buildings to Wilton Road are designed as masonry-framed elements with strong vertical emphasis from the full height masonry columns and a secondary detailing of applied metal framework. This helps to accommodate the repetition of hotel rooms behind within a well-ordered façade and reflects the scale of other buildings in the street. The double height base provides a strong visual anchor and the top three floors are set back establishing a traditional, base, middle and top arrangement to the building form. The top floors are more heavily glazed than would normally be allowed, but given the setback of this element behind the street frontage and between the large buildings to either side, the visibility of this part of the scheme is limited. It should also be borne in mind that the existing building is heavily glazed at all levels and there is an overall reduction in the amount of glazing to the Wilton Road façade.

In summary, it is considered that the loss of the Wilton Road buildings and their replacement with the proposed new build elements will be an improvement to the overall townscape of this part of the City.

8.3 Residential Amenity

Policy S29 of the City Plan and ENV 13 of the UDP aim to protect the amenity of residents from the effects of development. Policy ENV13 states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing.

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2011). The applicant has submitted a sunlight and daylight report using the methodology set out in the BRE guidelines in relation to the nearest, most affected residential properties at Barrington Court, 124 Wilton Road; 248, 250, 254

(Ashley Mansions), 258-266 (Catherine Mansions), 278, 280 and 282 Vauxhall Bridge Road. The report also assesses the impact on the consented residential development scheme at Stockley House.

The recommendation in the BRE guide is that a window may be affected if the vertical sky component (VSC) measured at the centre of the window is less than 27% with reductions of over 20% of existing daylight (VSC) levels likely to be noticeable. In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. As with the tests for daylighting, the guidance recommends that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.8 times their former value, either over the whole year or just in winter months, then the occupants of the existing building will notice the loss of sunlight.

The report confirms that the proposed development will comply with BRE guidelines in relation to all residential properties on Vauxhall Bridge Road and there will be no material loss of sunlight or daylight to these properties.

Of the 122 rooms tested within Barrington Court, 124 Wilton Road, the daylight assessment shows that 9 rooms at first to fourth floor level will experience some transgressions outside the BRE guidelines with losses of VSC between 20.25% and 27.25%. Four affected rooms contain open plan living room and kitchens with the remaining five serving bedrooms, the latter of which are not considered to be main habitable rooms. The retained levels of VSC to the living/dining rooms (10.34-15.37%) are not uncommon in a close urban environment and it is not considered that a refusal on the grounds of loss of daylight to these properties could be sustained.

In terms of sunlight, the windows within Barrington Court (which face the Neathouse Place site) are not within 90% of due south and thus will not be affected by the proposed scheme.

The applicant has also assessed the impact of the development on the consented development at Stockley House which includes 110 flats. The Average Daylight Factor (ADF) and Annual Probably Sunlight Hours (APSH) tests have been carried out with respect to this consented building. ADF advises on a minimum standard of internal illuminance for habitable rooms in new developments. BRE guidance advises that the minimum standards of internal daylight that should be achieved are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.

The results of the ADF assessment indicate a compliance rate of 92% (121 out of 132 rooms tested). The eleven rooms which do not meet the BRE standards will not comply in the current condition before the 1 Neathouse Place development. The actual changes in light created by the Neathouse Place development are therefore considered minor. In respect of sunlight, the affected residential windows in Stockley House serve six open plan living room/kitchens at first to sixth floor level. These windows have recessed balconies/overhangs which restrict the potential for light reaching the windows and would not meet BRE guidelines in the current situation.

Due to the dense urban nature of Westminster, many residential properties fall well below the standards set out in BRE guidelines, and it is not uncommon for new developments to fall below the standard. It is not considered that the proposed development at Neathouse Place would compromise a future residential development from taking place on the site of Stockley House, and the proposal is considered acceptable in amenity terms.

Privacy

The proposed building will remain on the existing building line, albeit with increases in height, and will maintain a streets width of approximately 20m from the residential windows on the opposite side of Wilton Road. It is not therefore considered that the proposal will result in any significant overlooking/loss of privacy to surrounding buildings.

Plant

Plant is proposed at basement, ground, first, second and main roof level within the roof structure. Conditions are recommended to secure full details and a supplementary acoustic report when plant has been selected, location and hours finalised, and the attenuation measures are available to confirm compliance with the Council's standard noise condition.

An amending condition is recommended requiring full height kitchen extraction ductwork for the restaurant uses up to main roof level to ensure the effective dispersal of cooking smells.

The application is therefore considered acceptable in amenity terms in accordance with policies C29, C32, of the City Plan and ENV13, ENV6 and ENV7 of the UDP.

8.4 Transportation/Parking

The site is well served by public transport, being located next to Victoria Interchange and high frequency bus routes, an extensive taxi rank and a coach parking bay on the east side of Vauxhall Bridge Road.

The existing building contains 42 car parking spaces at basement level for the offices which are to be removed. Two disabled parking spaces are proposed which are welcomed. 40 cycle parking spaces are proposed at basement level which is in line with London Plan policy.

Policy S42 of the City Plan and TRANS20 of the UDP require adequate off-street servicing. All servicing, deliveries and refuse collection will take place on-site within a dedicated servicing area at the base of the access ramp from Vauxhall Bridge Road. A turning area is proposed at ground floor level, which will enable vehicles to leave the site in forward gear. The applicant has stated that all service vehicular manoeuvring will be overseen by a banksman. It is recommended that a delivery and servicing management plan be secured by condition.

The applicant has submitted a Coach and Taxi Management Plan which sets out their procedures for dealing with coach bookings to ensure they are managed effectively and drivers are aware of the process. All coach related enquiries will be directed to a

specialist team who deals with their booking and ensures that there is a maximum of one coach party booking on any given day. There are three coach drop off points within 150m of the site and coach parking facilities at Greenline Bus Station on Bullied Way, approximately 350m for the site and Victoria Coach Station (with prior arrangement). It is recommended that the coach and taxi management plan be secured by condition.

8.5 Economic Considerations

The economic benefits of the development are welcomed.

8.6 Access

The proposed development has been designed to meet the requirements of the Disability Discrimination Act (DDA) and incorporates the principles of inclusive design. All public entrances into the building for the hotels, restaurant and retail uses will have level access with lift access provided to all floor levels. 10% of hotel bedrooms in both hotels will be wheelchair accessible in accordance with the London Plan's requirements.

8.7 Other UDP/Westminster Policy Considerations

Sustainability

The applicant has submitted an Energy Strategy and Pre BREEAM assessment in support of their application. The building will achieve a 37.4% improvement in carbon emissions based on the current Building Regulations (2013) through the use of energy efficiency measures, air source heat pumps for space heating and cooling and combined heat and power for the generation of hot water. A BREEAM excellent rating is targeted.

Refuse /Recycling

The waste store is located at basement level. The Cleansing Manager is satisfied with the refuse and recycling storage arrangements proposed.

Other

A Flood Risk Assessment and Drainage Strategy has been submitted in support of the application. The flood risk assessment sets out appropriate flood resilience and flood evacuation procedures and measures including an internal stair from basement to upper floors to allow evacuation and refuge to upper floors.

A blue roof is proposed on the roof of the extended part of the building to reduce surface water runoff and discharge rates.

8.8 London Plan

The application is referable to the Mayor. The Stage 1 report is included as a background paper.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

The draft 'Heads' of agreement are proposed to cover the following issues:

- Employment and Training Strategy for the construction phase and operational phase of the development;
- Financial contribution of £18,000 towards Legible London wayfinding signage, £200,000 towards Cycle Hire station and £230,000 towards Subway Decommissioning as requested by TFL.
- Crossrail payment
- Monitoring costs.

The estimated CIL payment is £2,340,436.22 (£1,795,072.32 Westminster CIL and £545,363.90 Mayor's CIL).

8.11 Environmental Impact Assessment

An Environmental Impact Assessment is not required. Sustainability issues are covered in section 8.7 above.

8.12 Other Issues

A condition is recommended to ensure that the development complies with the City Council's Code of Construction Practice (COCP) which will require the developer to provide a Site Environmental Management Plan (SEMP) and funding for the Environmental Inspectorate to monitor the demolition and construction phase of the development. The COCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within Westminster and relate to both demolition and construction works.

The key issues to address in the COCP are; liaison with the public; general requirements; SEMPs; construction management plans; employment and skills; traffic and highways; noise and vibration; dust and air quality; waste management; waste pollution and flood control and any other issues.

9. BACKGROUND PAPERS

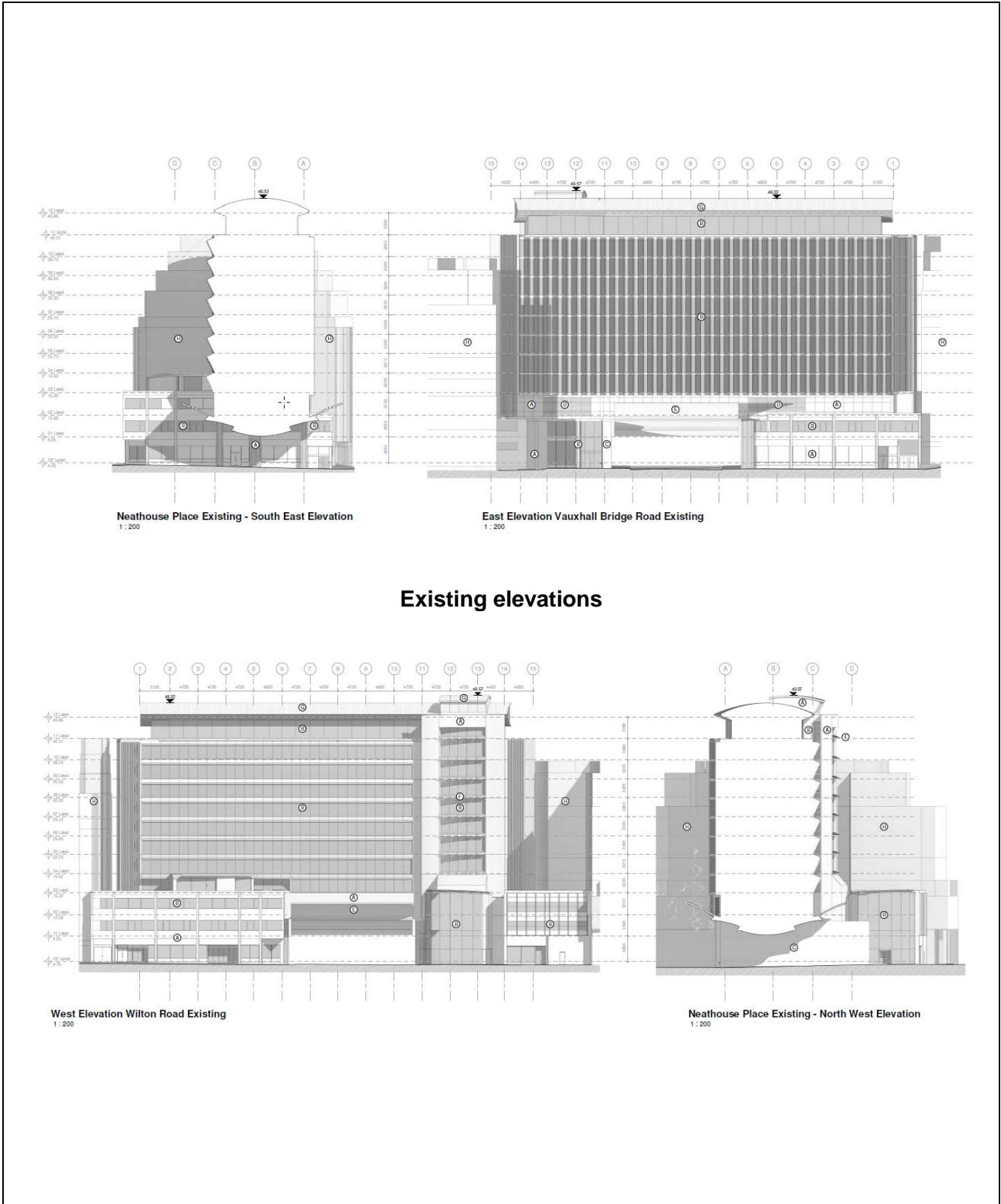
1. Application form.
2. Response from Greater London Authority, dated 19 March 2018.
3. Response from Transport for London, dated 17 January and 19 March 2018.
4. Memorandum from Highways Planning Manager dated 3 April 2018.

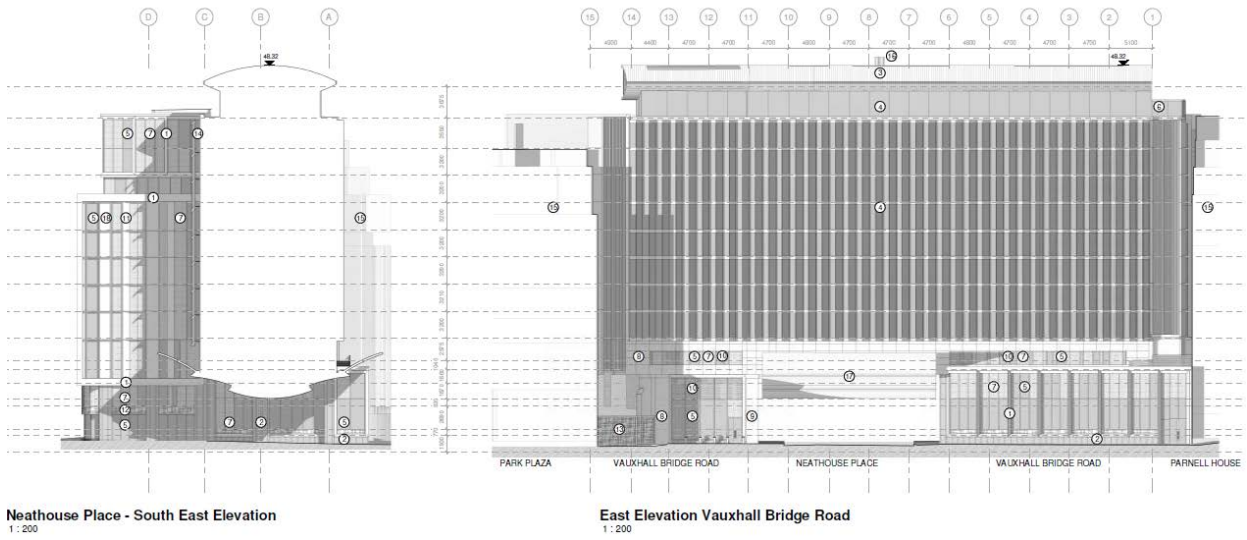
5. Memorandum from Cleansing dated 5 January 2018 and 12 April 2018.
6. Letter from Victoria Neighbourhood Forum dated 24 January 2018 and 20 February 2018
7. Letter from occupier of 28 Cathedral Mansions, London, dated 10 January 2018.
8. Letter from occupier of 63 Barrington Court, 124 Wilton Road, dated 22 December 2017.
9. Letter from occupier, 103a Ashley Gardens, Thirleby Road, dated 28 March 2018.

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

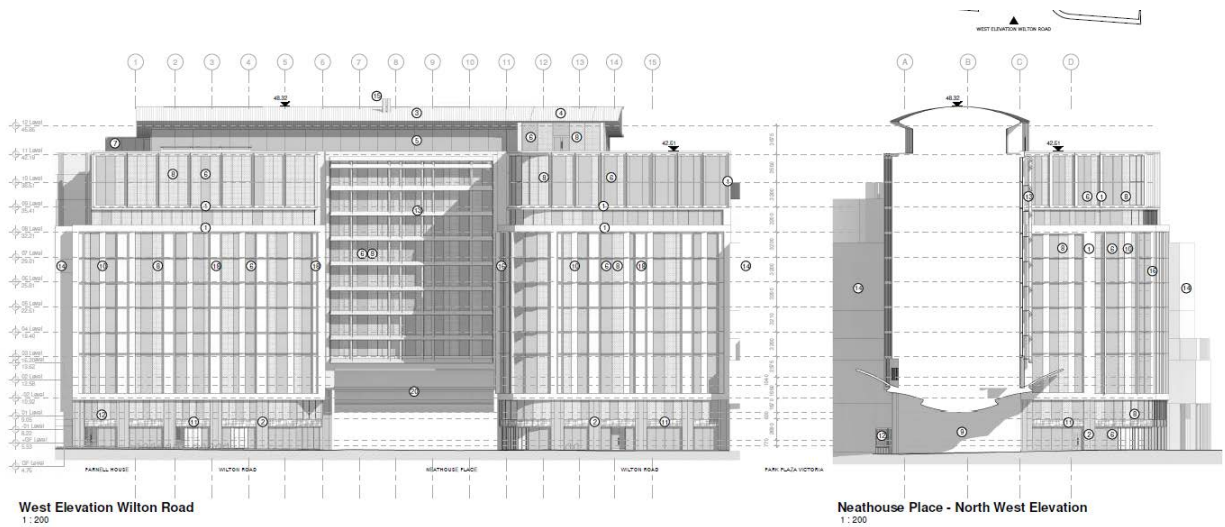
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: **DAVID DORWARD** BY EMAIL AT ddorward@westminster.gov.uk.

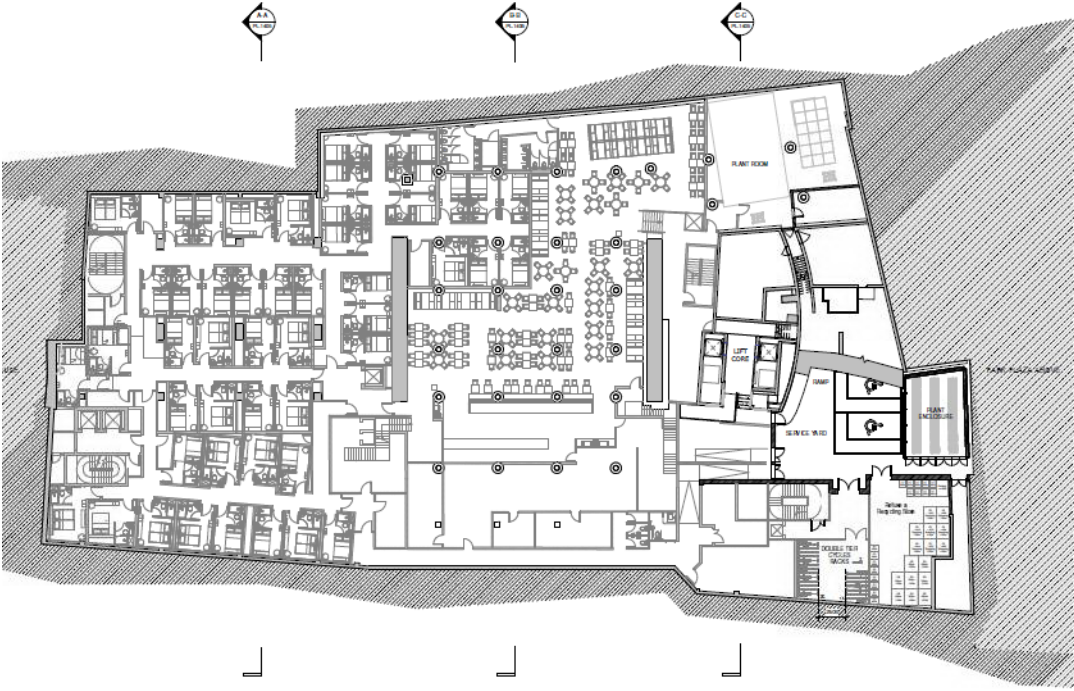
10. KEY DRAWINGS



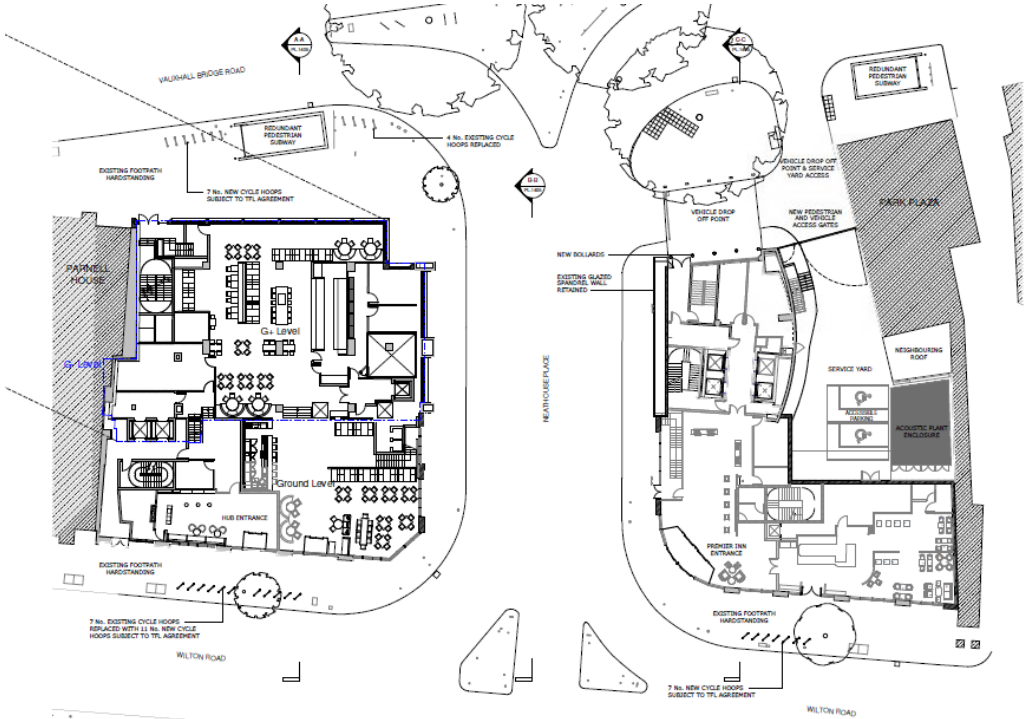


Proposed elevations

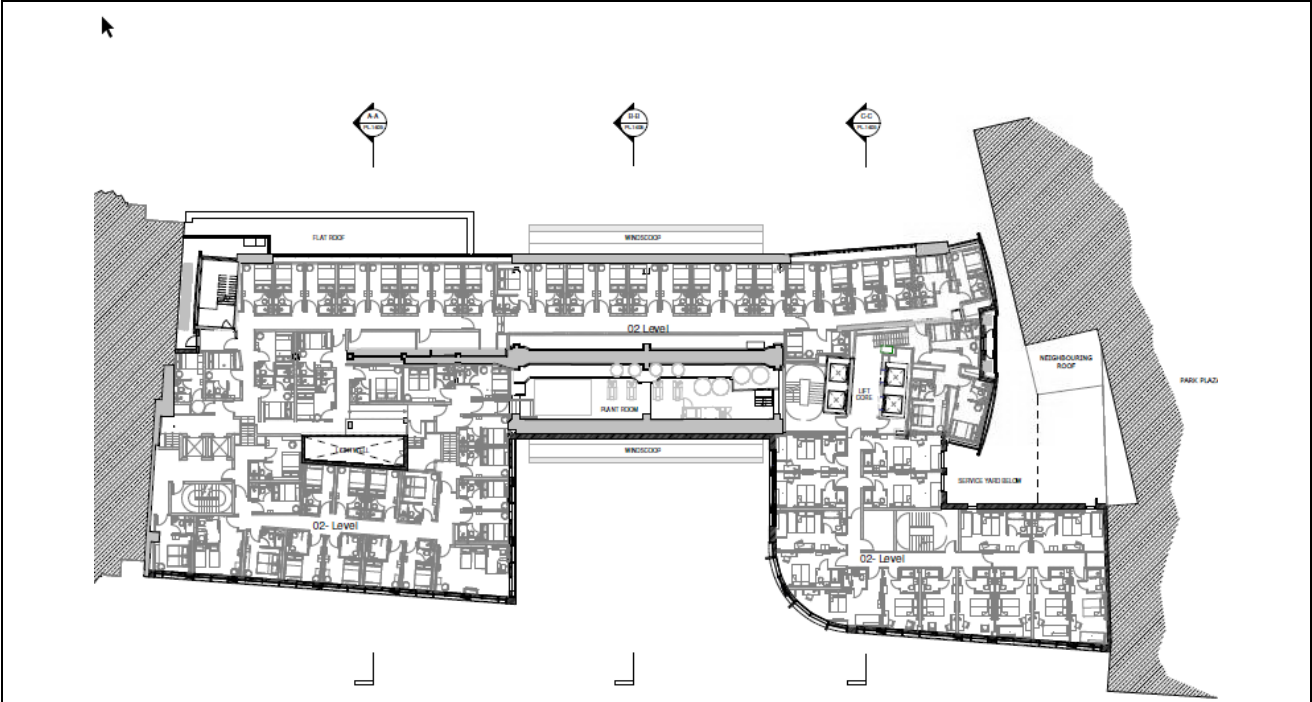




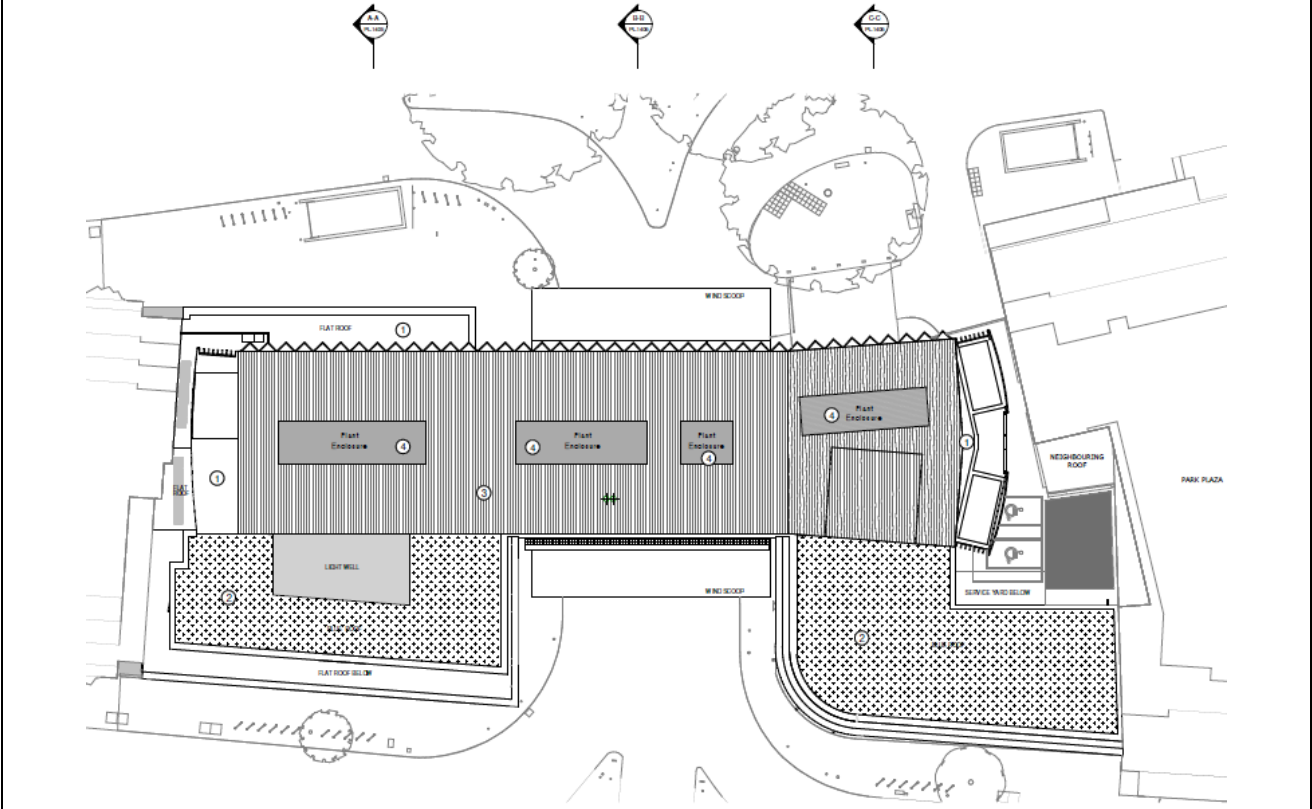
Proposed basement plan



Proposed Ground floor plan



Typical proposed floorplan (second floor)



Proposed roofplan



Wilton Road elevation.





Vauhall Bridge Road

DRAFT DECISION LETTER

- Address:** 1 Neathouse Place, London, SW1V 1LH,
- Proposal:** Demolition and reconstruction of Nos. 27-31 and 39-40 Wilton Road to form an extended Building at 1 Neathouse Place for use as two hotels (Class C1), restaurant with ancillary bar (class A3) and coffee shop (Class A1); external alterations to Wilton Road and Vauxhall Bridge Road elevations; creation of rooftop plant well and installation of new and replacement plant.
- Reference:** 17/10921/FULL
- Plan Nos:** 16.597.PL.1200, 1201, 1202, 1205/A, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1350/A, 1351/A, 1352/A, 1353/A, 1354/A, 1355/A, 1356/A, 1357/A, 1358/A, 1359/A, 1360/A, 1361/A, 1362/A, 1363/A, 1364/A, 1365/A, 1400, 1405, 1500, 1501, 1502, 1505/A, 1506, 1507/A; 4329-135/A; 2016/3368/010 dated April 2018; Planning Statement dated November 2017; Design and Access Statement (inc. Townscape, Visual Impact & Heritage Assessment, and Sustainability Statement) dated 30 November 2017; Transport Statement dated November 2017; Transport Statement Addendum dated February 2018; Travel Plan dated 23 February 2018; Delivery and Servicing Management Plan dated November 2017; Coach and Taxi Management Plan dated November 2017; Energy Strategy & BREEAM Pre-Assessment dated November 2017; Daylight and Sunlight Assessment dated November 2017; Noise Impact Assessment dated November 2017; Air Quality Assessment dated January 2018; Utilities Summary dated November 2017; Flood Risk Assessment & Drainage Strategy dated November 2017; Supplementary Statement on Flood Risk and Surface Water dated 5 April 2018; Draft Demolition & Construction Management Plan dated November 2017 (for information only); and Structural Methodology dated November 2017 (for information only).

Case Officer: Julia Asghar **Direct Tel. No.** 020 7641 2518

Recommended Condition(s) and Reason(s)

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

Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:

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

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

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

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

Reason:

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

- 3 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 You must apply to us for approval of detailed drawings of the following parts of the development:, i) shopfronts and ground floor elevations at 1:50 scale with x-sections at 1:10 scale, ii) low level decorative panel at 1:20 scale, iii) typical bay details to Wilton Road facade at 1:50 scale, You must not start work on these parts of the development until we have approved what you have sent us. You must then carry out the works according to these approved details.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 5 You must apply to us for approval of detailed drawings of the design, construction and insulation of the whole ventilation system and any associated equipment. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. You must not change it without our permission. (C13BB)

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 6 Notwithstanding what is shown on the approved drawings, the ventilation system to get rid of cooking smells for the ancillary hotel restaurant and restaurant use (class A3) shall be full height, extracting at main roof level.

You must apply to us for approval of full details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the 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.

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)

- 7 (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.

- 8 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.

- 9 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 7 and 8 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.

- 10 (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.

- 11 No music shall be played in the hotel or restaurant uses such as to be audible outside the premises.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 12 You must provide the waste store shown on drawing 4329-135/A and PL1350/A before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building.. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste 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)

- 13 Waste collection and servicing must be made within the site demise in accordance with the swept path analysis drawing number 2016/3368/010 dated April 2018.

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)

- 14 No waste should be left or stored on the public highway.

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)

- 15 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)

- 16 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

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)

- 17 You must provide each cycle parking space shown on the approved drawings prior to occupation. 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 2015.

- 18 You must provide the two disabled car parking spaces shown on the approved drawings prior to occupation of the hotel uses. Thereafter the disabled car parking spaces must be retained and used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide disabled car parking for hotel visitors.

- 19 The hotel uses shall be carried out in accordance with the Coach and Taxi Management Plan dated November 2017 unless otherwise agreed in writing by us.

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)

- 20 You must apply to us for approval of a Servicing Management Plan for the hotel and restaurant uses. You must not commence the hotel and restaurant uses until we have approved what you have sent us. Thereafter the hotels and restaurant must be managed in accordance with the approved Servicing Management Plan, unless otherwise agreed in writing by the local planning authority.,

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)

- 21 You must apply to us for approval of an operational management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the hotel or restaurant uses until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the hotels and restaurant are in use. (C05JB)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 22 Customers shall not be permitted within the restaurant premises before 0630 or after 0000 (midnight) each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 23 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application., , Air source heat pumps and combined heat and power system., , You must not remove any of these features, unless we have given you our permission in writing. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 24 Notwithstanding what is shown on the approved drawings, a minimum of 53 hotel bedrooms within the Premier Inn and 18 bedrooms within the Hub by Premier Inn hotel (10%) shall be fully wheelchair accessible.

Reason:

To make sure that there is sufficient choice for people who require an accessible bedroom as set out in policy E10 of the draft New London Plan 2017.

- 25 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority, in consultation with Transport for London, has issued its approval of such an application (C11CB)

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 3 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 4 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 5 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)

- 6 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 7 No digging should take place within 5 metres of a High Voltage Cable without contacting National Grid's Plant Protection Team <https://www.beforeyoudig.nationalgrid.com>
- 8 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)
- 9 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)
- 10 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 11 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why you cannot support the building from private land. For more advice, please phone 020 7641 2560. (I36AA)
- 12 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 13 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental

Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work., ,

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

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

Phone: 020 7641 2000

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

- 14 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at www.opsi.gov.uk.
- 15 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 16 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 17 With reference to condition 25 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of

works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk. , , Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition. , , You are urged to give this your early attention

- 18 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to: , , Employment and Training Strategy for the construction phase and operational phase of the proposed development; , o Financial contribution of £18,000 towards Legible London wayfinding signage, £200,000 towards Cycle Hire station and £230,000 towards Subway Decommissioning as requested by TFL., o Crossrail payment, o Monitoring costs.
- 19 You may need separate licensing approval for the restaurant premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)
- 20 You must make sure that any other activities taking place in the class A3 (restaurant or café) premises, such as small amounts of takeaway sales or small bar areas, are so minor that they do not alter the main use as a restaurant or café. If the scale of one or more of these extra activities is more substantial than this, it is likely that a material (significant) change of use (from class A3 to a mix of uses) will have taken place, which will need a new planning permission. (I61BA)
- 21 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
He is based at:
Lower Ground, Bow Road Police Station , 111-117 Bow Road , London E3 2AN
(I74AA)
- 22 We recommend all hoteliers to join the Westminster Considerate Hoteliers scheme and to support the Considerate Hoteliers Environmental Charter. This aims to promote good environmental practice in developing and managing hotels. For more information, please contact: , , John Firrell MHCIMA, Secretary - Considerate Hoteliers Association, C/o Wheelwright's Cottage, Litton Cheney, Dorset DT2 9AR , , E-mail: info@consideratehoteliers.com, Phone: 01308 482313, , (I76AA)
- 23 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)

- 24 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form** , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Forms can be submitted to CIL@Westminster.gov.uk , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

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.

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Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 24 April 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	13-14 Hanover Street, London, W1S 1YH,		
Proposal	Redevelopment of 13-14 Hanover Street/6-7 Pollen Street behind retained Hanover Street facade, including excavation of an additional basement, to provide a new building for retail use (Class A1) on basement, lower ground and part ground floors and office use (Class B1) at part ground, and first to part fifth/ part sixth floors with a roof top plant enclosure to 13-14 Hanover Street and a green roof to 6-7 Pollen Street (Site includes 6-7 Pollen Street).		
Agent	Blair Associates Architecture Ltd		
On behalf of	Burlington Capital 1 Limited		
Registered Number	17/10871/FULL	Date amended/ completed	7 December 2017
Date Application Received	7 December 2017		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

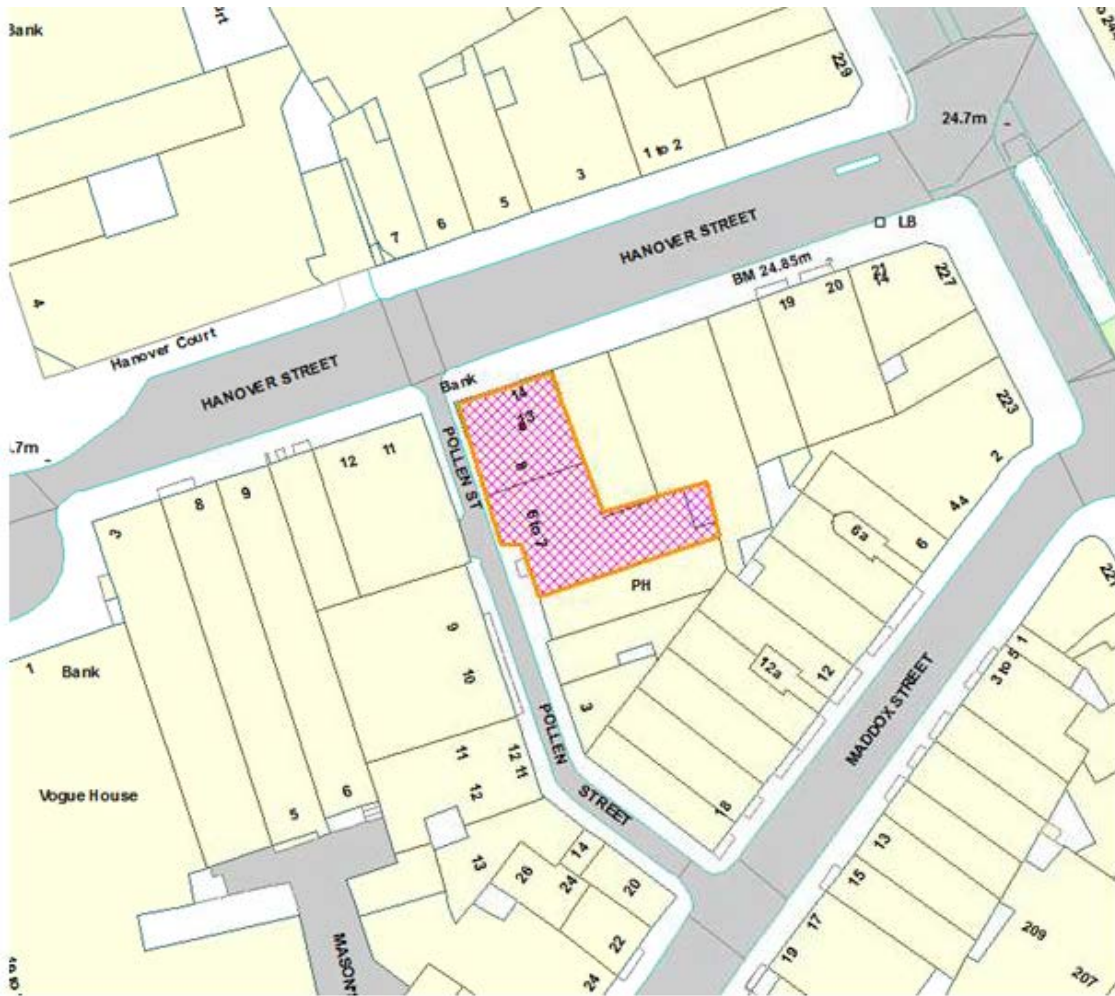
13-14 Hanover Street and 6-7 Pollen Street are unlisted, inter-linked buildings, in mixed retail (Class A1) and office use (Class B1). Permission is sought to demolish the existing buildings behind the retained, and extended, Hanover Street façade; to excavate a new basement and to erect a replacement building on basement, lower ground, ground and six upper floors on Hanover Street, and five upper floors on Pollen Street, for use as a retail shop on basement, lower ground and ground floors and offices in the remainder of the building. The proposal would result in an overall increase in office floorspace and a loss of 266 sqm GIA of retail floorspace.

The key issues for consideration are:

- the impact of the development upon the character and appearance of the Mayfair Conservation Area;
- the acceptability of the loss of retail floorspace and
- the impact of the completed development upon the amenities of neighbouring occupiers.

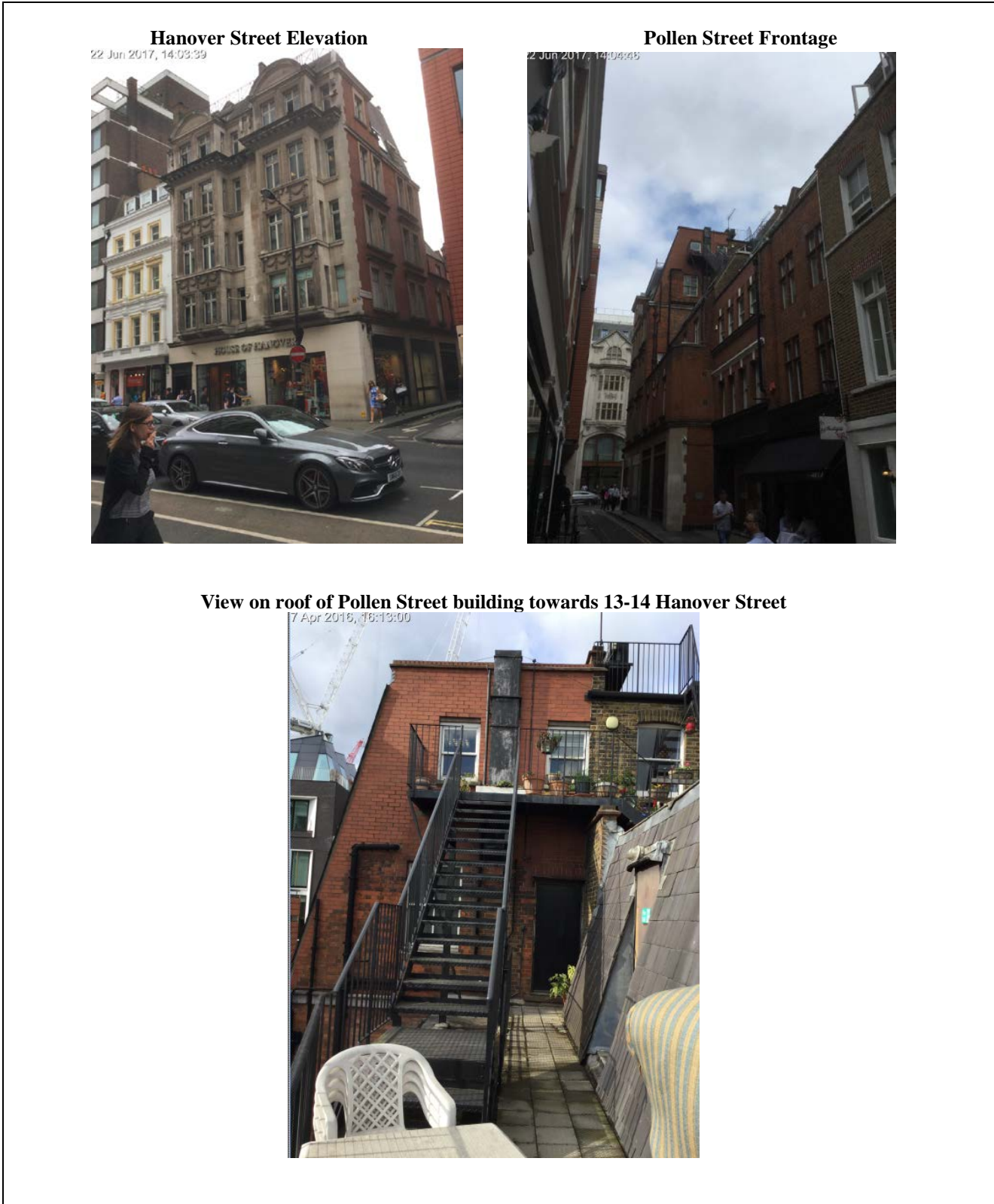
Subject to appropriate conditions, the scheme is considered acceptable in land use, design, highways and amenity terms and the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS' SOCIETY OF MAYFAIR & ST. JAMES'S

Scheme is in keeping with the buildings' heritage and historical significance and improves their appearance

CLEANSING

No objection subject to conditions

ENVIRONMENTAL HEALTH

No objection subject to conditions

HIGHWAYS

No objection subject to conditions

BUILDING CONTROL

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 40

Total No. of replies: 1

No. in support: 1

- Scheme provides high quality retail floorspace, improved office accommodation and would support more jobs

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site lies at the junction of Hanover Street and Pollen Street within the Mayfair Conservation Area, the Core Central Activities Zone (Core CAZ), the West End Stress Area and the West End Special Retail Policy Area.

The site comprises 13-14 Hanover Street, a building on lower ground, ground and five upper floors, and 6-7 Pollen Street, which comprises lower ground, ground and three upper floors, with a rooftop stair access enclosure above. The buildings are linked on lower ground to second floors and have separate entrances on both frontages.

The buildings are in retail use (Class A1) on lower ground to first floors. The remainder of the site is in office use (Class B1).

The surrounding area is predominately characterised by retail uses at street level with and commercial and residential accommodation on the upper floors. Buildings along Hanover Street, to the east and west, and opposite the site are in office use on the upper

floors. No. 5 Pollen Street is occupied as a public house (Class A4) with residential units (Class C3) on the upper floors. Other residential properties are at Hanover Court, 18 Hanover Street; 6-8, 10, 12 and 18 Maddox Street and 3, 4, 5 and 11-13 Pollen Street.

6.2 Recent Relevant History

17 September 1979: Permission granted for the demolition and reconstruction of the second floor at 6-7 Pollen Street, the erection of a new third floor roof extension to provide residential accommodation and the use of the ground floor as a bank. Implemented.

1994: Permission granted for the use of the first floor of 13-14 Hanover Street and 6-7 Pollen Street for either office (Class B1) or retail (Class A1) purposes. This permission enabled the first floor to change between the approved uses for a ten-year period. At the end of the ten-year period the first floor was in retail use, which became the lawful use of this floor.

14 February 2018: Certificate of Lawful Use (existing) was issued confirming the lawful use of the third floor of 6-7 Pollen Street as offices (Class B1).

7. THE PROPOSAL

Permission is sought for the demolition of the existing buildings behind the retained, and extended, Hanover Street façade and for the erection of a replacement building, incorporating an additional basement level beneath the Pollen Street building and part of the Hanover Street building. The replacement building would comprise basement, lower ground, ground and first to sixth floors on Hanover Street and first to fifth floors on Pollen Street, with extensions to existing flat roofs on rear first to third floors.

The basement and rear lower ground floor to Pollen Street would provide plant, refuse stores and cycle storage for the development, with separate street access. The remainder of these floors, and the ground floor to Hanover Street, would provide a single retail unit. The ground floor to Pollen Street would provide the entrance to offices at first floor and above. Additional plant for future tenants would be located within a roof level enclosure set back from the Hanover Street frontage. A green roof is proposed to Pollen Street.

The application has been revised to alter the fenestration pattern on the Pollen Street facade to reflect the scale and proportions of windows on adjacent buildings

8. DETAILED CONSIDERATIONS

8.1 Land Use

The existing and proposed floorspace schedule is as follows:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Class A1 (Retail)	879	613	- 266
Class B1 (Offices)	1153	1850	+607
Total	2032	2433	+431

Note

Ancillary accommodation serving both uses has been apportioned to each use.

Loss of retail accommodation

The basement to first floors of the building are currently occupied by a retail clothing store. The proposal will reduce the existing retail floorspace (Class A1) on the site from 879 sqm (GIA) to 613 sqm (GIA), a reduction of 266 sqm.

The site is located within the Core CAZ and the West End Special Retail Policy Area (WESRPA). UDP Policy SS5 states that planning permission for the introduction of a non-A1 town centre use on basement to first floor will only be granted where the proposal would not be detrimental to the character and function of an area or to the vitality or viability of a shopping frontage or locality. Under City Plan policy S7, within the WERSPA, retail uses should be retained at these levels. Policy S21 includes a requirement to protect A1 retail shopping floorspace.

The applicants acknowledge that the proposal is contrary to adopted development plan policies but have made the following arguments in support of the application, seeking to justify a departure from these policies:

- As the existing building is an amalgamation of two separate buildings, there are four cores and an additional stair between the basement and ground floor retail unit, as well as two retail entrances and two communal entrances serving both the retail and office accommodation. Given the access arrangement and vertical circulation arrangements, the retail accommodation and street level display areas are significantly compromised.
 - The existing retail accommodation is arranged over three floors, configured as a single, L-shaped, store. Given the level of sub-division within the unit, vertical circulation arrangements, split-levels and poor ceiling height on the lower ground floor, it is estimated that only 45% (395 sqm) of the retail area is suitable for trading purposes.
 - Due to the positions of partitions with the basement, and its low ceiling height, which limit public accessibility, the storage area is unnecessarily large. The retail trading area is limited to the rear of the Pollen Street building.
 - The level change towards middle of the ground floor compromises prime trading floorspace. Additionally, two columns in the middle of the floorplate, very close to the entrance, adversely affect the overall layout of the store.
 - The first floor is heavily subdivided by structural walls. Whilst two zones can be utilised for retail purposes, approximately third of the floorspace is in use as ancillary offices.
 - The proposed building would provide, largely unobstructed, rectangular floorplates. Of 613 sqm GIA of the replacement retail floorspace, it is estimated that over 75% (460 sqm) could be utilised as trading area, provided an increase in trading floorspace when compared with the existing situation.
 - The altered access and vertical circulation arrangements would increase the street level display frontages.

Given the above, the applicant contends that the proposal would enhance the retail presence of the site, enhancing the vitality and viability of the shopping frontage.

With the exception of the application premises, no other retail premises on Hanover Street extend to first floor level. There are two hair salons on Pollen Street, but no other 'typical' retail units. Given that retail trading at first floor level is not characteristic of this area, it is not considered that the loss of retail space on this upper level would have a significant impact upon its retail character or function. Notwithstanding the overall reduction in Class A1 floorspace it is considered that the scheme would enhance the site's contribution to the retail character and function of the area and, in these particular circumstances, this aspect of the scheme is considered acceptable in land use terms.

Proposed Office (Class B1)

Policy S1 of the City Plan seeks to promote mixed-use developments within the CAZ and the proposed increase in office floorspace (607 sqm) is acceptable in principle. As the office increase is less than 30% of the existing building area, the scheme does not trigger a requirement to provide new residential floorspace

The office existing office accommodation is only partly occupied. The floorplates are heavily sub-divided, creating inefficient layouts, which limits interest from potential tenants. The proposal would provide unobstructed office floorplates, which could be occupied individually or as a whole, which is likely to prove attractive to a range of tenants.

8.2 Townscape and Design

These are attractive Edwardian buildings in the Mayfair Conservation Area. They are not listed but the Hanover Street façade makes a very positive contribution to the character and appearance of the conservation area and there is a strong presumption to retain it.

The proposal is to redevelop the buildings behind the retained Hanover Street façade, which is to be extended by one storey, in the style of the existing façade, with the roof rebuilt at a higher level. This has a significant, contentious, impact on the architectural integrity of the Hanover Street building, but in this case, it is considered acceptable because of the presence of taller buildings on this side of the street. Providing that the extension to the façade is carried out with high quality details and materials, to match the existing, it is considered that this is acceptable, on balance.

The Pollen Street facades are of lesser interest and make a lesser contribution to the character and appearance of the conservation area. The replacement facade to Pollen Street is modern in character but using traditional materials (Portland Stone and brickwork facade). Following negotiations and revisions reducing the amount of glazing, this design approach is acceptable.

The increase in height and bulk at the rear of the building is significant, although the two upper floors are set back progressively above parapet level (third floor). It will be visible in views along Pollen Street but these views are limited because of the narrowness of the street. It is considered that the increase in bulk is acceptable in this context.

Overall, the scheme is considered to be acceptable in urban design and conservation terms and is compliant with the relevant policies of the City Plan and Unitary Development Plan, including S25, S28, DES 1, DES 4, DES 5, DES 6 and DES 9.

8.3 Residential Amenity

UDP Policy ENV13 seeks to protect and improve the residential environment and to resist proposals, which would result in a material loss of daylight or sunlight, increased sense of enclosure to adjoining windows or loss of privacy to adjoining occupiers. Similarly, City Plan Policy S29 seeks to safeguard the amenity of surrounding properties.

Sunlight and Daylight

A daylight and sunlight report has been submitted which assesses the impact of the proposal on residential properties in Hanover Court, on the opposite side of Hanover Street; 18 Hanover Street, to the east of the site; 6-8, 10, 12 and 18 Maddox Street to the south and 3, 4, 5 and 11-13 Pollen Street, to the south-west. This report is based on the methodology set down in the Building Research Establishment's (BRE) publication "Daylight and Sunlight: A Guide for Good Practice".

Daylight

An assessment of Vertical Sky Component (VSC) is the most commonly used method for calculating daylight levels. If the VSC value is more than 27%, it is generally accepted that there is sufficient light striking the face of the window for normal habitable purposes. If existing VSC values are less than 27%, and the reduction in percentage terms is more than 20% of the existing value, then the occupiers are likely to notice the change.

All of the properties tested meet the VSC threshold with the exception of:

18 Hanover Street, where two first floor windows to a living/kitchen/dining area would see reductions of 25% (from 0.04 to 0.03%) and 50% (from 4.75 to 2.41%). In this case, the actual losses are limited but the percentage reductions are relatively high as the existing VSC values are poor. However, there are two other windows serving the same room, where reductions would be well below 20% (at 11 and 7%) and where resulting values would be reasonable in this central location (at 11.31 and 9.88%). Consequently, it is not considered that the amenity of this accommodation would be materially affected.

12a Maddox Street, where one second floor window would see a VSC reduction of 21%. The use of this room is unknown. Although the loss marginally exceeds the 20% threshold, this window retains a VSC of 19.61%, which is considered good for this, built up, central London location. In these circumstances, there would be a material loss of amenity to this accommodation.

6-8 Maddox Street, where first floors windows serving a bedroom and a living room currently receive VSC levels of 7.46% and 4.70%. These values would be reduced to 5.73 and 3.18% respectively as a result of the proposals. Whilst the percentage reductions (23.2% and 33.3%) exceed BRE targets, this is because these windows are located directly beneath a balcony to the flat above. BRE guidance recommends that, in this situation, the daylight assessment excludes the effects of the balcony. In this analysis, the VSC losses would be reduced to 12% and 11%, which is within acceptable parameters.

Sunlight

The BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours (APSH), including at least 5% of annual winter sunlight hours. A room will be adversely affected if this is less than the recommended standards and reduced by more than 20% of its former values or by more than 4% of APSH over the whole year. Only windows that face within 90 degrees of due south need to be assessed in relation to the sunlight test, in this case 18 Hanover Street. All windows tested would continue to receive annual sunlight levels of 33% and above and winter sunlight values of 8 % or more, far exceeding BRE minimum targets.

Sense of Enclosure

Given the relationship of the proposed development to neighbouring properties, it is not considered that the increase in bulk and mass at the application properties would be so significant as to result in a material increased sense of enclosure and loss of amenity to neighbouring residents.

Privacy

There is an existing flat roof at third floor level on Pollen Street. Although this was likely designed to provide access to an escape stair. There is evidence to suggest that it was been used as a terrace.

This scheme includes a flat paved roof at fifth floor level to the rear of the Pollen Street building, to the east of the office lift core. Due to its proximity to residential properties on Maddox Street and its potential amenity impact on the residential accommodation at 5 Pollen Street, its use as a terrace would be unacceptable. As such, a condition is recommended to prevent the use of this roof other than for maintenance purposes or as a means of escape.

A green roof is proposed to the Pollen Street building which predominantly overlooks commercial buildings. Although some windows to the rear of the residential premises along Maddox Street are visible from this location, given the distance between the sites, it is not considered that access to this roof would result in any harmful increased overlooking.

Given the presence of existing windows on all elevations and the relationship between the application site and surrounding residential properties, it is not considered that the new windows or glass blocks serving the new office accommodation would result in a material loss of residential privacy.

8.4 Transportation/Parking

Parking/traffic generation

The site is centrally located and well served by public transport including principal bus routes. Anyone visiting the site by car would be subject to local parking restrictions and the proposal is considered unlikely to have a significant impact on car parking demand and is consistent with UDP policies TRANS21 and TRANS22.

Servicing

UDP policy TRANS 20 and S42 of the City Plan require off street servicing to be provided as part of new developments. There is no off-street servicing for the existing building nor the proposed development, where it would compromise the ground level retail function and display areas. Single yellow lines in the vicinity allow loading and unloading to take from the street. The largest regular service vehicle expected to be associated with this development in this location is the refuse collection vehicle.

The Highways Planning Manager has requested that a condition be imposed requiring the submission of a Servicing Management Plan to demonstrate how servicing of the development would be managed to minimise its impact on the local highway network and highway users. This would be secured by condition. A further condition is recommended to prevent the use of the shop for retail food sales due to the intensive servicing demands associated with such uses.

Cycle parking

There are currently no cycle parking facilities on the site. To comply with London Plan policy a minimum of 25 cycle spaces would be required to serve the development. The proposal provides 18 spaces, which is not acceptable. The applicant has confirmed that they are willing to accept a condition requiring the provision of all 25 spaces.

8.5 Economic Considerations

Any economic benefits generated by the development are welcomed.

8.6 Access

The pedestrian access arrangements will be altered so that all office access will be via Pollen Street and customer access to the retail unit will be from Hanover Street. There will be level access from street level. The main lobby access provides lift access and stair access to the upper floors,

A separate entrance from Pollen Street provides a stair access down to the basement levels in order to the cycle storage, showers and refuse areas. The office lobby also provides for lift access to the cycle stores. A single flight of stairs, with a cycle channel, also offers an alternative access.

8.7 Other UDP/Westminster Policy Considerations

Plant

Eight air conditioning units are proposed within a roof level enclosure to the Hanover Street building. The Environmental Health Officer has raised no objection to the proposal and consider that the plant is likely to comply with the City Council's standard conditions relating to noise and vibration. A further condition is recommended requiring the plant screen being installed prior to the operation of the plant. Subject to these conditions, the proposal would comply with UDP policy ENV7 and S32 of the City Plan.

Refuse /Recycling

The application includes internal waste storage at basement level. The storage facilities accord with Council requirements and will be secured by conditions.

Biodiversity

The proposals incorporates a green roof to Pollen Street. This is welcomed and accords with City Plan Policy S38 and ENV17 of the UDP. It is recommended that details of this roof (construction and planting) are secured by condition.

Sustainability

The applicants have submitted a detailed Sustainability and Energy Strategy in support of the proposals.

Policies 5.1 to 5.9 of the London Plan focus on measures to mitigate climate change and the carbon dioxide emissions reduction targets that are necessary across London to achieve this. London Plan Policy 5.2 sets out carbon reduction targets which apply to major developments, including this scheme, which equates to a 35% reduction in carbon dioxide emissions for non-domestic buildings when compared with part L of the Building Regulations (2013). Policy 5.6 of the London Plan requires development proposals to evaluate the feasibility of Combined Heat and Power (CHP) systems.

In order to reduce carbon omissions the scheme incorporates various measures including the use of thermally efficient building fabric, insulated pipework and ductwork (and air sealed ductwork), energy efficient water, heating, cooling, lighting and ventilation (with heat recovery systems). Through the implementation of these measures, it is estimated that the development would achieve a 19% reduction in site-wide regulated CO₂ emissions beyond the requirements of the Building Regulations Part L (2013) 'baseline'.

The applicants acknowledge that the overall shortfall in CO₂ savings is below the London Plan Policy target, but consider that this level of savings represents the maximum that can be achieved given that the building façade would be, partly, retained. As the roof would house plant for the development and a living/green roof, it is not considered that further measures e.g. the installation of photovoltaic panels could be accommodated. In these circumstances, a shortfall in the level of CO₂ savings can be offset through a financial contribution to the Council's carbon offset fund. This would be secured by condition. It is estimated that the required contribution would be £17,500.

Subject to conditions to secure the sustainability measures proposed and a carbon offset payment, this aspect of the scheme is considered acceptable.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force. These make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether

there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

- (a) necessary to make the development acceptable in planning terms
- (b) directly related to the development;
- (c) fairly and reasonably related in scale and kind to the development.

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of the development; ensure the development complies with policy requirements within the development plan; and if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures that the overall delivery of appropriate development is not compromised.

The application requires a contribution to the Council's Carbon Off-set Fund, which would be secured by condition.

The estimated Westminster CIL payment is £86,200.

8.11 Environmental Impact Assessment

The environmental impact of the development is discussed elsewhere in the report.

8.12 Other Issues

Basement

The application involves the excavation of an additional basement level beneath the site, which is dealt with under City Plan Policy CM28.1. The extent of the proposed basement is compliant with CM28.1.

As required by this policy, the applicant has provided a structural method statement setting out the construction methodology. Any report by a member of the relevant professional institution carries a duty of care, which should be sufficient to demonstrate that the matter has been properly considered at this early stage. The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction, which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

The City Council is not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course.

The application has been assessed by the Building Control Officer who has advised that the proposed structural methodology appears satisfactory and is appropriate for this site. The existence of groundwater, including underground rivers, has been researched and

the likelihood of local flooding or adverse effects on the water table has been found to be low.

An informative is recommended advising the applicant of the need to obtain a Technical Approval from the City Council's Highways Engineers before beginning excavation works. This will ensure that the structural integrity of the highway will be maintained.

Construction impact

A condition is proposed which requires the applicant to sign up to the Council's 'Code of Construction Practice' (COCP) to ensure that the basement construction process is carefully managed, minimising disruption to neighbours and the highway and reducing the effects of noise, dust, traffic movements etc. resulting from the construction. As part of this process, Environmental Health Officers will liaise with both the applicant and neighbouring occupiers during the construction process to ensure that neighbours' concerns are addressed. Regular site visits will be undertaken to monitor construction operations and ensure compliance. A further condition is recommended to control the hours of excavation and building works. Subject to these conditions, it is considered that the potential effects of the construction process will be ameliorated as far as possible.

9. BACKGROUND PAPERS

1. Application form
2. Memorandum from Residents' Society of Mayfair and St James, dated 6 April 2018
3. Response from Environmental Health, dated 29 December 2017
4. Response from Building Control, dated 3 January 2018
5. Memorandum from Highways Planning, dated 8 January 2018
6. Memorandum from Cleansing, dated 8 February 2018
7. Letter from the New West End Company, dated 10 April 2018

(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: SARA SPURRIER BY EMAIL AT SSPURRIER@WESTMINSTER.GOV.UK.

10. KEY DRAWINGS

Existing Hanover Street Elevation



Proposed Hanover Street Elevation



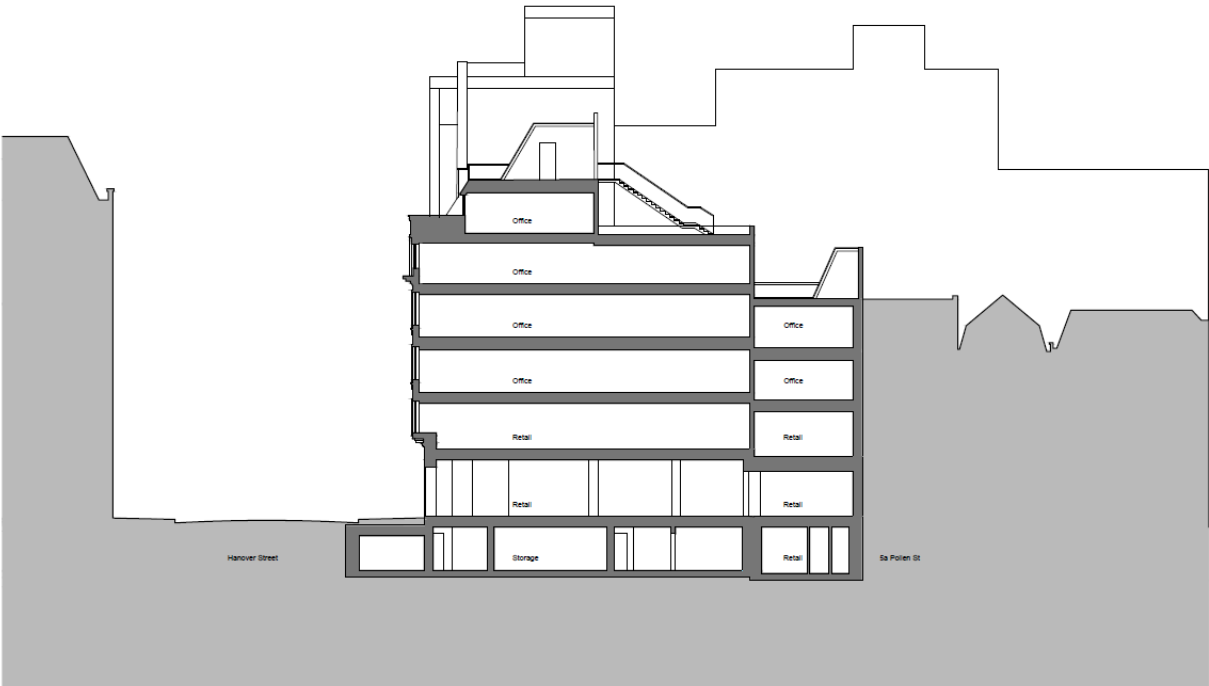
Existing Pollen Street Elevation



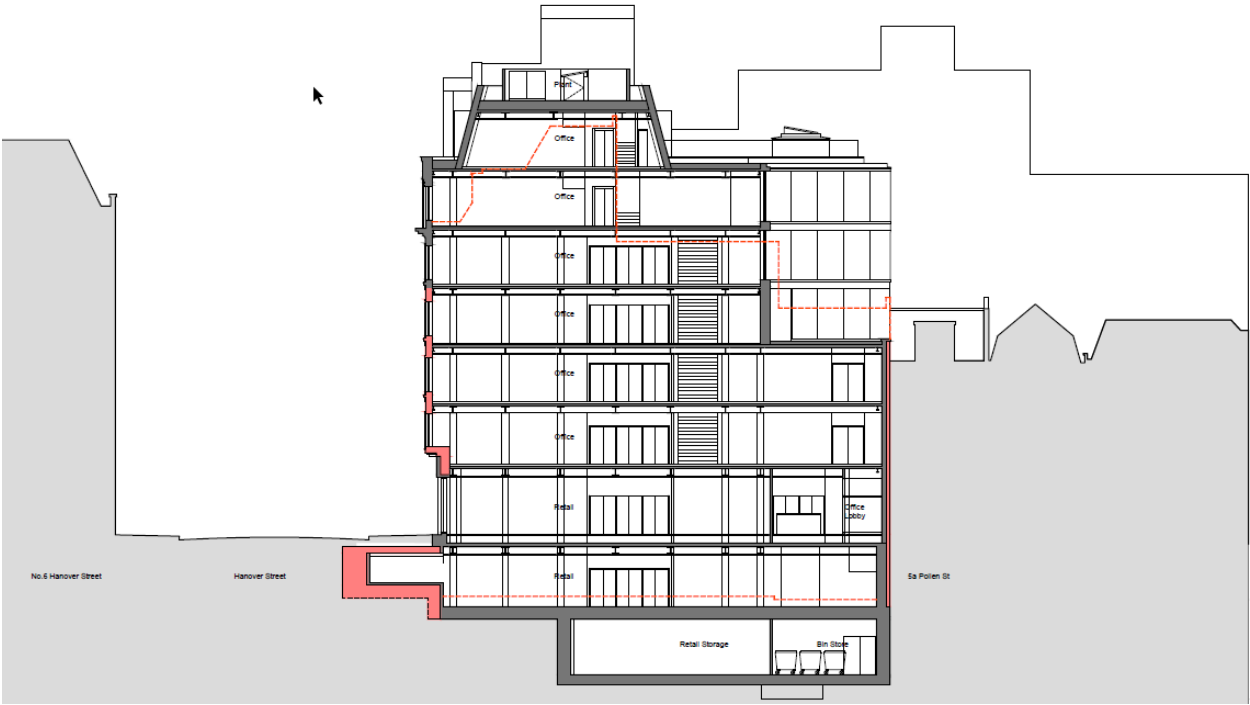
Proposed Pollen Street Elevation



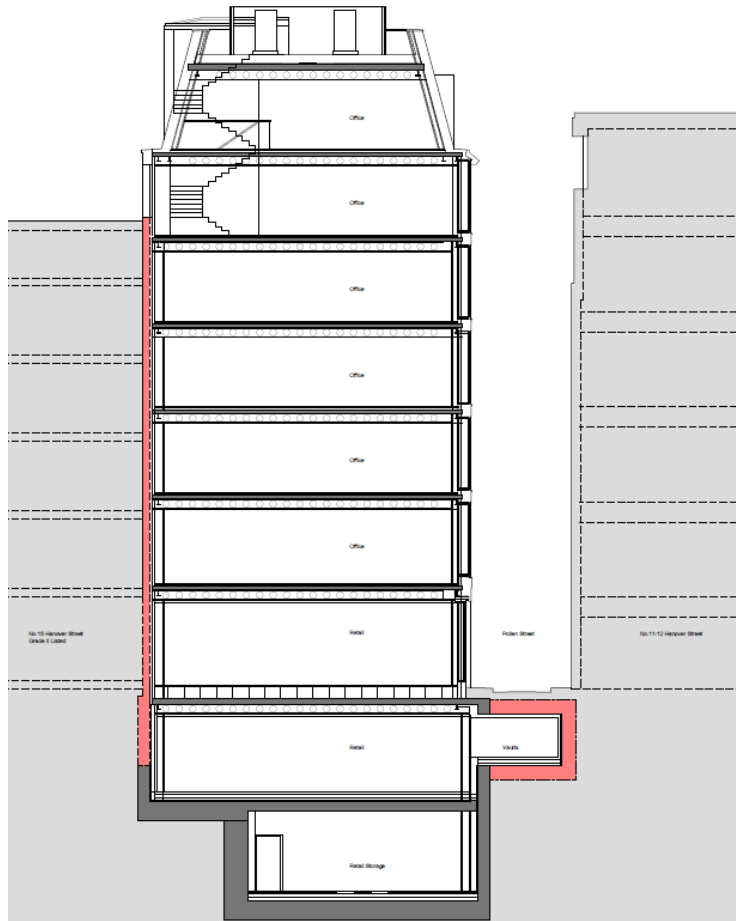
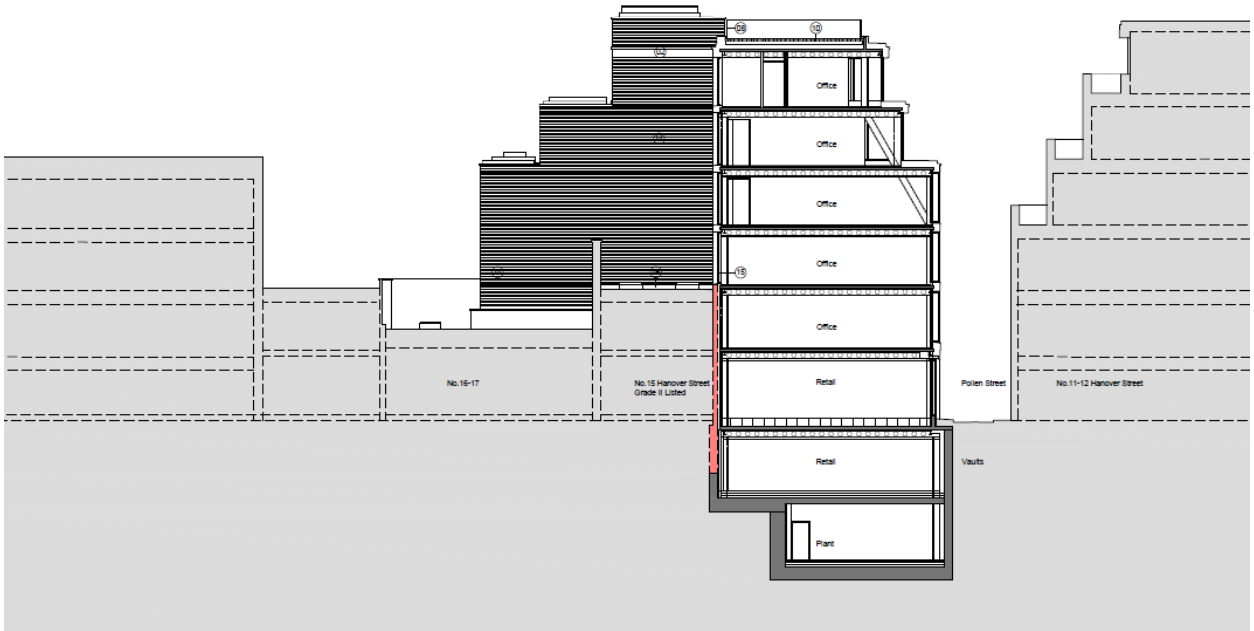
Existing through Hanover Street



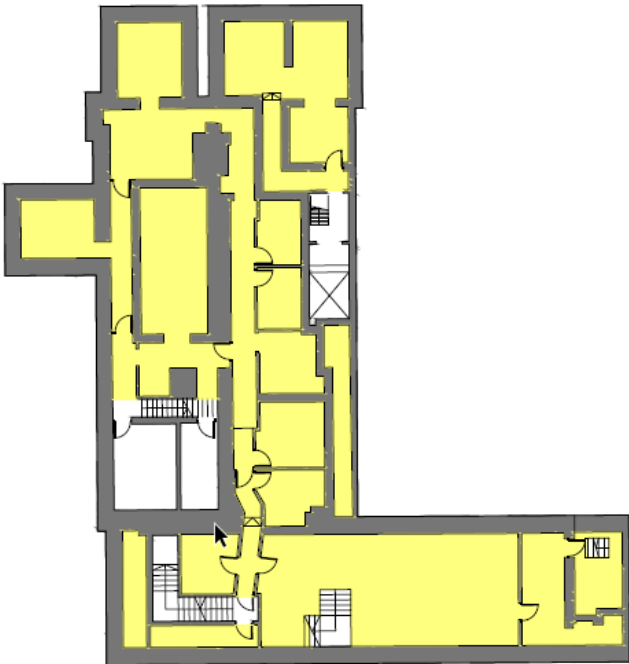
Proposed through Hanover Street



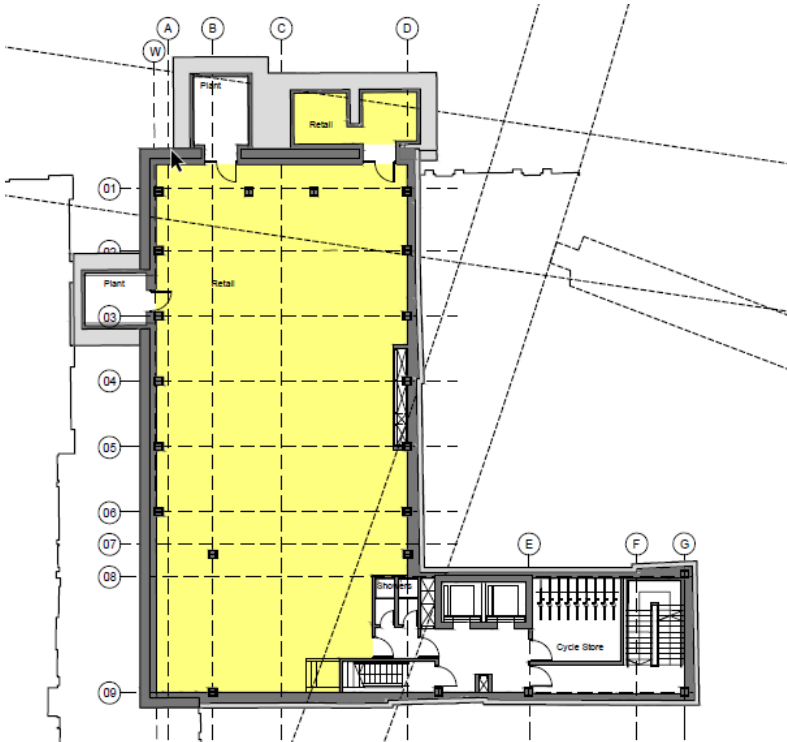
Proposed Sections through Pollen Street



Existing lower ground floor



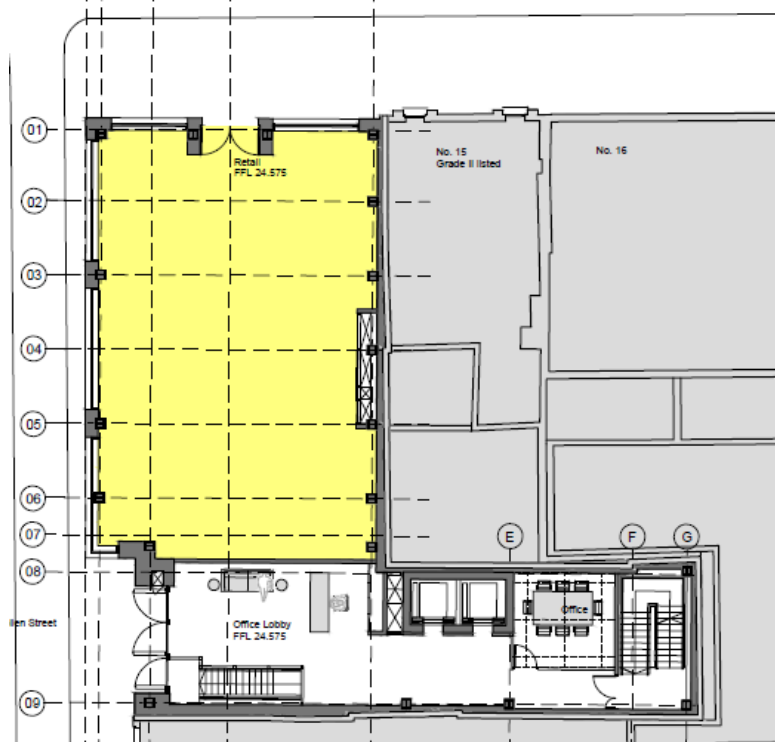
Proposed Basement



Existing ground floor



Proposed Ground Floor



DRAFT DECISION LETTER

Address: 13-14 Hanover Street, London, W1S 1YH,

Proposal: Redevelopment of 13-14 Hanover Street/6-7 Pollen Street behind retained Hanover Street facade, including excavation of an additional basement, to provide a new building for retail use (Class A1) at basement, lower ground and part ground floor level and office use (Class B1) at part ground, and first to part fifth/ part sixth floor with a roof top plant enclosure to 13-14 Hanover Street and green roof to 6-7 Pollen Street (Site includes 6-7 Pollen Street).

Reference: 17/10871/FULL

Plan Nos: 1524-20-3-001 Rev 03, 1524-20-3-080 Rev 09, 1524-21-3-130 Rev 02, 1524-20-3-0150 Rev 09, 1524-20-3-0110 Rev 09, 1524-20-3-0140 Rev 9, 1524-20-3-0100 Rev 09, 1524-21-3-0100 Rev 03, 1524-20-3-090 08, 1524-21-3-110 Rev 04, 1524-20-3-0120 Rev 09, 1524-22-3-001 Rev 03, 1524-22-3-002 Rev 03, 1524-22-3-003 Rev 01, 1524-20-3-0170 Rev 02, 1524-21-3-120 Rev 03, 1524-20-3-0130 Rev 09

Case Officer: Damian Lavelle

Direct Tel. No. 020 7641 5974

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of

Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must apply to us for approval of detailed drawings (scales 1:20 and 1:5) of the following parts of the development:
- (1) Alterations to front facade,
 - (2) All other facades - Typical details at all levels ,
 - (3) Shopfronts.

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 detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

4 **Pre Commencement Condition.**

You must not start any demolition work on site until we have approved either:

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

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

Reason:

To maintain the character of the Mayfair Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 5 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Mayfair Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 6 You must apply to us for approval of detailed drawings showing the following alterations to the scheme.,
- (1) Hanover Street - Shopfront framework (to be traditional, reflecting the style of the facade above. Dentil cornice to be retained).

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB),

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 8 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 9 (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.

- 10 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.

- 11 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

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.

- 12 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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

- 13 You must not use the fifth floor paved flat roof to rear of the Pollen Street buildings (to the east of the lift core) for sitting out or for any other purpose. You can however use the roof for maintenance or to escape in an emergency.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 14 You must provide the waste store shown on drawing 1524-20-3-080 Rev 09 before occupying the office or retail accommodation hereby approved. You must clearly mark them and make them available at all times to everyone using the premises.

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)

- 15 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the living green roof 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 prior to occupation of any of the residential units hereby approved and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To increase 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. (R43FB)

- 16 You must apply to us for approval of details of a plan showing the provision of storage for 25 bicycles for both the retail and office accommodation hereby approved. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

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)

- 17 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that class in any statutory instrument revoking or re-enacting that order) the retail accommodation hereby approved shall not be used for food/supermarket purposes

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TRANS 20 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 18 You must submit a Servicing Management Plan for the City Council's approval prior to the occupation of the retail and office accommodation hereby approved. The plan should identify process, internal storage locations, scheduling of deliveries and staffing. The plan must also demonstrate sufficient holding space for delivery of goods and refuse bins awaiting collection off the highway. The approved Servicing Management Plan shall be adhered to thereafter unless an alternative Servicing Management Plan is submitted to 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)

- 19 **Pre-commencement condition**

You must not commence development until we have approved appropriate arrangements to secure the following:

- Arrangements to address the shortfall in carbon dioxide reductions

You must only carry out the development according to the approved arrangements.

Reason

To make sure that the development provides the planning benefits that have been agreed, as set out in London Plan Policy 5.2

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if complaints are received.
- 3 As the new construction provides support to the highway an informative should be included to remind the applicant to obtain a Technical Approval from the City Council's highways engineers before beginning excavation
- 4 With reference to condition 12, please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk.

Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition. , , You are urged to give this your early attention
- 5 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 6 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 (ACMs). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACMs, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)

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

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

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

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

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

- 8 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.

* Window cleaning - where possible, install windows that can be cleaned safely from within the building.

* Internal atria - design these spaces so that glazing can be safely cleaned and maintained

* Lighting - ensure luminaires can be safely accessed for replacement.,

* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm.

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 9 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 10 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

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

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk , , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 11 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 12 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained., Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following;
- * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings; , * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
 - * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
 - * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
 - * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the

main part of the treads.

- 13 Under condition 19 we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure a payment of £17,500 towards the Council's Carbon Off-set Fund. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition.

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.

Agenda Item 5

Item No.
5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 24 April 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bayswater	
Subject of Report	Medical Centre, 14 - 16 Newton Road, London, W2 5LT,		
Proposal	Extensions to the existing building at roof, ground and lower ground level in connection with the provision of 961 sq.m (GEA) Class D1 floorspace and 9 residential flats (Class C3), together with associated parking and landscaping.		
Agent	Mr Nick Grant		
On behalf of	London Diocesan Fund		
Registered Number	17/11306/FULL	Date amended/ completed	23.03.2018
Date Application Received	21 December 2017		
Historic Building Grade	Unlisted building of merit		
Conservation Area	Westbourne		

1. RECOMMENDATION

Grant conditional permission

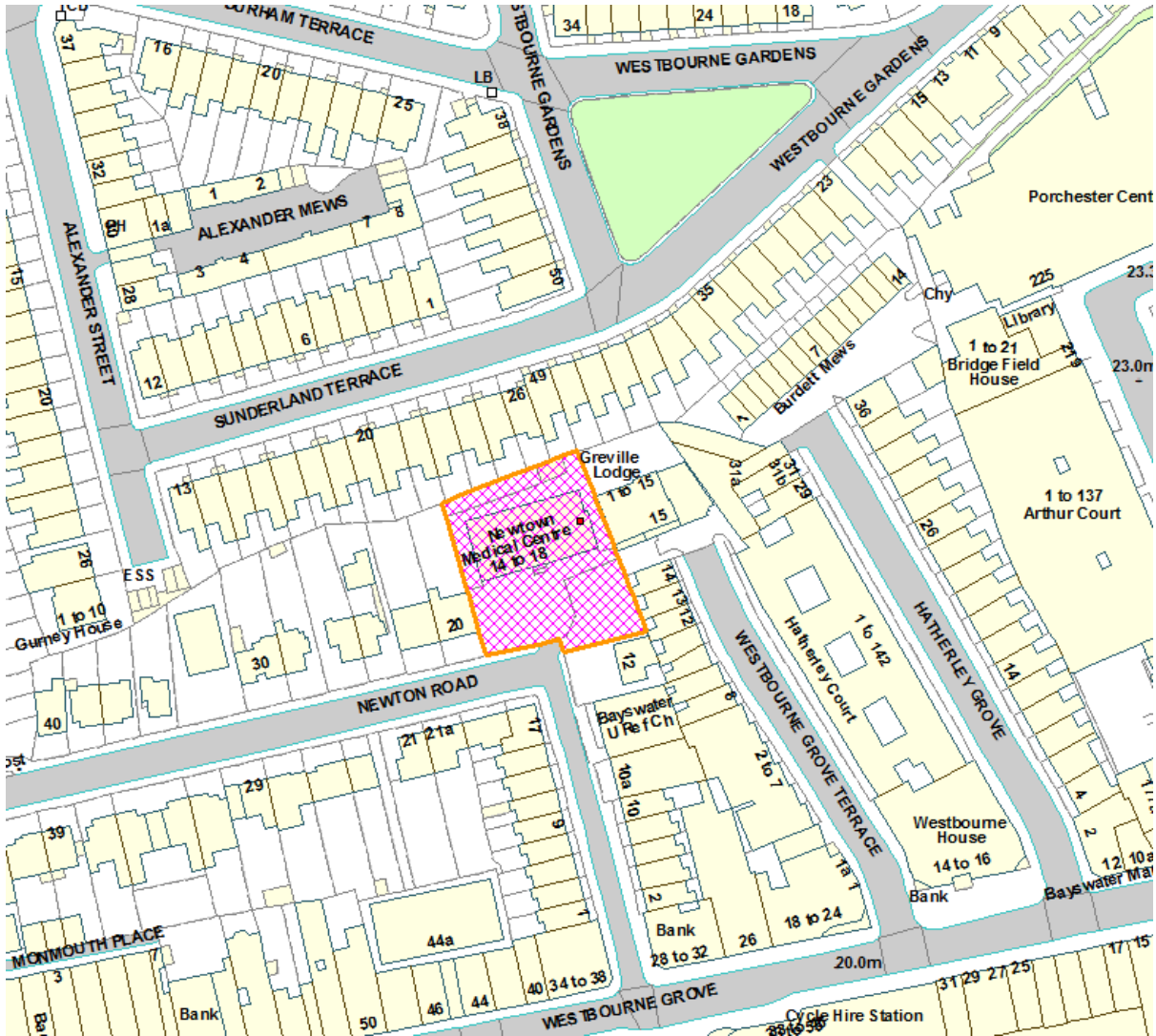
2. SUMMARY

<p>Permission is sought to extend and alter the existing building in connection with the retention of medical floor space and the creation of nine flats. The proposal has generally received in principle support in land use terms from NHS central London Commissioning Group, Central London Healthcare CIC, Newton Road Medical Centre including a petition of patient signature, Bayswater Residents Association and local residents. However many detailed aspects of the proposal has brought about objections and concern (from occupiers of 18 properties) regarding loss of amenity, impact on car parking and the loss of trees and soft landscaping.</p> <p>The proposal has subsequently been amended during the course of the application to seek to minimise amenity impact and to strike a balance between the need for car parking associated with the provision of flats and the retention and replacement of trees and soft landscaping, which provide significant visual amenity in the locality.</p> <p>Whilst certain aspects of the proposal are considered to result in harm to the building and conservation area (front extension), the public benefits associated with the provision of significantly improved medical facilities securing its long-term future, is considered to outweigh this less than substantial harm. Overall, the proposal is considered to be acceptable, subject to a number of</p>
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Item No.
5

conditions and to accord with relevant Unitary Development Plan and City Plan policies and is recommended favourably.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation

2 Feb 2018, 08:33:32



Rear elevation

5. CONSULTATIONS

CONSULTATION ON ORIGINAL PROPOSAL

HISTORIC ENGLAND

Not necessary to be consulted.

THAMES WATER

No objection, subject to condition and informative.

NHS CENTRAL LONDON CLINICAL COMMISSIONING GROUP

Support. We are committed to improving the care provided to patients, reducing health inequalities and raising the quality and standards of GP practices whilst achieving overall financial balance. We need to do this because demographic changes are increasing demand on healthcare services and the resources available are not increasing at the same rate. Both the NHS and local government need to find ways of providing care for an ageing population and managing increasing demand with less money and over the next five years we anticipate that the growth in volume and complexity of activity will outstrip funding increases.

The proposed development at the Newton Medical Centre is comprehensive and will effectively secure the long-term future of an NHS medical practice in this location while simultaneously providing a significant improvement in the quantity, quality and practical utility of the facilities and accommodation available to patients. A key benefit of the proposal is the funding and delivery of the scheme through the Diocese of London, which we understand is only achievable through the proposed sympathetic refurbishment of the larger underutilised and redundant parts of the building into residential apartments.

CENTRAL LONDON HEALTHCARE CIC

Support. CLH is a GP Federation comprised of 33 GP practices that serve a registered patient population of over 200,000 patients in Central London. It is a community interest company which is owned and run by local primary care clinicians to improve health and wellbeing in Westminster. The Newton Medical Centre is one of our member practices. It is run by a dedicated, caring team of GPs, nurses and support staff, and has an excellent reputation.

The Newton Medical Centre has seen a rapid increase in the number of registered patients in recent years. The proposed development will secure long term sustainability for the practice to continue to provide general medical services to the local growing population at this location. It will give the practice the infrastructure to expand the range of services it offers, such as introducing diagnostic facilities and community services, thus bringing access that is more convenient for local residents and an improved patient experience.

Without this development, the Newton Medical Centre will be forced to limit the services it provides to the local community due to lack of space.

NEWTON ROAD MEDICAL CENTRE

Support. The Newton Road Medical Centre is a friendly growing NHS General Practice run by our team of dedicated and permanent medical staff which includes five doctors, three nurses, mental health clinicians and a great administrative support team.

We have been working very closely with the Diocese of London team over many months to ensure that the accommodation is able to meet the needs of our busy practice for years to come and which we see as being critical to the long-term health and attractiveness of the surgery.

We are excited by the proposals, as improved facilities and accommodation will allow us to provide better health care to the local population. This cannot happen soon enough as we have reached the capacity of our current facility and are already limiting the range of services we would aim to provide to our patients.

CRIME PREVENTION DESIGN OFFICER

No objection. General comments made.

HIGHWAYS PLANNING

No objection, subject to legal/agreement conditions to secure unallocated parking and car club membership.

ENVIRONMENTAL HEALTH

Objection. The acoustic report does not assess noise from mechanical plant (air source heat pumps in rear garden to flat 3 to serve the residential and medical centre). The acoustic report only assess the internal noise levels to the proposed uses within the site.

ARBORICULTURAL MANAGER

Objection. Inadequate space proposed for soft landscaping and replacement tree planting to compensate for the loss of seven individual trees and two groups of trees. Revisions to hard landscaping required to retain and protect trees within adjacent sites. Further clarity/information required with respect to excavation of basement, changes in levels. Green roofs should be revised to intensive roofs with greater biodiversity value and depth of soil over basement should be increased. Landscaping requires reconsideration due to inadequate area and impractical locations.

BUILDING CONTROL

Any response to be reported verbally.

ADULT AND COMMUNITY SERVICES

Any response to be reported verbally

CLEANSING MANAGER

Applicant has not submitted a detailed waste management strategy showing location of D1 and C3 waste stores. In addition, information relating to waste generation estimates and bin capacities required for recyclable materials and residual waste for both uses were not provided.

BAYSWATER RESIDENTS ASOCIATION

Generally support application, including conversion to residential and the design building of a new medical centre.

Note that concerns have been expressed about overlooking/loss of privacy from two neighbouring property owners, which is difficult to judge but should be addressed before any consent is granted.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 490

Total No. of replies: A number of responses from 27 properties

No. of objections: 18 No. in support: 9

Patient petition in support of the development with 84 signatures

Objections

Residential Land use

- Extent of residential
- Impact on character of area
- Does not achieve a good standard of development for future occupiers
- Lack of amenity space for future occupiers
- Regrettable that does not require affordable housing

Amenity

- Detrimental impact on living conditions of existing residents
- Loss of amenity to neighbours' homes and gardens
- Loss of privacy and overlooking from windows and terraces
- Loss of daylight and sunlight
- Obstructed views
- Encroachment on existing residential amenity
- Increased sense of enclosure
- Noise and disturbance
- Light emission
- Noise and light pollution from cars
- Noise from mechanical plant
- Noise from bike racks
- Noise from waste and recycling

Environmental

- Loss of trees
- Loss of well-established trees and landscaped amenity area
- False acacia tree should be replaced.
- Landscaping should take priority over car parking
- Not sustainable development
- Impact on air quality

Transportation

- Impact on parking
- New residents could apply for residents parking permits and it is already difficult to park in the area.
- Car parking not sustainable
- Impact on pedestrian safety from comings and goings
- Development should be car free

- No provision for patient car parking
- Congestion from increased residents, visitors, delivery lorries

Design and townscape

- Negative impact on the character and appearance of the area
- Loss of landscaping and impact on character and appearance of the area
- Mansard roof should not be allowed as other surrounding properties have been denied them.
- Roof line is integral to the conservation area
- Building is one where conservation area audit says a roof extension is not appropriate
- Rear extension should not be allowed in the rear garden

Construction

- Noise and disturbance and overall impact of construction works.
- Structural impact on neighbouring properties
- Health and safety of residents

Support

- Land use
- Better healthcare provision
- Development will be of great benefit to the local community
- Will rejuvenate a tired and underutilised building
- Extension is contextual
- Will tidy up scruffy garden
- Medical centre serves thousands of patients and should be retained
- Outstanding GP practice
- Positive contribution to social amenity
- Overall massing is sensitive

PRESS ADVERTISEMENT / SITE NOTICE: Yes

RE-CONSULTATION ON REVISED SCHEME 27.03.2018.

Revised scheme includes reduction in car parking to 7, reconfigured and increased landscaping; reduction in terrace areas, obscure glazing to flank windows; various design changes to medical building, design alterations to fenestration to main building and to pitch of mansard roof; omission of lift overrun, railings to front boundary wall, air source heat pump enclosures.

THAMES WATER

Any response to be reported verbally.

NHS CENTRAL LONDON CLINICAL COMMISSIONING GROUP

Any response to be reported verbally.

CENTRAL LONDON HEALTHCARE CIC

Any response to be reported verbally.

NEWTON ROAD MEDICAL CENTRE

Any response to be reported verbally.

CRIME PREVENTION DESIGN OFFICER
No further comments.

HIGHWAYS PLANNING
No objection, subject to unallocated residential car parking.

ENVIRONMENTAL HEALTH
No objection, subject to conditions.

ARBORICULTURAL MANAGER
Objection. Whilst increased soft landscaping welcomed, other comments not addressed.
BUILDING CONTROL
Any response to be reported verbally.

ADULT AND COMMUNITY SERVICES
Any response to be reported verbally

CLEANSING MANAGER
Any response to be reported verbally.

BAYSWATER RESIDENTS ASOCIATION
Any response to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION
Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 490
Any responses to be reported verbally

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Nos. 14-16 Newton Road, is use as the Newton Road Medical Centre, is an unlisted building with front and rear curtilage, located within the Westbourne Conservation Area. The front curtilage comprises a large soft landscaped garden and a small car park and to the rear, a hard landscaped garden with trees.

The existing neo-Georgian style red brick building on the site comprises ground and first floors, with a basement floor with light wells to the rear and is thought to have been purpose built for a medical use in the early 20th Century. It I considered an unlisted building of merit.

The site is predominantly surrounded by residential properties. To the north lies the rear of properties in Sunderland Terrace (Nos.22-26) and Westbourne Gardens (No.49), many of which are flats. To the east is Greville Lodge (a modern flat block) and the rear of Westbourne Grove Terrace (Nos.12, 13, 14). Directly to the south lies 12 Newton Road and properties on the south side of Newton Road (Nos.17-19) as well as the United Reformed Church. Directly to the west, No20 Newton Road shares a boundary with the application site. Other Newton Road properties on the northern side of the road lie further west.

6.2 Recent Relevant History

An extension to the property was granted permission in 1989 for a doctor’s surgery (LPA ref. 89/00542/FULL) confirming the lawfulness of D1 use on site.

7. THE PROPOSAL

	Existing GEA (sqm)	Proposed GEA (sqm)	+/-
Medical	960m2	961m2	+1m2
Residential	59m2	904m2	+845m2
Total	1019m2	1865m2	+ 846m2

Planning permission is sought for the extension and alteration of the existing medical building in connection with the future use as a medical centre to the part ground floor and basement and the use of part ground and entire first and extended second floors as nine flats. A summary of the development is set out below:

- Use as Medical Centre and 9 self-contained flats (1x1bed, 6x2bed, 2x3bed)
- Ground floor wrap around extension to front, side and rear corner of site
- Basement extension beneath front corner curtilage of the site
- Roof extension
- Reconfiguration of front curtilage to accommodate off street car-parking for medical (3no.) and residential flats (6no.)
- Terrace to flats

8. DETAILED CONSIDERATIONS

8.1 Land Use

Medical use

The existing building is (apart from a top floor residential unit) currently occupied for medical use (Class D2) over 960m2 of floor space. The applicant has indicated that, “the Newton Road Medical Centre partially occupies the ground and first floor of the building, with the remaining space either accommodating Healthcare, a NHS musculoskeletal (MSK) service, or left vacant. The medical centre provides both GP and clinical care to the residents within their catchment”. The Newton Medical Centre

currently has five doctors, three nurses, mental health clinicians and an administrative support team,

The proposed development seeks to retain the 960m² of existing floor space on the site, predominantly within proposed new purpose built extensions, as well as part of the ground floor of the existing building. This element of the proposal has the support of NHS Central London (Westminster) Clinical Commissioning Group, a GP- led organisation responsible for planning and buying (commissioning) health services for people living in Westminster. The Commissioning Group is made up of 34 GP practices that serve a registered patient population of over 210,000 patients and the Newton Medical Centre is stated as being a key practice. Their support is on the basis that the proposed development would secure the long term future of this medical facility, whilst improving the quantity, quality and practical utility of the facilities and accommodation available to patients and because the development would be funded and delivered by the Diocese of London from the commercial element of the proposed development. For similar reasons the Central London Healthcare CIC and the Newton Medical Practice themselves have also make representation in support of the proposal including a petition in support signed by 84 patients. There is also general support locally for the principle of the retention and improvement of the medical facilities at the site.

The site is already in use for such medical use and the proposal secures the replacement of equivalent floor space. As such, this element of the proposal is welcome in principle in land use terms and secures the retention of a social and community use on the site, in accordance with policy SOC1 of the UDP and S34 of the City Plan.

For the reasons set out above, the proposed medical use is considered to be an appropriate use in this location. However, other uses that fall within the same use class (Class D2), may have a materially greater impact on the amenity of local residents and on parking provision, and which for these reasons may not be an appropriate use in this location. As such, it is considered both appropriate and necessary to recommend a condition to restrict the use of the site to the medical use proposed, as without such a condition, a change of use could take place to other Class D2 uses, such as a place of worship or crèche without planning permission. It is, also considered appropriate to restrict the hours of use of the medical use in the interest of residential amenity and to prevent a 24-hour or overnight use, which would be of a different character and impact.

As set out above the proposed medical use if considered acceptable, subject to conditions.

Residential use

A total of nine self-contained flats are proposed within the existing building as proposed to be extended, within the ground floor (part), first floor and new mansard roof.

The principle of the provision of new residential floor space within this location is acceptable in land use terms in accordance with policy H3 of our UDP and S14 of our City Plan.

Item No.
5

A total of 904m² of residential floor space is proposed, which when taking in account the existing residential flat on site results in a uplift of residential floor space of 845m² (GEA). The increase in residential floor space proposed would be less than 1,000m² of new GIA and GEA floor space and, the provision of affordable housing would not be required under policy H4 of our UDP and S16 of our City Plan.

The unit mix of flats would comprise 1x1bedroom, 6x2bedroom and 2x3bedroom flats, ranging in size from 46m² to 120m². The size of the flats complies with the Government's Technical Housing Standards and Policy 3.5 in the London Plan.

Whilst the one-bedroom flat is proposed as single aspect, all of the two-bedroom flats would be dual aspect and the three- bedroom flats triple aspect. Both of the three-bedroom flats would benefit from external terraces to the front of the building, 2 of the two-bedroom flats and the one-bedroom flat would benefit from private rear gardens and a further two-bedroom flat at first floor level is proposed to have an external terrace to the rear (however it should be noted that this first floor terrace raises amenity concerns for neighbours – see amenity section of report). Given the constraints of the site, surrounded to the flank and rear by existing residential properties, the provision of external amenity space for four flats (excluding the unacceptable first floor terrace) is considered acceptable.

Two family sized units are proposed (25% when taking in account 8 additional units are proposed). This falls short of the requirement for 33% family sized units, under policy H5 of our UDP and S14 of our City Plan. The applicant's justification is as follows: i) the surrounding area contains a significant amount of family housing, ii) the greater provision of 1 and 2 bedroom flats would deliver a mixed and balanced community, iii) the proposed 2 bedroom flats exceed the minimum space standards, and iv) the conversion scheme limits access to external amenity space, and v) there is a need for 2 bedroom flats for Londoners. Given the above factors, it is considered that a lower provision in this case can be justified.

It is considered that the proposed flats would provide a good quality residential environment for future occupiers in accordance with policy ENV13 of our UDP and S29 of our City Plan.

8.2 Townscape and Design

New Front Medical Centre Wing

The installation of a large and prominent extension within the front forecourt of this building considered an unlisted building of merit in the Westbourne Conservation Area is a contentious proposal, and by virtue of partly enclosing the front forecourt setting of this attractive building with its balanced classical composition by creating a prominent new extension well beyond the main building line it is considered to give rise to less than substantial harm. Officers however consider that a case can be made for it in the context of the scheme as a whole, and given both the layout and the history of this particular site.

Historic plans for the site show that prior to the approx 1930's construction of the existing building as medical facility, the site contained both two villa buildings set much further forward on the site, and also a series of structures of unknown purpose both in the rear

garden and to the south-east end of the site (where the new extension is located). Though not projecting forward to the extent currently proposed, nonetheless it demonstrates that there is some history of structures on this part of the site through the 19th and into the mid 20th century. It is also recognised that this part of the site, with high exposed brick walls and hard landscaping, is not especially attractive at present. Both of these considerations are considered to mitigate somewhat against the harm caused. Overall, it is considered that there are some reasons to justify a large front extension in this location, and that notwithstanding the harm caused the scheme as a whole including the extension is considered acceptable for the reasons set out in the report.

Mindful of officers concerns about a large front extension, it is considered that to help justify such a proposal it would need to be of notably high design quality. Some aspects are considered well considered; however notwithstanding officer's advice during the course of the application process, others remain less assured and conditions are recommended to secure improvements in certain areas, as set out below.

The front extension is designed in three distinct elements; namely the main entrance feature, the curving wall section, and the glazed link. The brick curving wall element has a simplicity of form, and the curving line gives a degree of attractiveness and character. To a prominent element of the building however, the relatively austere form could mitigate against an overall attractive appearance, and officers sought assurance through the application process that the windows were designed with attractive detailing, possibly through the window framing projecting slightly into the window opening and being picked out in a colour following that of the red brickwork detailing to the main building, or alternatively with the frame recessed significantly and the central glazed element of the window projecting forward to the building line, or some other feature adding detailed interest to the windows. Such detailing is recommended to be secured by condition however, and subject to that, this element of the extension is considered acceptable in design terms.

Alterations to existing building

The main entrance to the medical centre is proposed to be clad in Portland stone, and with a principally glazed canopy above the main entrance doors, and a fire escape door to the side. As a principle, a more prominent stone clad distinctive entrance feature could form an attractive part of the scheme, highlighting the main medical facility entrance in the composition. Officers however raised concern about a perceived lack of refinement to this element of the scheme during the course of the application process, however it remains largely as initially submitted. The concerns principally relate to the relative blankness of the elevation, the integration of the canopy with the building, and the prominence of the fire escape door in the composition. As such, though considered acceptable in principle, an amending condition is recommended to allow officers to negotiate and secure improvements to the detailing of this element of the scheme.

The glazed link section to the front of the building is set discreetly between the main building and the projecting element of the proposed front extension, and though it will be visible in longer angled views across the front garden of the building, it will not be a prominent feature and will integrate successfully with the building and extension.

The extension to the side and rear of the building are discreetly sited and do not rise above the flanking high boundary walls. The green roof to the rear element (and elsewhere) will help it harmonise with the garden setting, and though the link partly incorporates a relatively large glazed roof, set between this building and the adjoining side boundary wall, with a blank side elevation to the building adjoining to the east, views of this will be limited. The plant enclosure to the rear is discreetly sited.

The existing front boundary wall is of no particular design quality and dates from the mid-20th century construction of the building. As such, its demolition and replacement with a new brick boundary wall with traditional railings above is considered acceptable. The new vehicular gates are in an attractive form with detailing influenced by the medical history of the site, and are considered attractive in themselves.

Overall, officers do have concerns about the impact that the location and scale of the front extension could have in terms of cramping the setting of the main building and introducing a new element well beyond the established building line, and members are asked to be mindful of the provisions of section 134 of the NPPF which makes clear that for development proposal that will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use, but also be mindful of the statutory duty in s. 72 of the Planning (Listed Buildings and Conservation Areas) Act of 1990 which sets out that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of a conservation area, and that considerable importance and weight should be given to this duty. Overall however, considered as part of the scheme as a whole, the extension is considered acceptable.

Roof Extension

It is noted that the building is identified in the published Westbourne Conservation Area Audit as one where a roof extension may not be acceptable. A detailed on-site consideration has been undertaken to fully assess this application however, and it is considered that, notwithstanding the annotation in the Audit, that a case could be made for an extension to the roof of the building. No. 14-16 Newton Road has a particularly high parapet surrounding its main flat roof, which helps to screen much of the bulk of the extension proposed. The flat parapet and neo-Georgian styling appears more suitable for a mansard than to the surrounding villa buildings. It is also recognised that whilst it is flanked by two storey villa buildings, in the longer views north and east on Newton Road the slate clad roof structures of those villa buildings are readily visible above the main elevations to those surrounding buildings. It is also recognised that the application building has a backdrop of a higher terrace of properties in views north on Newton Road, and is seen in direct context with much higher buildings in views east on Newton Road, both of which would help minimise the appearance of the mansard. Overall, and notwithstanding the annotation in the Audit, it is considered that the principle of the mansard is considered acceptable.

Though the roof extension does have an internal floor to ceiling height of 2.75m, which is beyond the 2.3m normally considered as a maximum, it is recognised that this building has both unusually high parapets and high floor to ceiling heights to its main elevations, and as such it is considered that the extension proposed will not appear excessively large or bulky to this particular building. Officers had previously suggested clay tiles to clad the extension to main roof level, as this is more typical of roof stories to such 20th

century neo-Georgian buildings, however natural slates are proposed, which is the predominant roof material in the surrounding 19th century townscape, and will give a high quality finish in itself. As such, the proposed cladding of the extension in natural slates is considered acceptable. The dormers will be clad in lead, as is standard and appropriate for the surrounding area.

The perforated metal screen will add some clutter to roof level, however it has a relatively low profile, and will not unduly compromise the appearance of the building. There is an anomaly between where the screen is shown to terminate towards the front elevation between the elevation and plan drawings, and this is resolved through condition requiring it to set back from the front elevation (as it is shown on plan) which will help prevent it being prominent in views of the skyline from the front of the building. Its bronze finish will harmonise appropriately with the red shades of brickwork found to the main building.

8.3 Residential Amenity

Given the location of the site and its relationship with surrounding residential properties, it is a sensitive site in amenity terms requiring a full assessment of the impact of the proposal on the amenities currently enjoyed by existing surrounding residents.

Impact of Uses and activities

The existing building is occupied for medical use within Class D1 of the Use Classes Order and it is proposed to retain the same amount of floor space for this medical use in the proposed development. Given the lawful use of the site for such use, it is not considered that the continued use would raise any new or additional amenity issues for existing surrounding residents. The existing use is not restricted in terms of hours of use of nature of Class D1 use and as already set out under section 8.1 (land use) of this report, it is considered appropriate to impose restrictions of this nature in the interest of protecting the residential amenity of existing surrounding residents and the future residents of the development in accordance with policy ENV13 of the UDP and S29 of the City Plan.

The provision of additional self-contained residential flats is compatible within this predominantly residential area and the associated additional activities and comings and goings to and from the site is not considered to raise any significant amenity issues for existing residents. Whilst objections have been raised to the impact of the location of refuse and recycling and bike stores, it is not considered that, the activities associated with these would be so detrimental so as to warrant withholding permission.

Impact of physical development

The impact of the proposed extensions to the existing building have been assessed with respect to their potential impact on the amenities currently enjoyed by the occupiers of surrounding residential properties in terms of daylight and sunlight, sense of enclosure and privacy.

Sunlight and Daylight and overshadowing

The applicant has submitted daylight and sunlight study by Right of Light Consulting, which assesses the impact of the proposed development on surrounding residential properties. The study assesses the impact upon the following neighbouring properties;

Nos.12,15, 17, 19, 20, 21, 21a, 22 & 24 Newton Road, the Uniformed Reformed Church, 12, 13, 14 & 15 Westbourne Grove Terrace, Nos. 43, 45, 47 & 49 Westbourne Gardens and Nos. 20 to 26 Sunderland Terrace.

The Building Research Establishment (BRE) Guidelines advise that a material loss of daylight would only occur where there would be both a loss of 20% in Vertical Sky Component (VSC) and less than 25% VSC (daylight) received. None of the properties assessed would see any significant loss of daylight as all would retain either a VSC of over 25% and or would result in a maximum loss of 2.5%. As such, the proposal would not result in any material loss of daylight for neighbours in accordance with the BRE Guidelines.

In terms of sunlight, a material loss of sunlight would only occur where there would be a 20% loss of probable annual or winter sunlight, and less than 25% annual probably sunlight hours or 5% in winter and would result in a reduction in annual probably sunlight hours of more than 4%.

In terms of potential overshadowing to gardens, it would be noticeable to the occupant if more than 50% of their garden were to receive less than 2 hours of sunlight (on 21st March) and would see a reduction in sunlight of more than 20%. None of the gardens would a loss of more than 4%, which would not be noticeable and accords with the BRE Guidelines.

For the reasons set out above, the proposal would not result in any significant loss of daylight or sunlight to surrounding residential properties and would not result in any adverse overshadowing of their gardens. As such, the proposal complies with the tolerances set out within the BRE Guidelines and satisfies policy ENV13 of our UDP and S29 of our City Plan. Consequently, objections raised on these grounds are not supported by Officers’.

Sense of Enclosure

The proposed roof extension would be sufficiently distant from neighbouring occupiers to the rear, either side and the front, so as not to materially increase sense of enclosure. The ground floor rear extension would be set below the height of the existing boundary wall with neighbours and for this reason would have no impact on sense of enclosure to neighbouring properties.

The proposed ground floor front extension would extend along in front of the boundary walls with Nos.12 13 and 14 Westbourne Grove Terrace. The extension would predominantly sit below the height of the existing boundary wall, but with a slight build-up of the wall where there are existing cut-outs. As set out above no loss of daylight or sunlight would result from this and the small raising of the height of the wall in small areas is not considered to result in such a significant increase in enclosure so as to warrant withholding permission on this ground. The visual amenity provided for by the proposed green roof to the extension is considered to offset the small increase in enclosure to these neighbouring properties.

The height of the extension where it meets the side boundary with 12 Newton Road would be no higher than the height of the existing boundary (wall and trellis). A

previously existing window within the flank wall of this property, appears to have recently been removed. Notwithstanding this, given the height of the extension (no higher than the existing boundary), it is not considered to result in any significant increase in sense of enclosure to this property. The proposal satisfies policy ENV13 of our UDP and S29 of our City Plan. Consequently, objections raised on these grounds are not supported by Officers'.

Privacy

The west flank of the existing building would accommodate a number of windows to provide light to the flats. Whilst at ground level the windows are screened from neighbours by a high boundary, at first floor level the windows are proposed to be partially obscure glazed with restricted opening. This will ensure that the privacy of neighbouring properties and their gardens along Newton Road are protected.

The east flank fenestration, due to the black flank wall of the adjacent Greville Lodge and the relation between the two properties, the proposed fenestration is not considered to result in any significant overlooking.

The rear elevation of the existing building and proposed roof extension would introduce additional fenestration. However, given the distance and relationship to residential properties to the rear on Sunderland Terrace and Westbourne Gardens, it is not considered that any significant overlooking would occur.

The proposal includes the provision of external terraces to a number of flats at first and second floor level. Following officers concern regarding the amenity impact of terraces to the rear at second floor level, these have now been omitted from the proposal. The remaining terraces at second floor level to serve the two family flats (flats 8 and 9) face Newton Road and would be enclosed to the side with privacy screens. Given the relationship and distance to surrounding neighbours, these terraces are not considered to give rise to amenity issues.

A terrace proposed to flat 6 at rear first floor level, is considered to compromise the amenity of the residents within the adjacent Greville Lodge and Sunderland Terrace, and as such a condition is recommended to secure its removal from the proposal.

Appropriate conditions are recommended to secure privacy screens to the terraces and to prevent the use of other areas of flat roof/green roof as amenity areas, in order to protect resident's amenity. Subject to conditions, the proposal satisfies policy ENV13 of our UDP and S29 of our City Plan. Consequently, objections raised on these grounds are not supported by Officers'.

Light pollution

Concern has been raised by some neighbouring residents that the residential use and fenestration would result in light pollution to neighbouring residents. It is accepted that the residential use of the site will have a different impact when compared to the existing use of the building purely for medical use. However, domestic residential use of the building with not unduly large windows is not considered to result in any significant light pollution to neighbouring properties to warrant withholding permission. Other concerns

relate to light pollution from cars accessing the site. This is not considered significant and the objection on this ground is not supported.

8.4 Transportation/Parking

The existing site comprises of a vehicular access and car park associated with the existing Newton Road Medical Centre. The arrangement for the proposed mixed use of the site for medical and residential provides seven off-street car parking spaces, provision of cycle storage and provision for waste and recycling.

Four off-street car parking spaces are to be shared on an unallocated basis between the occupiers of the nine residential flats. The residents are also to be provided with lifetime (25 years) car club membership and these are to be secured under Grampian condition No.35. The Highways Planning Manager has advised that given the car ownership levels within the ward (35%) and current parking on-street car parking stress levels (77% when including yellow lines and metred bays) together with the car club membership, that the provision of four unallocated car parking spaces for nine flats is acceptable in this instance in accordance with TRANS23 of our UDP. The objections raised with respect to an increased demand for on-street car parking is not supported by officers

The provision of three off-street car parking spaces for the medical centre has been confirmed by the applicant as meeting the needs of their client. As such, our Highways Planning Manager is on this basis satisfied with the provision.

With regard to the provision of cycle storage, provision is made for 17 cycle spaces for the residential flats in accordance with the London Plan standards. For the medical use, 16 spaces are required including 6 staff/long stay spaces. However, insufficient details have been provided and it is therefore proposed to secure further details under condition.

Pedestrian access to the residential flats is from the existing central ground floor entrance door to the existing building, with level access to all flats via a lift and staircase. Access to the medical centre is from the proposed new ground floor front extension.

Vehicular access to the site is shared by vehicles associated with the medical and residential uses and is from the front of the site via Newton Road, in a similar position to that existing.

Whilst details of waste and recycling are indicated, the City Council's Cleansing Manager requires further details and as such, a condition is recommended to secure these details (No.33).

For the above reasons, subject to conditions the proposal is considered acceptable in transportation terms.

8.5 Economic Considerations

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

8.6 Access

Please refer to section 8.4 above

8.7 Other UDP/Westminster Policy Considerations

Basement

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015. The independent examination was held in March 2016. Following the examination, a further consultation was held between 20 April and 5 June 2016, inviting responses to the proposed main modifications. Having considered the responses, none of the matters raised bring forward new issues that were not considered by the Inspector at the examination hearings in March.

Therefore, in accordance with Paragraph 216 of the National Planning Policy Framework, the Council will take the Basement Revision and Mixed Use Revision into account as a material consideration with significant weight in determining planning applications, effective from Tuesday 7 June 2016. One exception applies, in relation to the Basement Revision, specifically the application of the Code of Construction Practice [Policy CM28.1 Section A2b], which will be applied from the date of publication of the Code of Construction Practice document, likely to be at the end of June.

The proposed basement associated with this mixed –use development, to be used for medical floor space is considered to accord with policy CM28.1 A.

Other implications of the revisions to the City Plan for the development subject of this report are outlined elsewhere in the report.

Mechanical Plant

Mechanical plant associated with the development is proposed in the form of air source heat pumps within two enclosures. The enclosures are located within the rear garden adjacent to the boundary wall with Sunderland Terrace. The City Council's Environmental Health Consultation Team have confirmed that the mechanical plant will comply with our standard noise conditions which protect the amenity of residents in accordance with policy ENV6 and ENV7 of our UDP and S32 of our City Plan, subject to a restriction on the operation of the plant associated with the medical use to between 07.00 and 21.00 Monday to Friday and 09.00 to 19.00 Saturdays and Sundays.

Trees and Biodiversity

There are a number of trees and soft landscaping within the site, which provide visual amenity, and biodiversity for the locality and which is highly acknowledged by local residents evident from the representations received during the course of this application.

There are currently a number of individual trees and groups of trees within the site
1xholly

- 1x pittosporum

- 3x purple leaf plum trees
- 1x silver birch
- 1x almond
- 1x elder
- 1x golden false acacia
- 1x group of silver birch
- 1x group of elder at the rear

The proposal seeks the removal of all of the above trees save for the holly tree, which has brought about a number of representations of objection. This is regrettable given the visual amenity and biodiversity that they provide and the City Council's tree officer has raised objection on this basis and that the better specimens are not being retained.

Notwithstanding the above, the proposed area for replacement trees and soft landscaping has been increased in size on officer's advice during the course of the application in order to seek a more satisfactory balance between car parking and soft landscaping and to mitigate against the loss of the existing trees.

Whilst the tree officer would still like to see further area given over for soft landscaping, based on the area now proposed, it is considered that a maximum of 2 new trees (one of which could be a false acacia tree), together with the retained holly tree and with low level shrub planting would be most appropriate for tree growth, stability and to maximise their appearance. On this basis, the applicant's proposed landscaping and tree planting proposal is considered to be cramped and inappropriate. Alternative landscaping details are therefore proposed to be sought by condition.

Other trees located outside of but close to the site comprise a Lime tree, sycamore and golden false acacia. Further details are required to ensure their protection (levels, method of excavation etc).

The provision of green roofs to the ground floor extensions and at second floor level to the rear is welcome, however it is considered that there is scope for more biodiverse roofs (rather than sedum) with the potential for greater species and a mix of grasses and wildflower and as such this is to be sought by condition.

With respect to the front curtilage, it is proposed to accommodate soft landscaping and car parking and in part contained a basement below. Taking this into account it is accepted that part of the car park area will not provide a soil depth above the basement. However, it is considered that there is scope that for part of the car parking area/front curtilage to be constructed of permeable material and this is proposed to be secured by condition to provide floodwater attenuation and to assist with tree root growth.

Overall, it is acknowledged that the loss of existing trees and reduced area for replacement tree planting is regrettable. However, it is considered that the proposal strikes a balance between the competing need for space within the site for car parking and other facilities associated with the proposed mixed use of the site.

Air pollution

Objection has been raised as to the potential air pollution associated with the off-street car parking. Given the existing car parking currently provided on site and that

proposed, there is not considered to be any significant change in the amount of cars attending the site.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

The proposed recommendation includes a recommended Grampian condition to secure mitigation for the increased demand for car parking (Condition No.35)

8.11 Environmental Impact Assessment

Environmental Impact issues have been covered throughout the report.

8.12 Other Issues

Land contamination

The applicant has submitted a geo technical and environmental desk study, which concludes that site investigation for contaminated land should be carried out. The City Council's Environmental Health Consultation Team has recommended that further details are required by condition and the City Council's standard condition is recommended.

Construction impact

The applicant has agreed to comply with the City Council's Code of Construction Practice and has provided a signed Appendix A. This is to be secured by way of our standard condition in order to minimise the impact of excavation and construction.

Other concerns raised relate to the potential structural impact on neighbouring properties. This is predominantly a building control matter.

Crime and security

The applicant has been in pre-application discussions with the Metropolitan Police Design Out Crime Officer. No objection has been raised to the proposed development, however further recommendations are made and these are to be secured by condition.

9. CONCLUSION

The proposed development would facilitate improved medical facilities and secure the long-term future of the site for medical use, whilst creating much needed residential accommodation, including family sized units. Whilst the front extension is considered to result in harm to heritage assets, albeit less than substantial, the land use public benefits of the proposal are considered to outweigh this. Furthermore, the proposal seeks to

strike a balance between competing use of the land to support the mixed-use development. Overall and subject to a number of conditions to minimise the impact of the development, including protecting resident's amenities, notwithstanding the objections raised, the proposal is considered acceptable.

10. BACKGROUND PAPERS

1. Application form
2. Representation from NHS Central London Clinical Commissioning Group 29.01.2018
3. Representation from Central London Healthcare CIC 09.02.2018
4. Representation from Newton Road Medical Centre 26.01.2018 and 26.02.2018 with petition of 67 signatures and updated petition of 84 signatures.
5. Email from Thames Water 01.02.2018
6. Letter from Historic England 28.03.2018
7. Email from Metropolitan Police Design Out Crime Officer 26.01.2018 and 29.03.2018
8. Memo from Highways Planning Manager 01.02.2018 and 11.04.2018
9. Memo from Environmental Health 12.01.2018 and 03.04.2015
10. Memo from Tree Officer 26.01.2018 and 11.04.2018
11. Memo from Cleansing Manager 17.01.2018
12. Email from Bayswater Residents Association 23.02.2018
13. Representation from 5C Newton Road 18.01.2018
14. Representations (x2) from 14-18 Newton Road 31.01.2018 and 05.02.2018
15. Representations from 20 Newton Road (x2) 08.02.2018
16. Representation from 22 Newton Road 28.01.2018
17. Representation from 24A Newton Road 14.02.2018
18. Representations (x2) from 26 Newton Road 18.12.2018 and 30.01.2018
19. Representation from 27 Newton Road 15.12.2018
20. Representation from Church House, Newton Road 28.01.2018
21. Representations from 22A Sunderland Terrace 23.01.2018
22. Representations (x3) from 22C Sunderland Terrace 26.01.2018
23. Representations from 23A Sunderland Terrace 15.02.2018 and 03.04.2018
24. Representation from 24C Sunderland Terrace 29.01.2018
25. Representation from 25 Sunderland Terrace 01.02.2018
26. Representations (x2) from 26 Sunderland Terrace 11.01.2018 and 24.01.2018
27. Representation from 49A Westbourne Gardens 30.01.2018
28. Representation from 49B Westbourne Gardens 22.01.2018
29. Representation from 14 Westbourne Grove 16.02.2018
30. Representation from 15 Westbourne Grove 10.04.2018
31. Representation from 19 Westbourne Grove 24.01.2018
32. Representations (x2) from 55 Westbourne Grove 01.02.2018 and 02.02.2018
33. Representation from Garden flat 6 Alexander Street 02.02.2018
34. Representation from 2 St Petersburg Mews 04.02.2018
35. Representation from Garden flat 1A St Stephens Crescent 01.02.2018
36. Representation from 30 Edbrooke Road 28.01.2018
37. Representation from 3 Hartham Close Isleworth 01.02.2018
38. Representations (x2) from 14 Kildare Terrace 15.02.2018 and 09.04.2018
39. Representation from 4 Burdett Mews, Hatherley Grove 22.03.2018

Item No.
5

(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: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk.

11. KEY DRAWINGS



 UNIVERSITY OF
LONDON

14 - 18 Newton Road, Bayswater
View Of Institution Entrance - March 2018

V(-)04_RevC  colmararchitects





DRAFT DECISION LETTER

Address: Medical Centre, 14 - 16 Newton Road, London, W2 5LT,

Proposal: Extensions to the existing building at roof, ground and lower ground level in connection with the re-provision of 961 sq.m (GEA) Class D1 floorspace and 9 residential flats (Class C3), together with associated parking and landscaping.

Reference: 17/11306/FULL

Plan Nos: To be updated

Case Officer: Sarah Whitnall

Direct Tel. No. 020 7641 2929

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents 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 in the interests of proper planning.

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

Reason:
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 3 The new facing brickwork on the new areas of elevation to the existing building must match the existing original brickwork in terms of colour, texture, face and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing of the brickwork facing to the new front extension, and also a separate sample panel of brickwork which shows the colour, texture, face bond and pointing of the brickwork for the new front boundary wall. These shall demonstrate that the facades of the building and the new front wall will be faced in complete bricks and not brick slips or other panelised brick facing systems. You must not start 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 the approved sample. The brickwork shall not be painted, rendered or otherwise overclad

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must apply to us for approval of annotated elevation drawings showing the location of any expansion joints to the brickwork. 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 details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the front elevation of the main building, or to the south-west facing elevation of the new front extension (ie. its elevation facing onto the front forecourt/front garden area, unless they are shown on drawings we have approved. (C26MA),

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof of the new extensions, or on the flat roofs surrounding the new second floor extension, except those shown on the approved drawings. (C26PA)

Reason:
 To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 9 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application., , Green roofs above new extension, , You must not remove any of these features. (C43FA), ,

Reason:
 To increase the biodiversity of the environment and to make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 17 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

- 10 Notwithstanding the annotations on drawing 1456/P(--)-201-01, the perforated screen to the west facing side parapet wall shall terminate in the location shown on drawing 1456/P(--)-112-01, and shall terminate at that point incorporating the angled section down to the parapet as shown on drawing 1456/P(--)-201-01

Reason:
 To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 11 The new windows to the sheer elevations on the main building shall be formed of glazing and white painted timber framing, and the new sash windows to these elevations shall operate on a vertically sliding manner only

Reason:
 To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25 and S28 of

Item No.
5

Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 12 You must apply to us for approval of a detailed elevation drawing of the following parts of the development - New front railings (including finials and relationship with boundary wall). You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 13 You must not carry out demolition work of the front boundary wall unless it is part of the complete development of the boundary wall as shown on the submitted drawings and as secured under Condition 12 of this decision notice. You must carry out the demolition and development of the front boundary wall without interruption and according to the drawings we have approved.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 14 The railings and vehicular gate to the new front boundary wall shall be formed in black painted metal, and shall be maintained in that colour thereafter

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 15 You must apply to us for approval of detailed plan, elevation and section drawings (including both clarification of materials, colour of finish, and any other relevant information) to show the design detailing of the windows in the west facing elevation of the new brick faced extension to the front forecourt of the building. You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these drawings (and other clarification and information as appropriate). (C26DB)

Reason:

Item No.
5

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 16 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:-
, , Revisions to the Portland stone clad 'Newton Medical Centre' entrance bay to the south end of the new extension in the front forecourt of the building to include more detailed design interest and to show a canopy structure more integrated into the design of this element of the building, , You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 17 You must apply to us for approval of a detailed elevation drawing of the new vehicular gates to the front boundary wall. 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 this drawing (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 18 You must use the premises only as a doctor's surgery and medical consulting rooms. You must not use them for any other purpose, including any within Class D1 of the Town and Country Planning (Use Classes) Order 1987 (or any equivalent class in any order that may replace it). (C10AA)

Reason:

Because this is a residential neighbourhood, we need to prevent use of the property for any unsuitable purposes. This is as set out in S29 and S34 of Westminster's City Plan (November 2016) and SOC 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R10AC)

- 19 Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed

Reason:

The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. As requested by Thames Water.

- 20 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , o between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturday; and , o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and , o not at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

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

- 21 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

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

- 22 Customers shall not be permitted within the premises before 0700 or after 2100 hours on Monday to Friday and not before 0900 or after 2100 on Saturday, Sundays, bank holidays and public holidays. (C12BD)

Reason:
To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 23 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology

and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster., , You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed., , Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property., , Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution., , Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate., (C18AA)

Reason:

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

- 24 (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.

- 25 The plant and machinery hereby permitted associated with the medical practice shall not be operated except between 07:00 and 21:00 Monday to Friday and 09:00 to 19:00 Saturday and Sunday. The plant serving the residential properties may be operated 24 hours a day.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 26 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.

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

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 28 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people working in the building or calling there for business purposes. (C22AA)

Reason:

To provide parking spaces for people using the development as set out in STRA 25 and of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 29 You must provide each car parking space 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)

- 30 You must provide each cycle parking space shown for the residential flats on the approved drawings prior to occupation. 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 2015.

- 31 You must apply to us for approval of details of secure cycle storage for the medical use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in 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 2015.

- 32 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)

- 33 Prior to commencement of development You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately for both the residential and medical uses together with a waste management strategy which shall includes details of: , Waste generation estimates and bin capacities required for recyclable materials and residual waste for both uses , , Provision of separate waste store for both D1 and C3 units. The stores should be indicated

on the revised proposed drawings., , Bin capacities required for residual waste and recyclable materials both uses., , The bins should be indicated on the drawings and label recycling bins as R and waste bins as W., , Waste route diagram for access to use the waste stores and for collection and waste servicing details., , You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the . (C14EC),

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)

- 34 **Pre Commencement Condition.** You must apply to us for approval of details of a security scheme for the development You must not start work until we have approved what you have sent us. You must then carry out the work according to the approved details before anyone moves into the building. (C16AB)

Reason:
To reduce the chances of crime without harming the appearance of the building as set out in S29 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R16AC)

- 35 **Pre Commencement Condition.** You must not start work on the site until we have approved appropriate arrangements to secure the following., Mitigation of the demand for on street car parking., , In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19AB)

Reason:
To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and in of our Unitary Development Plan that we adopted in January 2007. (R19AC)

- 36 Notwithstanding the alterations to levels illustrated at the rear of the site on plans and sections you must apply to us for our approval of details of any changes in levels, including excavation for underground services and foundations for walls and hard surfacing You must not start an work on this part of the development until we have approved what you have sent to us. You must then carry out the work according to the approved details

Reason:
To protect the trees and the character and appearance of this part of the Westbourne Conservation Area. 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. (R31DC)

37 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. 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 and planting within 1 planting season of completing the development (or within any other time limit we agree to in writing)., , If you remove any trees or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:
 To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Westbourne 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)

38 You must plant new trees to replace those which are shown to be removed on drawings. The replacement trees must be planted in the first planting season after you complete the development. You must apply to us for our approval of the position, size and species of the replacement trees. You must also replace any replacement tree which dies, is removed or becomes seriously damaged or diseased within five years of the date we give our approval for the replacement trees, in the next planting season with another of the same size and species to the one originally planted.

Reason:
 To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Westbourne 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)

39 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

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

40 Non standard arb supervision , (a) You must arrange for an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered, to supervise the development. You must apply to us for our approval of the supervision schedule. You must apply to us for our approval of the details of such supervision

Item No.
5

including: o identification of individual responsibilities and key personnel., o induction and personnel awareness of arboricultural matters., o supervision schedule, indicating frequency and methods of site visiting and record keeping, o procedures for dealing with variations and incidents., , You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then adhere to the approved supervision schedule., , (b) You must produce written site supervision reports as detailed in part (a) after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included You must send copies of each written site supervision record to us within five days of the site visit.,

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

- 41 You must not use the roof areas (at first and second floor level) annotated as green roof/ planter green roof for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:
To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 42 a) The first floor windows of the west elevation of the main building must be installed with part obscure glass and partially fixed shut in accordance with that shown on drawing 1456/P(-)205 Rev01. , b) The rooflights within the ground floor rear extension must be installed with obscure glass and details of their partially fixed shut submitted for approval. , , The obscure glass must not be clear glass,. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and fix shut the relevant part of the window and must not change it without our permission. (C21DB)

Reason:
To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 43 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:

Item No.
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To make sure people in neighbouring properties are fully aware of the conditions and to protect their rights and safety. (R21GA)

- 44 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme , a) Removal of first floor rear terrace to flat 6, b) Removal of metal privacy screens where adjacent to flat roofs which are prevented from access (under condition 41), c) Removal of doors to rear second floor level and replacement with windows, , . You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 45 **Pre Commencement Condition.** You must not start work on the site until we have approved details of the following:-, , a) Details of more biodiversity (more than sedum) for the proposed green roofs, b) Details permeable material for the front curtilage area including the car parking area., , You must then carry out the development in accordance with the approved details.

Reason:

To compensate for the unavoidable loss of biodiversity as a result of the development, as set out in S38 of Westminster's City Plan (July 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43BB)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 With regards to condition 6, you are advised that every effort should be made to omit the use of expansion joints to the brickwork, particularly to the front elevation, including consideration of the use of a construction incorporating a lime based mortar in efforts to overcome the need for any such joints which would be likely to be particularly unsightly on this prominent facade

- 3 With regards to condition 12, you are advised that the railings should be shown individually set into the coping to the new front wall
- 4 With regards to condition 15, you are advised that the windows would be expected to have some design interest, and with consideration of the choice of colouring, set back and detailing, to ensure that they contribute positively to this brick faced extension and to the front forecourt setting of the main building as a whole
- 5 You are advised that the Portland stone clad element of the scheme in the front forecourt of the main building appears relatively blank, lacking in detailed design interest (particularly given its prominent location) and with the canopy structure poorly integrated into the design of the building as a whole. This element needs to be reconsidered to demonstrate a greater refinement of design, more detailed interest and a canopy structure more integrated into the building.
- 6 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 where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development., , A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a 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. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. , Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.", Development Control Department (telephone 0203 577 9998)
- 7 Further information on designing out crime can be found on the following website <http://www.securedbydesign.com>
- 8 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 9 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 10 The term 'clearly mark' in condition means marked by a permanent wall notice or floor markings, or both. (I88AA)

11

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)

- 12 This permission does not act as listed building consent. You must apply for this separately for any works that affect the special architectural or historic character of the building. It is a criminal offence to carry out work on a listed building without listed building consent. (I01AA)

- 13 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)

- 14 Condition 39 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:
 - , * the order of work on the site, including demolition, site clearance and building work;
 - , * who will be responsible for protecting the trees on the site;
 - , * plans for inspecting and supervising the tree protection, and how you will report and solve problems;
 - , * how you will deal with accidents and emergencies involving trees;
 - , * planned tree surgery;
 - , * how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
 - , * how you will remove existing surfacing, and how any soil stripping will be carried out;
 - , * how any temporary surfaces will be laid and removed;
 - , * the surfacing of any temporary access for construction traffic;
 - , * the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
 - , * site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
 - , * how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
 - , * the place for any bonfires (if necessary);
 - , * any planned raising or lowering of existing ground levels; and
 - , * how any roots cut during the work will be treated.

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.

Item No.
5

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Agenda Item 6

Item No.
6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 24 April 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	Basement, 35 The Piazza, Covent Garden, London, WC2E 8BE		
Proposal	Alterations to ground floor entrances to the Piazza and Tavistock Court; lowering of existing basement floor level and associated internal and external alterations, including internal strip out, removal and repositioning of internal staircases and installation of a new platform lift.		
Agent	Gerald Eve LLP		
On behalf of	Capital & Counties CG Limited (as general partners of Capital & Counties CGP) and Capital & Counties CG Nominee Limited		
Registered Number	18/01142/FULL and 18/01143/LBC	Date amended/ completed	6 April 2018
Date Application Received	9 February 2018		
Historic Building Grade	Grade II		
Conservation Area	Covent Garden		

1. RECOMMENDATION

<p>1. Grant conditional permission and conditional listed building consent.</p> <p>2. Agree the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.</p>
--

2. SUMMARY

<p>Unit 35, The Piazza is located within the basement of Jubilee Hall, which is a grade II listed building located within the Covent Garden Conservation Area. The unit is in use as a restaurant/ late night drinking/ dancing/ live music venue (sui generis) known as 'The Roadhouse'.</p> <p>Permission and listed building consent are sought for alterations to ground floor entrances to The Piazza and Tavistock Court; lowering of existing basement floor level and associated internal and external alterations, including internal strip out, removal and repositioning of internal staircases and installation of a new platform lift.</p> <p>The key issues in this case are:</p>

- the impact of the proposals on the significance of designated heritage assets including the impact on the listed building, archaeological assets and the Covent Garden Conservation Area; and
- the impact of the proposals on the amenity enjoyed by neighbouring residential occupiers and on the operations of neighbouring businesses.

The applicant sets out they are seeking to refurbish the existing basement unit and ground floor entrances in order to improve the unit, and mainly to provide universal access through the levelling of the floor and the installation of a platform lift.

More than 100 objections have been received, primarily relating to harm to the listed building; harm to archaeological heritage assets of national importance; and harm to nearby residents, Market Hall traders and businesses arising from noise, disturbance, vibration, traffic and pollution from building works. Objections are also raised on grounds that the proposals are unnecessary and are clearly an attempt to remove the existing tenant (The Roadhouse).

A number of letters are in support of the scheme, primarily which consider that the proposals would improve Covent Garden and state that the existing tenant has caused problems in terms of waste, noise and anti-social behaviour by patrons.

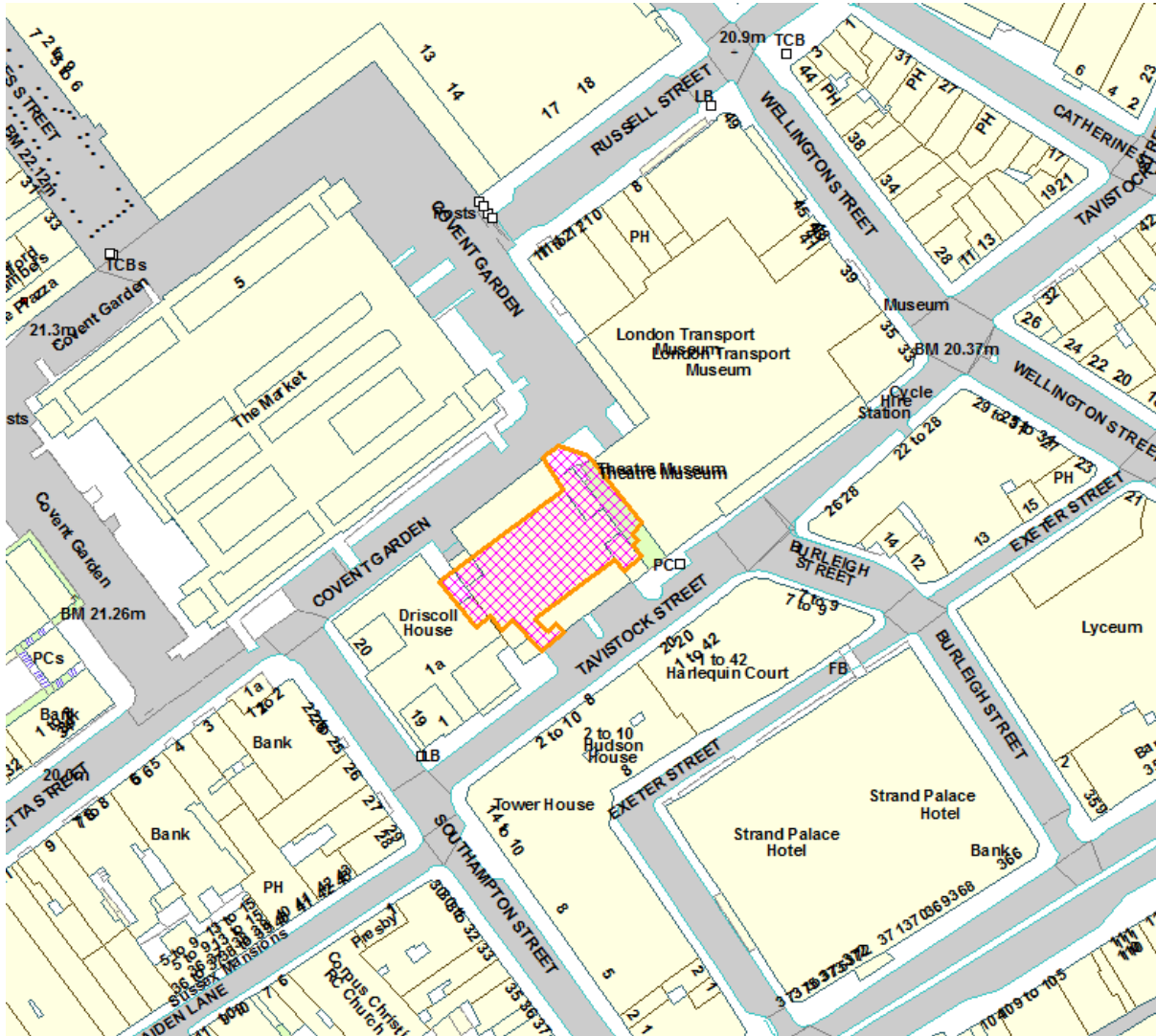
The lawful use of the unit is as a restaurant/ late night drinking/ dancing/ live music venue. The proposals do not seek permission for a change of use and any change of use would itself require planning permission.

In design terms, the works do not harm the character of the building or conservation area. The works would involve the loss of some historic fabric. This loss is modest however and officers agree with the applicant that the works would constitute 'less than substantial harm'. Accordingly, modest public benefits are required that are proportionate to offset the modest harm caused. The applicant notes the benefits of the scheme principally relate to providing level access from Tavistock Court; a level floor within the unit to improve accessibility internally; and an increased floor to ceiling height. In summary, officers agree with the applicant's assessment that the alterations would improve the unit and these improvements constitute public benefits. These benefits are considered proportionate to the 'less than substantial harm' identified, and therefore the proposal is considered acceptable in design and listed building terms, subject to the conditions set out in the draft decision letters.

Historic England's Greater London Archaeological Advisory Service (GLAAS) have reviewed the applicant's archaeological assessment of this site and consider that the work could impact on archaeological remains which may survive here. GLAAS advise that appropriate conditions be attached to secure a staged programme of archaeological work to fully assess and investigate the remains present on site. The results will be used to inform an appropriate mitigation strategy and ensure any archaeological assets are protected.

For the reasons set out in this report, the proposed development is considered to accord with relevant policies within the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan adopted in November 2016 (the City Plan). As such, it is recommended that planning permission and listed building consent are granted, subject to the conditions set out in the draft decision letters.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Main Entrance on The Piazza

**Secondary Entrance on Tavistock Court
(right)**



Main Bar within unit (below)



5. CONSULTATIONS

COUNCILLOR ADAM HUG:

Objection: the applicant seeks planning permission in order to evict the current tenant of unit (The Roadhouse), and does not intend to implement the proposals. Rather, the applicant intends to amalgamate the application unit with an adjacent basement to form a large restaurant. This would result in the loss of the existing tenant (The Roadhouse) and this live music venue use, which is important to the West End. Concerns are also raised regarding the level access arrangements that would see the lift for wheelchair users at a secondary entrance, and regarding the alterations to the fire escapes that could reduce the allowable capacity of the unit harming its viability as a live music venue.

MARK FIELD MP:

The concerns of the current tenant (The Roadhouse) and Jubilee Market Hall Ltd should be given full consideration. Enclosed were letters from the tenant, Jubilee Market Hall Ltd and Night Czar Amy Lane. The concerns primarily relate to the intent of the applicant, which they consider to be to amalgamate the application unit with an adjacent basement to form a large restaurant, which would lead to the tenant no longer being able to trade from the premises. They also express concern that work would be too disruptive for the minimal change to the basement floor level that would result.

COVENT GARDEN COMMUNITY ASSOCIATION:

Objection: the excavation to lower the internal floor level would potentially harm the listed building, and the applicant has not provided a substantive explanation as to how the excavation would not result in harm to the listed building. The level access arrangements, that would see the lift for wheelchair users at a secondary entrance, should only be allowed if it is not possible to install the lift at the main entrance and the CGCA considers this may be possible. Concern is also raised regarding noise and disturbance from excavation and construction works which could affect neighbouring residents and businesses. Conditions should be attached to any permission to mitigate these impacts.

COVENT GARDEN AREA TRUST:

Acknowledged that the works may enhance the economic viability of the unit. Concern raised about the extent of excavation works proposed given the relatively modest benefits that would arise from it. Concern is also raised regarding the potential archaeological impact.

HISTORIC ENGLAND (ARCHAEOLOGY):

No objection, subject to conditions.

HISTORIC ENGLAND:

Authorised to determine.

BUILDING CONTROL:

No objection.

HIGHWAY PLANNING MANAGER:

No objection, subject to conditions.

CLEANSING MANAGER:

No objection, subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 148

Total No. of replies: 118

No. of objections: 106 (inclusive of 94 proforma objection letters)

No. in support: 8

No. neutral: 4

Objections have been received from residents, businesses and interested parties.

These include those on behalf of the tenant (Maxwells Restaurants Ltd who operate The Roadhouse). On behalf of the applicant, David Cooper's objection letter is supported by reports from a building surveyor and archaeologist and a letter from the Night Czar Amy Lame.

Several objections have been received from James Monahan, a partner in the firm of architects that undertook the restoration of Jubilee Hall in the 1980s, and these are supported by a report by the structural engineers Mark Whitby and Bryn Bird who were also involved with the 1980s works.

Other objections have been received from Jubilee Market Hall Ltd and the Jubilee Hall Trust who represent users of the building on the ground and first floors; and several objections from nearby residents, and 94 proforma objection letters from traders within Jubilee Hall.

In summary these individuals and groups object on the following grounds:

- substantial harm to the listed building as it would result in the loss of the basement's originally designed spatial configuration and would harm its original features and the excavation would cause substantial harm to archaeological heritage assets underneath the building. The benefits of the scheme would not outweigh this harm;
- the applicant intends to amalgamate the application unit with an adjacent basement to form a large restaurant, which would likely be contrary to the Council's planning policies;
- the proposals are unnecessary and clearly an attempt to remove the existing tenant;
- the works would be technically difficult if not practically impossible, and the proposals threaten the structural integrity of the site and would impact on drainage systems;
- level access arrangements that would see the lift for wheelchair users at a secondary entrance is unacceptable as it is not in conformity with the Equalities Act or Building Regulations. It could be possible to have level access to the main entrance;
- noise, disturbance, vibration, traffic and pollution from buildings works would harm nearby residents, traders and businesses;
- loss of an important live music venue;

- the proposals could increase fire risk inside the unit; and
- the existing situation is adequate in terms of servicing and waste storage, the proposals could worsen this. The lift should not be used for both servicing and access for disable customers, as this would be contrary to Building Regulations.

Support from neighbouring residents, businesses, the North Bank BID, Harlequin Court Residents Association and The Church Commissioners for England on the following grounds:

- the proposals would improve Covent Garden, and would maintain the existing use;
- the proposals would improve the space of accessibility of the unit, supporting its long term economic vitality;
- the existing operator has caused nuisances, including in terms of waste and noise and anti-social behaviour;
- confident that the construction management plan and methodology would mitigate impacts upon local businesses; and
- support subject to a reduction in excavation adjoining 20 Southampton Street to avoid potential structural harm, and that there is no noisy works at the weekend.

Neutral comment from Soho Housing Association (who has an interest in adjacent Driscoll House) stating they anticipate the City Council will consider the amenity of their residents as a priority. Other neutral comments have been received requesting more time to consider the proposals.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

35 The Piazza is a basement unit (with access at ground level) within Jubilee Hall, which is a grade II listed building located within the Convent Garden Conservation Area. The unit is a restaurant/ late night drinking/ dancing/ live music venue (sui generis) known as The Roadhouse.

The site is located within the Core Central Activities Zone, West End Stress Area and within a Tier 1 Archaeological Priority Area.

6.2 Recent Relevant History

On 25 October 2017 a Certificate of Lawful Development (Existing) was issued for 35 The Piazza for the use of the basement unit (with ground floor entrance) as a restaurant and late night drinking and dancing venue playing live music (Sui Generis). RN: 17/07659/CLEUD

7. THE PROPOSAL

Permission and listed building consent are sought for alterations to ground floor entrances to the Piazza and Tavistock Court; lowering of existing basement floor level and

associated internal and external alterations, including internal strip out, removal and repositioning of internal staircases and installation of a new platform lift.

The applicant sets out they are seeking to refurbish the existing basement unit and ground floor entrances in order to improve the unit, and mainly to provide universal access through the levelling of the floor and the installation of a platform lift.

During the course of the application, the applicant revised the proposal to omit a small area of excavation to an area to the west of the site.

No additional floorspace is proposed.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The lawful use of the unit is as a restaurant/ late night drinking/ dancing/ live music venue. This was confirmed in the lawful development certificate issued on 25 October 2017. Objections have been received on the grounds that the applicant intends to amalgamate the unit with an adjacent basement and to use this larger unit as a restaurant.

The proposals do not seek permission for a change of use or an amalgamation with an adjoining unit. Any change of use would itself require prior planning permission and no such application has been submitted.

The applicant has provided an Operational Management Strategy, which sets out how the unit would be operated. It would be operated in an improved manner in the same sui generis use. The strategy confirms the hours of use, sets out a strategy for servicing, noise, safety and other operational aspects of the unit. This will ensure an acceptable operation of the unit, and ensure the operations of the unit are managed appropriately to avoid harm to the amenity of residents, and adherence to it is be ensured by way of a condition.

8.2 Townscape and Design

UDP Policies DES 1 (urban design / conservation principles), DES 5 (alterations and extensions), DES 9 (conservation areas) and DES 10 (listed buildings) apply to the consideration of these applications, whilst S26 and S28 of the City Plan provide the strategic planning policies relevant to design.

Sections 7 and 12 of the National Planning Policy Framework (NPPF) require great weight be placed on design quality and on the preservation of designated heritage assets. Paragraph 133 makes it clear that 'substantial harm' must only be approved in exceptional circumstances in return for substantial public benefits and subject to various tests. Paragraph 134 meanwhile requires a similar but proportionate assessment of 'less than substantial harm' against public benefits.

Objections have been received on the grounds that the alterations, in particular the alterations to lower the existing basement floor level, would harm the special interest of this listed building and that the benefits of the scheme do not outweigh this harm.

The building's historic interest principally relates to its elevations, particularly its Anglo-Baroque façade to The Piazza, and the primary structure at ground and first floor levels. The basement was designed to be utilitarian in character as a storage space and, until the 1970s, it retained its original subdivided nature which comprised compartmentalised storage and mezzanine areas. Since then, the basement has been significantly altered and the partitions removed. The corbels foundations are of a standard design found widely in buildings of the period.

The proposals seek to lower the existing floor level by removing the existing floor slab. The existing floor slab varies in height, being higher to the east and west sections. Whilst this floor slab is likely to be original, it is considered to be of little architectural or historical interest, due in part to the alterations that have occurred over time, including sections being re-cast. The basement area is not a principle space of high heritage significance, nor is this floor slab.

The lowering of the floor would uncover the original corbel foundations. The applicant proposes that the majority of these are to be retained where possible. Some are to be lost in order to ensure they do not block doorways or corridors. Due to the lowering of the floor, the works also increase the floor to ceiling height of the space. The central section would be lowered by approximately 250mm, and the higher area to the east side by approximately 750mm. The utilitarian character of the building means that this modest increase would not adversely affect its character, especially when considered against the original layout of smaller subdivided spaces.

The existing internal fit out and staircases are all modern features, likely to have been added in the 1970's, and 80's as part of the buildings use. They do not contribute to the significance of the building and as such, their loss is not considered harmful. The proposed internal works would return the building to what was its original shell (with the exception of the floor slab), then new internal fittings would be installed returning the building to a usable condition. In the context of the buildings history and development, these works are considered wholly acceptable.

Externally, the existing main entrance doors (from the Piazza) have a heavy metal frame and are of no architectural interest. The proposed replacement is a frameless glass door with fanlight above. Given the appearance of the existing doors, these proposals do not harm to building or conservation area and as such are acceptable. The removal of the balustrade and signage would improve the appearance of this small part of Covent Garden by removing clutter from the street scene. New signage would be assessed under a separate applications, although the proposed location is considered acceptable. The alterations to the fire exist on Tavistock Court are also acceptable, as the existing doors are modern fire doors. The lowering of the threshold would improve access here, affecting only modern fabric and again these works do not harm the character of the building or conservation area.

Historic Building Impact Summary and Public Benefits

The works would involve the loss of some historic fabric. This loss is modest however. The applicant considers the works would constitute 'less than substantial harm', and officers concur. Accordingly, modest public benefits are required that are proportionate to

offset the modest harm caused. The applicant notes the benefits of the scheme principally relate to the providing level access from Tavistock Court; a level floor within the unit to improve accessibility internally; and an increased floor to ceiling height. The applicant considers that these improvements in the quality of the internal space would contribute to the continued viability of the unit.

The issues of access are addressed in section 8.6 of this report. In summary, officers agree with the applicant's assessment that the alterations would improve the unit and these improvements constitute public benefits. These benefits are considered proportionate to the 'less than substantial harm' identified, and therefore the proposal is considered acceptable in design and listed building terms, subject to the conditions set out in the draft decision letters appended to this report.

8.3 Residential Amenity

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development that enhances the residential environment of surrounding properties.

The external works are modest alterations that would not harm neighbours. Given the lowering of the floor and other internal alterations would be within the unit and would result in no additional floorspace, once complete the altered unit would have no greater amenity impact on neighbouring properties than the current situation. The impact of excavation and construction is discussed in section 8.12.

8.4 Transportation/Parking

The proposal does not involve an increase in floorspace. The Highway Planning Manager raises no objection to the proposal, and welcomes the provision cycle parking. The Highway Planning Manager also notes that the alterations could improve servicing of the unit.

An objection has been received on the grounds that the existing situation is adequate, that there is already a goods lift and that the lift proposed in the application should not be used for both servicing and access for disable customers as this would be contrary to Building Regulations. The applicant has confirmed that the new platform lift is for customers not servicing. Officers have no objection to this arrangement.

8.5 Economic Considerations

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

8.6 Access

Currently there is no level access for customers to enter this basement unit. The proposals would introduce level access into the unit via a level entrance on Tavistock Court and an internal platform lift. These works are a public benefit of the proposal as they would allow members of the public who are disabled to enter and enjoy this unit for the first time. The applicant has confirmed that the proposed access arrangements would be compliant with Part M of Building Regulations.

Some objectors contend the proposed arrangements for level access are not a benefit because they involve providing level access at a secondary entrance rather than at the main entrance on The Piazza. Level access would preferably be provided at the main entrance. However, the applicant has demonstrated that this is impractical in this case due to site constraint. The applicant has considered an objectors' suggested revised arrangement at the main entrance to provide level access there, but have concluded that this would not be feasible. It would not provide satisfactory access in compliance with Building Regulations, it would affect the safety of customers in the unit and it is not possible to install compliant external ramps on The Piazza.

The applicant conducted their own feasibility study, and level access on Tavistock Court has been determined as the most practicable solution. Level access here is evidently be an improvement over the existing arrangement where there is no level access to the basement at all. The Operational Management Strategy sets out how disabled customers would be directed to the Tavistock Court entrance on their arrival, and the implementation of this plan is to be secured by condition.

Currently, there are a number of floor levels internally. This is created by a combination of raised areas (plinths), and variations in the basement floor slab level which varied throughout the site. The proposed works would create a unit where the main area has a universal floor level. This is a public benefit of the proposals because it would allow disabled members of the public to move around this unit with greater ease.

Some objectors have argued that a level floor internally could be provided without lowering the floor. Whilst there are raised areas (plinths), these are formed in with a mixture of wood and concrete and are likely to be difficult to remove in themselves, particularly given the connection between these raised plinths and the floor slab is not yet fully understood. Moreover, this work would still not improve the unit in the manner which would result in the full benefits of the scheme. Therefore, officers concur with the applicant that the creation of a level floor would improve access throughout the unit, and would improve the quality of the internal space, and this constitutes a public benefit.

8.7 Other UDP/Westminster Policy Considerations

Basement Excavation

Policy CM28.1 relates to all basement excavation in the City. The proposal is considered to comply with this policy. Of relevance to this application are the parts of the policy that consider structural impacts, construction impacts, and archaeological impacts and these are discussed below:

Structural Impact:

The applicant has submitted a detailed structural methodology statement as required by the basement policy. Objections have been received on structural impact grounds and concerns raised regarding the impact on the foundations of the neighbouring buildings. In particular, a foundation slab of Driscoll House and 20 Southampton Street could exist under a small section in the west of the application site, which could harm the structural integrity of these buildings if were removed. In response to these concerns, the applicant

has revised the scheme to omit this area of excavation in order to avoid this potential issue. Other potential structural issues have been raised, and the applicant has reviewed these and concluded that this relatively straightforward proposal would not represent a significant structural issue. Moreover, the City Council's Building Control team have confirmed that the applicant's structural method statement is satisfactory and have raised no concerns. In these circumstances, there are no grounds to withhold permission on the basis of the structural impacts on neighbouring properties.

It should be noted that the purpose of the structural methodology report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the site investigation/ excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. Therefore, we are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the draft decision letter.

Construction Impact:

The applicant has also submitted the required draft signed proforma Appendix A which demonstrates that the applicant will comply with the relevant parts of the council's Code of Construction Practice. Objections have been received on the grounds that the works would cause undue disturbance to neighbouring residents and businesses. The purpose of the council's Code of Construction Practice is to minimise the impact of any development upon the amenity of neighbouring properties, and a condition is recommended to ensure evidence of compliance is provided. In addition, conditions are recommended to control the hours of noisy building works to further minimise the impact. As such, officers are satisfied that the modest level of excavation work proposed would not unduly impact on the traders and residents.

Archaeological Impact:

The site is within a Tier 1 Archaeological Priority Area (Lundenwic and the Strand) which is known to contain archaeological heritage assets of national importance. Objections have been received on the grounds that this is an important archaeological site and the proposals would cause sustainable harm to these assets.

Historic England's Greater London Archaeological Advisory Service (GLAAS) have reviewed the applicant's archaeological assessment of this site and consider that the work could impact on archaeological remains which may survive here.

GLAAS consider that further exploratory fieldwork and assessment will be required to determine the nature and significance of remains, and to refine an appropriate mitigation strategy if required. GLAAS consider a condition could provide an acceptable safeguard. A condition is therefore recommended to require a two-stage process of archaeological investigation comprising: first, evaluation to clarify the nature and extent of surviving

remains, followed, if necessary by a full investigation if heritage assets of archaeological interest are identified. The results will be used to inform an appropriate mitigation strategy and ensure any archaeological assets are protected.

Refuse /Recycling

The applicant has proposed adequate waste and recycling stores. The Cleansing Manager raises no objection, subject to condition securing the proposed waste storage and that no waste shall be left or stored on the highway.

An objector notes that there are existing waste stores on the site that are adequate and that waste is not left on the highway currently. Harlequin Court Residents Association disagrees, stating that waste is being left on the highway and have sent photos showing this to be the case. As the proposal includes waste and recycling stores, and the Cleansing Manager has confirmed these would be in accordance with the Council's requirements, the application is considered acceptable in this regard.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application. The development is not liable for CIL.

8.11 Environmental Impact Assessment

The application is of insufficient scale to require an environmental impact assessment.

8.12 Other Issues

Landlord and Tenant

Objections have been received on the grounds that the applicant seeks to remove the current tenant. This is a private contractual issue and is not a material planning consideration.

Fire Escape

Concern has been raised regarding the potential that the new staircases would not allow the same level of fire safety within the unit and could impact on its viability. Building Regulations deal with fire escape routes and this is considered separate to planning. However, Building Control have reviewed the application and have stated the means of escape from the basement would be acceptable. Further, the applicant has confirmed

within the Operational Management Strategy that the capacity of the unit would not be increased.

Implementation

Objections have been received on the grounds that the applicant does not intend to implement the proposals, and/ or intends to implement a different proposal. Planning applications can only be considered on their planning merits.

Drainage

Concern has been raised regarding impacts/ damage to existing drainage systems. The applicant has confirmed that provisions for lowering the existing drainage systems will be made where this is necessary in order to suit new floor levels.

9. BACKGROUND PAPERS

1. Application form
2. Objection from Councillor Adam Hug, Leader of the Labour Group, dated 1 March 2018
3. Email from Mark Field MP, Member for Cities of London and Westminster, dated 5 March 2018. Enclosed are letters from Brian Stein (Managing Director of Maxwell's Restaurant Ltd), Jubilee Market Hall Ltd and Amy Lame (Night Czar)
4. Response from Covent Garden Community Association, dated 23 March 2018
5. Response from Covent Garden Area Trust, dated 4 April 2018
6. Response from Historic England (Archaeology), dated 5 March 2018
7. Responses (x2) from Historic England, both dated 26 February 2018
8. Response from Building Control, dated 21 February 2018
9. Response from Highway Planning Manager, dated 6 March 2018
10. Response from Cleansing Manager, dated 28 February 2018
11. Objections (x2) from David Cooper on behalf of the tenant Maxwell's Restaurant Ltd dated 9 March 2018 and 6 April 2018. Enclosed is a letter from Amy Lame (Night Czar), and expert reports of Andrew Schofield and J J Carver.
12. Objection from Jubilee Market Hall Ltd, dated 5 March 2018
13. Objections (x2) from Jubilee Hall Trust, dated 20 and 21 March 2018
14. Objections (x3) from James Monahan, dated 19 and 23 March 2018 and 4 April 2018. Enclosed is a report by Whitby Bird.
15. Objection from Mark Whitby and Bryn Bird, dated 22 March 2018
16. Objection from occupier of Flat 28, 1 Lanercost Close, dated 8 March 2018
17. Neutral comment and support from occupier of Flat 1, 20 Southampton Street, dated 8 and 21 March 2018
18. Objection from occupier of 22 Henriette Street, dated 8 March 2018
19. Neutral comment and support from occupier of Flat 4, 20 Southampton Street, dated 9 and 25 March 2018
20. Support from Chairman of Harlequin Court Residents Association, dated 9 March 2018
21. Objection from trader at Jubilee Market Hall and occupier of 23 Hamilton Road, dated 10 March 2018
22. Objection from occupier of 47 Clock Court, dated 10 March 2018
23. Neutral comment from occupier of Flat 7, 20 Southampton Street, dated 11 March 2018
24. Support from occupier of Flat 8, Driscoll House, 19 Southampton Street dated 11 March

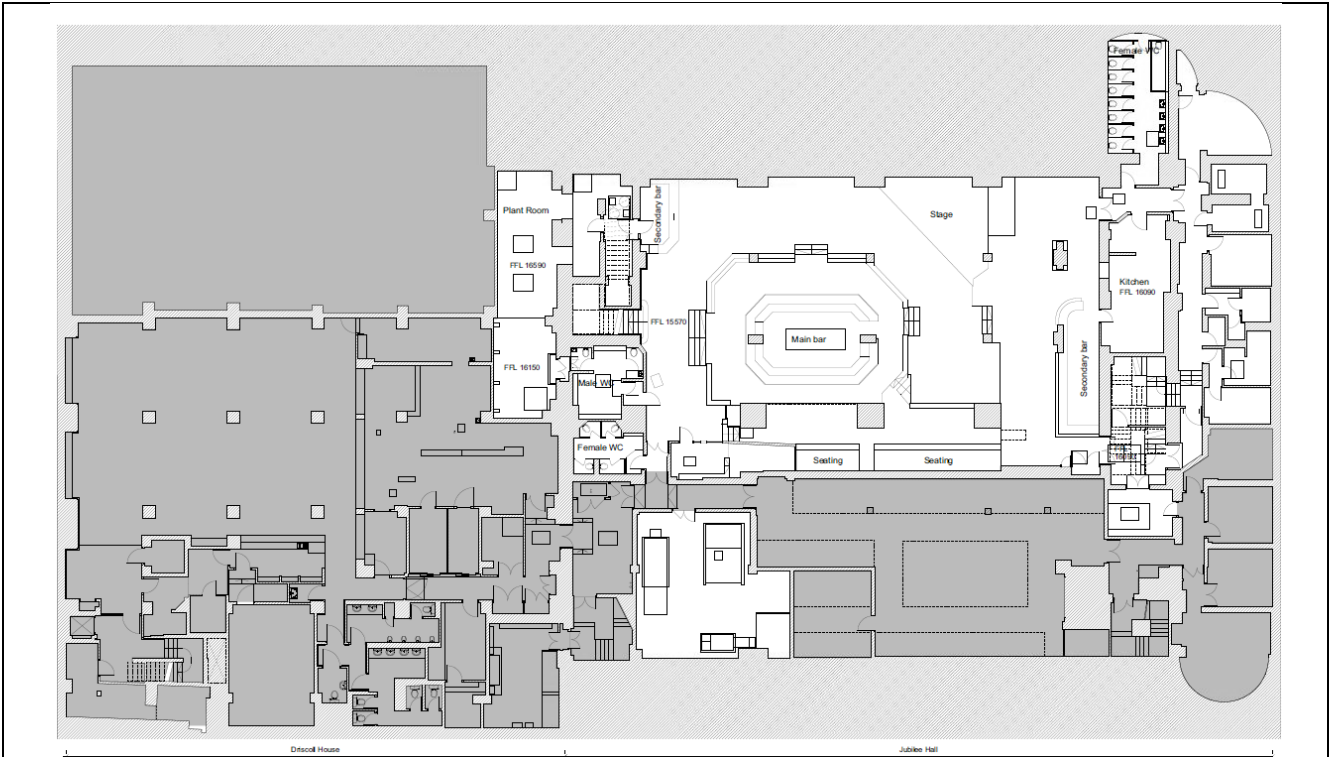
2018

25. Support from the North Bank BID, dated 13 March 2018
26. Support from occupier of Driscoll House, 19 Southampton Street, dated 13 March 2018
27. Neutral comment from Soho Housing Association, dated 15 March 2018
28. Objection from operator of Garden Tea and Coffee, 14 Jubilee Hall, dated 15 March 2018
29. Support from occupier of Flat 3, 20 Southampton Street, dated 21 March 2018
30. Support on behalf of Z Hotels, 45 Monmouth Street, dated 23 March 2018
31. Objection from occupier of Flat 4, 127 Long Acre, dated 25 March 2018
32. Objections (x94 proforma letters) from traders at Jubilee Market Hall, dated 5 March 2018
33. Representation from Gerald Eve on behalf of the applicant, dated 6 April 2018
34. Support from The Church Commissioners for England, dated 10 April 2018

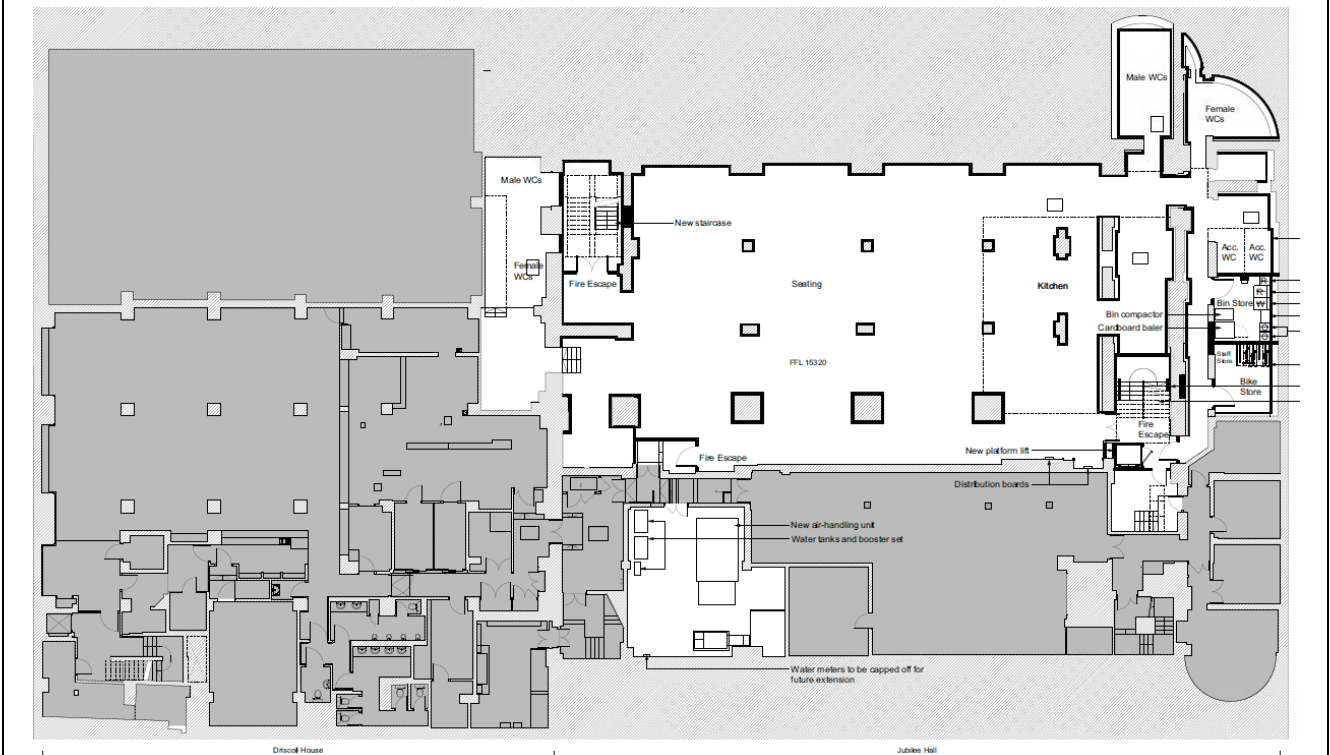
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT ddorward@westminster.gov.uk

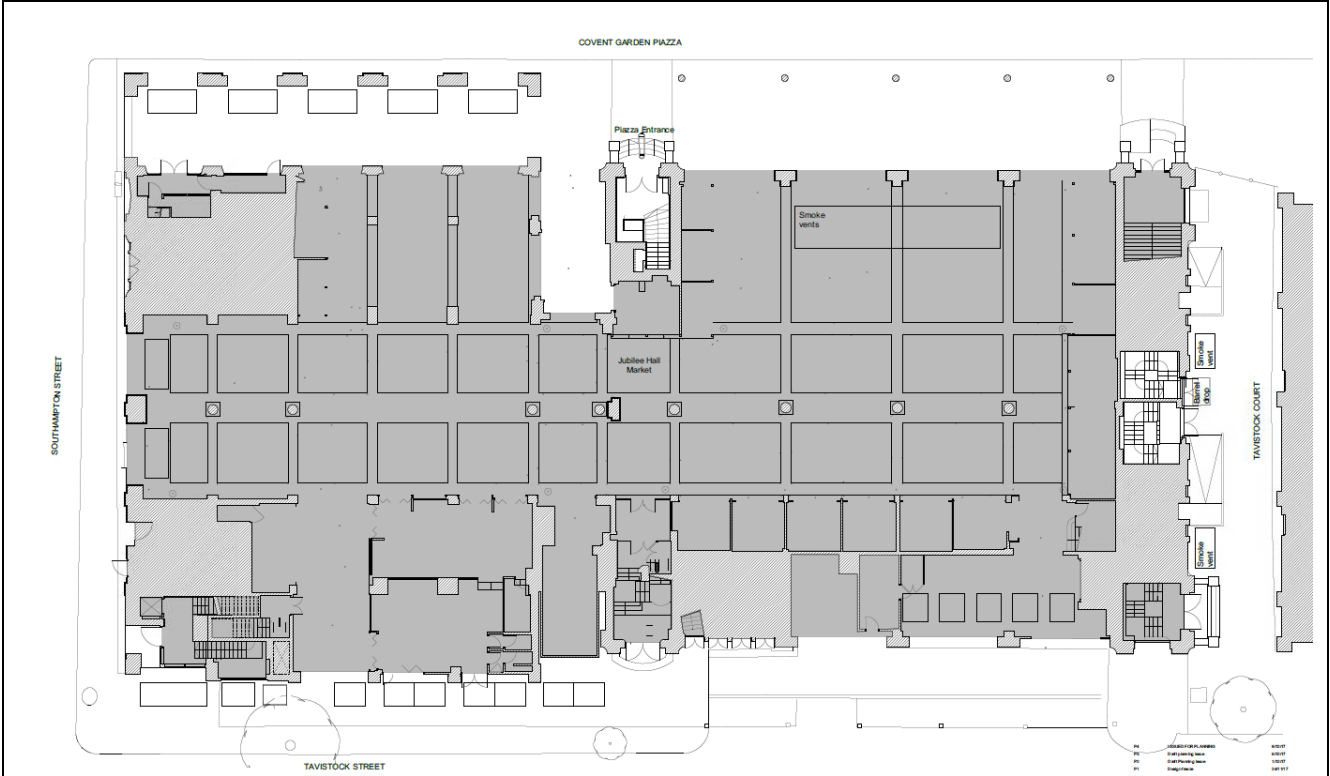
10. KEY DRAWINGS



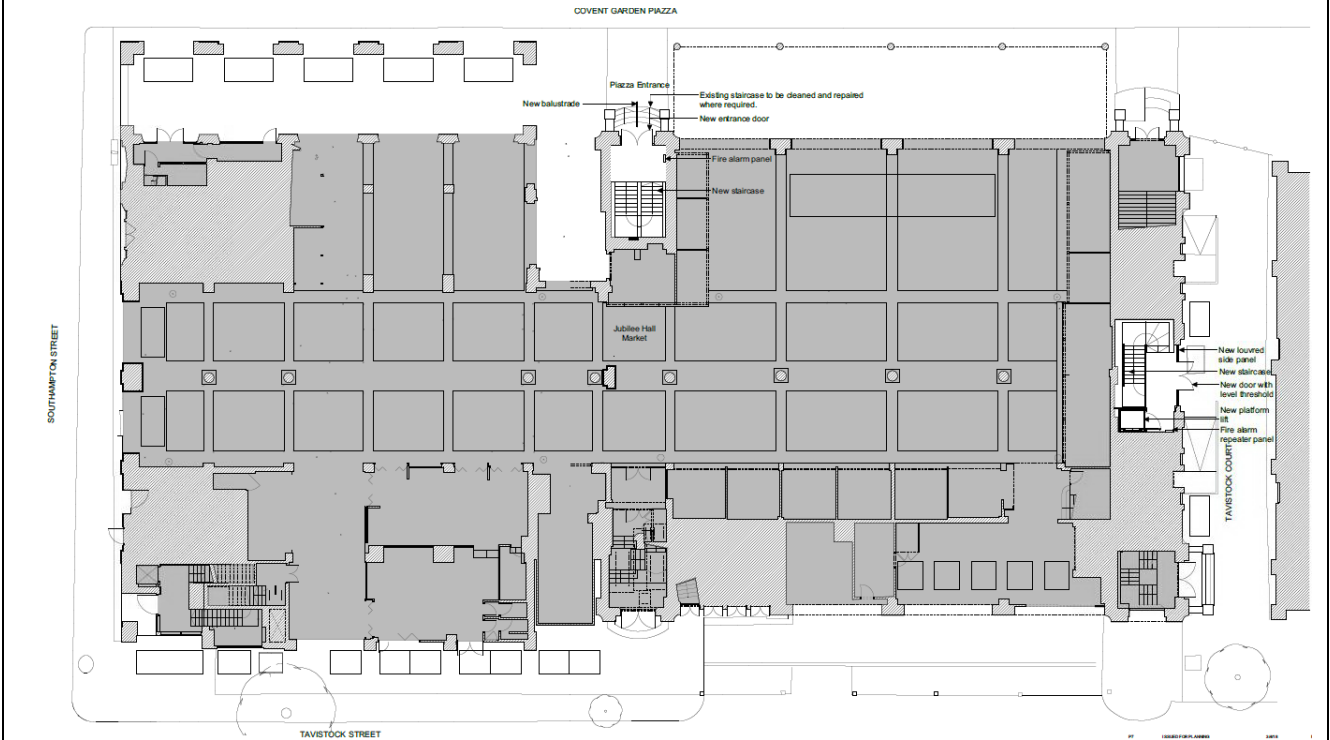
Existing Basement Plan



Proposed Basement Plan



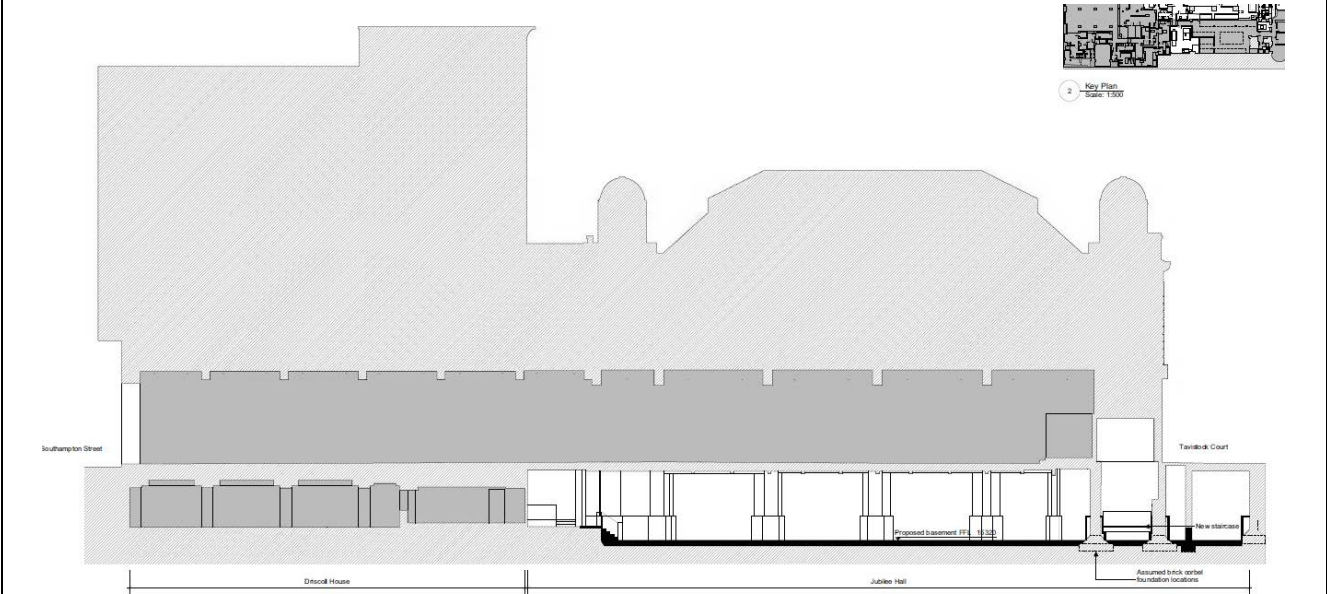
Existing Ground Floor Plan



Proposed Ground Floor Plan



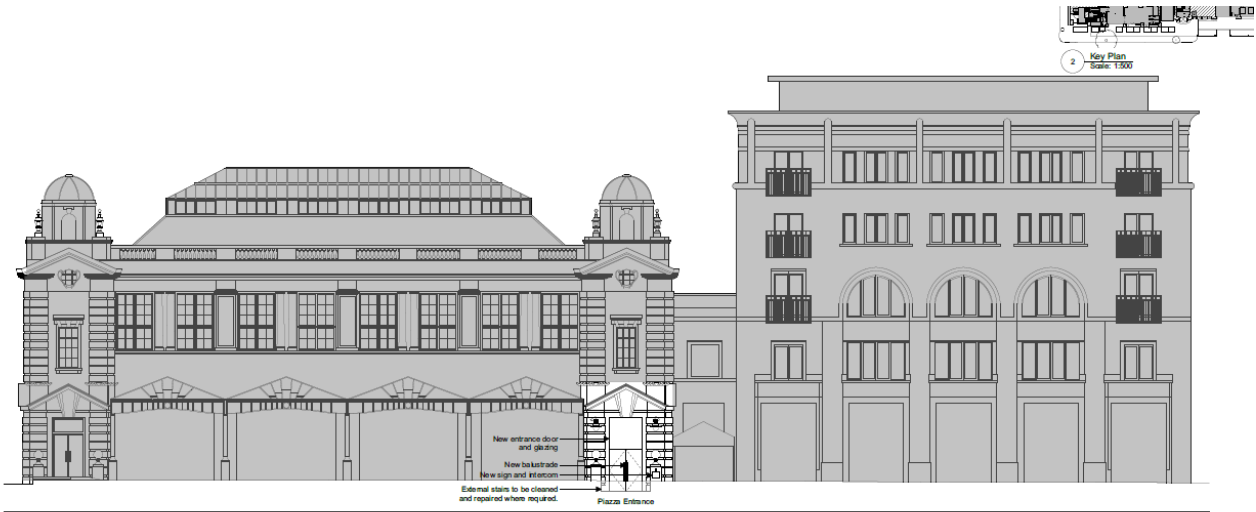
Existing Section



Proposed Section



Existing North West Elevation (The Piazza)



Proposed North West Elevation (The Piazza)



Existing North East Elevation (Tavistock Court)



Proposed North East Elevation (Tavistock Court)

DRAFT DECISION LETTER

Address: Basement, 35 The Piazza, Covent Garden, London, WC2E 8BE,

Proposal: Alterations to ground floor entrances to the Piazza and Tavistock Court; lowering of existing basement floor level and associated external alterations.

Reference: 18/01142/FULL

Plan Nos: Site Location Plan; (00) 017 rev P4; (00) 018 rev P4; (00) 100 rev P5; (00) 103 rev P5; (00) 207 rev P4; (00) 211 rev P4; (01) 017 rev P6; (01) 018 rev P4; (01) 100 rev P5; (01) 103 rev P5; (01) 207 rev P5; (01) 211 rev P5; (02) 017 rev P8; (02) 018 rev P7; (02) 100 rev P7; (02) 103 rev P7; (02) 207 rev P8; (02) 211 rev P8; Design and Access Statement and Addendum (PDP LDN); Historic Building Report (Donald Insall Associates); Operational Management Strategy (capco); Historic Environment Assessment (MOLA); Cover Letter and Consultation Response Letter (Gerald Eve).

For Info Only:
Environmental, Geological and Hydrogeological Review (Trident); Structural Methodology Statement (Hurst Peirce and Malcolm LLP); Construction Management Plan (Trident).

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

- 3 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application. (C11CB)

Reason:

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

- 4 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following external parts of the building:
- i) doors; and
 - ii) louvres.

You must not start works on these parts of the building until we have approved in writing what you have sent us. You must then carry out the works accordance to the approved details.

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 Covent Garden 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)

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

Reason:

To 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 Covent Garden 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)

6 **Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

(c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 7 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number (02)017 rev P8. You must clearly mark them and make them available at all times to everyone using the unit. (C14FB)

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)

- 8 You must provide each cycle parking space shown on the approved drawings prior to occupation. 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 2015.

- 9 The operations of the unit shall be carried out in accordance with the Operational Management Strategy received April 2018.

Reason:

To make sure that the development does not affect people using the neighbouring properties next door as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R02GC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to

environmentalsciences2@westminster.gov.uk

Item No.
6

Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition. You are urged to give this your early attention

- 3 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 or visit www.ccscheme.org.uk.

- 4 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

- 5 You advised that in relation to condition 6, the written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

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

DRAFT DECISION LETTER

Address: Basement, 35 The Piazza, Covent Garden, London, WC2E 8BE,

Proposal: Alterations to ground floor entrances to the Piazza and Tavistock Court; lowering of existing basement floor level and associated internal and external alterations, including internal strip out, removal and repositioning of internal stair cases and installation of a new platform lift. (MINOR AMENDMENT RECEIVED)

Reference: 18/01143/LBC

Plan Nos: Site Location Plan; (00) 017 rev P4; (00) 018 rev P4; (00) 100 rev P5; (00) 103 rev P5; (00) 207 rev P4; (00) 211 rev P4; (01) 017 rev P6; (01) 018 rev P4; (01) 100 rev P5; (01) 103 rev P5; (01) 207 rev P5; (01) 211 rev P5; (02) 017 rev P8; (02) 018 rev P7; (02) 100 rev P7; (02) 103 rev P7; (02) 207 rev P8; (02) 211 rev P8; Design and Access Statement and Addendum (PDP LDN); Historic Building Report (Donald Inall Associates); Historic Environment Assessment (MOLA); Cover Letter and Consultation Response Letter (Gerald Eve).

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 All new work and improvements inside and outside the building 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 Covent Garden 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 not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

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 Covent Garden 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 submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the building:
- i) door;
 - ii) louvres; and
 - iii) typical retained corbel details.

You must not start works on these parts of the building until we have approved what you have sent us. You must then carry out the works accordance to the 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 Covent Garden 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)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:., S25 and S28 of Westminster's City Plan and DES 10 including

Item No.
6

paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 - 2.4 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)

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.

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Agenda Item 7

Item No.
7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 24 April 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	1 Wood's Mews, London, W1K 7DL		
Proposal	Demolition of the existing building and erection of a three storey building with basement, terraces at rear first and second floor level roof for use as a single family dwelling house (Class C3); new canopy on the west elevation, and green roof.		
Agent	Savills		
On behalf of	Cian and Aaron Developments		
Registered Number	18/00046/FULL	Date amended/ completed	3 January 2018
Date Application Received	3 January 2018		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

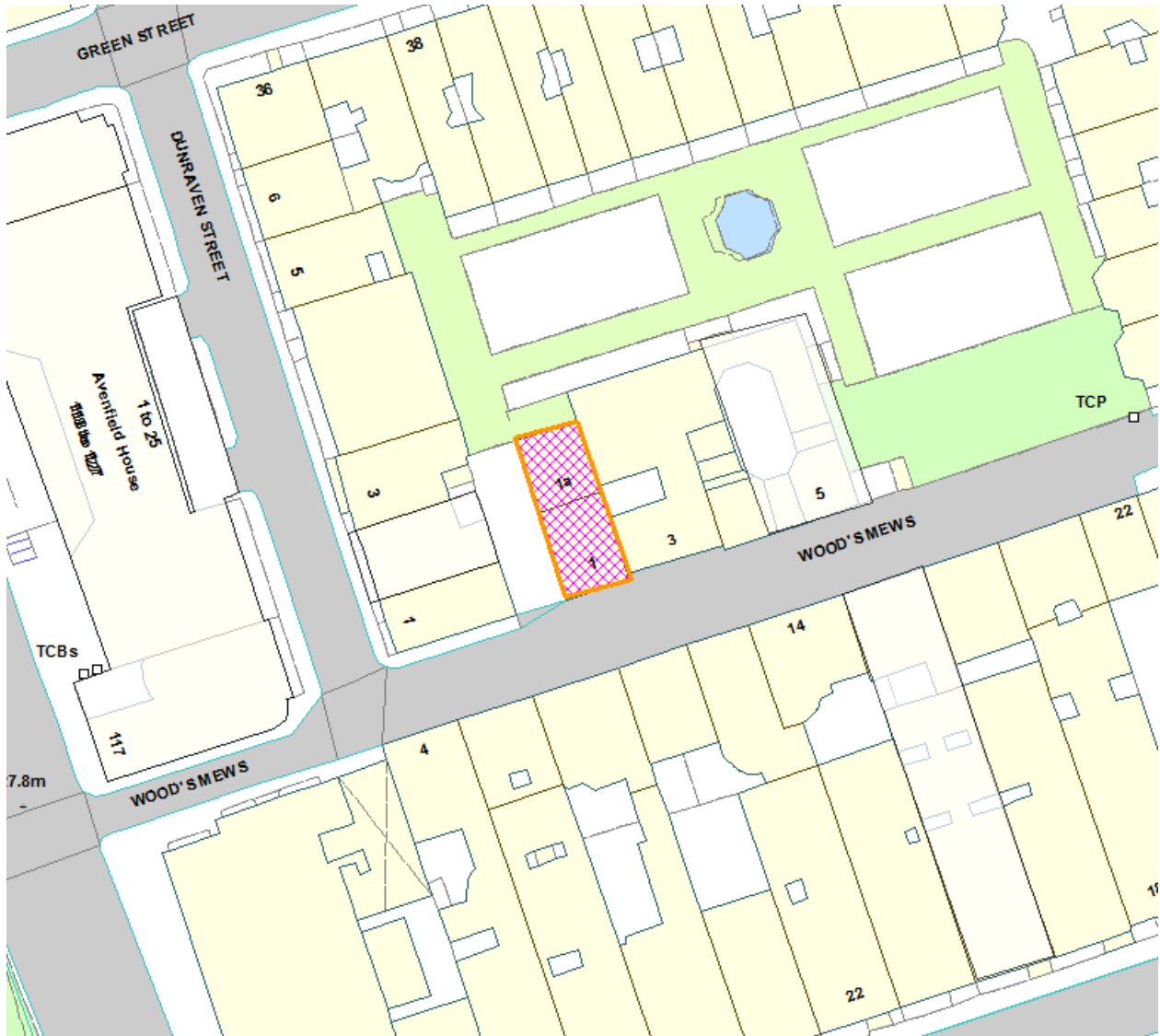
1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

<p>1 Wood's Mews is a single family dwelling set over ground and two upper floors, with an integral garage. The house is accessed from a private drive on the north side of Wood's Mews, which is owned by Grosvenor Estates.</p> <p>The application proposes the demolition of the building and erection of a three storey, single family dwelling with basement. In 2015, a similar application for a replacement dwelling house, incorporating two basement levels, was refused on the grounds of detailed design and loss of daylight to neighbouring properties.</p> <p>The key issues for consideration are:</p> <ul style="list-style-type: none"> - The impact on neighbouring residential amenity - The impact on the character and appearance of the Mayfair conservation area <p>The proposals have been amended to revise the window design and to incorporate an integral garage. The application is considered acceptable on townscape and amenity grounds and is therefore recommended for approval.</p>

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

COUNCILLOR ROBERTS AND COUNCILLOR GLANZ

Request that the application be determined by planning committee

HISTORIC ENGLAND:

No objection, authorisation received

RESIDENTS' SOCIETY OF MAYFAIR & ST. JAMES'S:

Any comments to be reported verbally

ENVIRONMENTAL HEALTH:

No objection subject to conditions

CLEANSING MANGER:

No objection subject to conditions to secure waste and recycling storage

HIGHWAYS PLANNING MANAGER:

No objection subject to conditions

BUILDING CONTROL:

No objection

ARBORICULTURAL SECTION:

No objection subject to conditions

CROSSRAIL:

No objection subject to conditions

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 77

Total No. of replies: 6 (from 4 respondents)

Letters of objection on the following concerns:

Amenity

- Loss of privacy from increased number, and size, of windows

Design

- Design is not in-keeping with the character of the mews
- Façade should be retained

Trees

- Harm to trees at the rear of the site

Parking

- Loss of off street parking
- Any agreement to park on the adjacent private roadway could be terminated

Construction

- Noise/vibration during construction works
- Lost income from works close to short term lets
- Condition of neighbouring properties should be recorded
- Absence of delivery/travel plan for construction works
- Need for construction noise sensors on site

Procedure

- Site notice was posted too far from the site

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Site

The application site is a, vacant, single family dwellinghouse comprising ground and two upper floors with an integral garage. The property is unlisted but is located within the Mayfair Conservation Area and the Core Central Activities Zone (Core CAZ).

There is an existing patio at rear ground floor level, enclosed by a dwarf wall. This area overlooks a rear communal garden, accessible from neighbouring properties, which contains various shrubs and trees, including a mature tree directly adjacent to the site boundary.

Access to the site is via a private driveway, owned by the Grosvenor Estate, to the north of Woods Mews.

6.2 Recent Relevant History

18 August 2015: Permission refused for the demolition of the existing building, excavation of two basement levels and the erection of a part three/part four storey single family dwelling with terraces at ground and third floor level, with associated stair access, and an integral garage at ground floor level. Installation of green roof areas and PV cells at main roof level. 14/08487/FULL.

The Committee refused the application on the grounds that the demolition of the existing building, which makes a positive contribution to the character and appearance of the Mayfair Conservation Area, and its replacement with a new building of inappropriate design and materials would fail to maintain or improve (preserve or enhance) the character and appearance of the Mayfair Conservation Area; loss of daylight for the people living in 2 Dunraven Street in particular the ground floor living/dining room and kitchen.

November 2015: Certificate of Lawful Development issued confirming that the excavation of two basement levels (210 sq.m) could be constructed under permitted development (15/09236/CLOPUD). No works have been undertaken.

In July 2016 the City Council adopted an Article 4 direction which removes the permitted development rights for basements development across the City. Consequently, the

works subject to the Lawful Development Certificate are no longer lawful and cannot be afforded material weight in the determination of this application.

7. THE PROPOSAL

Permission is sought for the demolition of the existing building and for the property and the erection of a replacement single family dwelling house on basement, ground and two upper floors with terraces on rear first and second floors.

The application has been amended to incorporate an integral garage, to reduce the size of windows to the south (Wood's Mews) façade and to include opaque glass within the central window column on this elevation. In addition, a second basement level, which was intended to accommodate plant, has been omitted from the scheme and the depth of the first basement has been reduced. The basement plant has been relocated, internally, under the stairs at basement and ground floor level.

The proposed basement at 99 sq.m. would be significantly smaller than that which was proposed under the scheme refused in 2015.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Residential use and quality of accommodation

Although the existing four bedroom dwelling would be replaced by a three bedroomed house, both units would be considered to be family sized accommodation. The overall amount of residential floorspace on the site would be increased by 90 sq.m. This increase accords with UDP policy H3 and City Plan Policy S14.

The proposed dwelling would benefit from good levels of daylight and sunlight, and would far exceed the minimum standards set out in the Nationally Described Space Standards (NDSS). The scheme would increase the amount of private amenity space on three terrace areas. The development would provide a good standard of accommodation for future occupiers.

8.2 Townscape and Design

The original late Victorian building was a simply detailed structure with a few flamboyant details which distinguished it from more mundane buildings of its type. It has been much altered in the latter part of the 20th century and it lacks most of the visual interest it once possessed. Nevertheless, in refusing permission for redevelopment of the site in 2015 the City Council decided that the existing building makes a positive contribution to the character and appearance of the conservation area and that the proposed replacement building was unacceptable in terms of its detailed design and use of materials, failing to preserve and enhance the character and appearance of the conservation area..

Mayfair is an area of mixed character, containing old and new buildings of varying aesthetic merit, and Wood's Mews is no exception. Consequently, demolition of the

existing building could be appropriate subject to the quality of the proposed replacement building.

The current scheme seeks approval for demolition of the existing building but the design of the proposed dwelling is substantially different to that under the previous scheme. In addition, its height bulk and massing are similar to that of the existing building and represent a reduction in comparison to the development refused in 2015.

The facades, as proposed, are considered an improvement when compared to the existing building and reflect the general character and appearance of buildings in the surrounding conservation area in terms of their fenestration and use of facing brick. In particular, the detailed design of the facades is highly successful and their subtle detailing compares favourably with surrounding buildings. To prevent a re-occurrence of, the existing, painted brickwork, a condition is recommended to remove permitted development rights, which would allow the façade to be painted.

There is a clear hierarchy of fenestration and the blind arcade, with small high-level windows at ground floor level is an attractive way of dealing with the side wall of the garage. The design provides appropriate visual interest in the street and it is an improvement when compared to the, extensively altered, facades of the existing building.

In design and heritage asset terms, there is no objection in principle to basement excavation on this site. The basement does not visually manifest itself in any way that is detrimental to the character or appearance of the surrounding conservation area. Nevertheless, the site in an area of archaeological priority and as such a condition is recommended to ensure archaeological monitoring is carried out as part of any development involving basement excavation.

The existing building has been altered in the past to the detriment of its appearance. When considered against the architectural improvement to the character and appearance of the conservation area that the proposal would produce, the proposed modern architectural treatment of the facades is considered acceptable and as the basement does not have any external manifestation (such as lightwells), both aspects of the proposal are considered acceptable in design and heritage asset terms. The development is therefore considered to fully accord with the City Council's development plan policies and supplementary planning guidance 'Development and Demolition in Conservation Areas'. In these circumstances, objections on the grounds that the building façade should be retained and that the proposed design is not in keeping with the character of the mew, cannot be supported.

8.3 Residential Amenity

City Plan policy S29 seeks to safeguard the amenity of existing residents. Policy ENV 13 of the UDP seeks to protect and improve the residential environment and resists proposals which would result in a material loss of daylight and sunlight and/or significant increase in sense of enclosure or overlooking.

Privacy

Objections have been received from neighbouring residential occupiers at 3-5 Woods Mews, 4 Dunraven Street and 6, 8 and 10 Woods Mews on the grounds that the development would result in overlooking and loss of privacy to neighbouring properties and the communal garden.

3-5 Woods Mews is immediately adjacent to the application site. There are no windows on the proposed dwelling that would cause any loss of privacy to this neighbouring property. 4 Dunraven Street is set perpendicular to, and due north of, the application site. There would be limited, oblique, views from the rear of the proposed house towards the rear of flats in this neighbouring building, but it is not considered that the impact would be so significant as to justify a reason for refusal. Further, any oblique views would be screened by a mature tree, which is located immediately to the north of the application site.

Numbers 6, 8 and 10 Woods Mews are located on the opposite (southern) side of the Wood's Mews, with nos. 6 and 8 being offset to the west. Consequently, there would be only limited, oblique views between the habitable spaces of these flats and the application site.

No. 10 Woods Mews is located directly opposite the application site. Windows serve a first floor kitchen and dining room and a second floor bedroom and en-suite bathroom. Windows on the southern facade of the proposed dwelling have been positioned to be offset from those at 10 Woods Mews. Further, the scheme has been revised to reduce the amount of glazing and raise the window cill heights to all floors and to incorporate obscured glass to the central window column. This obscured glazing would be secured by condition. Given these amendments and the buildings are separated by a mews width, which is not an untypical relationship between dwellings, it is not considered that the proposal would give rise to a material loss of privacy to properties on the south side of the mews. As the development would replace an existing dwelling with windows on all facades, it is not considered that the proposed glazing would give rise to any unacceptable increase in overlooking to neighbouring properties.

The proposed terrace at first and second floor levels would be set back behind the rear building line at 3-5 Wood's Mews and would be screened, to the north, by a mature tree. The submitted plans also show some privacy planting along the west edge of the terrace, details of which could be secured by condition.

The proposed first floor terrace, which is also behind the rear wall of 3-5 Wood's Mews, would be limited in size. It is not considered that its use would cause any loss of privacy to neighbouring properties.

Daylight and Sunlight

Policy ENV 13 seeks to ensure good daylight levels to habitable rooms in existing residential properties.

The daylight and sunlight report submitted as part of the previous application included notational layouts for 2 Dunraven Street and concluded that losses of light to some

rooms would breach the BRE guidelines. The current report is based upon original layout plans for this neighbouring property. A number of rooms previously designated as study or kitchens have now been re-designated as dining rooms and bedrooms.

The submitted daylight and sunlight report assesses the impact of the development on 38 Green Street, 3-5 and 6, 8, and 10 Woods Mews and 1, 2 and 3 Dunraven Street

Daylight

The principle test for measuring the impact of the development upon the level of light received to neighbouring properties is the Vertical Sky Component (VSC), the amount of light reaching the face of a window. If the VSC is both less than 27% and values as a result of the development would be less than 0.8 times its former value then the impact would be noticeable.

The height and bulk of the proposed building is similar to the existing and the submitted daylight report shows that any loss of light to neighbouring buildings would comply with BRE guidelines and that all properties would continue to receive good natural light. The previous scheme, which proposed a new building on ground and part two/part three upper floors was refused on the grounds that it would result in a material loss of light to 2 Dunraven Street, in particular to the ground floor living/dining room and kitchen. The loss of light to these windows was 21.13, 28.18, 27.94 and 13.21%. Losses to these ground floor windows would now be 6.97 and 2.23% (with resulting values of 16.26 and 9.22%) to the ground floor living room and 5.67 and 5.04% (with resulting values of 11.78 and 12.72%) to the kitchen.

Sunlight

The impact of the development on the amount of sunlight received to neighbouring properties is measured by Annual Probable Sunlight Hours (APSH). Only those windows which face within 90 degrees of due south need to be tested. If the proposed sunlight is less than 25% APSH including 5% in the winter months and the loss is greater than 20% over the whole year then the loss of sunlight will be noticeable.

The submitted report shows that any loss of annual or winter sun will be within acceptable parameters.

Sense of Enclosure

The proposed building would be similar in height and massing to the existing building. As such, it is not considered that there would be any increase in sense of enclosure to neighbouring properties.

In view of the above, it is not considered that the proposed development would have a material impact upon the amenities of neighbouring occupiers and accords with policies ENV 13 and S29.

8.4 Transportation/Parking

The development would not result in any net change to the number of residential units.

The scheme originally omitted the ground floor garage space and included proposals to provide parking on the private access road outside of the dwelling, which is owned by the Grosvenor Estate. Objections were received to the loss of parking and to the fact that, as the private roadway is not owned by the applicant, any arrangement to park vehicles on this land could be terminated. The application has been revised to include an integral garage space, which would be secured by condition. In these circumstances, the proposals would replicate the existing car parking arrangements and would comply with UDP policies TRANS 21 and TRANS 23.

The application proposes 2 cycle parking spaces within the garage in accordance with London Plan policy 6.9. This cycle parking would be secured by condition.

8.5 Economic Considerations

Any economic benefits generated by the proposal are welcomed.

8.6 Other UDP/Westminster Policy Considerations

Basement development

The proposal includes the excavation of a single basement, which is compliant with City Plan Policy CM28.1.

As required by this policy, the applicant has provided a structural method statement setting out the construction methodology for the basement. Any report by a member of the relevant professional institution carries a duty of care, which should be sufficient to demonstrate that the matter has been properly considered at this early stage. The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction, which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

The City Council is not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course.

The application has been assessed by the Building Control Officer who has advised that the proposed structural methodology appears satisfactory and is appropriate for this site. The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be low.

Construction Impact

Objections have been received on the grounds that the construction works could result in a loss of income to the owners of 6, 8 and 10 Wood's Mews, which are occupied on

short term tenancies. The objectors have also requests that the applicant commissions a record of condition of their properties. Objectors have requested that noise sensors be installed on site and that a delivery/travel plan be submitted in relation to construction traffic/works.

The applicant has confirmed that they will sign up to the Council's 'Code of Construction Practice' (COCP) to ensure that the basement construction process is carefully managed, minimising disruption to neighbours and the highway and reducing the effects of noise, dust, traffic movements etc. resulting from the construction. As part of this process, Environmental Health Officers will liaise with both the applicant and neighbouring occupiers during the construction process to ensure that neighbours' concerns are addressed. Regular site visits will be undertaken to monitor construction operations and to ensure compliance. This would be secured by condition. A further condition is recommended to control the hours of excavation and building works.

It is acknowledged that construction works have the potential to affect the amenity of neighbouring occupiers but the impact on rental income is not a material planning consideration. However, subject to the conditions outlined above, it is considered that the potential effects of the construction process upon the amenities of neighbouring occupiers will be ameliorated as far as possible. The Council would not insist upon a survey of neighbouring properties be undertaken but this is a matter which the objectors may wish to explore with the applicants.

Plant

The scheme originally proposed to provide plan at second basement level and within an internal plant are at rear second floor level, which would be accessed from the terrace. The plans have been revised to omit the second basement and to relocate this plant to areas beneath the stairs on the basement and ground floors. An internal flue would be installed which would terminate at roof level. Given that all plant would be located internally, it will not be harmful to views from the public realm or from local private views.

The acoustic report, submitted proposals to the omission of the basement, has been assessed by the Council's Environmental Health Officer. They consider that that the proposed plant is likely to comply with the City Council's noise policy ENV 7 of the UDP but, as the plant has not been selected, have requested a condition requiring the submission of a supplementary noise reports to demonstrate that the plant would operate in accordance with the Council's requirements regarding noise and vibration. Subject to conditions, it is considered that the development would comply with UDP policy ENV7 and policy S32 of the City Plan and would not materially affect the amenity of neighbouring properties.

Refuse /Recycling

Waste and recycling storage would be located at ground floor level to the rear of the garage. The submitted plans demonstrate that there would be sufficient storage space for a development of this size. It is recommended that provision of waste storage is secured by condition.

Sustainability & Biodiversity

The application proposes a green roof. This is welcomed and accords with City Plan Policy S38 and ENV17 of the UDP. It is recommended that details of this roof (construction and planting) are secured by condition.

Trees

Two objections raise concern over the impact of the proposed development on mature trees to the rear of the site. The Council's Arboricultural Manager originally expressed concern over the impact of the works on these trees and, in response to this, the applicant has submitted supplementary information on the proposed piling methodology. The Council's Arboricultural Manager has confirmed that the additional information overcomes their concerns, and has raised no objection subject to a number of conditions which seek to prevent any damage to the mature Maple tree to the rear of the site.

8.7 London Plan

This application raises no strategic issues.

8.8 National Policy/Guidance Considerations

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

8.9 Planning Obligations

This application does not trigger any planning obligations.

8.10 Other Issues**Site Notice**

One neighbouring resident has raised concerns that the site notice was put up too far from the application site. Council records demonstrate that the notice was fixed to a lamp post outside 16 Woods Mews. This is approximately 15m from the application site. The only other street posts in the vicinity of the site are located immediately adjacent to parking spaces, where a site notice could have been obscured by taller parked vehicles. It is considered that the site notice was placed sufficiently close to the application site and that the Council has fulfilled its duty to consult in accordance with article 15 of the Development Management Procedure Order (DMPO) 2015. All neighbouring properties have received letters notifying them of the proposed development.

8.11 Conclusion

The proposals are considered acceptable in amenity and design terms and comply with the City Council's UDP and City Plan policies and the application is recommended for approval.

9. BACKGROUND PAPERS

1. Application form
2. Email from Councillor Roberts dated 3 February 2018
3. Email from Councillor Glanz dated 2 February 2018
4. Response from Historic England (Listed Builds/Con Areas), dated 15 January 2018

5. Responses from Cross London Rail Links Ltd (1), dated 18 January and 2 March 2018
6. Responses from Environmental Health dated 10 January and 9 April 2018
7. Response from Cleansing dated 17 January and 14 March 2018
8. Response from Highways dated 22 January and 12 March 2018
9. Response from Building Control dated 19 February 2018
10. Responses from Arboricultural Officer dated 19 February and 1 March 2018
11. Letter from occupier of 3-5 Woods Mews dated 31 January 2018
12. Letter from occupier of Flat 2, Warburton House, 4 Dunraven Street dated 14 January 2018
13. Letter on behalf of the owners 6, 8, and 10 Woods Mews dated 8 February 2018
14. Letters/emails from occupier of 10 Woods Mews dated 30 January and 3 April (two)2018.

(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: SARA SPURRIER BY EMAIL AT SSPURRIER@WESTMINSTER.GOV.UK

10. KEY DRAWINGS

Stone finish coping
Brick shadow gap
Bronze coloured metal architectural glazing
Stone finish coping
Existing wall and timber doors
Recessed brick soldier course
Wall to remain as existing
Bronze coloured metal patio doors
Bronze coloured metal balcony and railings

FOR PLANNING

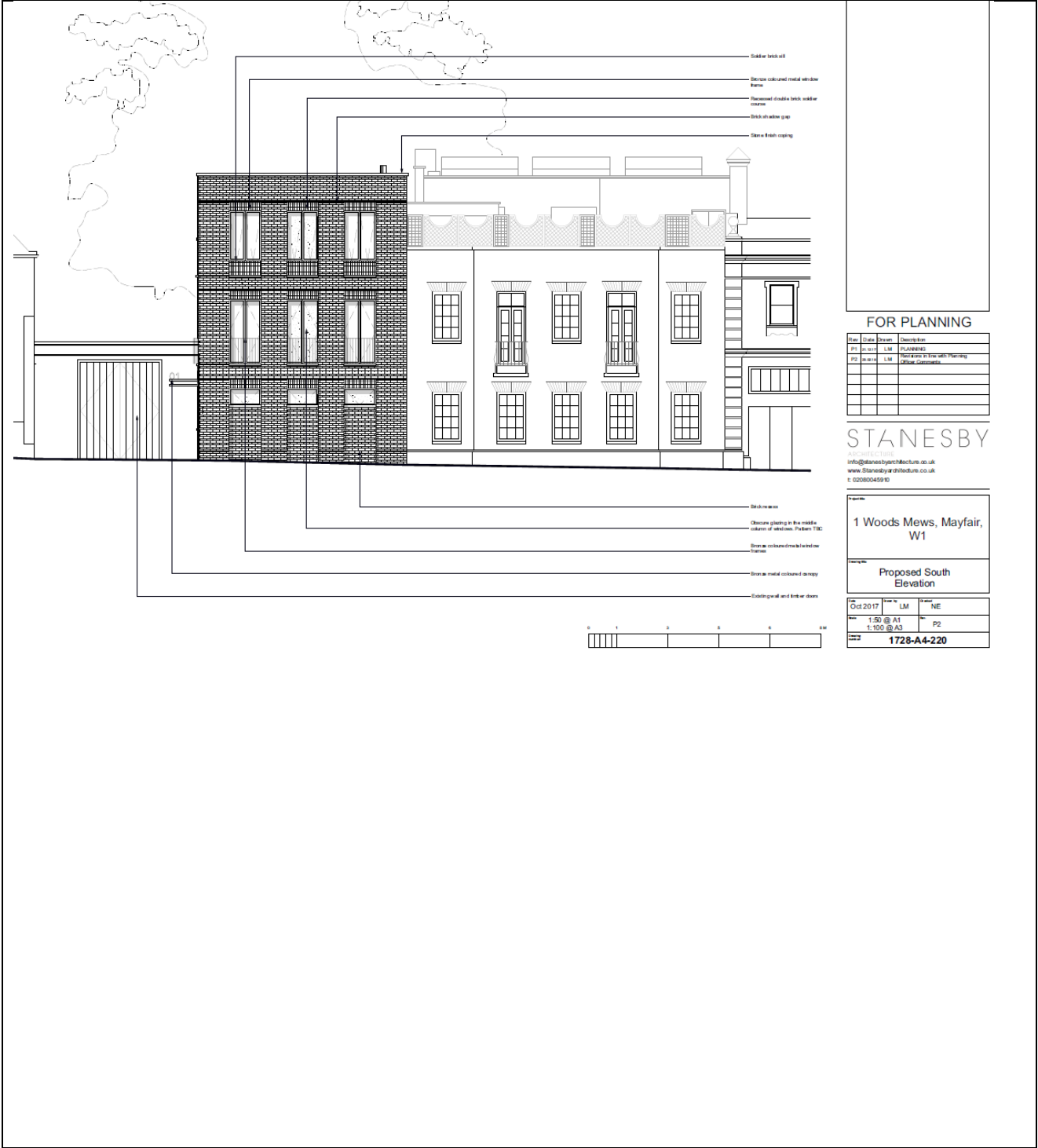
Rev	Date	Drawn	Description
P1	26.10.17	LM	PLANNING
P2	26.10.17	LM	Revisions in line with Planning Officer Comments

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Property
1 Woods Mews, Mayfair, W1

Drawing title
Proposed North Elevation

Date	Drawn by	Checked by
Oct 2017	LM	NE
Scale	1:50 @ A1	1:100 @ A3
Sheet No.	P2	
Project No.	1728-A4-210	



FOR PLANNING

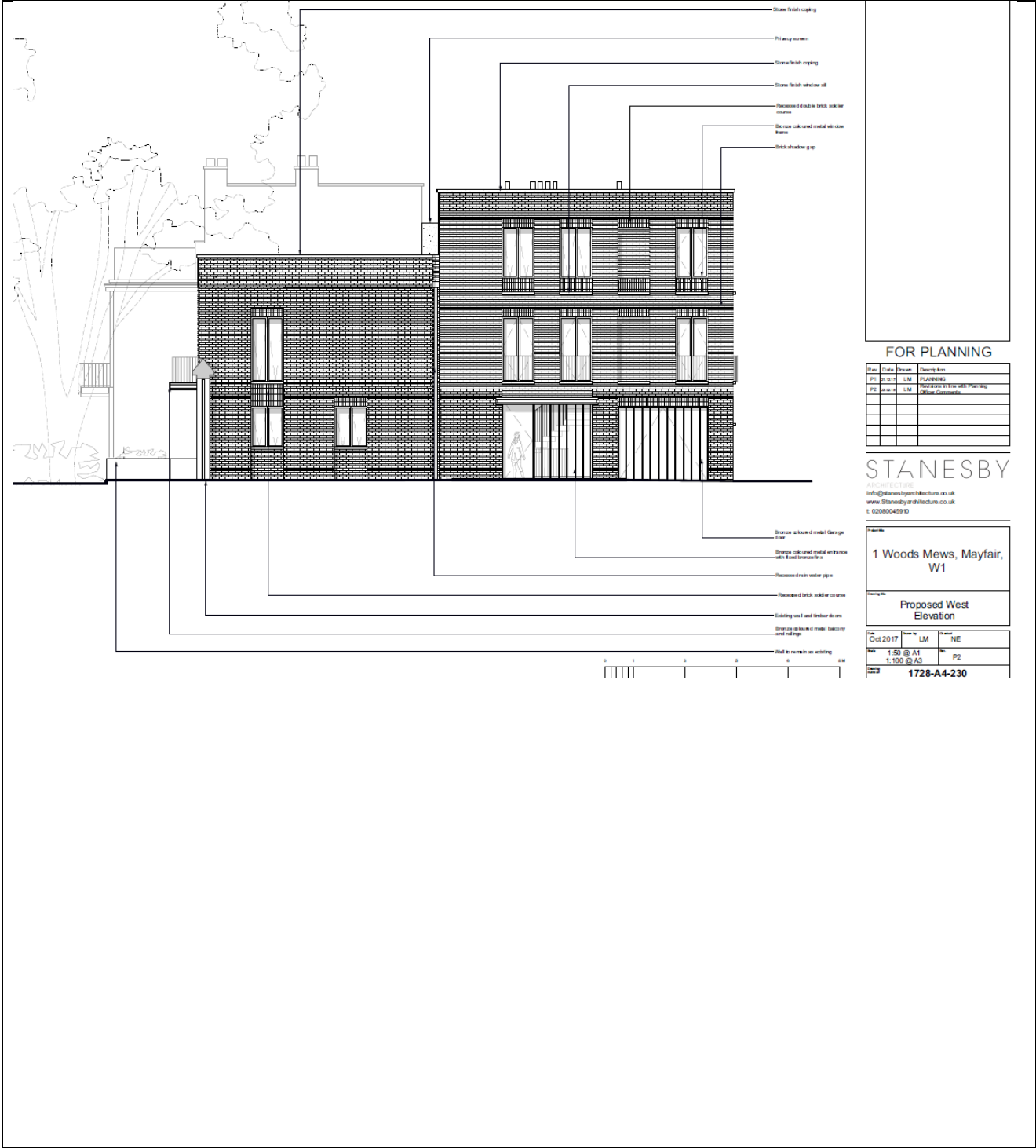
Rev	Date	Drawn	Description
P1	2017	LM	PLANNING
P2	2017	LM	REVISIONS TO THE SOUTH ELEVATION DRAWING

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1 Woods Mews, Mayfair, W1
Proposed South Elevation

Date	Rev	LM	NE
Oct 2017			
	1:50 @ A1		P2
	1:100 @ A3		

1728-A4-220



FOR PLANNING

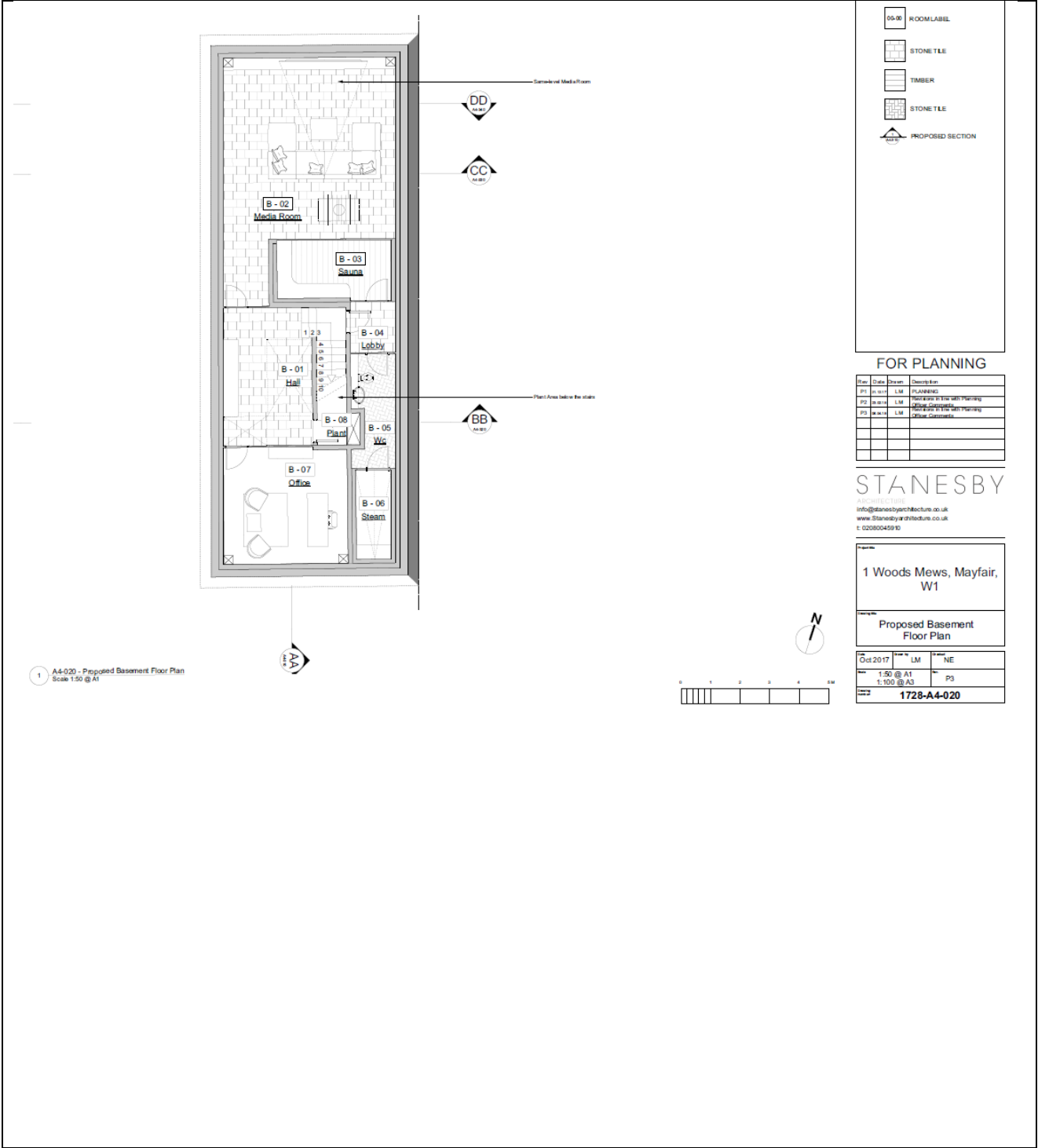
Date	Drawn	Description
19/10/17	LM	PLANNING
22/10/17	LM	REVISION TO PLANNING
		ALTERNATIVE

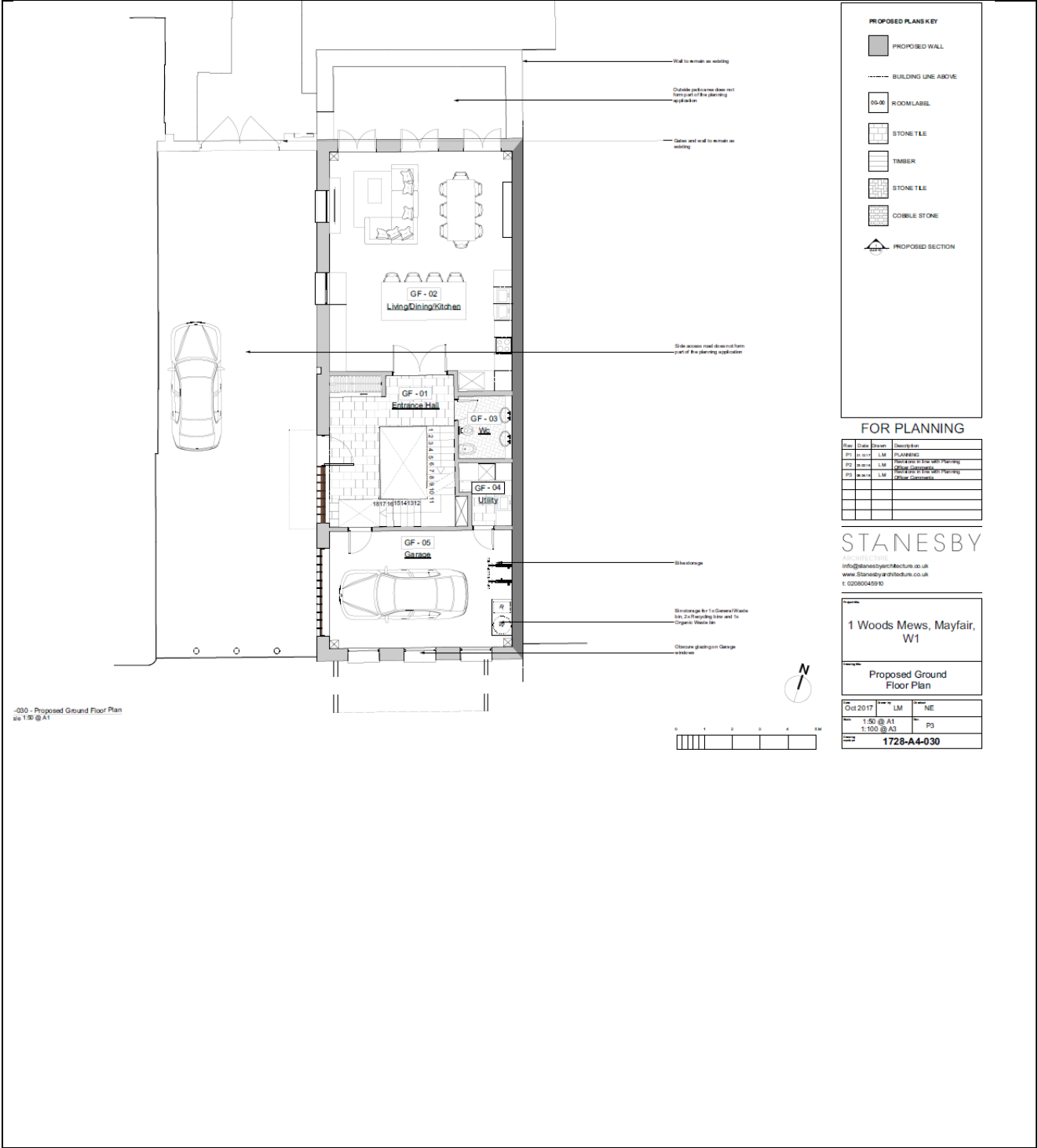
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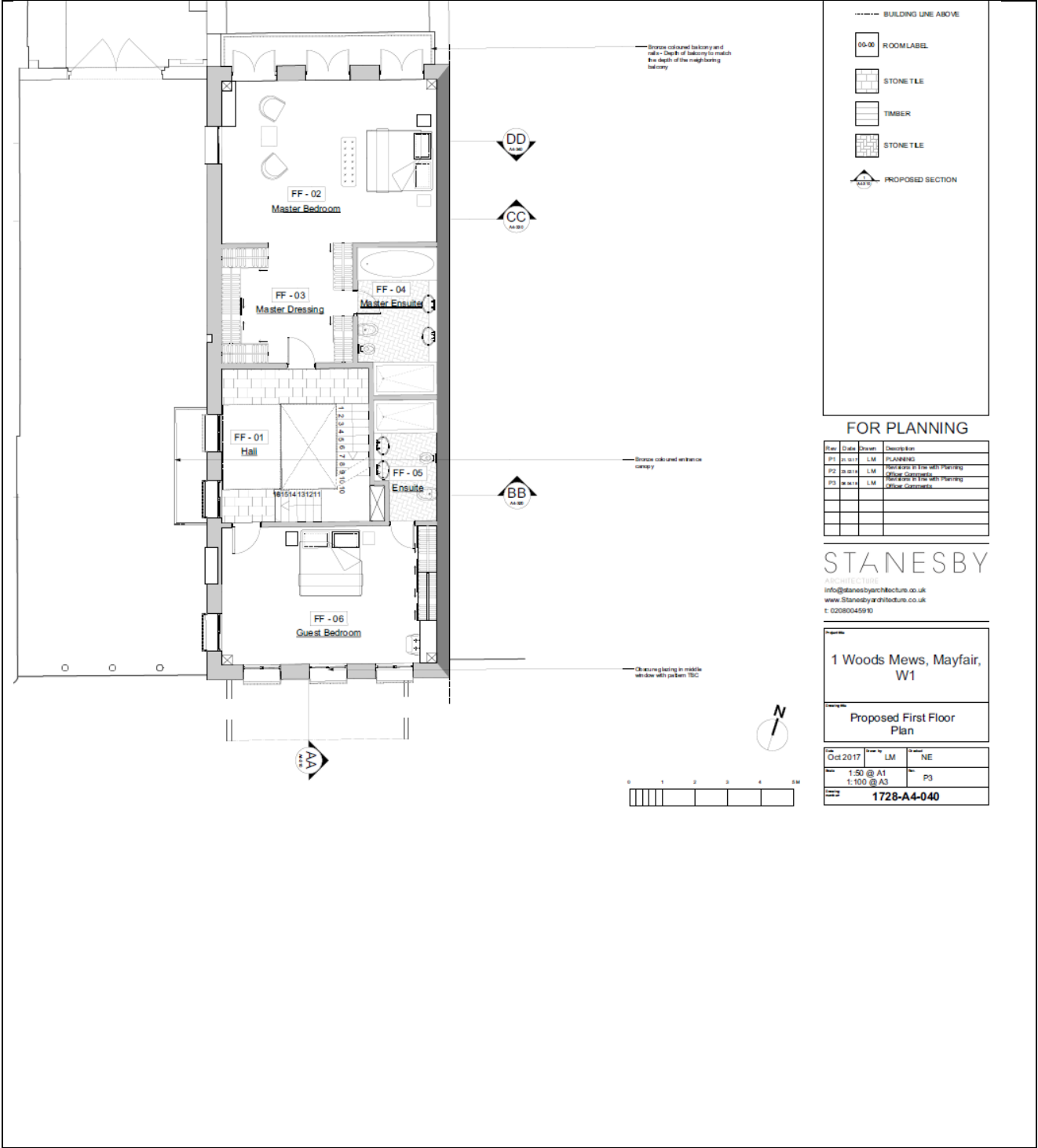
1 Woods Mews, Mayfair, W1

Proposed West Elevation

Date	Drawn	Checked
19/10/17	LM	NE
Scale	1:50 @ A1	P2
	1:100 @ A3	
1728-A4-230		







----- BUILDING LINE ABOVE

- ROOM LABEL
- STONE TILE
- TIMBER
- STONE TILE
- PROPOSED SECTION

FOR PLANNING

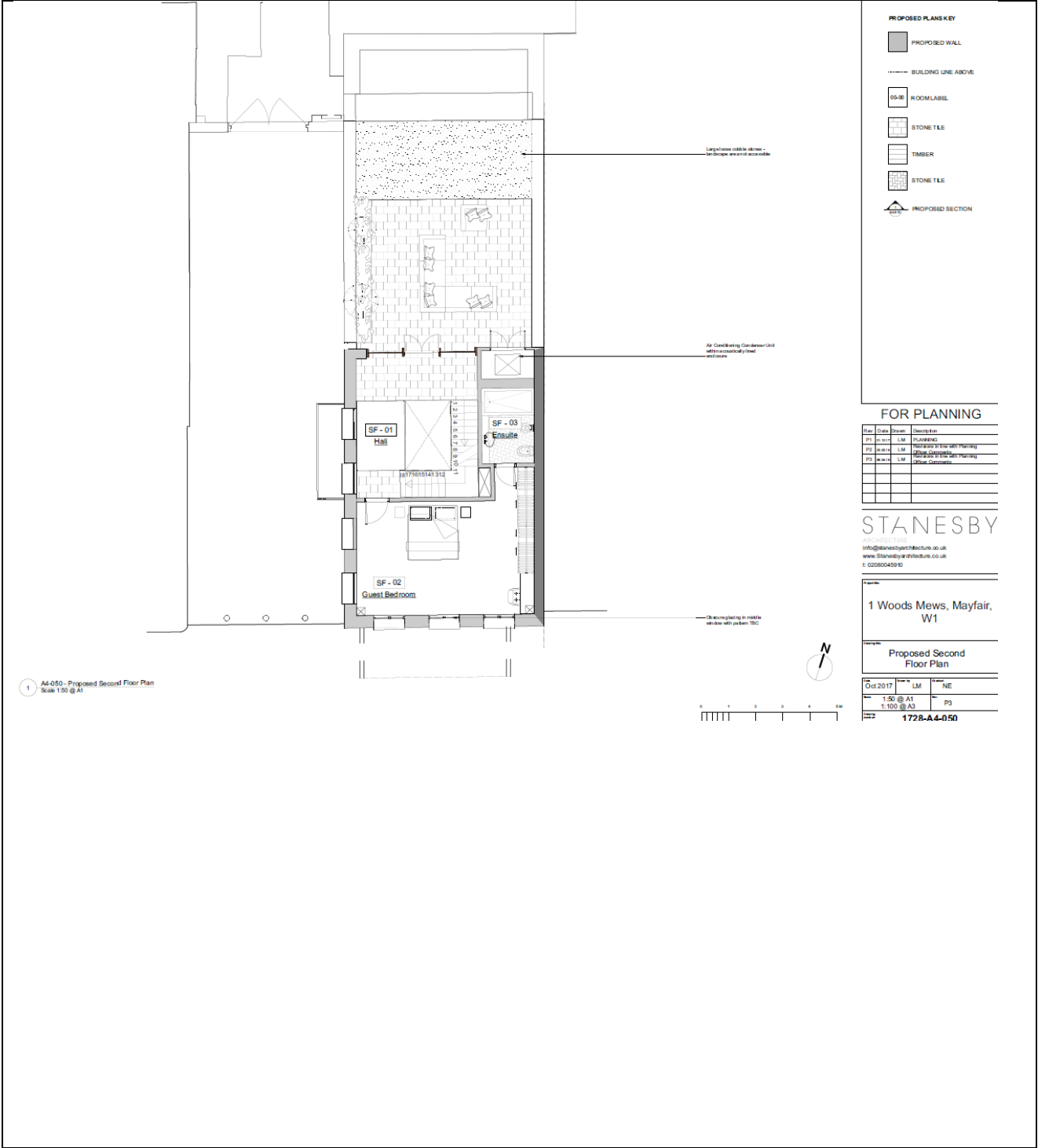
Rev	Date	Drawn	Description
P01	16-01-17	LM	PLANNING
P02	16-01-17	LM	REVISIONS IN LINE WITH PLANNING OFFICER COMMENTS
P03	16-01-17	LM	REVISIONS IN LINE WITH PLANNING OFFICER COMMENTS

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1 Woods Mews, Mayfair, W1

Proposed First Floor Plan

Oct 2017	LM	NE
1:50 @ A1		P3
1:100 @ A3		
1728-A4-040		



PROPOSED PLANS KEY

- PROPOSED WALL
- BUILDING LINE ABOVE
- ROOM LABEL
- STONE TILE
- TIMBER
- STONE TILE
- PROPOSED SECTION

FOR PLANNING

Rev	Date	Drawn	Description
P1	10.10.17	LM	PLANNING
P2	10.11.17	LM	PROPOSED SECOND FLOOR PLANNING
P3	10.11.17	LM	OFFICE CONSULTATION PLANNING
P4	10.11.17	LM	OFFICE CONSULTATION PLANNING

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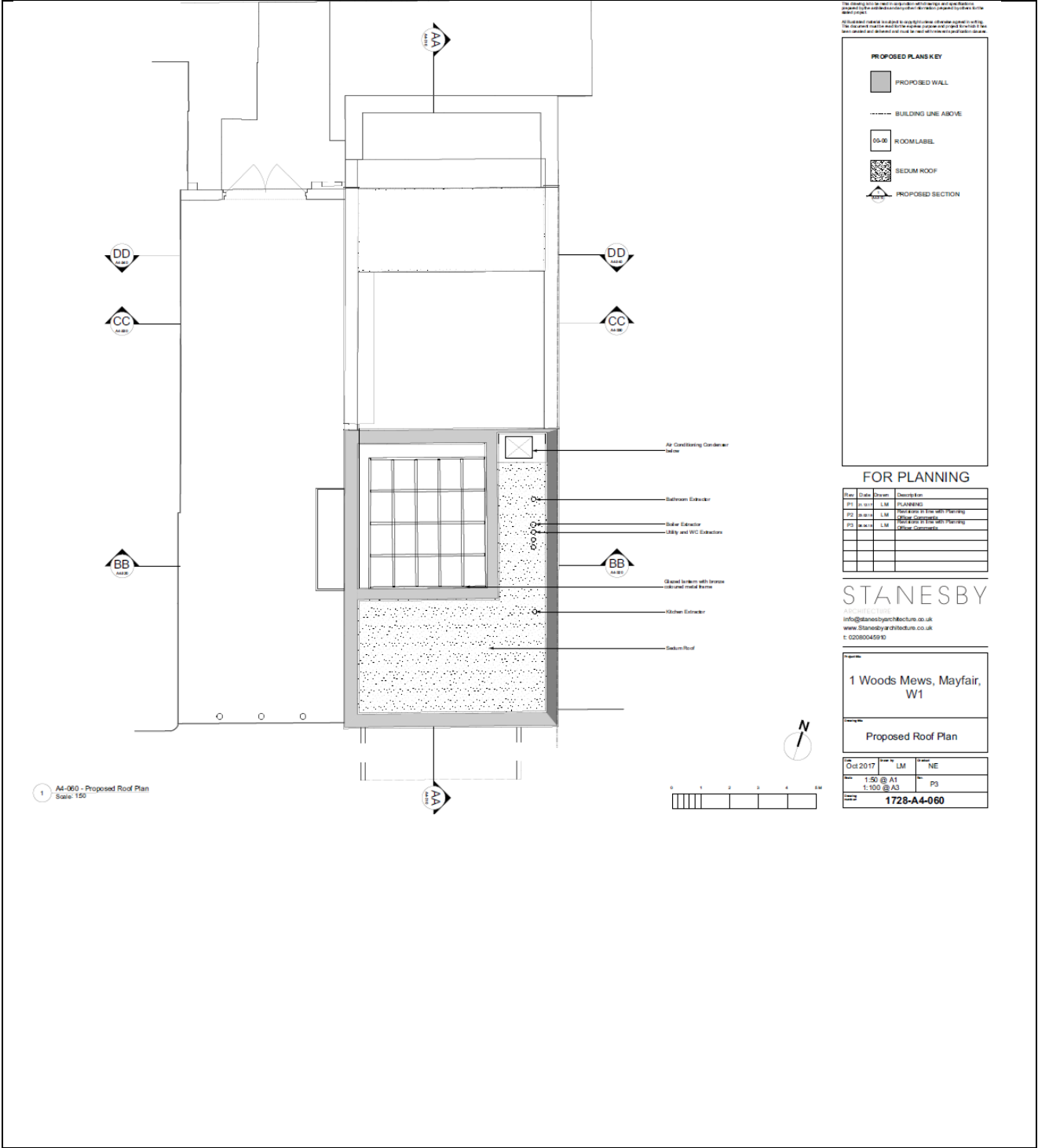
1 Woods Mews, Mayfair, W1

Proposed Second Floor Plan

Date	Scale	Drawn	Checked
Oct 2017	1:50 @ A1	LM	NE

1728-A4-050

1 A4-050 - Proposed Second Floor Plan
Scale 1:50 @ A1



1 A4-060 - Proposed Roof Plan
Scale: 1:50

The drawings shall be read in conjunction with the Bill of Materials and Specifications prepared by the architect and shall be subject to the conditions of contract for the works.

PROPOSED PLANS KEY

- PROPOSED WALL
- BUILDING LINE ABOVE
- ROOM LABEL
- SEDUM ROOF
- PROPOSED SECTION

FOR PLANNING

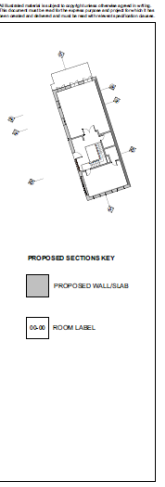
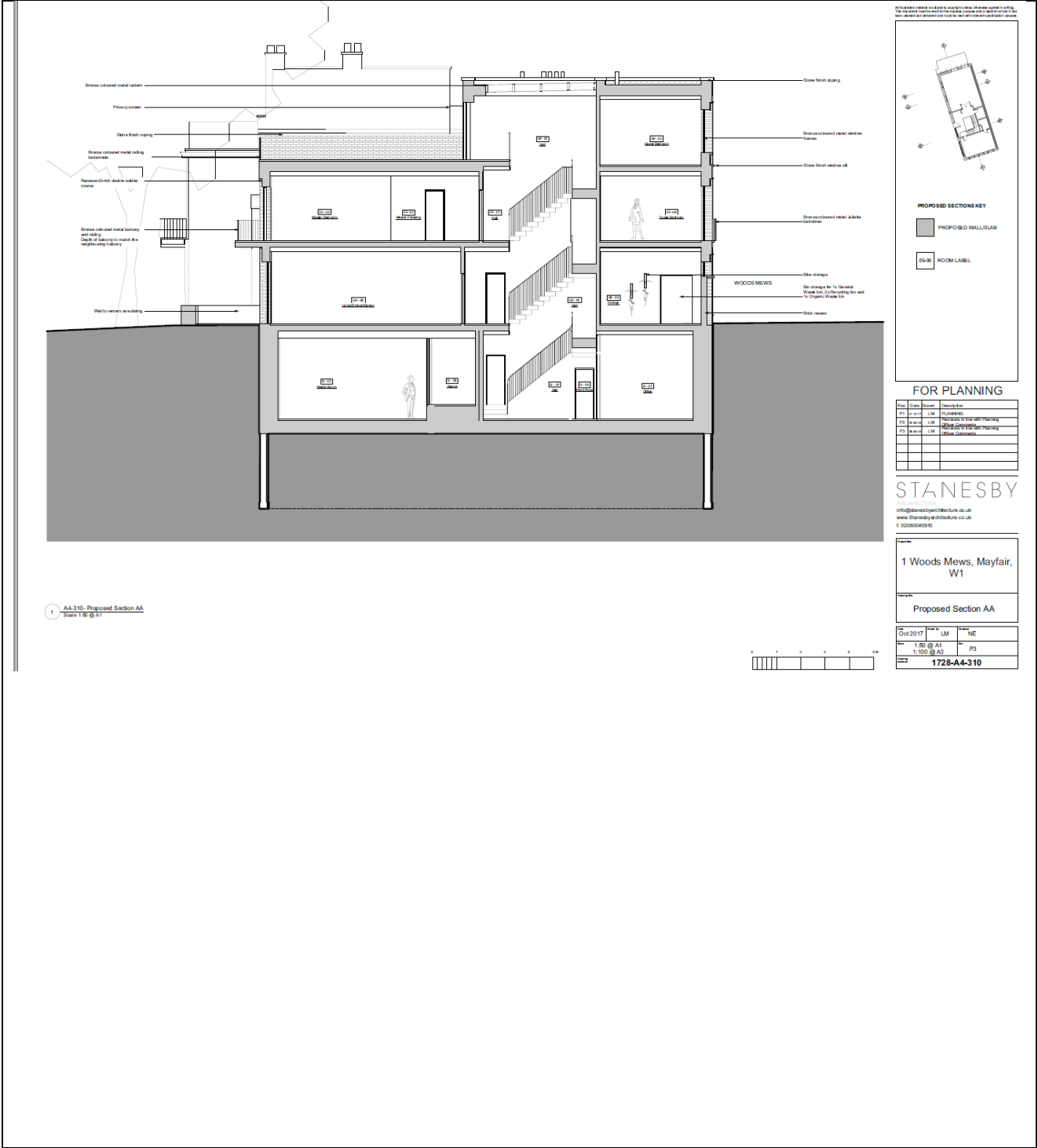
Plan	Date	Drawn	Description
P1	10/10/17	LM	PLANNING
P2	10/10/17	LM	PLANNING (Final Approval)
P3	10/10/17	LM	PLANNING (Final Approval)

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1 Woods Mews, Mayfair, W1

Proposed Roof Plan

Date	Drawn	Checked
Oct 2017	LM	NE
Scale	1:50 @ A1	1:100 @ A3
Project No.	1728-A4-060	



FOR PLANNING

Drawn	Checked	Drawn	Section No.
PS	LM	LM	PLANNING
PS	LM	LM	PROPOSED WALL/SLAB
PS	LM	LM	ROOM LABELS
PS	LM	LM	OTHER COMMENTS

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1 Woods Mews, Mayfair, W1
Proposed Section AA

06/2017	LM	NET
1:50 @ A1	PS	
1:100 @ A3		
1728-A4-310		

1 A4-310-Proposed Section AA
Scale 1/8" @ A1



DRAFT DECISION LETTER

Address: 1 Wood's Mews, London, W1K 7DL

Proposal: Demolition of the existing building and erection of a three storey building with basement, terraces at rear first and second floor level for use as a single family dwelling house (Class C3); new canopy on the west elevation, and green roof

Reference: 18/00046/FULL

Plan Nos: 1728-A4-020 Rev P3, 1728-A4-030 Rev P3, 1728-A4-040 Rev P3, 1728-A4-050 Rev P3, 1728-A4-060 Rev P3, 1728-A4-210 Rev P2, 1728-A4-220 Rev P2, 1728-A4-230 Rev P2, 1728-A4-310 Rev P3, 1728-A4-320 Rev P3, 1728-A4-330 Rev P3, 1728-A4-340 Rev P3; Arboricultural Report (ha/aiams2/woodsmws 20 February 2018) and plan (TPP1_WM

Case Officer: Gemma Bassett

Direct Tel. No. 020 7641 2814

Recommended Condition(s) and Reason(s)**Conditions**

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

Reason:

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

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

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

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

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

Reason:

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

- 3 (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 LA90, 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.

- 4 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.

- 5 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 3 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.

- 6 You must provide the waste store shown on drawing 1728-A4-030 Rev P3 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the dwelling. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste 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)

- 7 None of the development hereby permitted shall be commenced until detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which:-
- i) Accommodate the proposed location of the Crossrail structures including tunnels, shafts and temporary works
 - ii) Mitigate the effects of noise and vibration arising from the operation of the Crossrail railway within the tunnels and other structures,
 - iii) Mitigate the effects on Crossrail, of ground movement arising from development, Crossrail requires to see the full scope of the development, the ground movement impact and the N&V assessment results.

The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs i, ii and iii of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

None of the development hereby permitted shall be commenced until a method statement has been submitted to, and approved in writing, by the Local Planning Authority to include arrangements to secure that, during any period when concurrent construction is taking place of both the permitted development

and of the Crossrail structures and tunnels in or adjacent to the site of the approved development, the construction of the Crossrail structures and tunnels is not impeded.

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in S41 and S43 of Westminster's City Plan (November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33AC)

- 8 None of the development hereby permitted shall be commenced until a method statement has been submitted to, and approved in writing, by the Local Planning Authority to include arrangements to secure that, during any period when concurrent construction is taking place of both the permitted development and of the Crossrail structures and tunnels in or adjacent to the site of the approved development, the construction of the Crossrail structures and tunnels is not impeded.

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in S41 and S43 of Westminster's City Plan (November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33AC)

- 9 Piling must take place from within the footprint of 1 Woods Mews and the piling equipment must not straddle the proposed pile line on the rear elevation of the building. No part of the piles including the pile cap must project beyond the rear elevation of the existing dwelling. If you want to vary or alter the pile location or method of installation, you must apply to us for our prior approval and you must not start any work until we have approved what you have sent to us.

Reason:

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

- 10 You must protect the trees according to the details, proposals and recommendations set out in your Arboricultural Report (ha/aiams2/woodsmws 20 February 2018) and plan (TPP1_WM). If you want to revise any of these tree protection provisions, you must apply to us for our approval of the revised details, and you must not carry out work the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

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

- 11 You must submit details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include:
- identification of individual responsibilities and key personnel.
 - induction and personnel awareness of arboricultural matters.
 - supervision schedule, indicating frequency and methods of site visiting and record keeping
 - procedures for dealing with variations and incidents., You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then adhere to the approved supervision schedule. You must produce written site supervision reports after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included. You must send copies of each written site supervision record to us within five days of the site visit.

Reason:

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

- 12 You must apply to us for approval of details of any proposed alterations to the existing ground levels for landscaping or otherwise, or any other works to be undertaken within the Root Protection Area of any tree within the tree survey plan and schedule. You must not start any work with the Root Protection Area of the tree(s) until we have approved what you have sent us

Reason:

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

- 13 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 14 You must apply to us for approval of detailed drawings at 1:10 of the following parts of the development all external doors and a typical example of each. You must not start work until we have approved what you have sent us., , You must then carry out the work according to these details. (C26CB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 15 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 16 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 17 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balcony. (C26OA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 18 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character and appearance of the Mayfair Conservation Area and the special architectural and historic interest of this listed building as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 9 (B) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29CC)

- 19 You must not form any windows or other openings (other than those shown on the plans), in the external walls of the building, and you must not paint the external walls of the building, without our permission. This is despite the provisions of Class A of Part 1 of Schedule 2, and Class C of Part 2 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (or any order that may replace it).

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 20 **Pre Commencement Condition.**, (a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us., (b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST., , (c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 21 You must only use the garage for people living in this property to park their private motor vehicles. (C22EB)

Reason:

To provide parking spaces for people using the development as set out in STRA 25 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

You must provide each cycle parking space shown on the approved drawings prior to occupation. 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 2015.

- 23 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)

- 24 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. 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 and planting within 1 month of completing the development (or within any other time limit we agree to in writing)., , If you remove any trees or find that they are dying, severely damaged or diseased within 1 year of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Mayfair 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)

- 25 You must not use the part of the rear second floor roof terrace annotated as inaccessible on drawing 1728-A4-050 rev P3 for sitting out or for any other purpose. You can however use the roof to escape in an emergency

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 26 The glass that you put in the central window column and at ground floor level in the south elevation of the building must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the

development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

Informatives

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 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)
- 3 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:; , * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;; , * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant., , Preparing a health and safety file is an important part of the regulations. This is a record of information for the client

or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm. It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 4 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained., Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
 - * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
 - * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
 - * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
 - * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
 - * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

- 5 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
 - * Window cleaning - where possible, install windows that can be cleaned safely from within the building.;
 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.;
 - * Lighting - ensure luminaires can be safely accessed for replacement.;
 - * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).; More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm.; Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (180CB)

- 6 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

- 7 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply., , The Equality and Human Rights Commission has a

range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk. , , If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk , , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 8 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 9 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)
- 10 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 11 The term 'clearly mark' in condition means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 12 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)
- 13 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)

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

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.

Agenda Item 8

Item No.
8

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 24 April 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	24 and 26 Huntsworth Mews, London, NW1 6DD,		
Proposal	Conversion of garages into habitable space, replacement of first floor windows and door and associated external alterations.		
Agent	Mr Andrew Ransome		
On behalf of	Bluston Securities Ltd		
Registered Number	18/01124/FULL	Date amended/ completed	8 February 2018
Date Application Received	8 February 2018		
Historic Building Grade	Unlisted		
Conservation Area	Dorset Square		

1. RECOMMENDATION

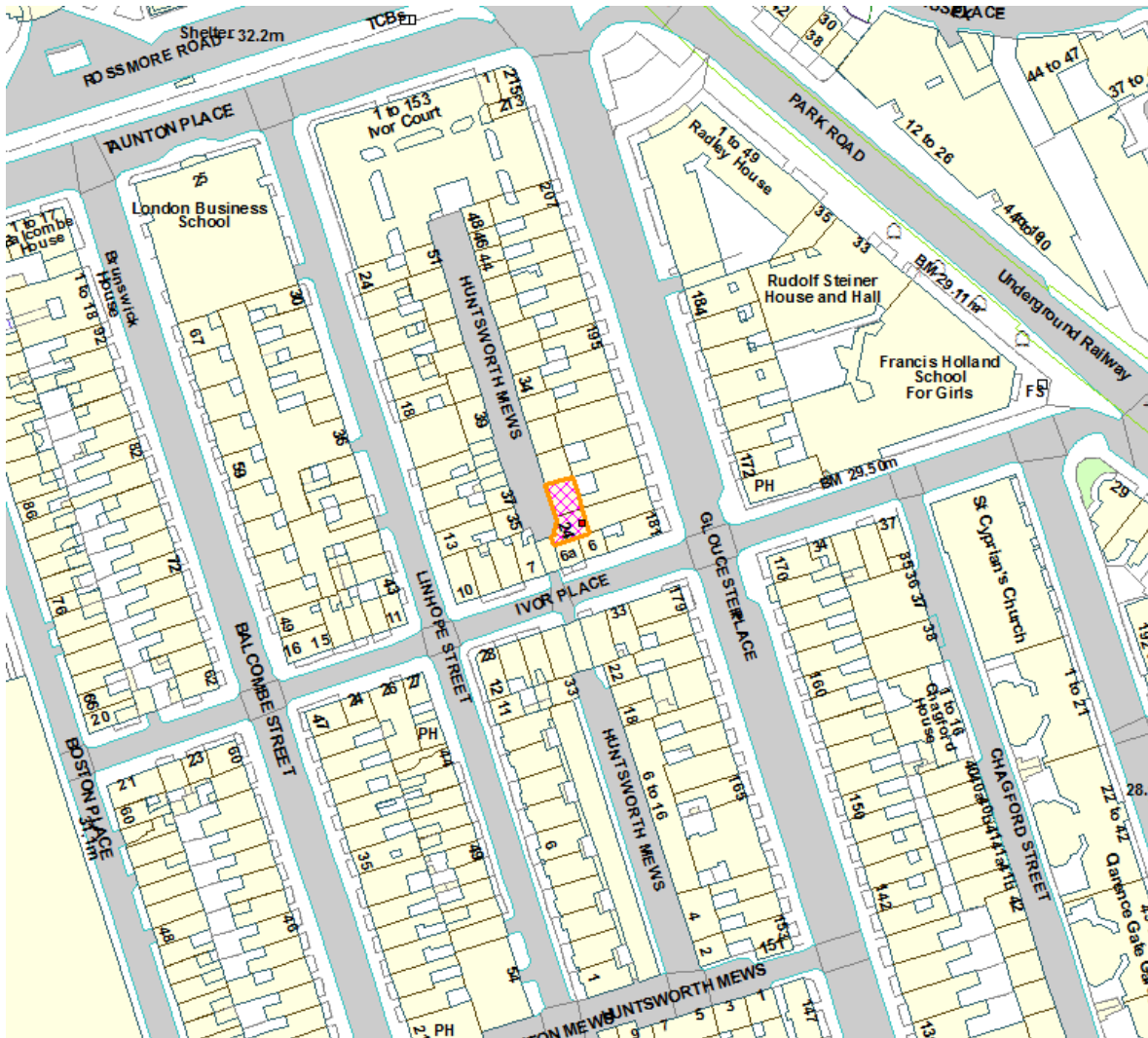
Grant conditional permission.

2. SUMMARY

<p>The application site contains two adjacent two storey mews properties. Both properties are in use as single family dwellinghouses and they have one garage each.</p> <p>Planning permission is sought for the conversion of the two garages into habitable floor space which includes the replacement of the existing garage doors with glazing in the upper half and timbered spandrel panel below. On the front elevation the proposal also includes the replacement of the windows and a door at first floor level and the repositioning of a ground floor door.</p> <p>Comments have been received from the St. Marylebone Society who comment in relation to the provision of cycle parking, Westminster parking policy, and in relation to fenestration design. No objections have been received from neighbours.</p> <p>The key issue in the consideration of this application are:</p> <ul style="list-style-type: none"> * The impact of the change of use on parking in the local area; * The impact of the elevation alterations on the character and appearance of the area. <p>The proposals are considered to accord with City Council's adopted policies in the City Plan (November 2016) and the Unitary Development Plan (UDP) (January 2007) in land use, design,</p>
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amenity and highways terms. The application is therefore recommended for approval, subject to the conditions set out in the draft decision letter appended to this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation

5. CONSULTATIONS

THE ST MARYLEBONE SOCIETY:

- If permission is granted for the conversion of the garages into habitable space than provision should be made for internal cycle parking storage.
- Westminster's parking policy should be revised to encourage more residents to use shared forms of transport.
- The proposed garage doors are not compliant with Westminster's Mews Design Guidelines. This document suggests that if garage doors are to be replaced with windows then they should appear like the double garage doors that are characteristic of type found in this the local area.

HIGHWAYS PLANNING MANAGER:

No objection. The two existing garages are not compliant with modern garage standards. Due to the combination of the width of the street, the existing on-street car parking arrangement, the position of the garages doors and the internal dimensions of the garage spaces, it is considered that the two existing garages do not represent viable car parking spaces. Note that cycle parking spaces should be provided for the two residential units.

WASTE OFFICER:

Details of the proposed waste and recycling storage provision for the two dwellinghouses is required to ensure that they meet the necessary capacity.

ADJOINING OWNERS/OCCUPIERS

No. Consulted: 10

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

24 and 26 Huntsworth Mews are two adjacent two storey mews properties. Both properties are in use as single-family dwellinghouses and they have one garage each.

The application site lies within the Dorset Square Conservation Area and neither of the buildings are listed. There is however a row of Grade II listed terrace properties located to the east of the application site on Gloucester Place.

6.2 Recent Relevant History

18/02263/FULL

Erection of a roof extension with dormer windows at second floor level and alterations to the front windows and doors (Site includes 24-26 Huntsworth Mews).

Application Pending Consideration

18/02346/FULL

Conversion of garages into habitable space, erection of a mansard and external alterations to No 24 and 26 Huntsworth Mews.
Application Pending Consideration

03/02873/FULL

Internal and external alterations to reinstate property as two mews houses (Application C).
Application Permitted 02 February 2003

7. THE PROPOSAL

Planning permission is sought for the conversion of the two garages into habitable floor space. The existing garage doors are to be removed and the openings are to be infilled with glazing in the top half and timbered spandrel panels below. The existing ground floor door of No. 24 Huntsworth Mews is to be removed. The door to the existing ground floor meter cupboard at No. 24 Huntsworth Mews is to be replaced and it is to serve as the entrance to this property following internal alterations. The first floor windows on the front elevation of both properties and the first floor door on No. 24 Huntsworth Mews are all to be replaced.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The change of use to additional habitable accommodation for the existing dwellinghouses is considered acceptable in land use terms and would accord with Policy S14 of the City Plan (November 2016) and Policy H3 in the UDP (January 2007). The impact in highways terms is discussed in section 8.4 of this report.

8.2 Townscape and Design

The relevant policies for consideration of this case are DES 1, DES 5, DES 6, and DES 9 of the adopted UDP 2007, S25 and S28 of the adopted City Plan 2016. The City Council's Supplementary Planning Guidance (SPG) 'Mews: A Guide to Alterations' (1992) is relevant to the proposal.

The existing garage doors are to be replaced with timber sashed windows in the top part of the opening and a timbered spandrel panel below. The local amenity society has commented in relation to the design of the replacement to the garage doors. The objection stated that the proposal was contrary the 'Mews: A Guide to Alterations' SPG, as the proposed windows should be designed to appear like the double garage doors. The 'Mews: A Guide to Alterations' SPG provides examples of the type of alterations to the front elevations of mews properties that are likely to be acceptable. Figs. 1A, 3, 4, and 5 provide examples of acceptable replacements to garage/stable doors. The examples include replacements to the doors which are glazed in the top part and have a timbered spandrel panel below. It is considered that the proposed replacement doors are

in keeping with the character of the mews and in accordance with the SPG and are therefore acceptable.

The existing windows and the door on the first floor of the front elevation are constructed from UPVC. The replacement windows are timber sash windows of the same size. The proposed replacement door is to be constructed from timber and it is to have glazing that matches the proposed windows. The design and materials of the proposed windows and door are considered to better respect the architectural integrity of the original mews properties than what they are replacing.

There is a row of Grade II listed terrace properties located to the east of the application site. As the proposed alterations are only on the front (eastern) elevation of the property, it is considered that they would not affect the setting of these listed buildings.

For the reasons stated above the proposals are considered to preserve and enhance the character of the Dorset Square Conservation and are therefore in accordance with policies DES 1, DES5, DES 6, DES 9 of the UDP, S25, S28 of the City Plan.

8.3 Residential Amenity

The proposed fenestration on the front elevation of the property overlooks the public highway and the front elevations of the adjacent properties. This overlooking is considered to be no worse than the overlooking from the existing windows on the front elevations of the properties.

The proposal does not increase the height or the bulk of the existing properties.

For these reasons it is considered that the proposal would not have a material negative impact on the amenity of the occupiers of neighbouring and adjoining properties as a result of a loss of outlook, a loss of daylight/sunlight, or a loss of privacy, and nor would it have an overbearing impact on these properties.

The proposal would not increase the habitable floor space of the existing properties to such an extent that it would cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as result of noise and disturbance from an increase in the number of occupiers on site.

The proposals are therefore considered in accordance with policies ENV 13 of the UDP and S29 of the City Plan.

8.4 Transportation/Parking

TRANS23 (A) states that “the permanent loss of any existing off-street residential car parking space will not be permitted other than in exceptional circumstances”.

Nos. 24 and 26 Huntsworth Mews were in use as a single dwellinghouse and permission was granted for their reinstatement as two separate dwellinghouses in 2003 under application 03/02873/FULL. This permission allowed the reduction in the size of the existing garages on the site. The two garages that exist on the application site are of the dimensions permitted through 03/02873/FULL (a minor discrepancy has been noted in

the shape of one of the corners of the existing garage at No. 24 Huntworth Mews but this is not considered to be material to the current proposal).

The City Council's Highways Planning Guide (April 2004) sets out the minimum space standards for parking spaces. It states that a single space garage should have a depth of 4.9 metres, a width of 2.8 metres, and an opening with a width of 2.3 metres. The existing garage at No. 24 Huntsworth Mews has a depth of 3.96 metres, a width of 2.52 metres and an opening with a width of 2.31 metres. The existing garage at No. 26 Huntsworth Mews has a depth of 4.5 metres, a width of 2.23 metres and an opening with a width of 2.09 metres. Therefore, neither of the existing garages meet the minimum space standards set out in the Highways Planning Guide (April 2004).

The applicant claims that the two existing garages do not function as off-street parking spaces and a swept path analysis has been submitted to support this claim. The analysis shows that the shape and width of Huntsworth Mews, combined with the existing on-street parking arrangement, and the position of the existing garage doors, makes accessing the garages impractical. The difficulty of access combined with the substandard internal dimensions mean that the existing garages do not represent viable car parking spaces. For this reason it is considered that the proposal can be considered "exceptional circumstances" as stated in TRANS23 (A) so therefore the loss of the garages to create habitable floor space is considered acceptable.

The St. Marylebone Society and the Highways Planning Manager have requested that cycle parking space be provided to the two dwellinghouses on the application site. It is considered however, that as the proposal does not create any additional residential units, the requirement for the inclusion of cycle parking spaces would be beyond the remit of the application. However, the plans do indicate bike storage at ground floor level, which is welcomed.

A condition is recommended to ensure that the new entrance doors entrance doors do not open out over the highway.

8.5 Economic Considerations

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

8.6 Access

Access to the properties will be from the mews as existing.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

Condition 6 of approved application 03/02873/FULL requires the details of waste and recycling storage are submitted to the City Council for approval and that waste and recycling materials are stored according to these details. There is no record of the required details ever being submitted to the City Council.

There is concern that if the existing garages are converted into habitable floorspace that the waste and recycling bins would be stored on the public highway which could cause an obstruction. In the Design and Access Statement, the agent confirmed that both units will have one 90 litre dustbin for waste and three 44 litre containers for dry recyclable material. These will be located inside the dwellinghouses in under-counter units. The quantity of the waste and recycling storage that is proposed is compliant with the requirements of Westminster's Recycling and Waste Storage Requirements Guide and the fact that it is to be stored internally is acceptable. A condition is however recommended for the submission of a drawing to demonstrate that the under the counter storage can meet the required capacity.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

The proposed development is of insufficient scale to require an Environmental Impact Assessment.

8.12 Other Issues

None.

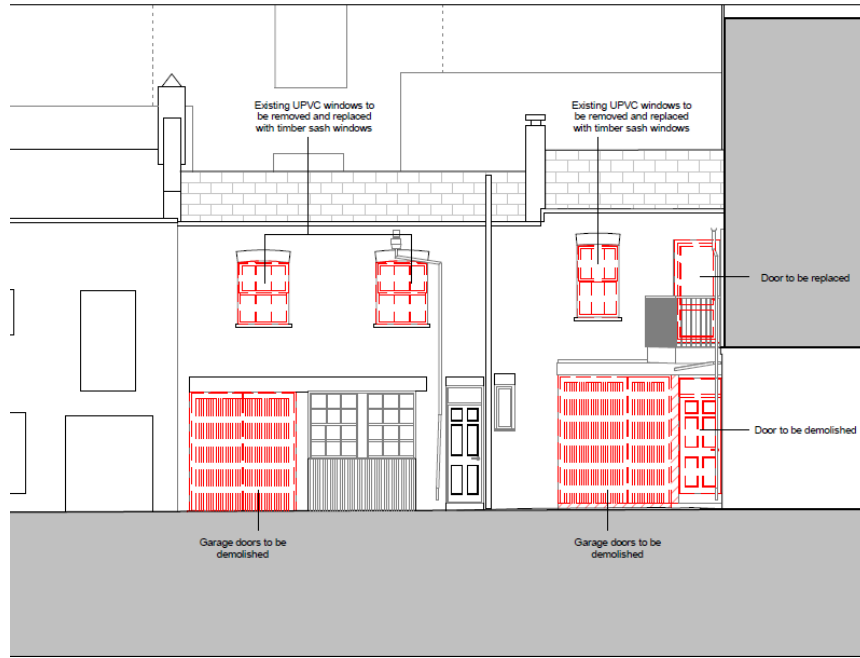
9. BACKGROUND PAPERS

1. Application form
2. Response from The St Marylebone Society, dated 12 March 2018
3. Response from Highways Planning Officer, dated 29 March 2018
4. Response from Cleansing Officer, dated 29 March 2018

(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: **RUPERT HANDLEY** BY EMAIL AT rhandley@westminster.gov.uk.

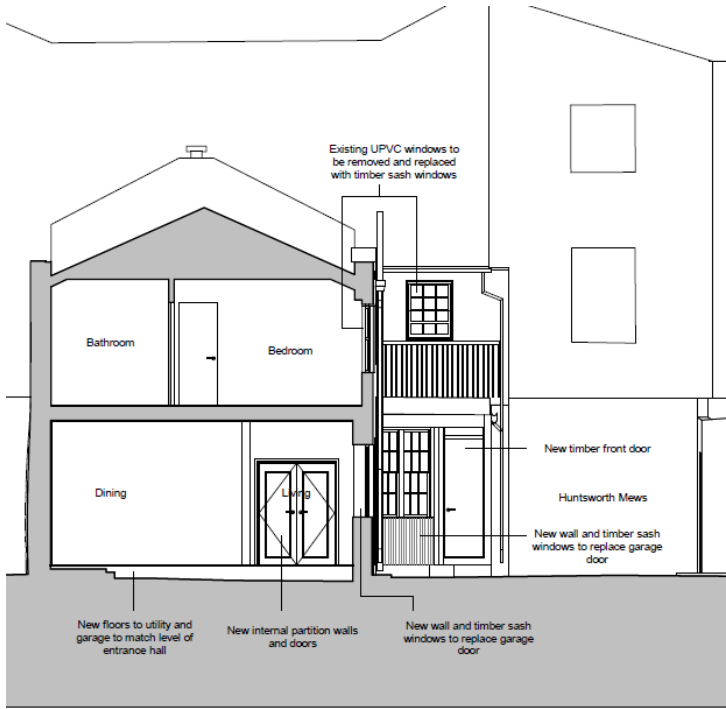
10. KEY DRAWINGS



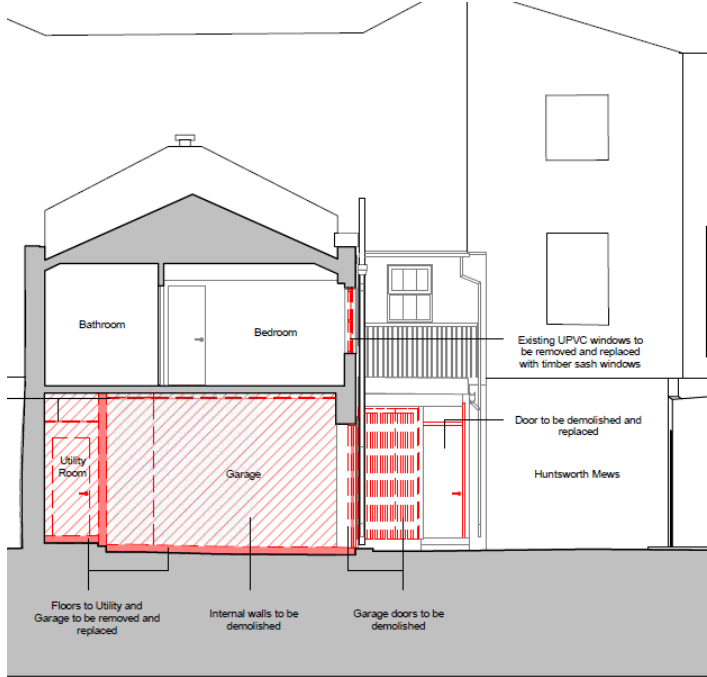
Existing Front (Western) Elevation



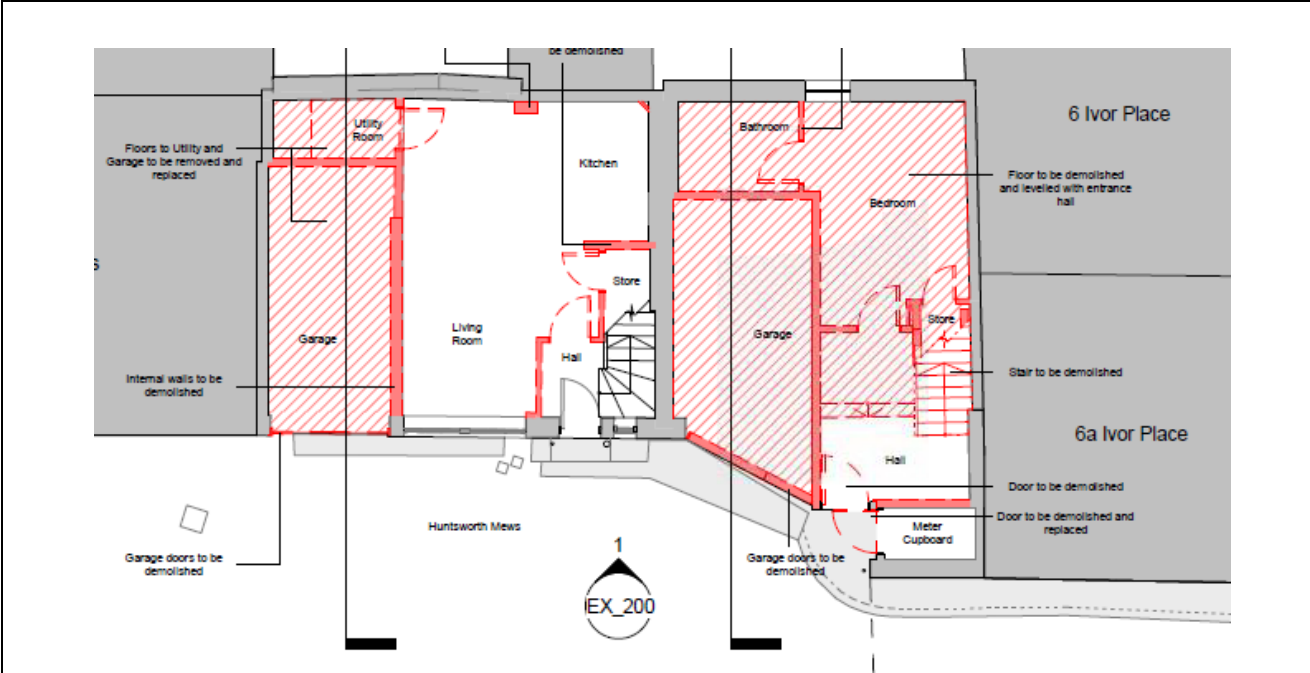
Proposed Front (Western) Elevation



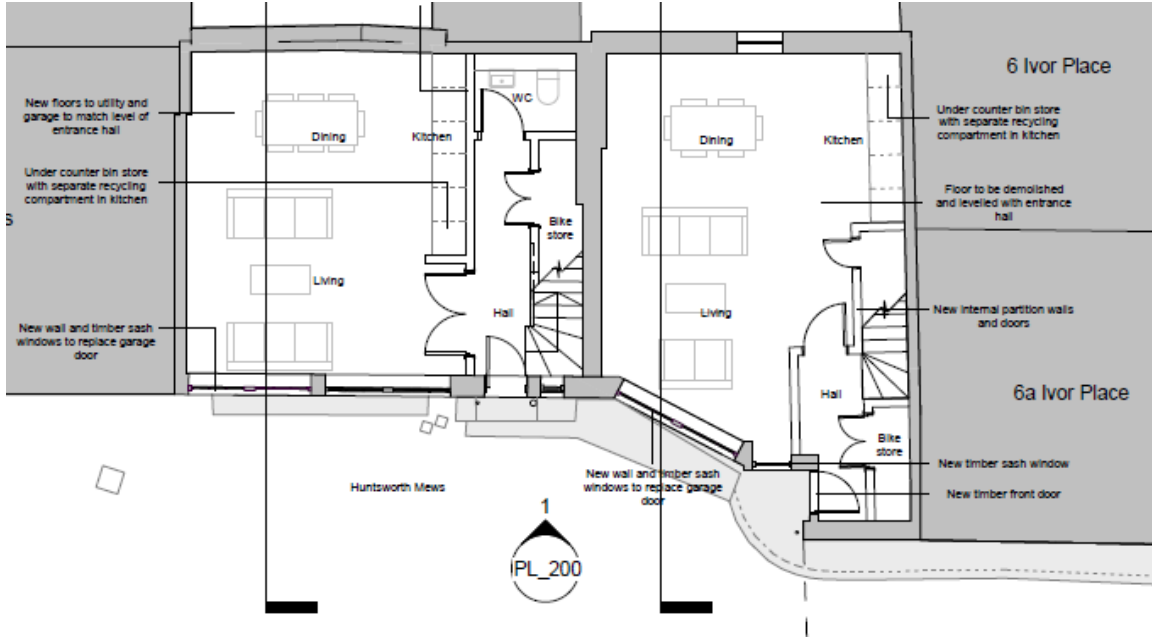
Existing Northern Flank Wall



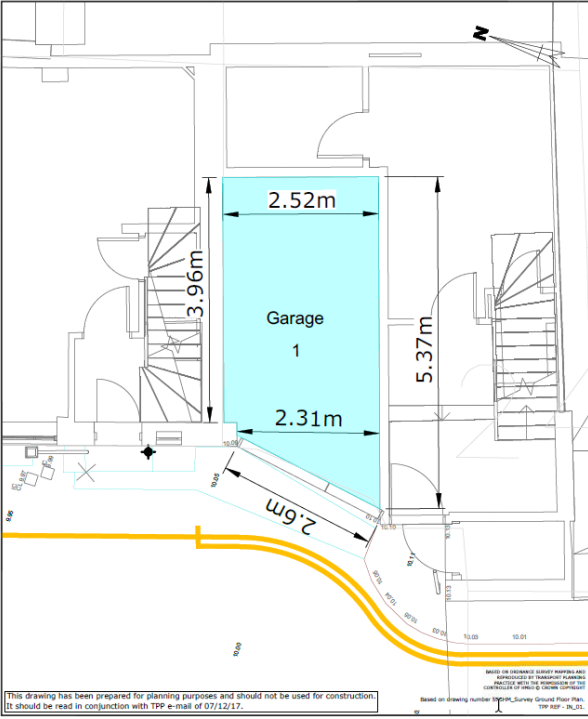
Proposed Northern Flank Wall



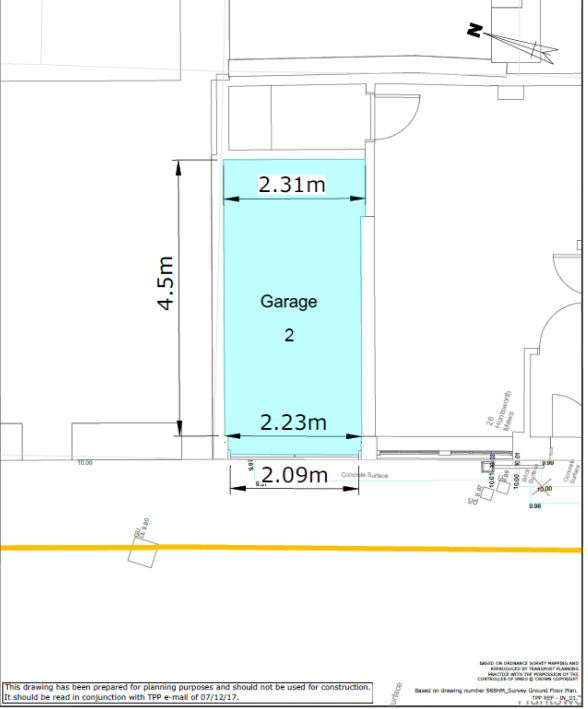
Existing Ground Floor Plans



Proposed Ground Floor Plans



Existing Garage No. 24 Huntsworth Mews



Existing Garage No. 26 Huntsworth Mews

DRAFT DECISION LETTER

Address: 24 And 26 Huntsworth Mews, London, NW1 6DD,

Proposal: Conversion of garages into habitable space, replacement of first floor windows and door and associated external alterations.

Plan Nos: EX_011 rev. P1, EX_100 rev. P1, EX_200 rev. P1, EX_300 rev. P1, PL_100 rev. P1, PL_200 rev. P1, PL_300 rev. P1, EX_010 rev. P1. For information: Design and Access Statement 24 & 26 Huntsworth Mews dated 05.02.18, Statement of Community Involvement: Alterations to No 24 and 26 Huntsworth Mews dated February 2018, Planning Statement: Conversion of garages into habitable space and external alterations at No 24 and 26 Huntsworth Mews dated February 2018, Note on Existing Garages: 24 & 26 Huntsworth Mews by Transport Planning Practice dated December 2017.

Case Officer: William Philps

Direct Tel. No. 020 7641 3993

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

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

Reason:

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

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

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

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

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

Reason:

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

- 3 All new work to the outside of the building must match existing original work in terms of the

choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Dorset Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the . (C14EC)

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)

- 5 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)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely

Item No.
8

timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

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

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