

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 24 April 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Lancaster Gate	
<b>Subject of Report</b>	<b>Whiteleys Centre, Queensway, London, W2 4YH,</b>		
<b>Proposal</b>	Variation of Condition 1 of planning permission dated 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.		
<b>Agent</b>	Turley		
<b>On behalf of</b>	Queens Road W2		
<b>Registered Number</b>	17/10221/FULL & 17/10258/LBC	<b>Date amended/ completed</b>	23 November 2017
<b>Date Application Received</b>	15 November 2017		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	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.

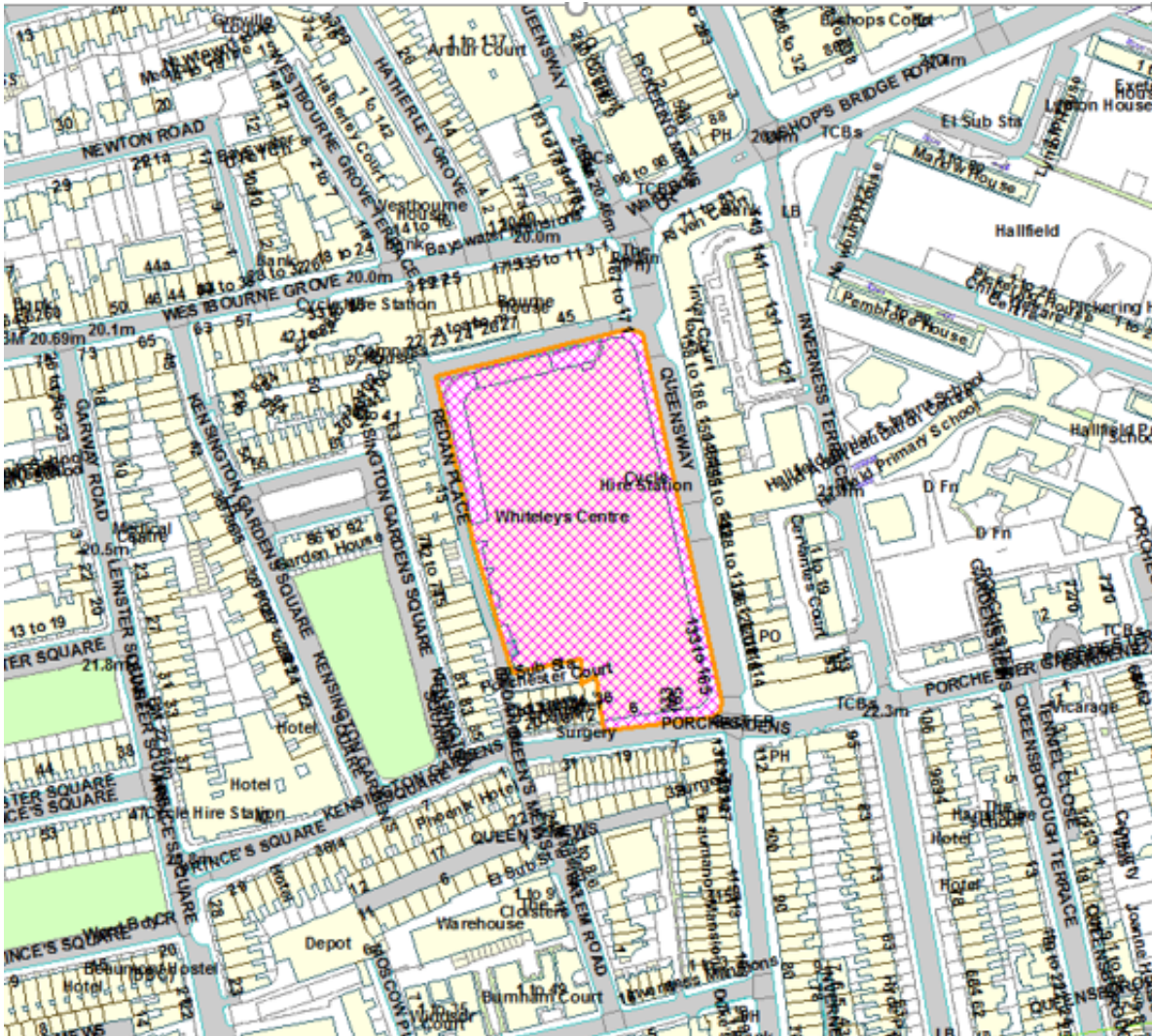
The applications seek to vary of Condition 1 of both planning and listed building consent dated 1 November 2017 (RN: 16/12203/FULL and 16/12204/LBC), which varied the original planning permission and listed building consent (RN: 15/10072/FULL & 16/12204/LBC), for comprehensive mixed use redevelopment 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 23,500m<sup>2</sup> 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 <sup>st</sup> 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 4,136m<sup>2</sup> 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 <sup>st</sup> 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 (18,466m<sup>2</sup> – 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 7,089m<sup>2</sup> represents a reduction relative to both the first variation scheme approved in November 2017, which included 8,888m<sup>2</sup> of retail floorspace and the scheme originally approved in April 2016, which proposed 10,530m<sup>2</sup>.

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 20,000m<sup>2</sup> to 10,530m<sup>2</sup>). 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)	+/-
<b>Basement</b>	3,112	1,791	-1,321
<b>Ground</b>	4,501	3,927	-574
<b>First</b>	1,275	1,501	+226
<b>Total</b>	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 (1,324m<sup>2</sup>) 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 320m<sup>2</sup> from 3,617m<sup>2</sup> to 3,937m<sup>2</sup>. 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 (1,582m<sup>2</sup>) in favour of the provision of a smaller flexible Class D1/ D2 unit (183m<sup>2</sup>) 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 238m<sup>2</sup> 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 9,245m<sup>2</sup> as previously approved, to 8,453m<sup>2</sup>, a reduction of 792m<sup>2</sup>. 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 473m<sup>2</sup> 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 CO<sub>2</sub> emissions saving of 37.1%. Whilst this is a reduction relative to the scheme approved in November 2017, which delivered a CO<sub>2</sub> 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 CO<sub>2</sub> 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 CO<sub>2</sub> 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

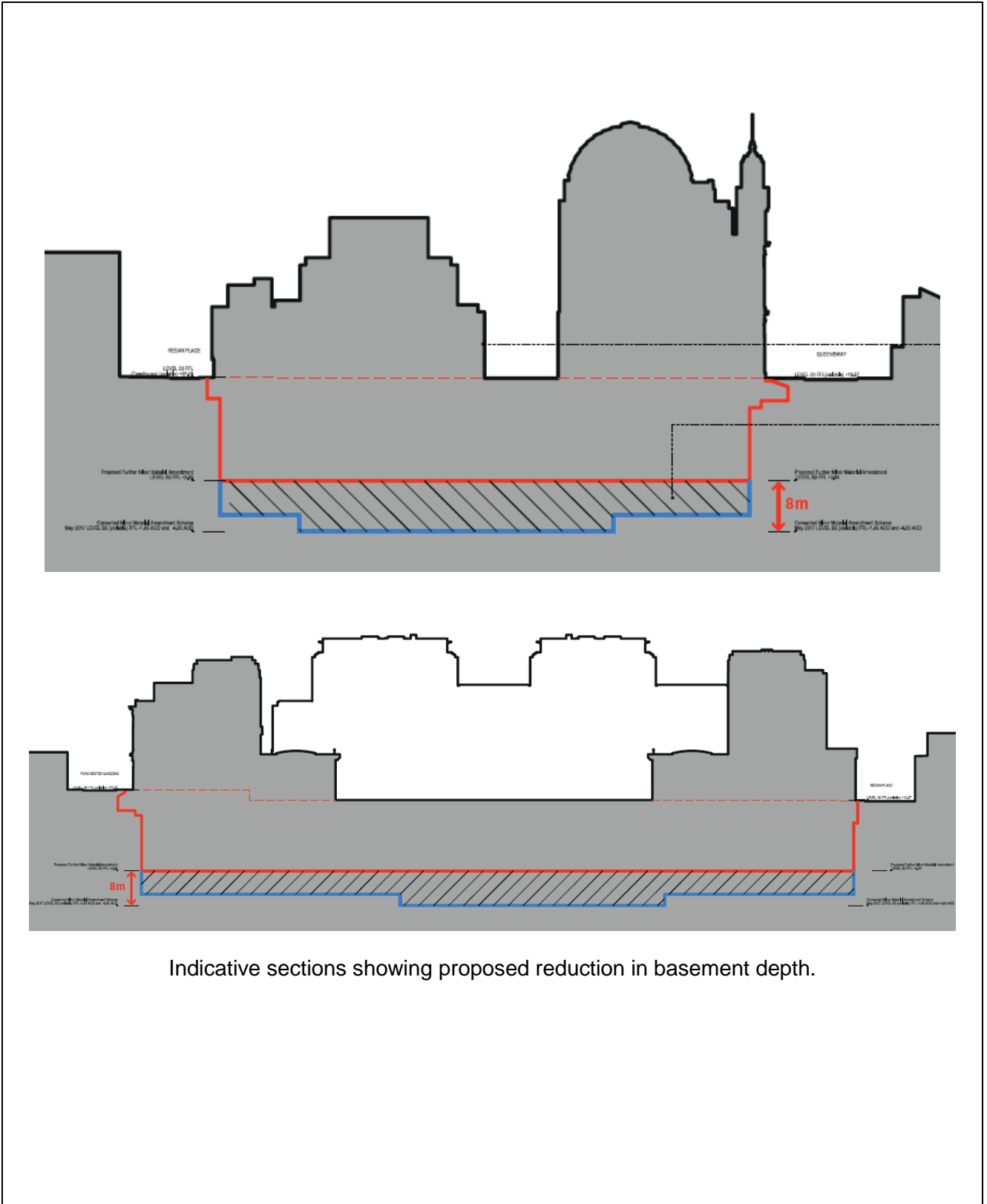
1. Application form.
2. Note of Meeting with Cabinet Member/ Chair of Planning dated 14 September 2017.
3. Letter from the Greater London Authority dated 26 March 2018.
4. Emails on behalf of Councillor Hug dated 15 January 2018 and 19 January 2018.
5. Letters from Historic England (x3) dated 5 December 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)

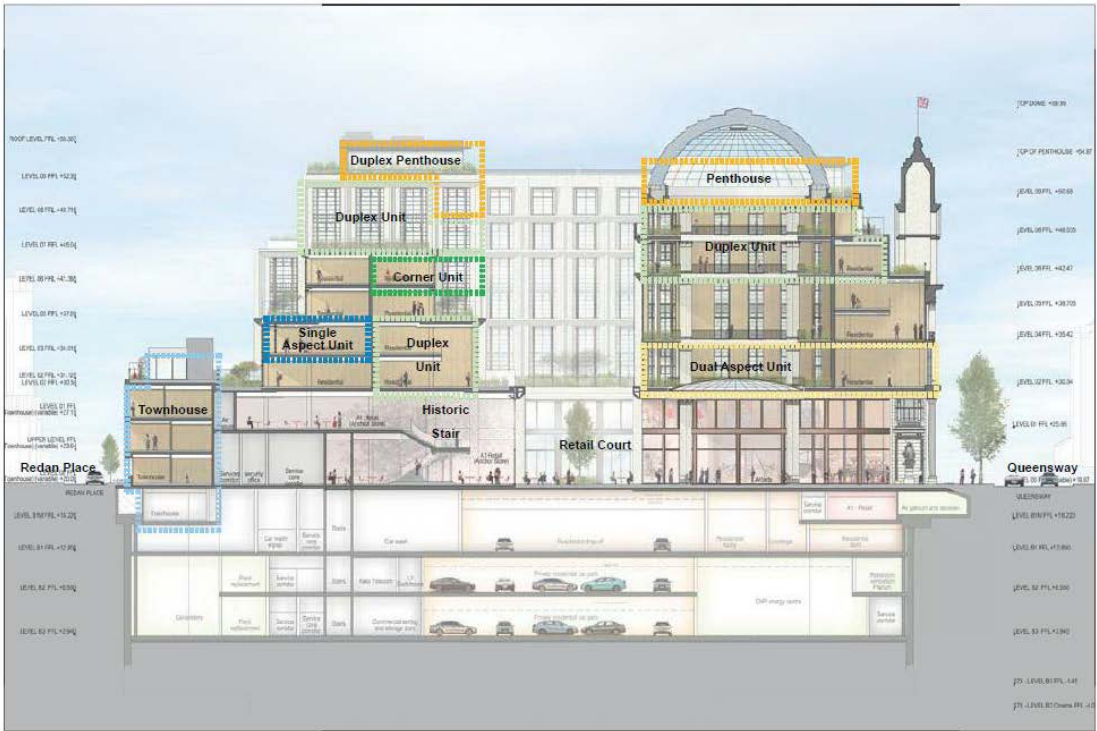
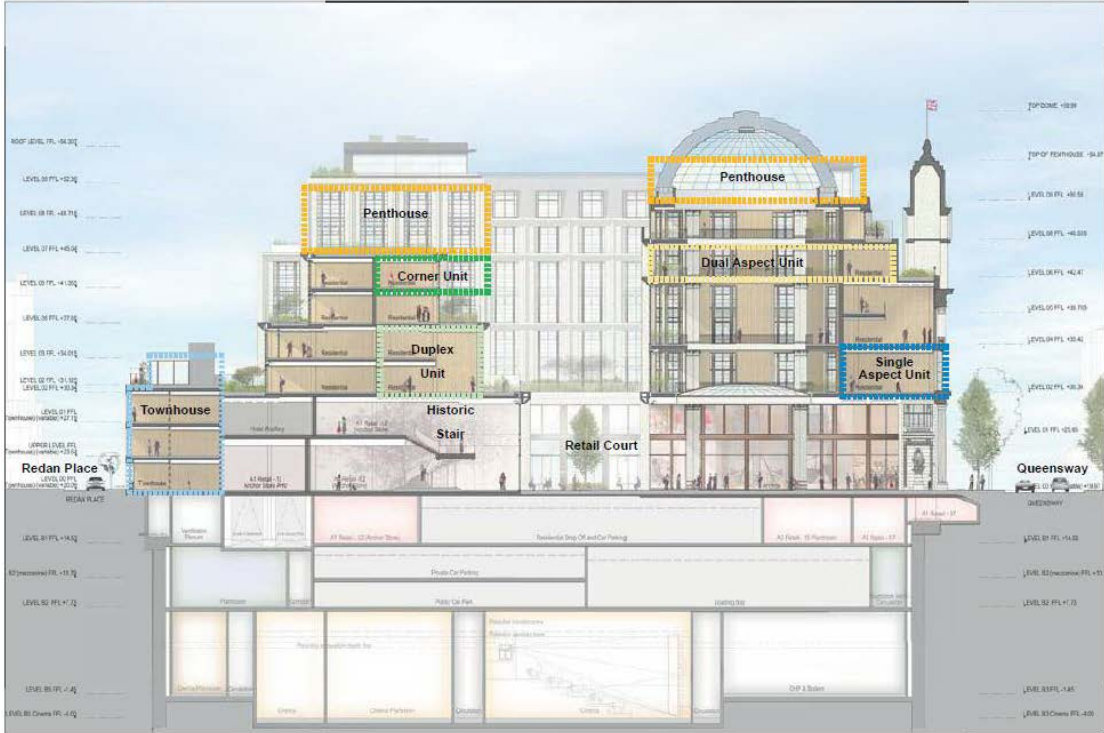
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT [rhandley@westminster.gov.uk](mailto:rhandley@westminster.gov.uk).

Item No.
<b>1</b>

10 KEY DRAWINGS

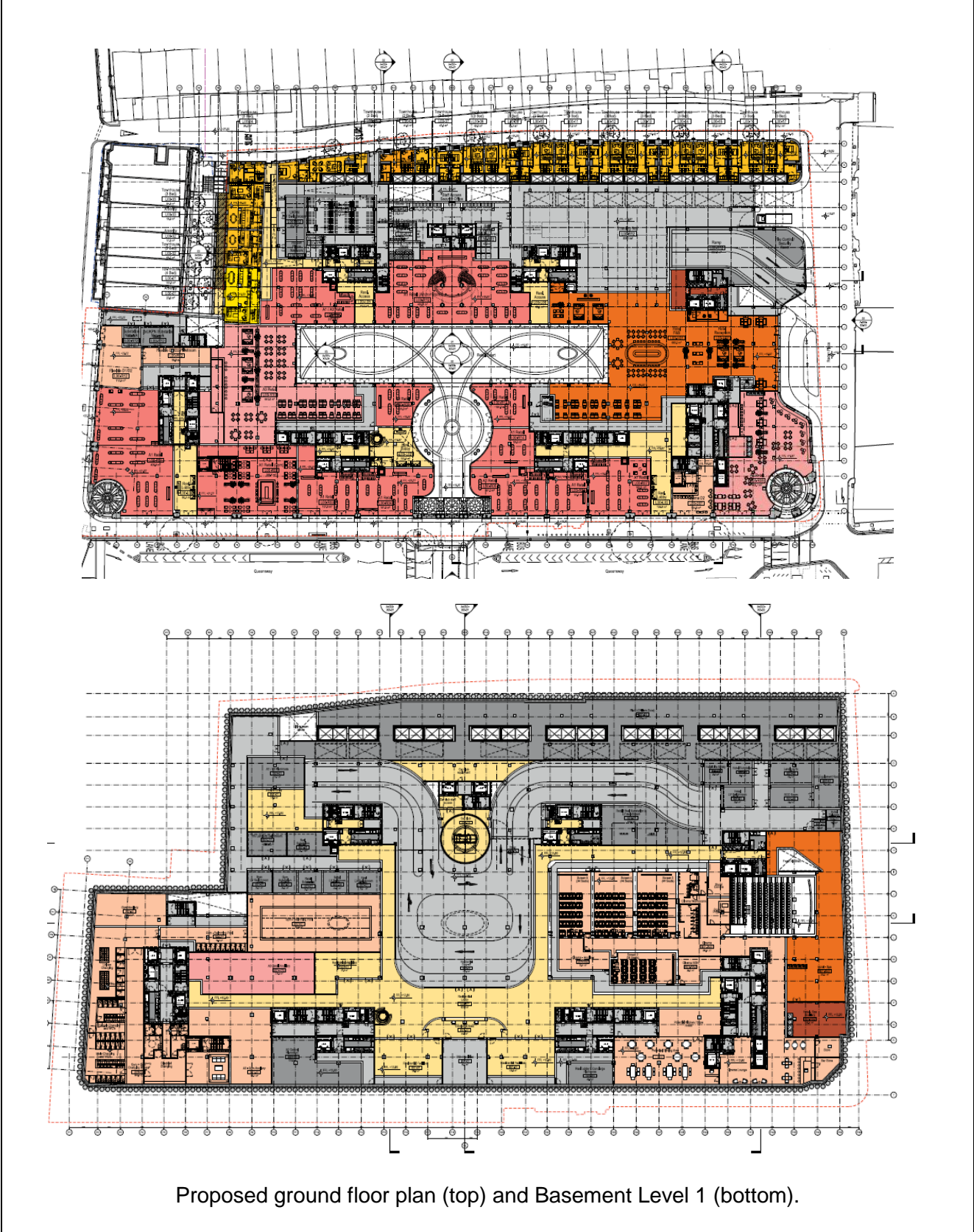


Indicative sections showing proposed reduction in basement depth.

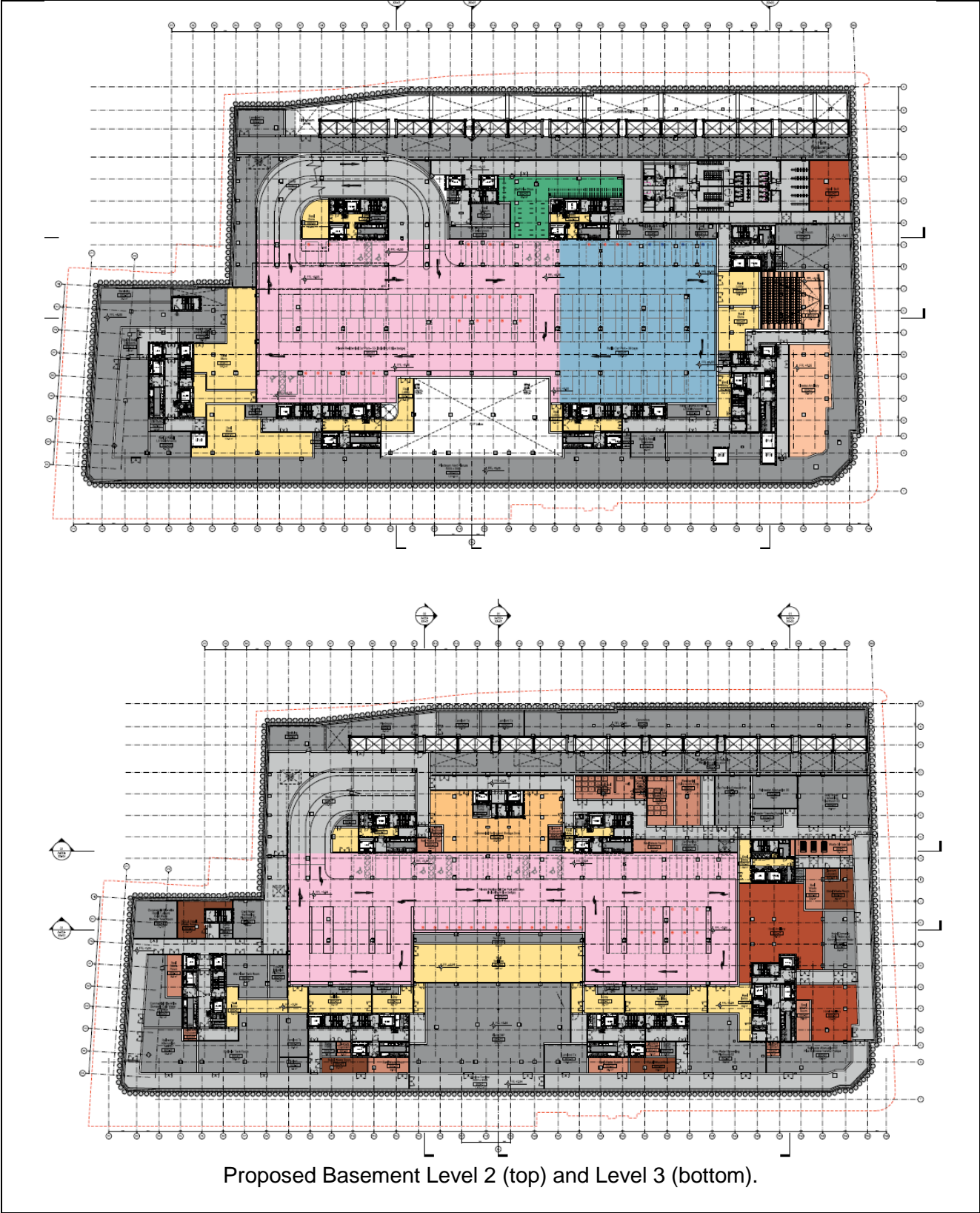


As approved section (top) and as proposed section (bottom) showing reduction in basement depth.



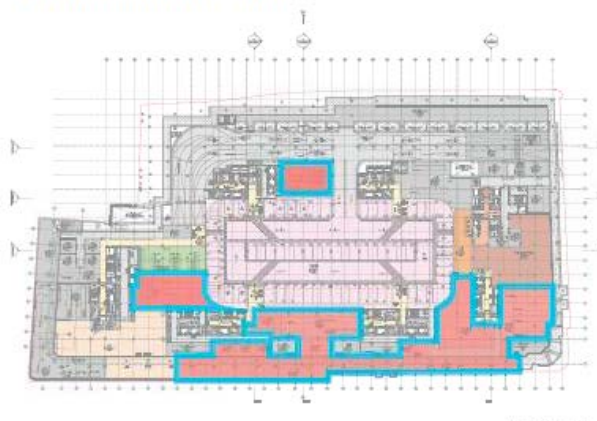


Proposed ground floor plan (top) and Basement Level 1 (bottom).

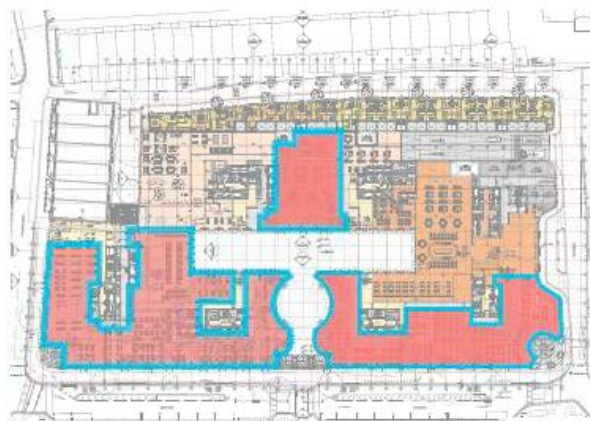


Proposed Basement Level 2 (top) and Level 3 (bottom).

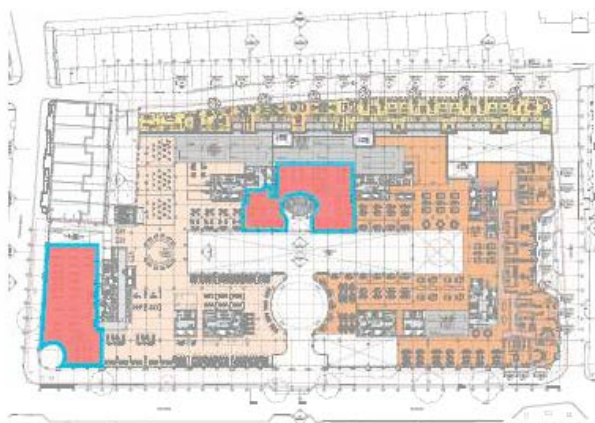
**Consented Scheme (as amended)**



Basement Level B01 Plan - Total A1 & A3 (GEA excluding cores) : 2,456 m<sup>2</sup>



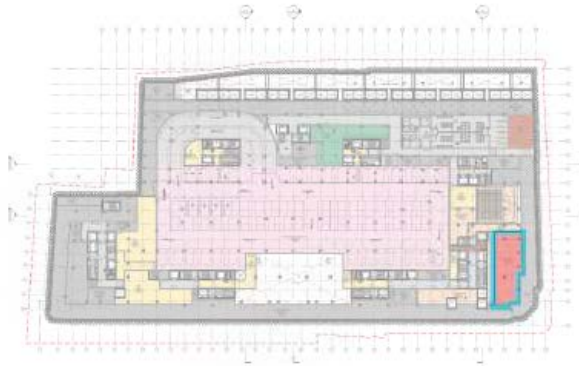
Ground Floor Plan - Total A1 & A3 (GEA excluding cores) : 3,937 m<sup>2</sup>



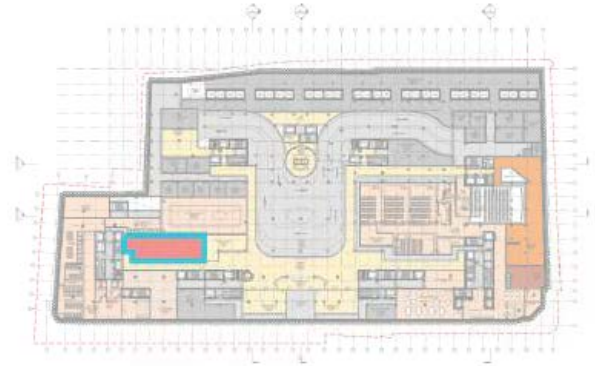
First Floor Plan - Total A1 & A3 (GEA excluding cores) : 1,262 m<sup>2</sup>

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

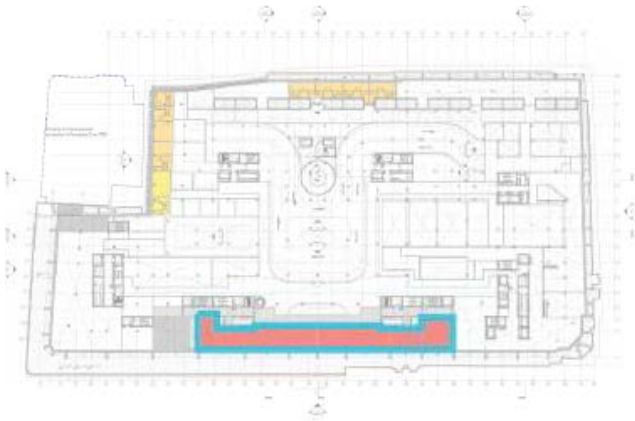
**Proposed Further Minor Material Amendment**



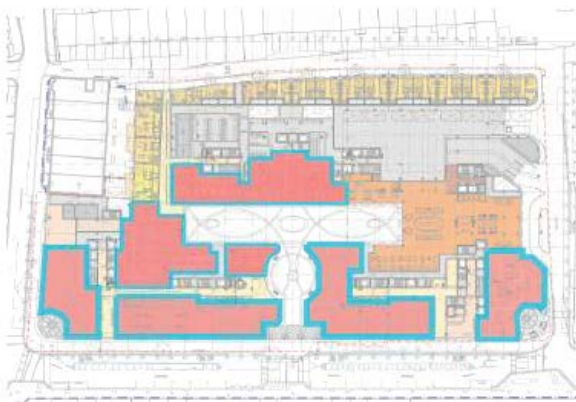
Basement Level B02 Plan - Total A1 & A3 (GEA excluding cores) : 201 m<sup>2</sup>



Basement Level B01 Plan - Total A1 & A3 (GEA excluding cores) : 229 m<sup>2</sup>



Basement Mezzanine Level B01 Plan - Total A1 & A3 (GEA excluding cores) : 593 m<sup>2</sup>



Ground Floor Plan - Total A1 & A3 (GEA excluding cores) : 3,838m<sup>2</sup>



First Floor Plan - Total A1 & A3 (GEA excluding cores) : 1,395 m<sup>2</sup>

Location and extent of retail floorspace in scheme now proposed.



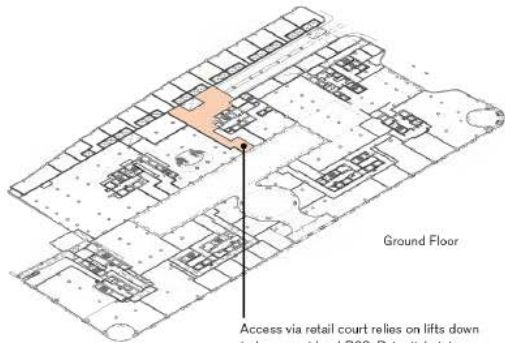
Previously approved ground floor plan (November 2017).

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.

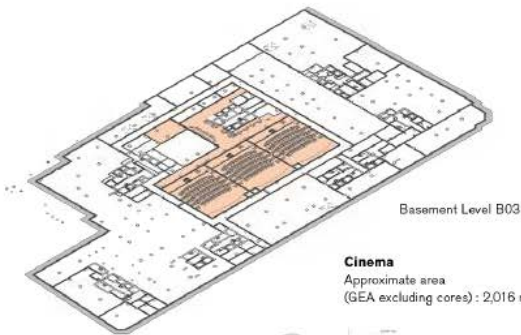


Ground floor plan of scheme now proposed.

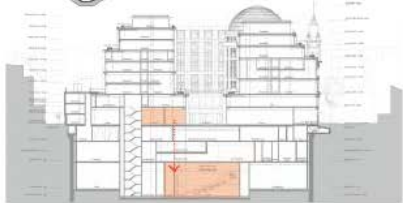
**Consented Scheme (as amended)**



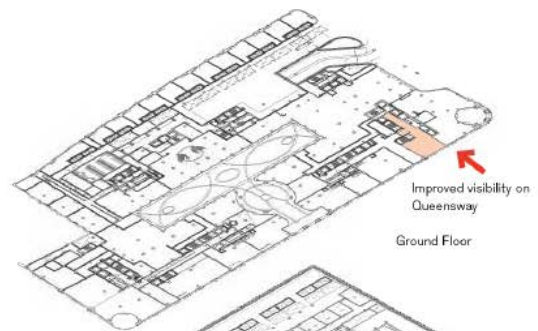
Access via retail court relies on lifts down to basement level B03. Potential staircase access is important for cinema operators due to the quantum of people entering and exiting at the same time.



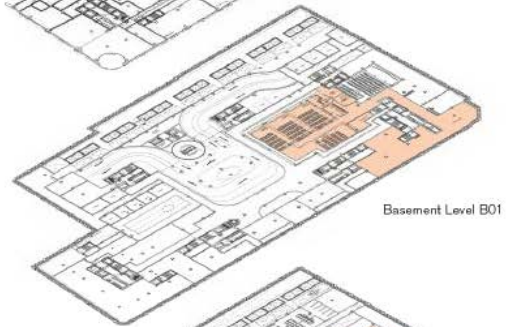
**Cinema**  
Approximate area  
(GEA excluding cores) : 2,016 m<sup>2</sup>



**Proposed Further Minor Material Amendment**



Improved visibility on Queensway



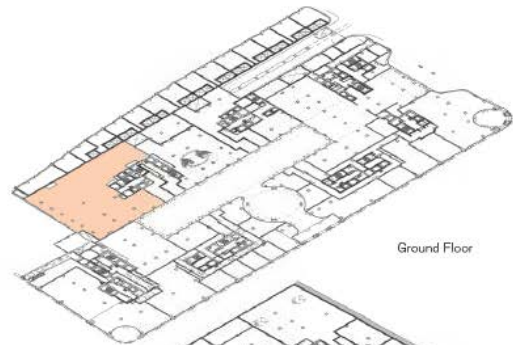
**Cinema**  
Approximate area  
(GEA excluding cores) : 2,320 m<sup>2</sup>



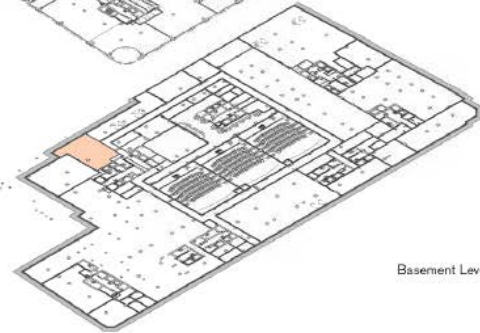
Improved connection between levels

As approved and as now proposed cinema location.

**Consented Scheme (as amended)**

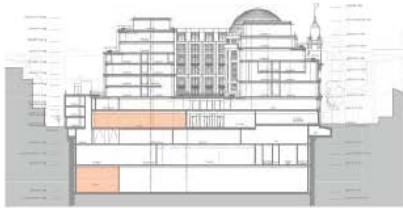


Ground Floor

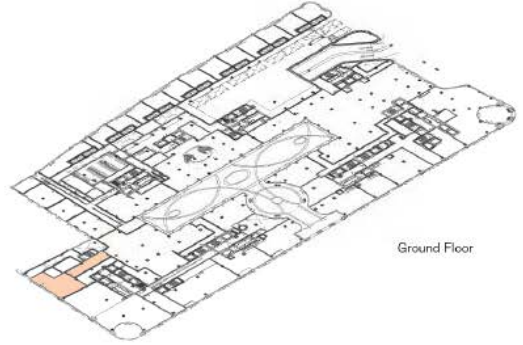


Basement Level B03

**Crèche**  
Approximate area  
(GEA excluding cores) : 1,247 m<sup>2</sup>

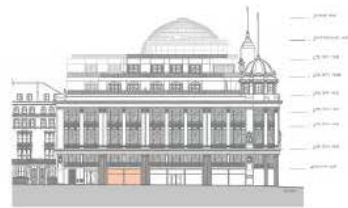


**Proposed Further Minor Material Amendment**



Ground Floor

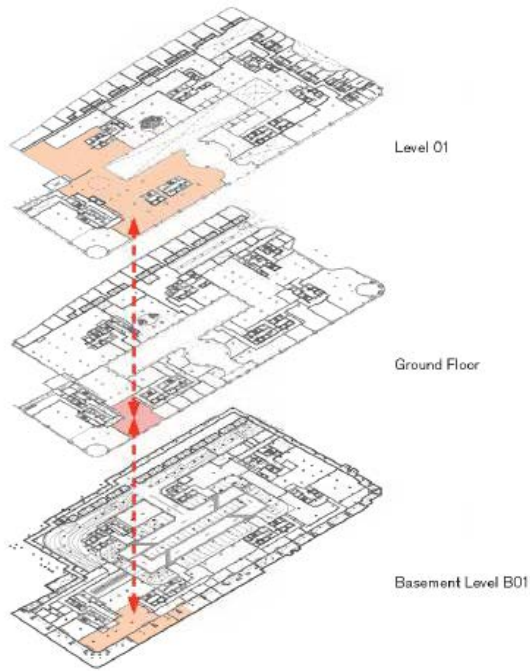
**Crèche**  
Approximate area  
(GEA excluding cores) : 189 m<sup>2</sup>



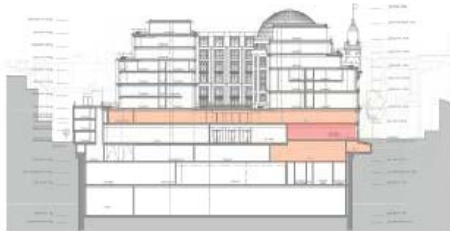
As approved and as now proposed crèche/ flexible D1/D2 unit location.



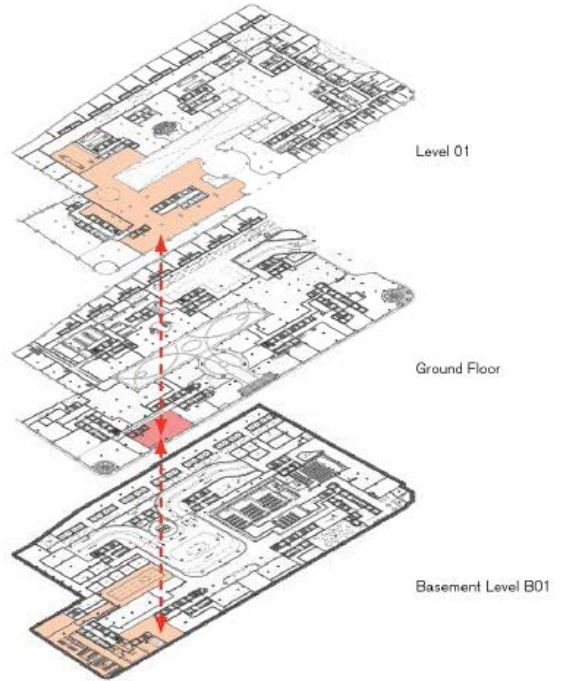
**Consented Scheme (as amended)**



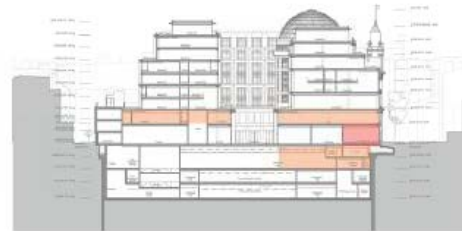
**Gym**  
Approximate area  
(GEA excluding cores and retail entrance on ground floor) : 3,263 m<sup>2</sup>



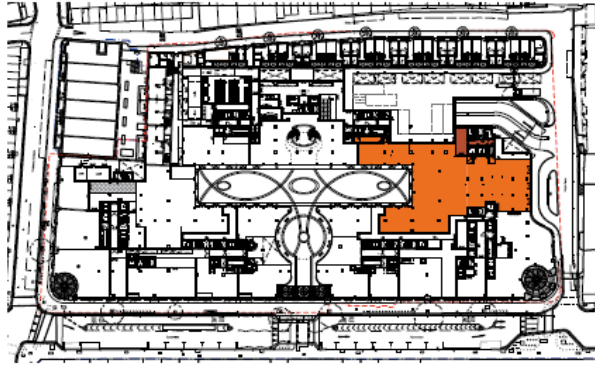
**Proposed Further Minor Material Amendment**



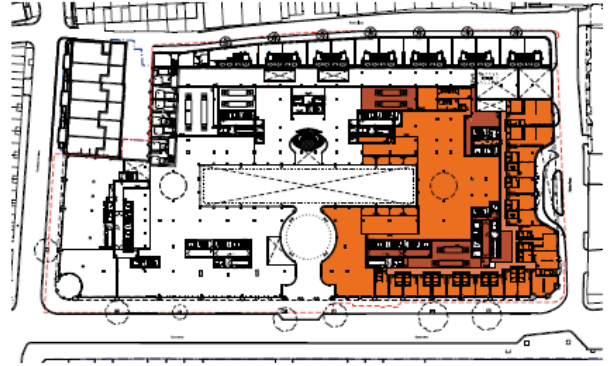
**Gym**  
Approximate area  
(GEA excluding cores and retail entrance on ground floor) : 3,661 m<sup>2</sup>



As approved and as now proposed gym unit location.

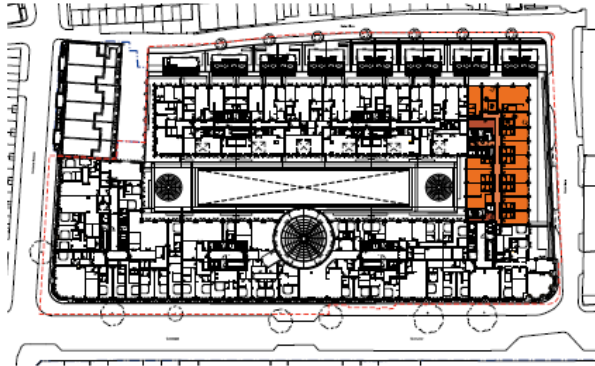


Ground floor plan

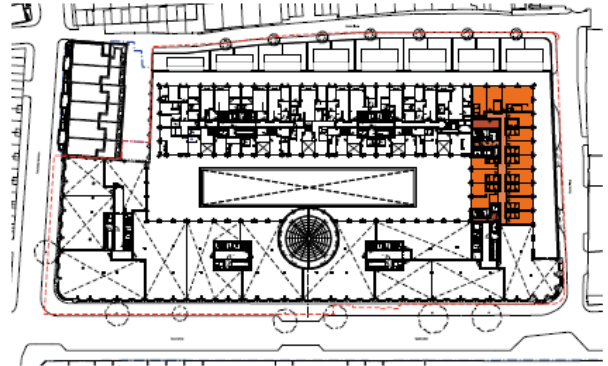


First floor plan

Additional rooms

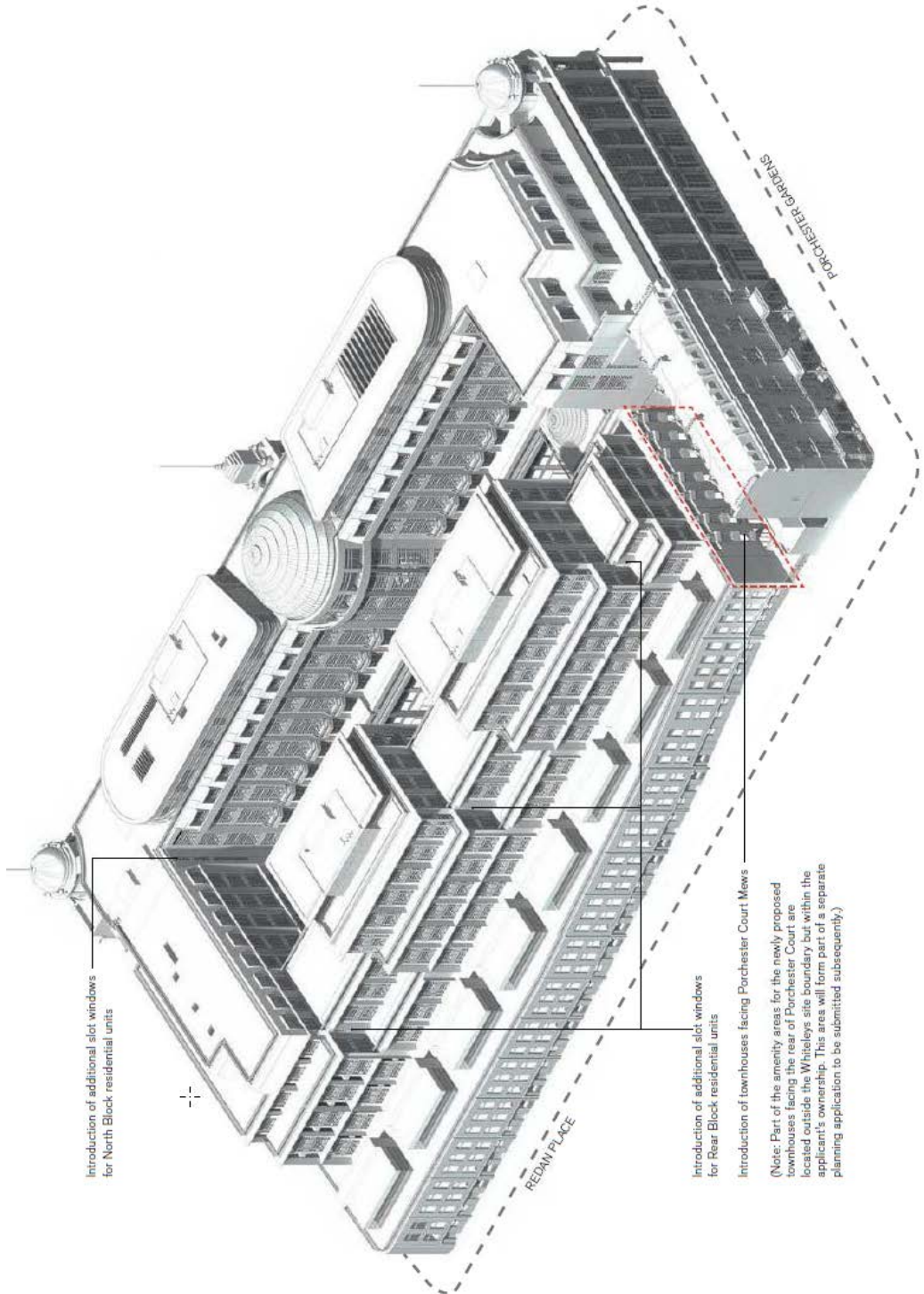


Second floor plan

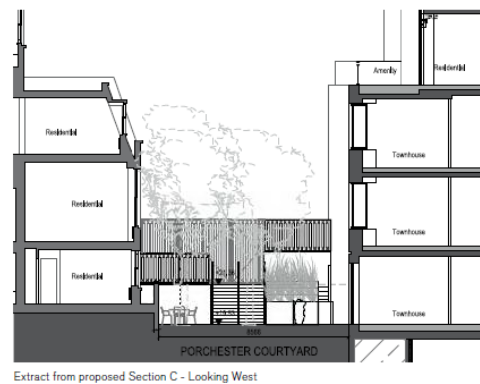
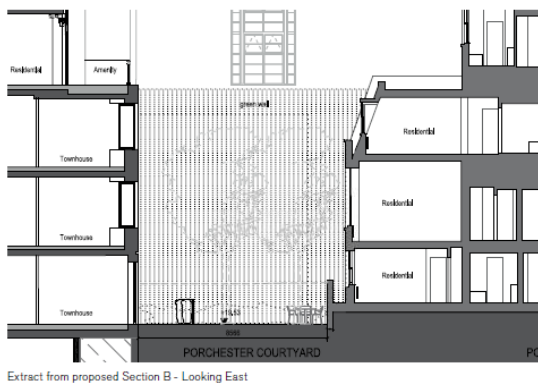
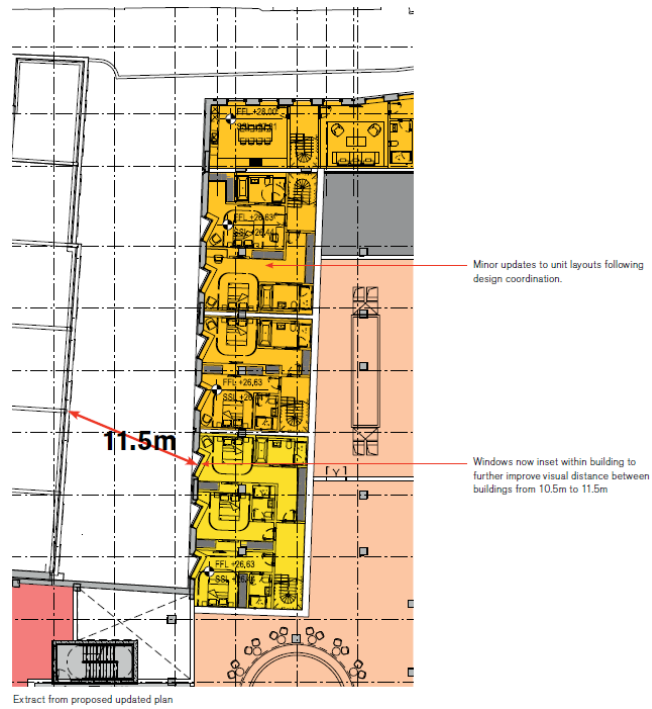


Third floor plan

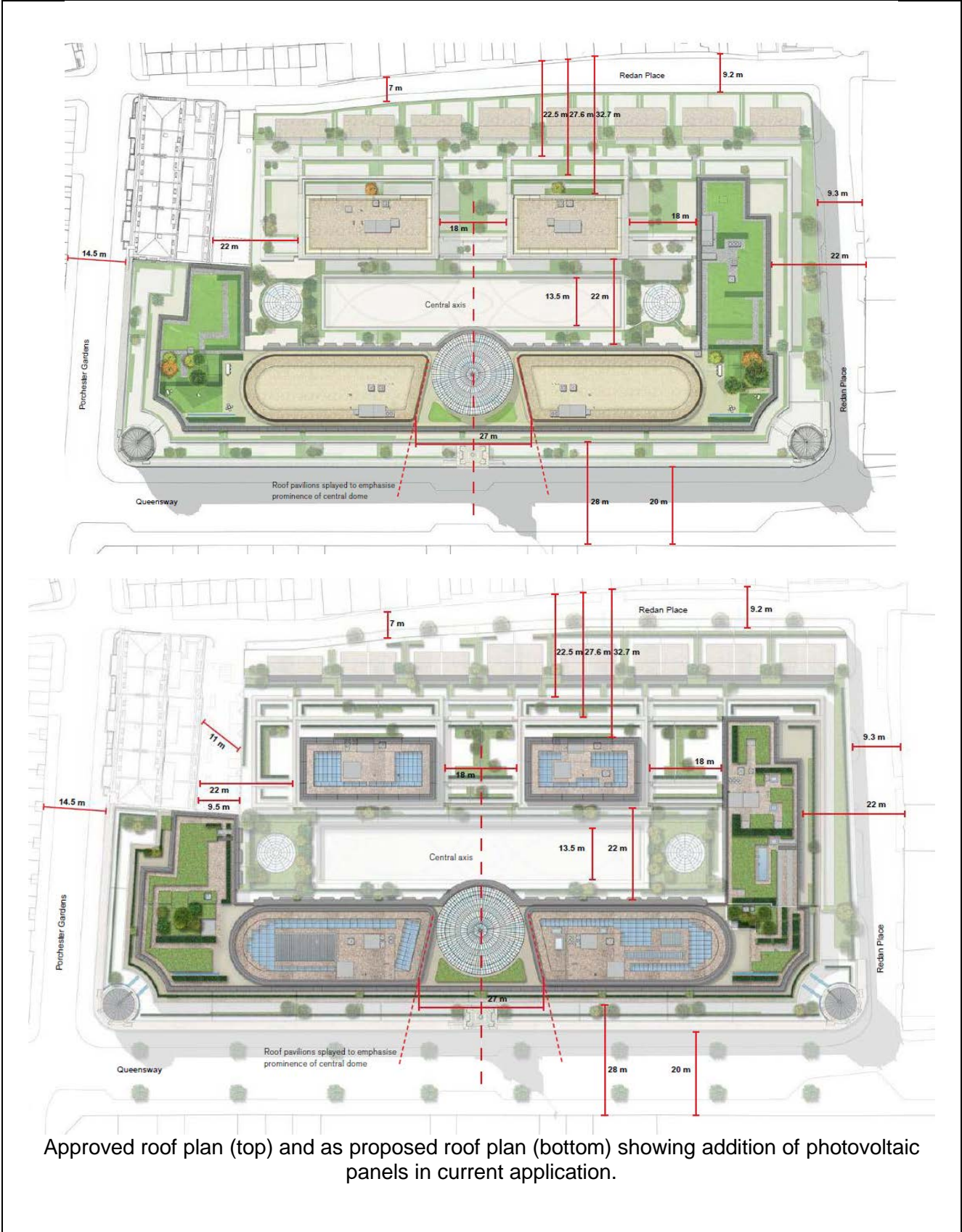
Proposed hotel floorplans.



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 5 Bed Unit**

Level 06 - 1124 sqm

Larger green zones in front of kitchen / library / family rooms / bedrooms



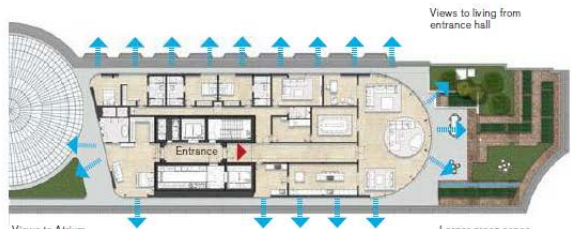
Views to living from entrance hall

Greens zones between units to create privacy

QUEENSWAY

**Typical 4 Bed Unit**

Level 09 - 535 sqm



Views to Atrium

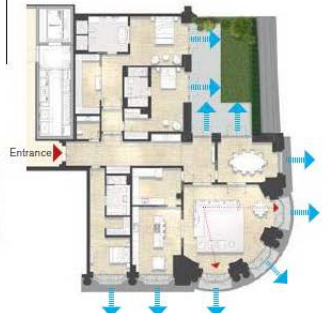
Views to living from entrance hall

Larger green zones in front of kitchen / library / family rooms / bedrooms

QUEENSWAY

**Typical 3 Bed Unit**

Level 02 - 345 sqm



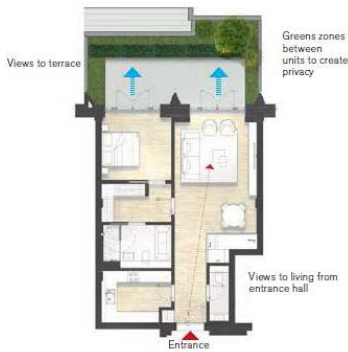
Entrance

Larger green zones in front of kitchen / library / family rooms / bedrooms

QUEENSWAY

**Typical 1 Bed Unit**

Level 02 - 86 sqm



Views to terrace

Greens zones between units to create privacy

Views to living from entrance hall

Entrance

**Typical 2 Bed Unit**

Level 05 - 213 sqm



Views to terrace

Greens zones between units to create privacy

Entrance

**Typical 3 Bed Unit**

Level 02 - 210 sqm



Views to terrace

Greens zones between units to create privacy

Views to terrace

Greens zones between units to create privacy

Entrance

Views to terrace

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-

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,

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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

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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.

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

order that may replace it). Customers shall not be permitted within the gymnasium premises before 06.30 or after 23.00 each day.

Reason:

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

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

Reason:

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

- 11 You must apply to us for approval of 3m x 3m sample panels of the following parts of the development:

- i) typical re-constituted stone bay;
- ii) typical Portland stone facework;
- 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).

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

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

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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



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

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

Reason:

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

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

Reason:

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

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

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

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

Reason:

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

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

residential windows closed shall be submitted to and approved by the City Council and you must implement the scheme we approve prior to occupation of the residential flats and thereafter maintain it for the lifetime of the development.

Reason:

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

- 45 The measures as set out in the Design Recommendations in the revised Flood Risk Assessment Addendum dated 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](http://www.westminster.gov.uk/cil)

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

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

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

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

Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact:

Thames Water Utilities Ltd  
Development Planning  
Maple Lodge STW  
Denham Way  
Rickmansworth  
Hertfordshire  
WD3 9SQ  
Tel: 01923 898072  
Email: Devcon.Team@thameswater.co.uk

- 4 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

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

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

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

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

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

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

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

- 7 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 8 This permission is governed by a legal agreement between the applicant and the City Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to 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](mailto:docomailbox.ne@met.police.uk)

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

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

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

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

- 19 Buildings must be provided with appropriate welfare facilities for staff who work in them and for visiting members of the public. Detailed advice on the provision of sanitary conveniences, washing facilities and the provision of drinking water can be found in guidance attached to the Workplace (Health, Safety and Welfare) Regulations 1992. [www.opsi.gov.uk/SI/si1992/Uksi\\_19923004\\_en\\_1.htm](http://www.opsi.gov.uk/SI/si1992/Uksi_19923004_en_1.htm)

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

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

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

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

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

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

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see [www.habinteg.org.uk](http://www.habinteg.org.uk)

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

- 22 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 23 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 24 Stopping Up: The area hatched red on drawing number A13039-T-106 must be stopped up prior to the commencement of the development and at no cost to the City Council, subject to any minor alterations to be agreed by the City Council as Local Highway Authority.
- 25 Dedication of Land: The area hatched blue on drawing number A13039-T-106 must be dedicated prior to the occupation of the development, at no cost to the City Council, subject to minor alterations agreed by the City Council as Local Highway Authority.

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](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [ww.thameswater.co.uk/wastewaterquality](http://ww.thameswater.co.uk/wastewaterquality).
- 28 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point it leaves Thames Water pipes. The applicant is advised to take account of this minimum pressure in the design of the development.
- 29 Thames Water advise that this site falls within the highly flood sensitive Counters Creek Catchment area, and they will expect surface water to be attenuated to Greenfield run-off rates.
- 30 In respect of Condition 7, you are advised that Thames Water prefer all surface water to be disposed of on site using SUDs as per policy 5.13 of the London Plan. It is important that the applicant liaises with Thames Water prior to an application being submitted to discharge this condition.
- 31 You are reminded of the need to apply for planning permission for the placing of tables and chairs on the public highway.
- 32 In respect of any lighting to the crane, this needs to be turned off in the evening in order to safeguard the amenities of neighbouring residents, and all lighting associated with the construction close to sensitive receptors shall be limited to working hours only and site lighting should be kept to a minimum.
- 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.
<b>1</b>

**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-

1405-0614-PL, A-1405-0701-PL, A-1405-0702-PL, A-1405-0705-PL, A-1405-0801-PL/01, A-1405-0802-PL, A-1405-0803-PL, A-1405-0805-PL, A-1405-0806-PL, A-1405-0807-PL, A-1405-0810-PL, A-1405-0901-PL, A-1405-0903-PL, A-1405-0904-PL.

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

**As Amended by the Drawings and Documents Previously Approved Under RN: 16/12203/FULL:** A-011-xx-03, A-031-B1-01 Rev.01, A-031-B2M-01, A-031-B2-01, A-031-B3-01, A-031-00-01, A-031-00UG-01, A-031-01-01, A-031-02-01, A-031-03-01, A-031-04-01, A-031-05-01, A-031-06-01, A-031-07-01, A-031-08-01, A-031-09-01, A-031-rf-01, A-053-xx-01, A-053-xx-02, A-053-xx-03, A-053-xx-04, A-053-xx-06, A-064-xx-00, A-064-xx-01, A-064-xx-02, A-064-xx-03, A-064-xx-04, A-075-00-01, A-075-00-02, A-075-00-03, A-075-00-04, A-075-00-05, A-075-00-06, A-075-00-07, A-075-00-08, A-075-00-09, A-075-00-15, A-075-02-01, A-075-02-02, A-075-02-03, A-075-02-04, A-075-02-05, A-075-02-06, A-075-02-07, A-075-02-08, A-075-02-09, A-075-02-10, A-075-02-11, A-075-02-12, A-075-02-13, A-075-02-14, A-075-02-15, A-075-02-16, A-075-02-17, A-075-02-18, A-075-02-20, A-075-02-21, A-075-02-21A, A-075-02-22, A-075-02-22A, A-075-02-23, A-075-02-24, A-075-02-25, A-075-02-26, A-075-02-29, A-075-02-30, A-075-02-31, A-075-02-32, A-075-02-33, A-075-02-34, A-075-02-35, A-075-02-36, A-075-02-37, A-075-03-01, A-075-03-01A, A-075-03-02, A-075-03-02A, A-075-03-03, A-075-03-04, A-075-03-05, A-075-03-06, A-075-03-09, A-075-03-10, A-075-03-11, A-075-04-01, A-075-04-02, A-075-04-03, A-075-04-04, A-075-04-05, A-075-04-06, A-075-04-07, A-075-04-08, A-075-04-09,

A-075-04-10, A-075-04-11, A-075-04-12, A-075-04-13, A-075-04-14, A-075-04-15, A-075-04-16, A-075-04-17, A-075-04-20, A-075-05-01, A-075-05-02, A-075-05-03, A-075-05-04, A-075-05-05, A-075-05-06, A-075-05-07, A-075-05-08, A-075-05-09, A-075-05-10, A-075-05-11, A-075-06-01, A-075-06-02, A-075-06-02A, A-075-06-03, A-075-06-03A, A-075-06-04, A-075-06-04A, A-075-06-05, A-075-06-05A, A-075-06-06, A-075-06-06A, A-075-06-07, A-075-06-08, A-075-06-09, A-075-06-10, A-075-06-11, A-075-06-12, A-075-06-13, A-075-06-14, A-075-06-16, A-075-07-01, A-075-07-02, A-075-07-03, A-075-07-04, A-075-07-05, A-075-07-05A, A-075-07-06, A-075-08-01, A-075-08-02, A-075-08-03, A-075-08-04, A-075-08-05, A-075-08-05A, A-075-08-06, A-075-08-06A, A-075-08-07, A-075-08-07A, A-075-08-08, A-075-08-09, A-075-08-10, A-075-09-01.

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

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

Reason:

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

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

Reason:

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

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

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

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

Reason:

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

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

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

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

Reason:

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

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

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

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

Reason:

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

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

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

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

Reason:

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

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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.