



City of Westminster

Committee Agenda

Title:

Planning (Major Applications) Sub-Committee

Meeting Date:

Tuesday 8th October, 2019

Time:

6.30 pm

Venue:

Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP

Members:

Councillors:

Gotz Mohindra (Chairman)
David Boothroyd
Geoff Barraclough

Murad Gassanly
Jim Glen
Elizabeth Hitchcock



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

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



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

**Tel: 020 7641 7513; Email: gwills@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

To Follow.

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

Members of the public are welcome to speak on the specific applications at the planning committee meeting.

To register to speak and for guidance please visit:

www.westminster.gov.uk/planning-committee.

Please note that you must register by 12 Noon on the Friday before the Committee meeting

In the event that you are successful in obtaining a speaking slot please read the guidance, in order to familiarise yourself with the process prior to attending the meeting.

1. WHITELEYS CENTRE QUEENSWAY LONDON W2 4YH

(Pages 9 - 112)

**2. DEVELOPMENT SITE AT 127-143 OXFORD STREET, 53-55
BERWICK STREET AND 201-205 WARDOUR STREET
LONDON**

**(Pages 113 -
168)**

**Stuart Love
Chief Executive
27 September 2019**

Order of Business

At Planning Applications Sub-Committee meetings the order of business for each application listed on the agenda will be as follows:

Order of Business
i) Planning Officer presentation of the case
ii) Applicant and any other supporter(s)
iii) Objectors
iv) Amenity Society (Recognised or Semi-Recognised)
v) Ward Councillor(s) and/or MP(s)
vi) Council Officers response to verbal representations
vii) Member discussion (including questions to officers for clarification)
viii) Member vote

These procedure rules govern the conduct of all cases reported to the Planning Applications Sub-Committees, including applications for planning permission; listed building consent; advertisement consent, consultations for development proposals by other public bodies; enforcement cases; certificates of lawfulness; prior approvals, tree preservation orders and other related cases.

Agenda Annex

CITY OF WESTMINSTER
 PLANNING (MAJOR) APPLICATIONS SUB COMMITTEE – 8th October 2019
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item no	References:	Site address	Proposal	Applicant
1	RN(s): 19/02449/FULL & 19/02374/LBC Lancaster Gate	Whiteleys Centre Queensway London W2 4YH	Variation of Condition 1 of planning permission dated 19 November 2018 (RN: 18/04595/FULL), which itself varied Conditions 1, 15 and 16 and removal of Condition 49 of planning permission dated 1 November 2017 (RN: 16/12203/FULL), which varied Condition 1 and removed Condition 10 of planning permission dated 27 April 2016 (RN: 15/10072/FULL) for: Demolition of and redevelopment of building behind retained and refurbished facades to Queensway and Porchester Gardens facades to provide a mixed use development comprising three basement levels, ground floor and up to 10 upper floor levels, containing 103 to 129 residential units (Class C3), retail floorspace (Class A1 and A3) facing Queensway and arranged around a new retail arcade below re-provided central atrium and central retail courtyard, public car park, hotel (Class C1), cinema (Class D2) gym (Class D2), crèche (Class D1), with associated landscaping and public realm improvements, provision of 103 basement residential parking spaces, cycle parking and associated basement level plant and servicing provision. NAMELY, variation of Condition 1 to increase number of residential units from 129 to 153 units, including 14 affordable units; amendment to townhouses along Redan Place; amendment of residential unit mix; reduction in basement excavation depth with associated amendment to car and cycle parking and basement level plant, relocation of servicing bay to ground level and removal of public car park; revisions to hotel, cinema and gym floorspace, including increase in hotel room numbers to 111 and relocation of swimming pool to hotel; removal of crèche use; and replacement of windows to parts of the historic façade with double glazed windows.	Queens Road W2 Ltd

CITY OF WESTMINSTER
PLANNING (MAJOR) APPLICATIONS SUB COMMITTEE – 8th October 2019
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Recommendation

1. Subject to referral to the Mayor of London, grant conditional planning permission, subject to the completion of a deed of variation to the Section 106 agreement dated 12 November 2019 to secure originally agreed planning obligations, as set out below:
 - i. Provision of 14 intermediate affordable units on-site and provision for Early and Late Stage. Review mechanisms in accordance with the Mayors Affordable Housing and Viability SPG;
 - ii. Costs of all the highway works associated with the development including the Stopping Up Order and the dedication of land;
 - iii. A financial contribution of £100,000 (index linked) towards improvements to play space in the vicinity of the development;
 - iv. Comply with the Construction Code of Practice, to provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £40,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
 - v. Provision of the cinema, ready for occupation, prior to occupation of the retail use;
 - vi. Provision of the gym prior to occupation of the residential accommodation and the submission of a management plan including pricing;
 - vii. Provision of measures to support employment, training and skills programmes;
 - viii. Management of the shopping centre, including controls over the distribution of the Class A1 (70% of floorspace) and Class A3 (30% of floorspace) and to control further changes of use within the centre;
 - ix. Management strategy for the hotel use, including servicing and guest drop off arrangements;
 - x. Provision of lifetime (25 year) car club membership for each residential flat; and
 - xi. Provision of S106 agreement monitoring costs.
2. If the legal agreement and deed of variation to secure the planning obligations has not been completed by 4 June 2019 then:
 - a) The Director of Place Shaping and Town Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Power; however, if not;
 - b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Making and Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated powers
3. Grant conditional listed building consent
4. Agree the reasons for granting conditional listed building consent as set out in informative 1 of the draft decision letter
5. Authorise the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up and dedication of parts of the public highway to enable this development to take place; and
6. Authorise the Director of Place Shaping and Planning, Executive Director of City Management and Communities, or other such proper officer of the City Council responsible for highway function 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.

CITY OF WESTMINSTER
 PLANNING (MAJOR) APPLICATIONS SUB COMMITTEE – 8th October 2019
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item no	References:	Site address	Proposal	Applicant
2	RN(s): 19/05171/FULL & 19/05172/LBC West End	Development Site At 127-143 Oxford Street, 53-55 Berwick Street And 201-205 Wardour Street London	Demolition of 127 Oxford Street and 205 Wardour Street, 129-131 Oxford Street, 133-135 Oxford Street (including 53-54 Berwick Street and 201 Wardour Street) (behind retained Oxford, Wardour and Berwick Street facades and partially retained interior), 137 Oxford Street, 139-143 Oxford Street (behind retained façade), 199 Wardour Street (behind retained front and rear façades) and 55 Berwick Street. Excavation to provide new Basement 02 level. Redevelopment of site to provide ancillary plant and facilities at Basement 02 and part Basement 01 level; nightclub (sui generis) at part Basement 01 and 02 with ground floor entrance at No. 55 Berwick Street; retail (Class A1) floorspace at part Basement 01, part ground and part first floor levels; office (Class B1) at part ground, part first and second to sixth floor levels, and roof top plant.	Daejan Investments Limited
<p>Recommendation</p> <p>1. Grant conditional permission subject to a legal agreement to secure the following:</p> <ul style="list-style-type: none"> a) A contribution to the City Council's Affordable Housing Fund of £1,735,000 (index linked), payable prior to commencement of development. b) A Carbon Offset Contribution of £70,000 (index linked), payable prior to commencement of development. c) Undertaking of highways works in the vicinity of the site, including alterations to the crossroad of Oxford Street, Wardour Street and Berners Street including but not necessarily limited to kerb line alterations (to enable widening of the footway outside the site on Wardour Street), wayleaving of street light in Wardour Street onto the application site's frontage, associated traffic order making, alterations to crossing points, associated carriageway marking positions and any other associated works to accommodate the development (highways works to have been agreed and alterations to traffic orders to have been confirmed prior to commencement of development). d) A contribution of £89,000 (index linked) to support the Westminster Employment Service (payable prior to the commencement of development). e) The re-provision of a nightclub (Sui Generis) on site to shell and core (ready for tenant fit out) prior to the occupation of any of the office floorspace on site. 				

CITY OF WESTMINSTER
PLANNING (MAJOR) APPLICATIONS SUB COMMITTEE – 8th October 2019
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<p style="text-align: center;">f) The costs of monitoring the S106 legal agreement.</p> <p>2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:</p> <p style="padding-left: 40px;">a) The Director of Place Shaping and Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;</p> <p style="padding-left: 40px;">b) The Director of Place Shaping and Planning shall consider whether the permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Place Shaping and Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p> <p>3. That Committee authorises the making of a draft order pursuant to s247 or s248 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway. That the Director of Place Shaping and Planning, Executive Director of City Management and Communities, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.</p> <p>4. Grant conditional listed building consent.</p> <p>5. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</p>
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Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 8 October 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Lancaster Gate	
Subject of Report	Whiteleys Centre, Queensway, London, W2 4YH		
Proposal	Variation of Condition 1 of planning permission dated 19 November 2018 (RN: 18/04595/FULL), which itself varied Conditions 1, 15 and 16 and removal of Condition 49 of planning permission dated 1 November 2017 (RN: 16/12203/FULL), which varied Condition 1 and removed Condition 10 of planning permission dated 27 April 2016 (RN: 15/10072/FULL) for: Demolition of and redevelopment of building behind retained and refurbished facades to Queensway and Porchester Gardens facades to provide a mixed use development comprising three basement levels, ground floor and up to 10 upper floor levels, containing 103 to 129 residential units (Class C3), retail floorspace (Class A1 and A3) facing Queensway and arranged around a new retail arcade below re-provided central atrium and central retail courtyard, public car park, hotel (Class C1), cinema (Class D2) gym (Class D2), crèche (Class D1), with associated landscaping and public realm improvements, provision of 103 basement residential parking spaces, cycle parking and associated basement level plant and servicing provision. NAMELY, variation of Condition 1 to increase number of residential units from 129 to 153 units, including 14 affordable units; amendment to townhouses along Redan Place; amendment of residential unit mix; reduction in basement excavation depth with associated amendment to car and cycle parking and basement level plant, relocation of servicing bay to ground level and removal of public car park; revisions to hotel, cinema and gym floorspace, including increase in hotel room numbers to 111 and relocation of swimming pool to hotel; removal of crèche use; and replacement of windows to parts of the historic façade with double glazed windows.		
Agent	Turley		
On behalf of	Queens Road W2 Ltd		
Registered Number	19/02449/FULL and 19/02374/LBC	Date amended/ completed	17 April 2019
Date Application Received	2 April 2019		
Historic Building Grade	Grade 2 Listed		
Conservation Area	Queensway		

1. RECOMMENDATION

1. Subject to referral to the Mayor of London, grant conditional planning permission, subject to the completion of a deed of variation to the Section 106 agreement dated 1 November 2017 to secure originally agreed planning obligations, as set out below:
 - i. Provision of 14 intermediate affordable units on-site and provision for Early and Late Stage Review mechanisms in accordance with the Mayors Affordable Housing and Viability SPG;
 - ii. Costs of all the highway works associated with the development including the Stopping Up Order and the dedication of land;
 - iii. A financial contribution of £122,481.00 (index linked) towards improvements to play space in the vicinity of the development;
 - iv. Comply with the Construction Code of Practice, to provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £40,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
 - v. Provision of the cinema, ready for occupation, prior to occupation of the retail use;
 - vi. Provision of the gym prior to occupation of the residential accommodation and the submission of a management plan including pricing;
 - vii. Provision of measures to support employment, training and skills programmes;
 - viii. Management of the shopping centre, including controls over the distribution of the Class A1 (70% of floorspace) and Class A3 (30% of floorspace) and to control further changes of use within the centre;
 - ix. Management strategy for the hotel use, including servicing and guest drop off arrangements;
 - x. Provision of lifetime (25 year) car club membership for each residential flat; and
 - xi. Provision of S106 agreement monitoring costs.
2. If the legal agreement and deed of variation to secure the planning obligations has not been completed by 4 June 2019 then:
 - a) The Director of Place Shaping and Town Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;
 - b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Making and Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers
3. Grant conditional listed building consent;
4. Agree the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter;
5. Authorise the making of a draft order pursuant to s247 of the Town and Country Planning Act

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

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

2. SUMMARY

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

The applications seek to vary of Condition 1 of both planning and listed building consent dated 19 November 2018 (RN: 18/04595/FULL and 18/04775/LBC) for comprehensive mixed-use redevelopment of the site behind retained and refurbished facades to the Queensway and Porchester Gardens frontages of the site.

The amendments to the approved scheme are principally the following

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

The key considerations are:

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

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

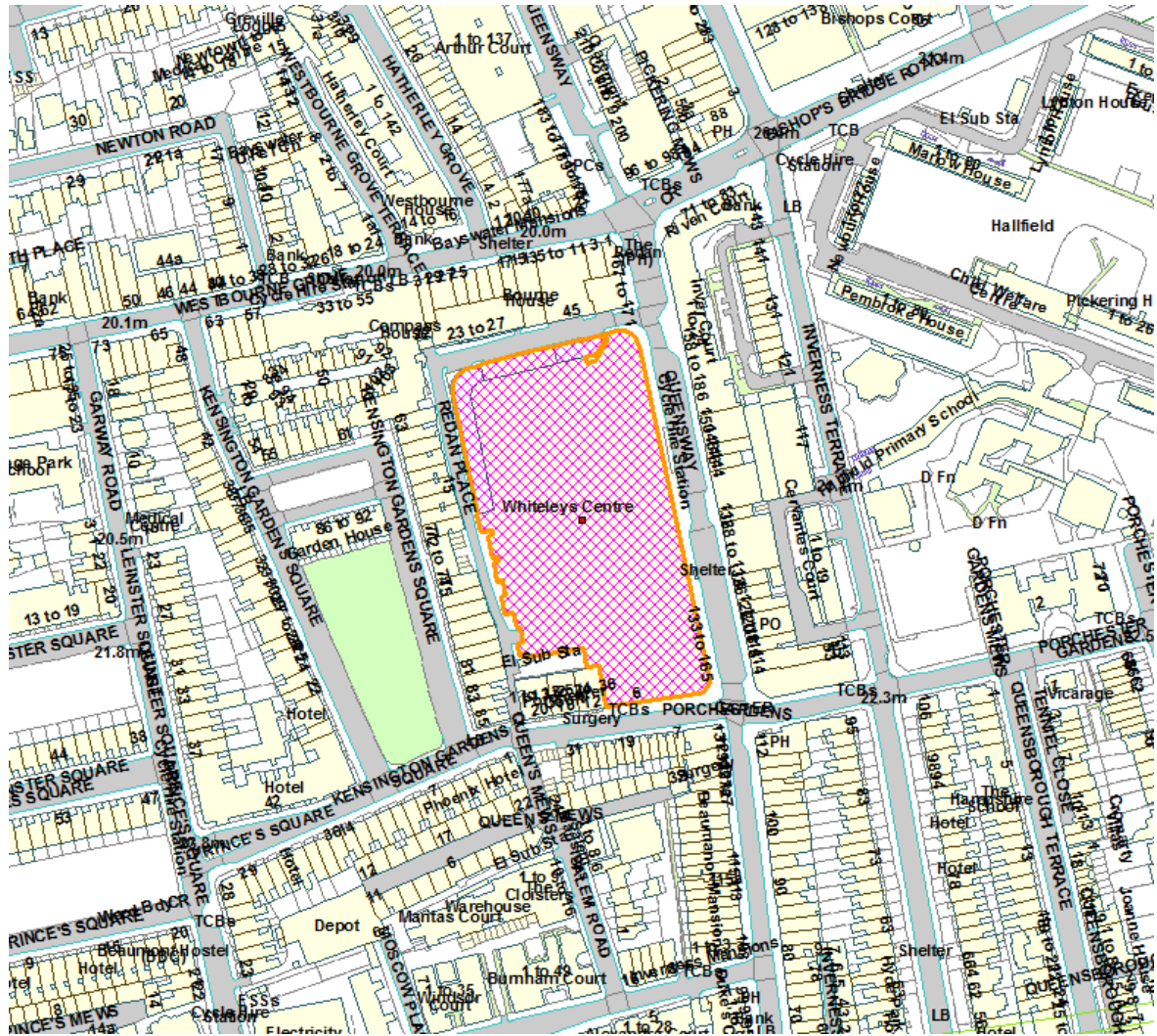
The revised window strategy proposed would result in loss of historic fabric and therefore less than substantial harm to this listed building. However, this harm would be outweighed by the public benefits of this development, particularly the new affordable and market housing units proposed. The development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

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

Given the constraints of the site and having regard to the previously approved schemes, which remain extant, the currently proposed scheme would be consistent with relevant statutory, national planning considerations and the development plan. It is therefore recommended that planning permission and listed building consent are granted, subject to the conditions set out in the draft decision letters appended to this report and the securing of the planning obligations set out in Section 1 of this report via a deed of variation to the previous S106 agreement. These applications will need to be referred back to the Mayor of London.

Item No.
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3. LOCATION PLAN



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4. PHOTOGRAPHS



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



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



Demolition Works On-site (March 2019)

5. CONSULTATIONS

GREATER LONDON AUTHORITY

Principle of development is supported.

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

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

WARD COUNCILLORS FOR LANCASTER GATE

Any response to be reported verbally.

WARD COUNCILLORS FOR BAYSWATER

Any response to be reported verbally.

HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

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

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

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

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

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

HISTORIC ENGLAND (ARCHAEOLOGY)

No objection.

THE VICTORIAN SOCIETY

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

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

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

TWENTIETH CENTURY SOCIETY

Any response to be reported verbally.

ANCIENT MONUMENT SOCIETY

Any response to be reported verbally.

COUNCIL FOR BRITISH ARCHAEOLOGY

Any response to be reported verbally.

THE GEORGIAN SOCIETY

Any response to be reported verbally.

SOCIETY FOR PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally.

TRANSPORT FOR LONDON

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LONDON FIRE AND CIVIL DEFENCE AUTHORITY

No response received.

DESIGNING OUT CRIME OFFICER

No response received.

THAMES WATER

No response received.

NHS CENTRAL LONDON

No response received.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

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

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

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

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

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

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

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

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

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

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

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

BAYSWATER RESIDENTS ASSOCIATION

No response received.

PRACT

No response received.

BUILDING CONTROL

No response received.

WASTE PROJECT OFFICER

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

ENVIRONMENTAL HEALTH OFFICER

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

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

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

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

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

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

HIGHWAYS PLANNING MANAGER

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

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

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

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

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

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

AFFORDABLE HOUSING SUPPLY MANAGER

No response received to date and will be reported verbally.

ARBORICULTURAL MANAGER

No response received.

CHILDREN'S SERVICES

No response received.

PLACESHAPING (PUBLIC REALM)

No response received.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 1570

Total No. of replies: 4

No. of objections: 4

No. in support: 0

In summary, the objectors raise the following issues:

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

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

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

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

The applicant is currently implementing the previously granted permissions and the existing building has been largely demolished, except for facades facing Porchester Gardens, Queensway and the norther arm of Redan Place. Prior to demolition, the building comprised basement, ground and four upper floors. The building was arranged as an inward facing shopping centre with pedestrian access via three main entrance points along Queensway. The existing basement included ancillary retail floor space, servicing areas and a bowling lane (Class D2 use). The ground floor comprised a mix of retail units, dominated by Class A1 units, including several large units currently occupied by 'anchor' retailers including Marks and Spencer and a range of mainly fashion retailers. There was also a bank and coffee shops. The first floor was predominantly retail, with a food hall provided at second floor level, which predominantly comprises Class A3 restaurant/ cafe units. The second floor and part of the third floor accommodated a four-screen cinema. The third and fourth floors were used as office floorspace and included television recording studios.

6.2 Recent Relevant History

6.2.1 Application Site

15/06074/EIAOP

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

Applicant advised that EIA not required

10 August 2015

15/10072/FULL & 16/12204/LBC

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

Permission and Consent Granted

27 April 2016

16/12203/FULL and 16/12204/LBC

Variation of Condition 1 and removal of Condition 10 of planning permission dated 27 April 2016 (RN: 15/10072/FULL) for: Demolition of and redevelopment of building behind retained and refurbished facades to Queensway and Porchester Gardens facades to provide a mixed use development comprising three basement levels, ground floor and up to 10 upper floor levels, containing up to 103 residential units (Class C3), retail floorspace (Class A1 and A3) facing Queensway and arranged around a new retail arcade below re-provided central atrium and central retail courtyard, public car park, hotel (Class C1), cinema (Class D2) gym (Class D2), crèche (Class D1), with associated landscaping and public realm improvements, provision of 103 basement residential parking spaces, cycle parking and associated basement level plant and servicing provision. NAMELY, to reduce the height of the front (Queensway frontage) of the building by 1.5m, reduce the two rear towers by one storey and remodel the new top storey as a recessed roof storey, amend the façade alignment on the set back upper floors to the rear, increase height and bulk of infill blocks between rear towers, omit the residential vehicular drop off in Redan Place and reconfigure the Redan Place façade, increase the depth and reconfiguration of the new basement, reconfigure the location and floorspace quantum of uses within the development including increase in hotel bedrooms and floorspace and gym floorspace, increase the number of residential units to provide up to 129 units, amend residential mix of units, amendment of waste management strategy, relocation of retained central staircase from hotel lobby to one of the principal retail units and associated internal and external alterations.

Permission and Consent Granted

1 November 2017

17/10221/FULL and 17/10258/LBC

Variation of Condition 1 of planning permission dated 1 November 2017 (RN: 16/12203/FULL) for the Variation of Condition 1 and removal of Condition 10 of planning permission dated 27 April 2016 (RN: 15/10072/FULL) for the demolition of and redevelopment of building behind retained and refurbished facades to Queensway and Porchester Gardens facades to provide a mixed use development comprising three basement levels, ground floor and up to 8 upper floor levels, containing up to 129 residential units (Class C3), retail floorspace (Class A1 and A3) facing Queensway and arranged around a new retail arcade below re-provided central atrium and central retail courtyard, public car park, hotel (Class C1), cinema (Class D2), gym (Class D2), 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.

Applications withdrawn 25 May 2018

18/04595/FULL and 18/04775/LBC

Variation of Conditions 1, 15 and 16 and removal of Condition 49 of planning permission dated 1 November 2017 (RN: 16/12203/FULL) which itself varied Condition 1 and removed Condition 10 of planning permission dated 27 April 2016 (RN: 15/10072/FULL) for: Demolition of and redevelopment of building behind retained and refurbished facades to Queensway and Porchester Gardens facades to provide a mixed use development comprising three basement levels, ground floor and up to 10 upper floor levels, containing up to 103 residential units (Class C3), retail floorspace (Class A1 and A3) facing Queensway and arranged around a new retail arcade below re-provided central atrium and central retail courtyard, public car park, hotel (Class C1), cinema (Class D2) gym (Class D2), crèche (Class D1), with associated landscaping and public realm improvements, provision of 103 basement residential parking spaces, cycle parking and associated basement level plant and servicing provision. NAMELY, variation of Condition 1 to allow the southern cupola, central clock-tower and existing balconies to be carefully dismantled, stored during works and reinstated; amend the wording of Condition 15 to remove the requirement for approval of a construction contract prior to commencement of development; amendment of Condition 16 to require approval of Secure by Design measures prior to work commencing on the superstructure and removal of Condition 49 related to approval of tree protection measures.

Permission and Consent Granted 19 November 2018

19/02704/EIASC

Request for an Environmental Impact Assessment (EIA) Screening Opinion pursuant to Regulation 5 of the Town and Country Planning (EIA) Regulations 2017 for an application to vary Condition 1 of planning permission dated 19th November 2018 (RN: 18/04595/FULL), which itself varied Conditions 1, 15 and 16 and removal of Condition 49 of planning permission dated 1st November 2017 (RN: 16/12203/FULL), which varied Condition 1 and removed Condition 10 of planning permission dated 27 April 2016 (RN: 15/10072/FULL) for: Demolition of and redevelopment of building behind retained and refurbished facades to Queensway and Porchester Gardens facades to provide a mixed use development comprising three basement levels, ground floor and up to 10 upper floor levels, containing up to 103 residential units (Class C3), retail floorspace (Class A1 and A3) facing Queensway and arranged around a new retail arcade below re-provided central atrium and central retail courtyard, public car park, hotel (Class C1), cinema (Class D2) gym (Class D2), creche (Class D1), with associated landscaping and public realm improvements, provision of 103 basement residential parking spaces, cycle parking and associated basement level plant and servicing provision. NAMELY, variation of Condition 1 to increase residential numbers to provide 153 residential units (class C3) including affordable housing (class C3), revisions to the hotel (class C1), cinema (Class

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

Under Consideration

6.2.2 Porchester Court

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

17/11240/FULL

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

Permission Granted 15 May 2018

7. THE PROPOSAL

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

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

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

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

Table 1: Previously Approved and Now Proposed Floorspace.

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

The residential composition proposed would be as follows:

Table 2: Residential Tenure and Mix

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

Item No.
1

TOTAL UNITS	6	44	33	70	153
TOTAL (%)	4	29	22	45	

8. DETAILED CONSIDERATIONS

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

8.1 Land Use

8.1.1 Amendments to Residential Floorspace

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

Other relevant residential use considerations are set out below.

Affordable Housing

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

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

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

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

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

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

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

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

Residential Mix

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

Standard of Residential Accommodation

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

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

8.1.2 Amendments to Retail Floorspace

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

The principle of a significant reduction in the overall quantum of retail floorspace on this site was accepted as part of the originally approved scheme which permitted an approximate 50% reduction in retail floorspace (from approximately 20,000 sqm to 10,530 sqm). The originally approved scheme represented an acknowledgement that Whiteleys is no longer a viable location for a shopping centre type retail offer given the increased competition in recent year from nearby shopping facilities, principally those in the West End and Westfield London. In this context, the first variation approved scheme allowed a further reduction in the quantum of retail floorspace on this site at basement, ground and first floor levels.

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

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

8.1.3 Amendments to Hotel Floorspace

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

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

The increase in the size of the hotel is achieved through consolidation of floorspace to the northern part of the building and subdivision of larger approved hotel rooms. Given that the additional hotel accommodation can be incorporated into the scheme without unacceptable reductions in residential or retail floorspace, which are the priority land uses in this location outside of the CAZ and within a Major Shopping Centre, the revised hotel use is considered to be acceptable in land use terms. It is not considered that the proposed increase in hotel rooms will have any adverse impact on the amenities of nearby residents.

8.1.4 Amendments to Other Uses

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

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

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

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

8.2 Townscape and Design

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

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

Planning permission and listed building consent were granted in April 2016 (see RN: 15/10072/FULL & 16/12204/LBC) for a scheme which involved substantial demolition behind the retained historic facades and for redevelopment of the site to provide a mixed use of primarily retail and residential, but also featuring a hotel, gym, crèche, office space and a cinema. A substantial basement area over three levels was also included which was mainly for car parking and plant. This permission was varied by a subsequent permission in November 2017 (see RN: 16/12203/FULL and 16/12204/LBC). The varied scheme addressed amending conditions within the original permission, as well as modifications to the design, including layout changes to increase the number of residential units and additional basement excavation associated with the proposed cinema. A further amended scheme was approved in November 2018 (see RN: 18/04595/FULL and 18/04775/LBC).

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

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

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

Historic Fabric Changes

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

“You must carry out the initial phase of the window refurbishment works (window removal and condition survey only) in accordance with the details we previously approved on 13 July 2018 and 1 November 2018 (RN: 18/05124/ADLBC and 18/07768/ADLBC) and you must apply to us for approval of full details of the following parts of the development:

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

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

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

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

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

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

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

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

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

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

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

Layout Changes

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

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

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

External / Façade Changes

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

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

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

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

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

Design Conclusions

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

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

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

8.3 Residential Amenity

8.3.1 Daylight and Sunlight and Sense of Enclosure

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

8.3.2 Privacy/ Overlooking

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

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

In summary the currently proposed scheme is considered to be acceptable in overlooking terms and would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

8.3.3 Noise and Other Amenity Impacts

In terms of noise from mechanical plant, Environmental Health do not object to the mechanical plant strategy for amended scheme. As per the previously approved scheme, a condition is recommended to secure a supplementary acoustic report to demonstrate the operational noise level of the mechanical plant when it has been specified, would accord with adopted policies. Subject to this condition the scheme would accord with Policies ENV6 and ENV7 in the UDP.

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

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

8.4 Transportation/Parking

8.4.1 Public Car Park

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

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

8.4.2 Car Parking Levels

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

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

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

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

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

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

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

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

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

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

8.4.3 Cycle Parking

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

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

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

8.4.4 Access Points and Associated Highway Safety Considerations

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

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

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

8.4.5 Servicing

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

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

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

As per the previously approved schemes, the Highways Planning Manager advises that the proposed stopping up works within Redan Place remains acceptable. An area of land will also need to be dedicated as public highway prior to the occupation of the development at no cost to the City Council and the authorisation to stop up and dedicate the new highway land is reflected in the recommendation to the Committee. Again, as per the approved schemes, amendments to on-street parking restrictions will require a separate Traffic Management Order.

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

8.4.7 Waste and Recycling Storage Strategy

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

8.4.8 Coach Parking

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

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

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

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

8.5 Economic Considerations

As per the previously approved schemes, it is recognised that the loss of the existing shops and offices during the redevelopment will affect local employment. However, the proposed new uses and the construction works will offer employment opportunities and secure enhanced economic benefits for the local area in the medium to long term. These benefits need to be weighed against the less than substantial harm to the listed building and the impact on the amenities of neighbouring residents.

8.6 Access

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

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Basement Excavation and Flood Risk

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

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

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

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

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

8.7.2 Energy Use and Carbon Emissions

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

The energy strategy proposed incorporates a Combined Heat and Power system. However, unlike the previously approved scheme, the current proposal omits the use of biofuel as the applicant has concerns regarding the viability of the technology given the restricted market, which the applicant advises is limited to a single supplier. In the absence of biofuel to power the CHP system, the applicant proposes a gas fired CHP. This would deliver a CO2 emission saving of 37.1%. Whilst this is a reduction relative to the scheme approved in November 2017, which delivered a reduction in carbon emissions saving of 43%, given the limited alternative options in terms of on-site renewal energy generation and the limited space available at roof level for provision of photovoltaic panels, the CO2 emission saving proposed is considered acceptable. Had the scheme been sufficiently viable, a carbon offset contribution would have been sought in accordance with relevant London Plan policies and the Mayor's Sustainable Design and Construction SPG (April 2014).

Subject to the recommended conditions to ensure the delivery of the scheme in accordance with the proposed energy strategy, deliver the scheme to BREEAM 'Excellent', deliver the energy centre within the basement with future capability to connect to adjoining sites and the updated sustainability and energy strategies in the currently proposed scheme would accord with Policies S28, S39 and S40 in the City Plan and the relevant policies in Chapter 5 of the London Plan (March 2016), when the constraints of the site are taken into account.

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

8.7.4 Fire Escape Strategy

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

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

8.8 Westminster City Plan

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

8.9 London Plan

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

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

8.10 National Policy/Guidance Considerations

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

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

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

8.11 Planning Obligations

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

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

The draft 'Heads of Terms', setting out the planning obligations that are necessary to make the development acceptable in accordance with Regulation 122 of the CIL Regulations 2010 (as amended) and Policy S33 in the City Plan, are set out below.

- i. Provision of 14 intermediate affordable units on-site and provision for Early and Late Stage Review mechanisms in accordance with the Mayors Affordable Housing and Viability SPG;
- ii. Costs of all the highway works associated with the development including the Stopping Up Order and the dedication of land;
- iii. A financial contribution of £122,481.00 (index linked) towards improvements to play space in the vicinity of the development;
- iv. Comply with the Construction Code of Practice, to provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £40,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
- v. Provision of the cinema, ready for occupation, prior to occupation of the retail use;
- vi. Provision of the gym prior to occupation of the residential accommodation and the submission of a management plan including pricing;
- vii. Provision of measures to support employment, training and skills programmes;
- viii. Management of the shopping centre, including controls over the distribution of the Class A1 (70% of floorspace) and Class A3 (30% of floorspace) and to control further changes of use within the centre;
- ix. Management strategy for the hotel use, including servicing and guest drop off arrangements;
- x. Provision of lifetime (25 year) car club membership for each residential flat; and
- xi. Provision of S106 agreement monitoring costs.

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

8.12 Environmental Impact Assessment

As established by the Screening Opinion issued on 10 August 2015, the originally approved development is an urban development project of insufficient scale to require the submission of an Environmental Impact Assessment under the Town and Country

Planning (Environmental Impact Assessment) Regulations 2011 (as amended). Given the uplift in residential unit numbers proposed, the applicant has submitted a further request for a Screening Opinion and the City Council will issue its decision on this before the committee date. The committee will be updated on this decision at or shortly before the committee meeting.

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

8.13 Other Issues

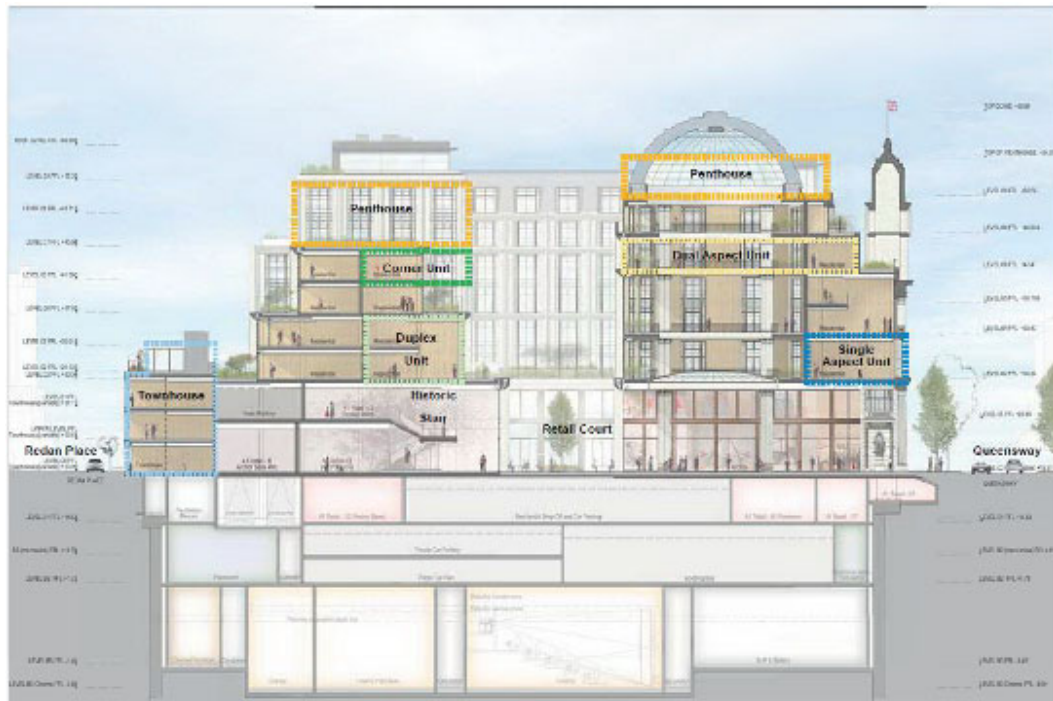
The current application has attracted a number of objections from neighbouring residents regarding the impact of construction works. This is following recent complaints from local residents regarding noise from ongoing demolition works on-site.

To address these concerns, it is recommended that the measures adopted in granting permission previously for redevelopment of this site are again adopted. The applicant has undertaken to comply with the City Council's Code of Construction Practice and to provide a comprehensive Site Environmental Management Plan (SEMP)/ Demolition and Construction Management Plan (see Condition 3) that identifies the measures to be taken to minimise the impact of carrying out the development on the amenity of neighbouring residents, particularly in terms of noise and dust transference. Compliance with the Code of Construction Practice (COCP) will be monitored by the Environmental Inspectorate at the applicant's expense and this monitoring is to be secured via the S106 agreement as per the approved scheme. The hours of works will be limited to prevent excessive disturbance to neighbours (see Condition 2). The applicant will also be required to provide a Construction Logistics Plan to identify the vehicle movements proposed in association with the construction process (Condition 4) and to demonstrate that these would not have a materially adverse impact on the amenity of residents and the operation of the local highway network.

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

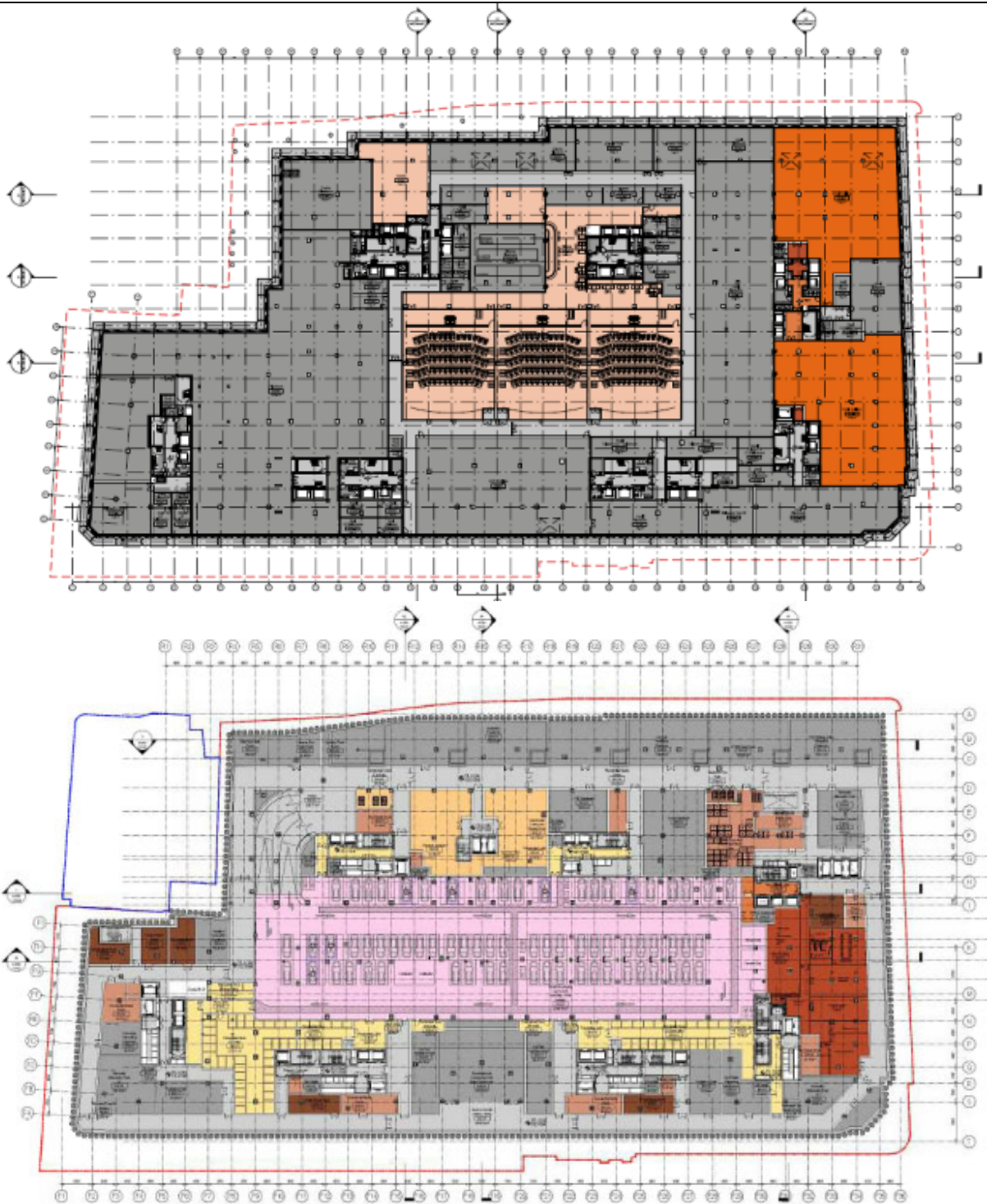
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk

9. KEY DRAWINGS



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

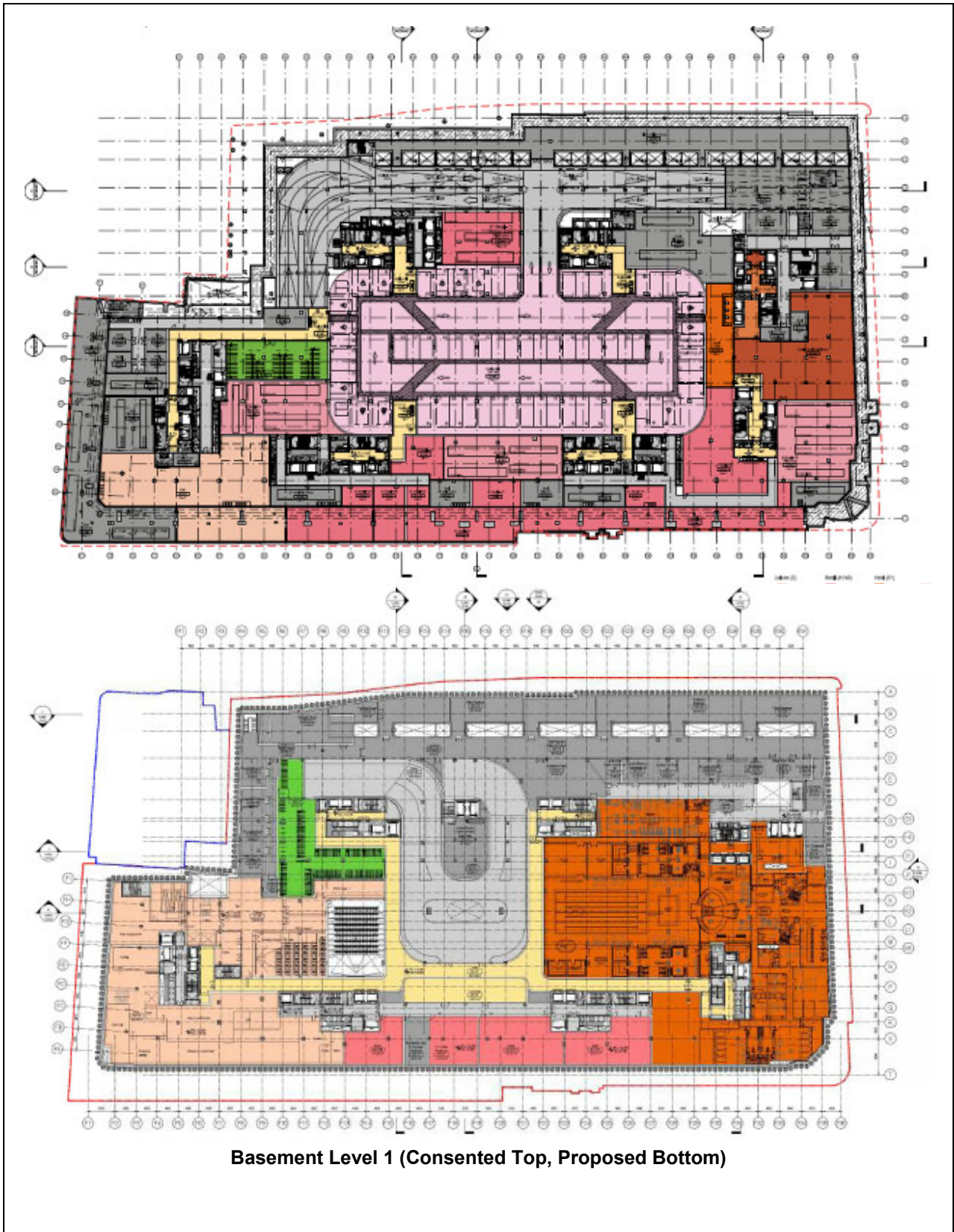




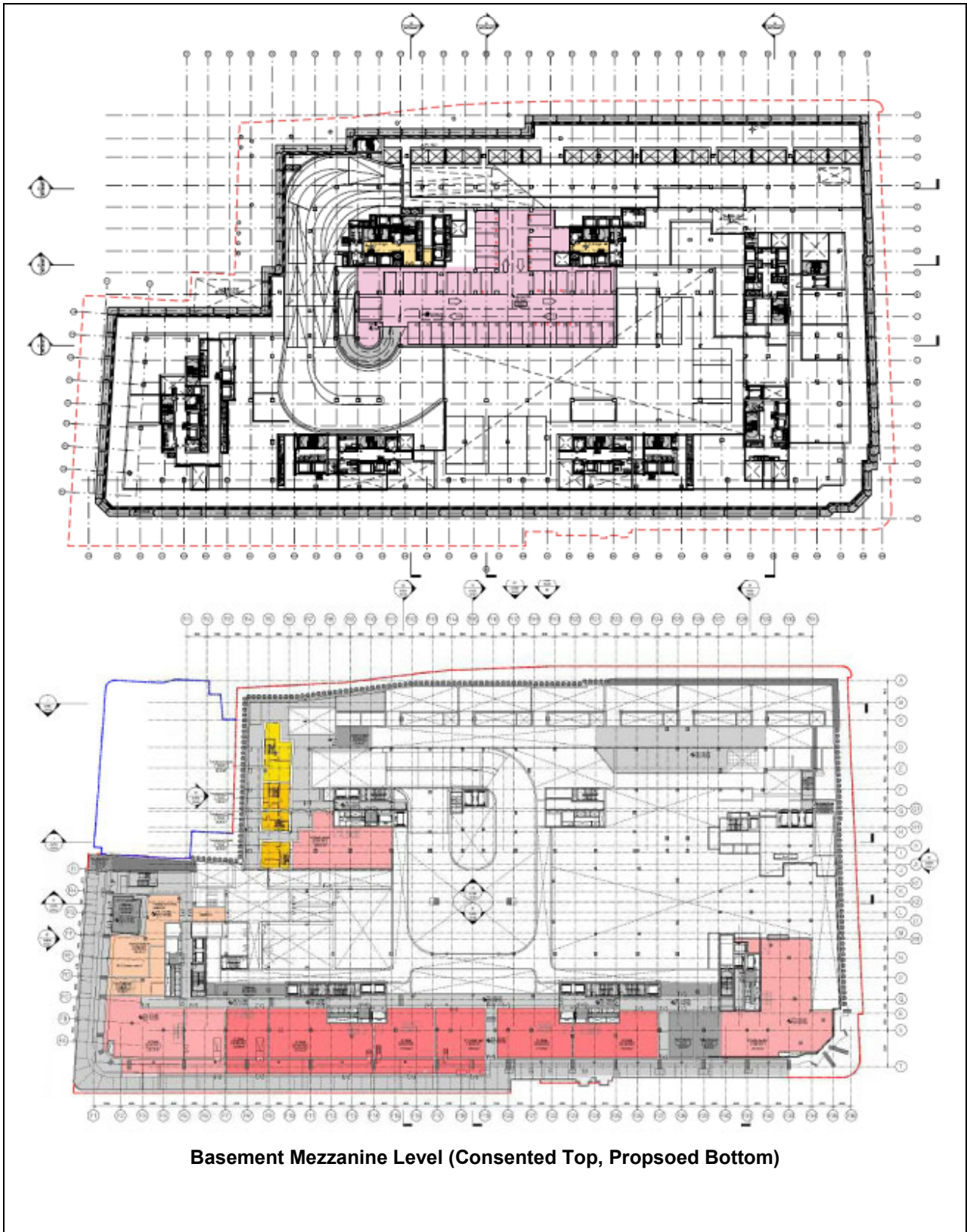
Basement Level 3 (Consented Top, Proposed Bottom)



Basement Level 2 (Consented Top, Proposed Bottom)



Basement Level 1 (Consented Top, Proposed Bottom)



Basement Mezzanine Level (Consented Top, Proposed Bottom)



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

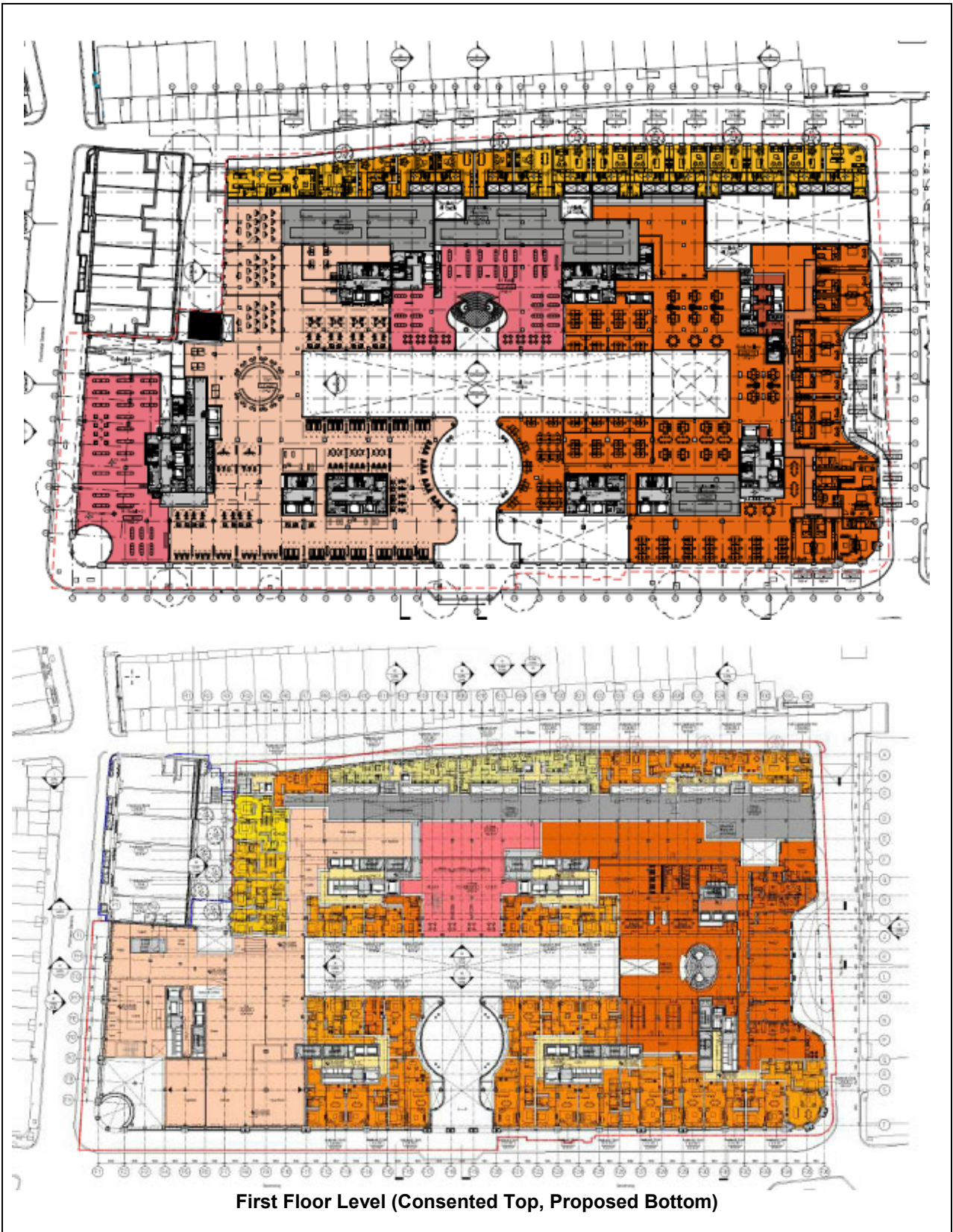
Please note, pavement configuration around site is indicative only and will be developed in consultation with WCC as part of their wider public realm enhancement project. Landscaping in retail court indicative only as this is proposed to be a flexible space capable of accommodating a wide range of public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

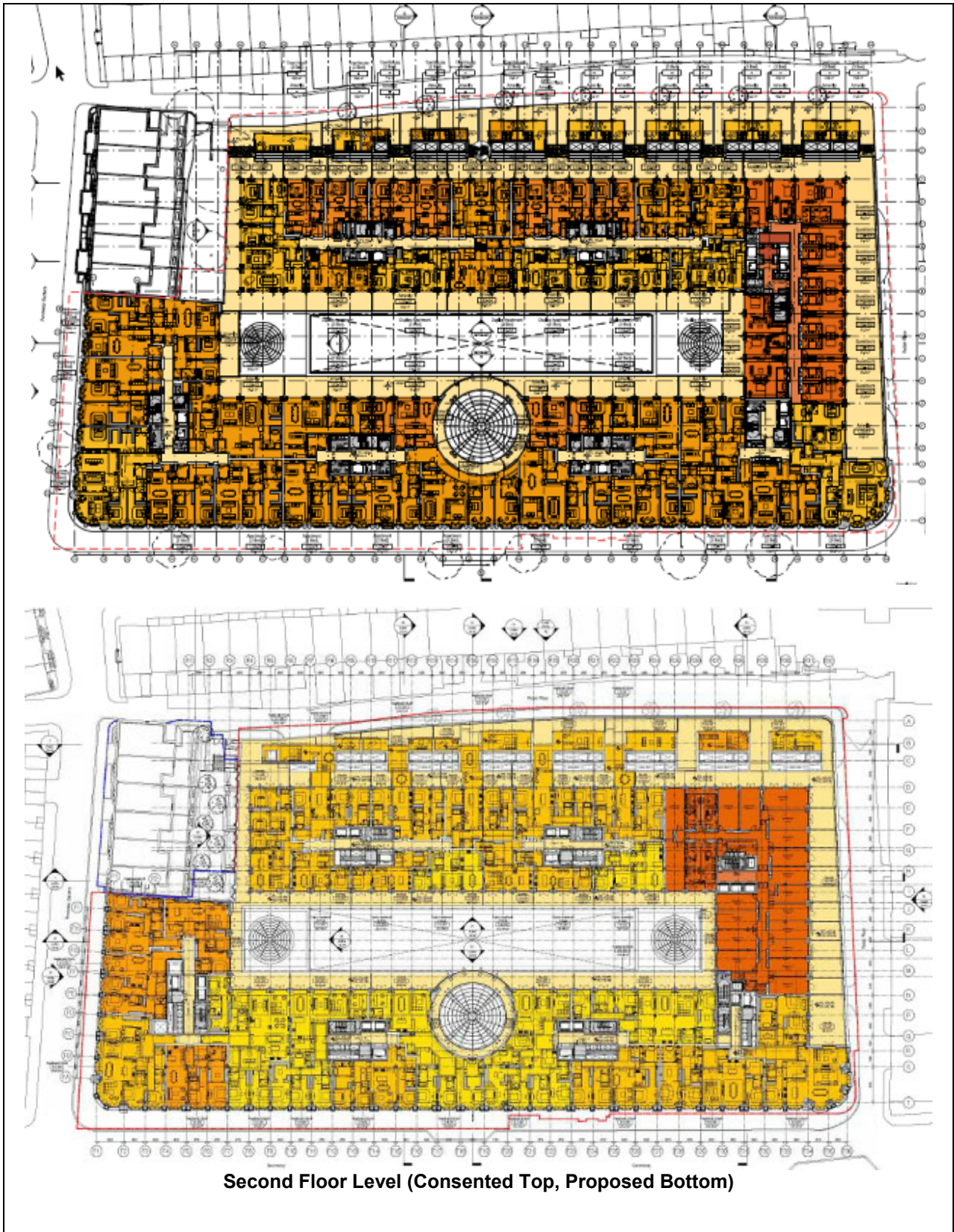


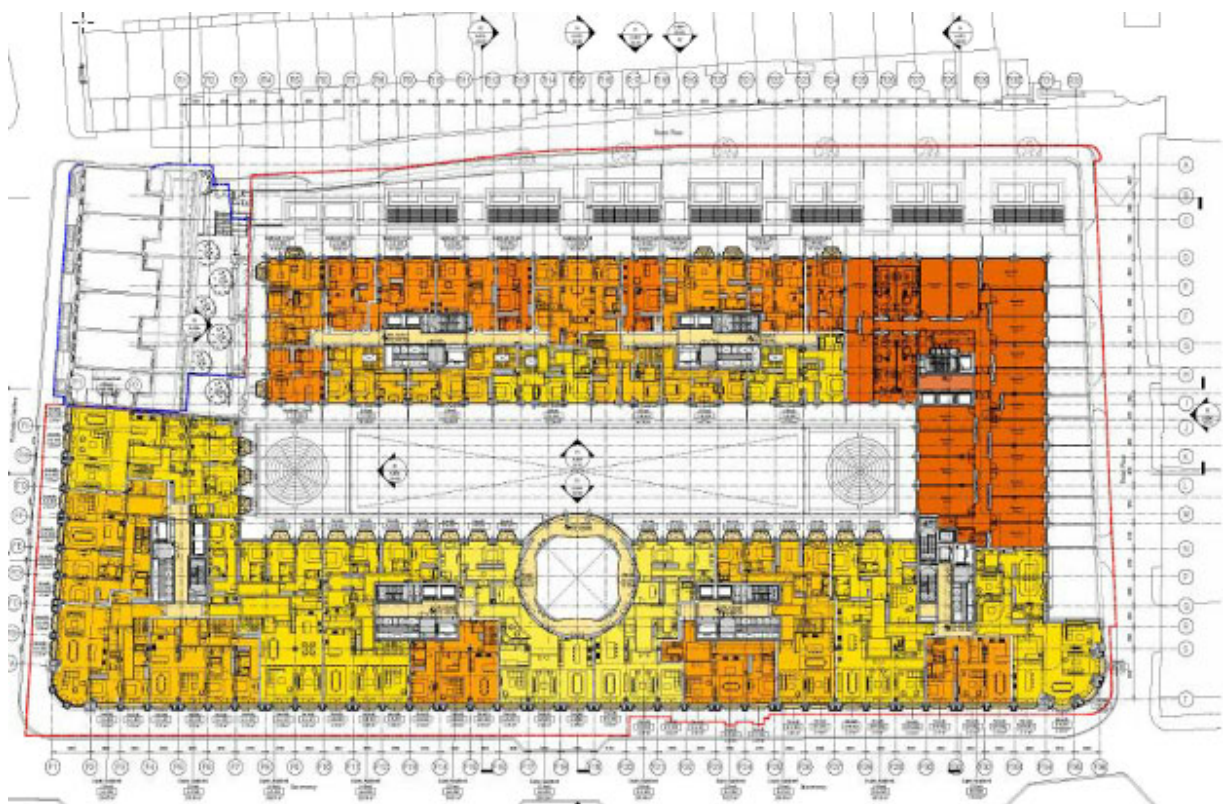
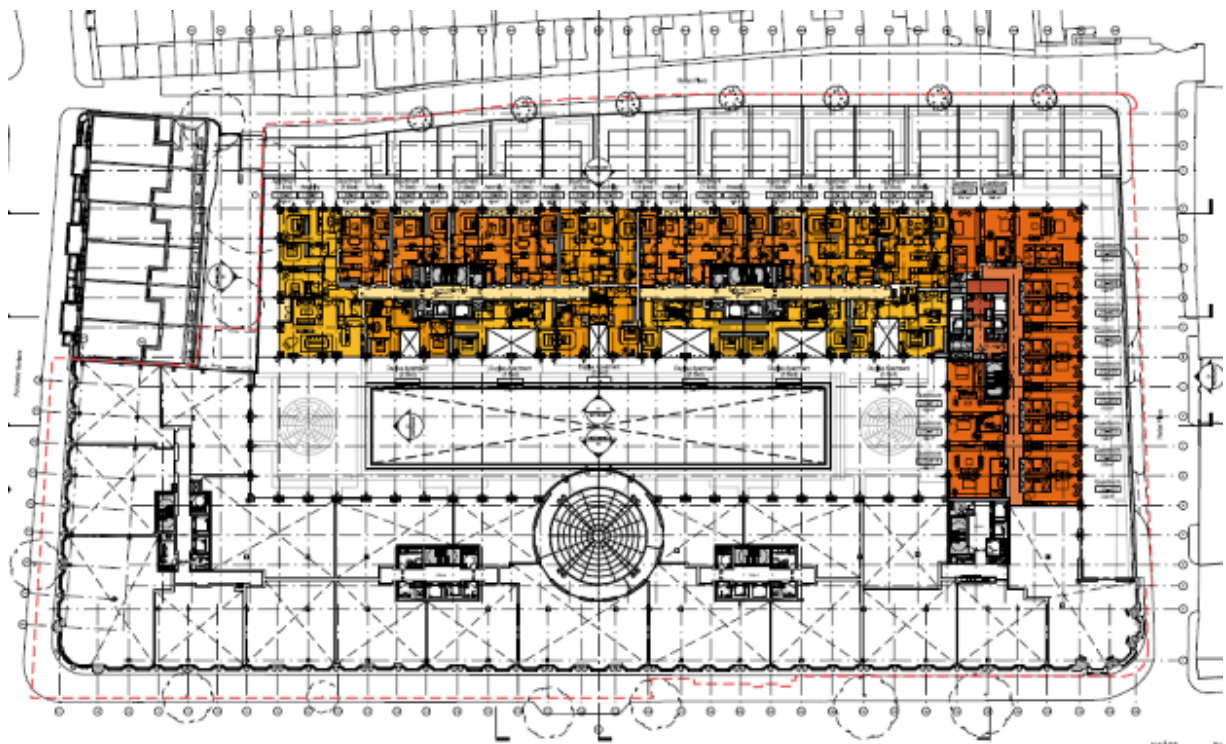
- Retail (R)
- Office (O)
- Hotel (H)
- Restaurant (AR)
- Leisure (LO)
- Residential (R)

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

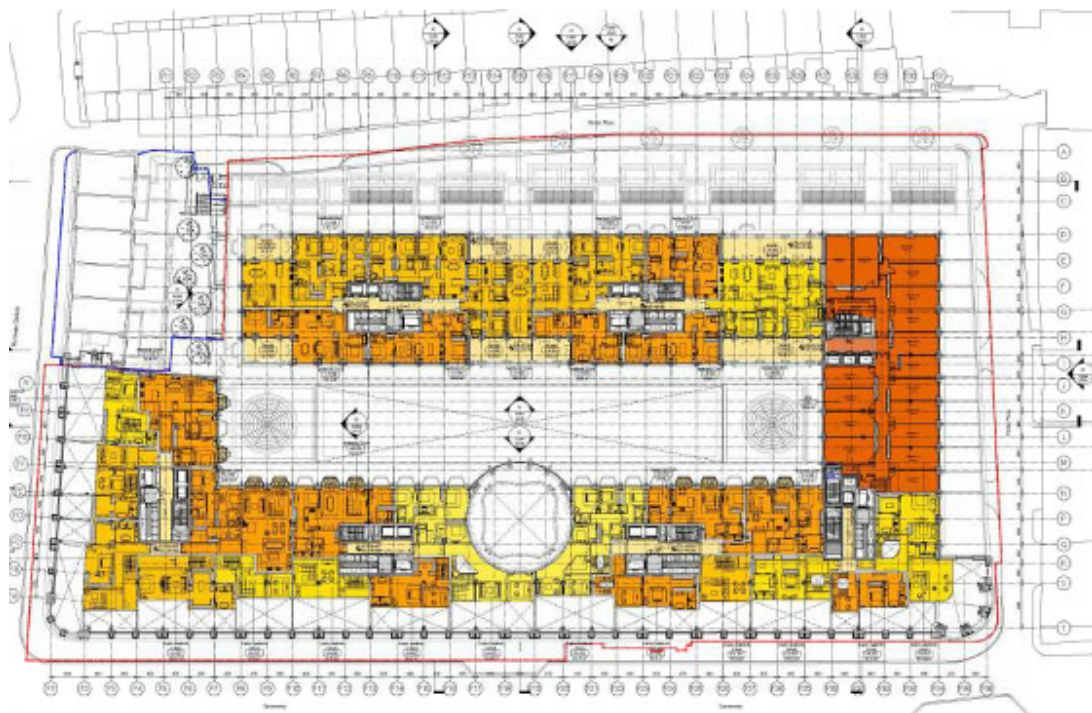
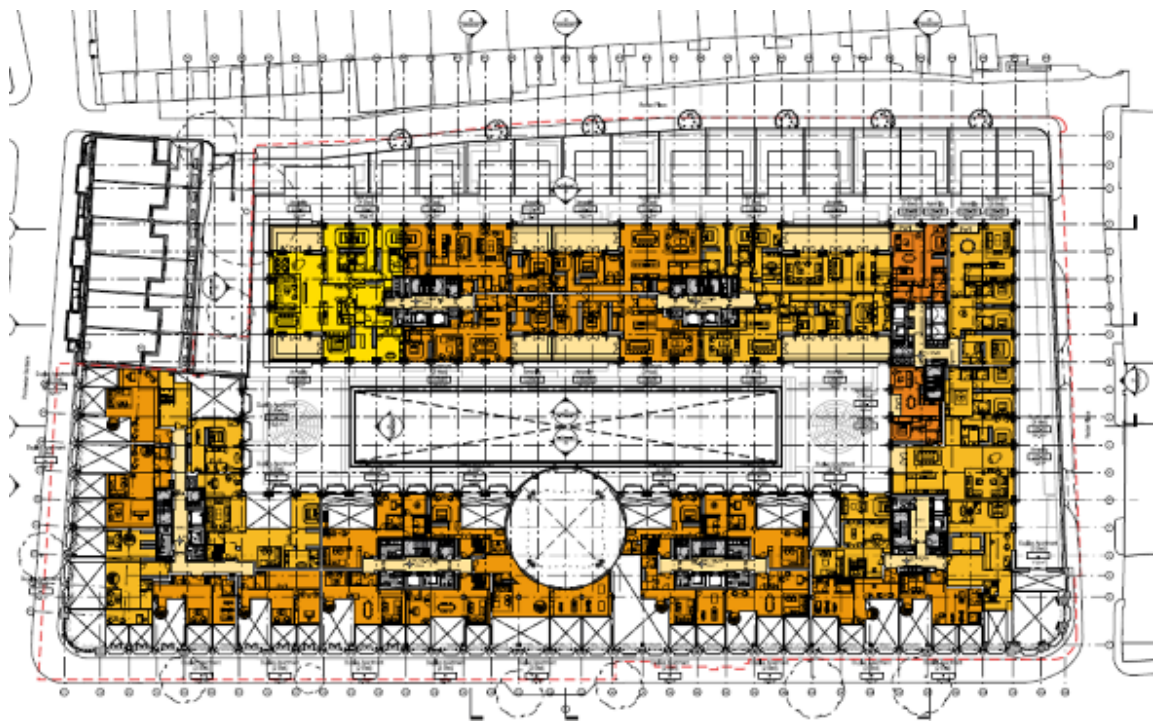
Ground Floor Plan (Consented Top, Proposed Bottom)



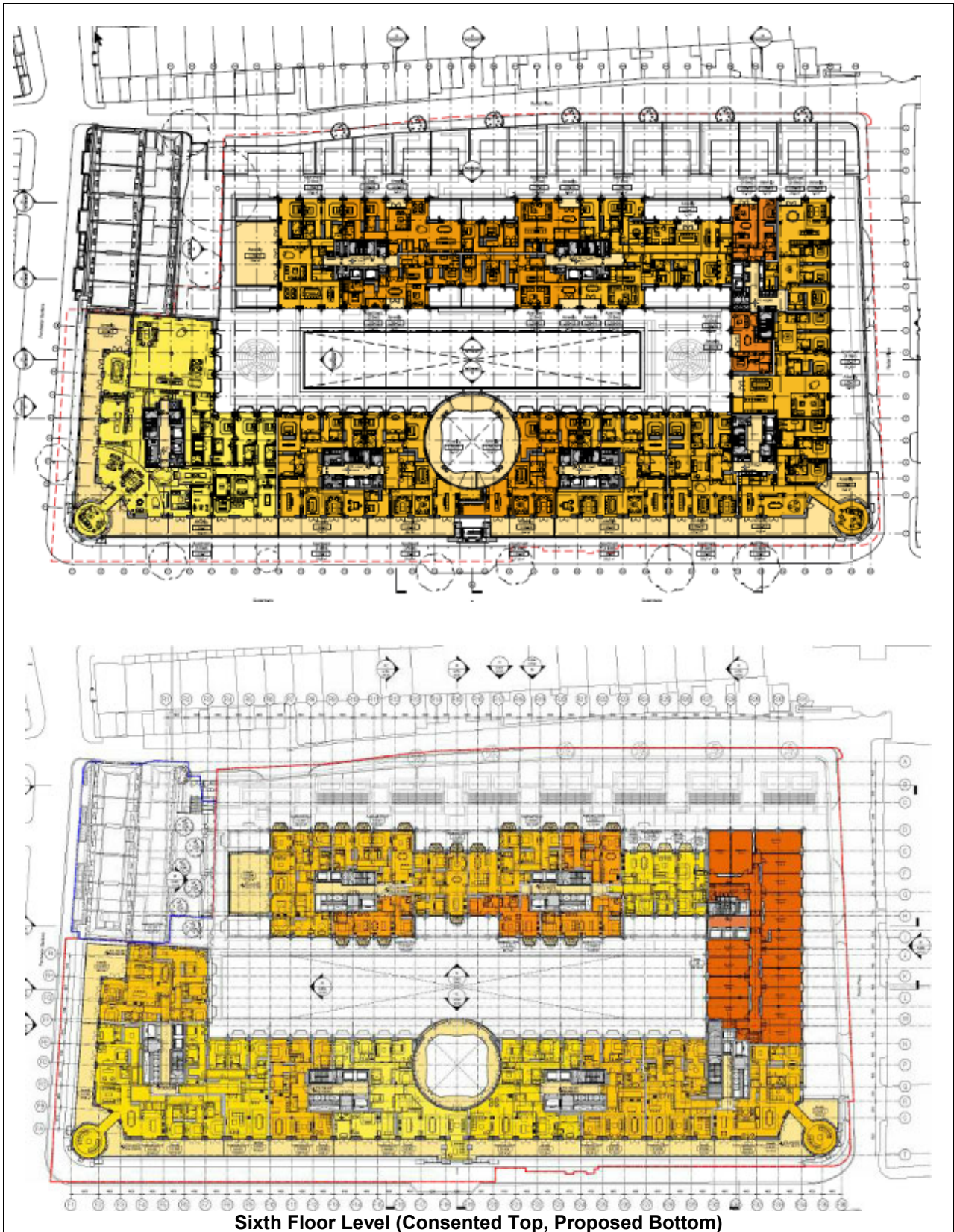




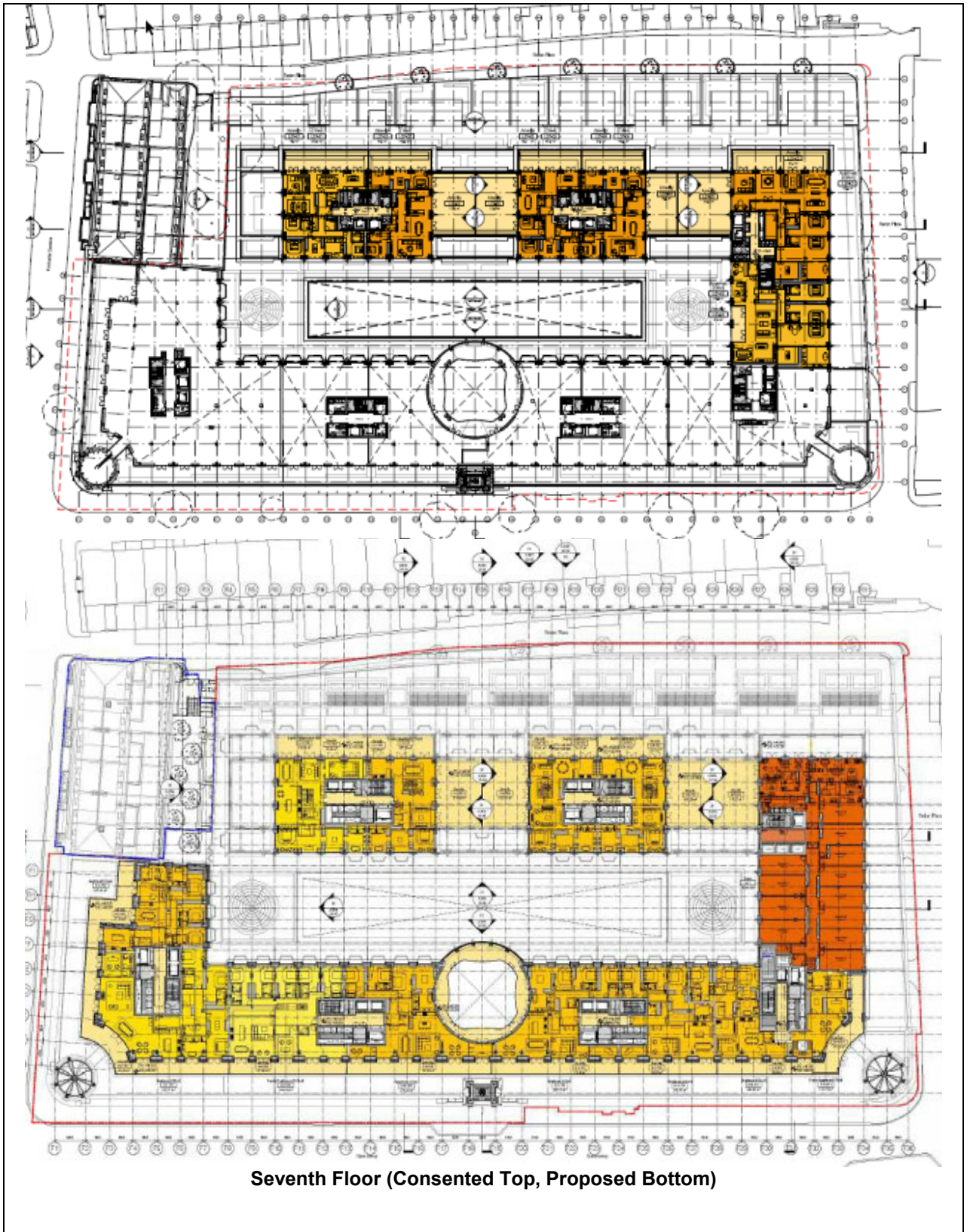
Third Floor Level (Consented Top, Proposed Bottom)

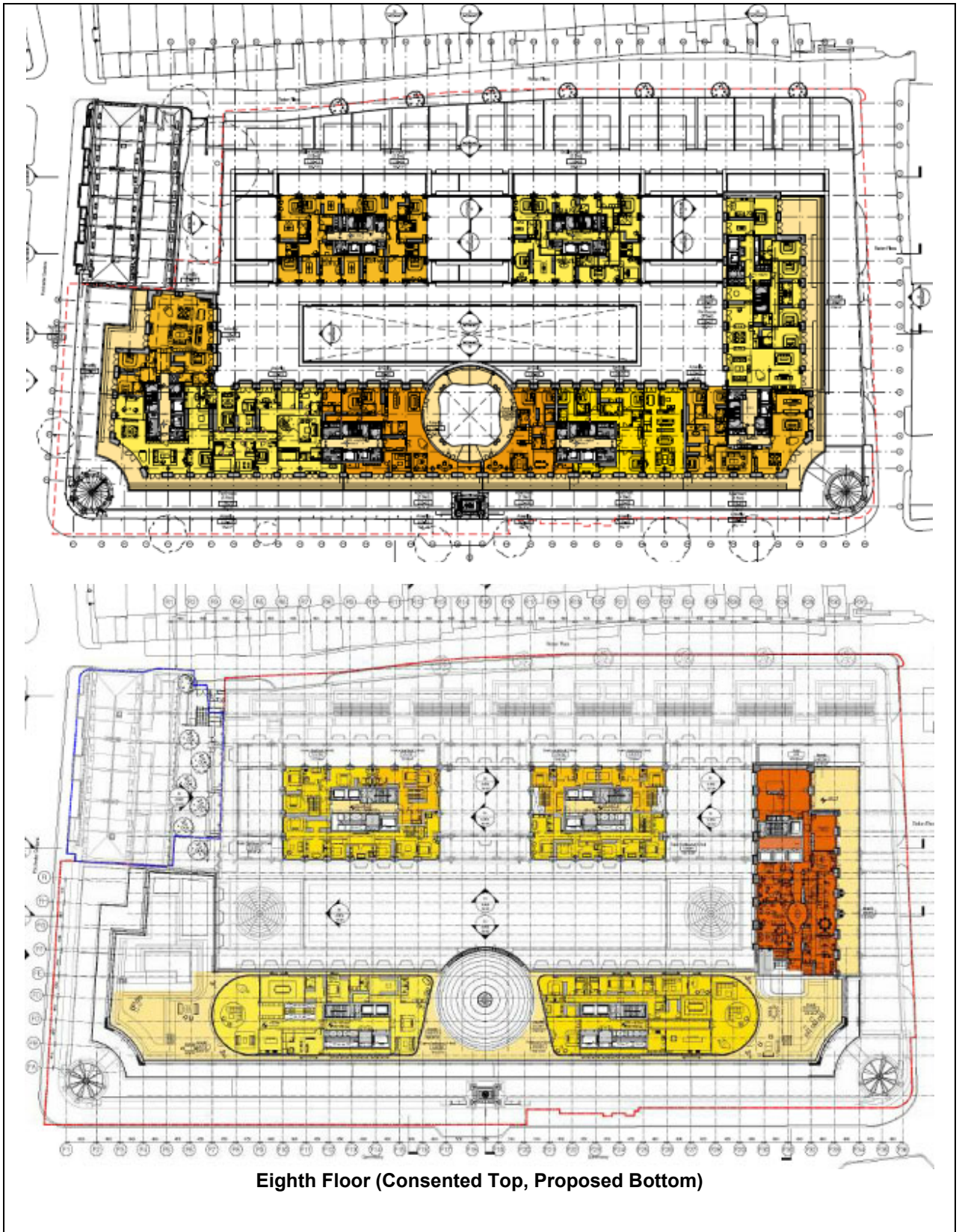


Fifth Floor Level (Consented Top, Proposed Bottom)

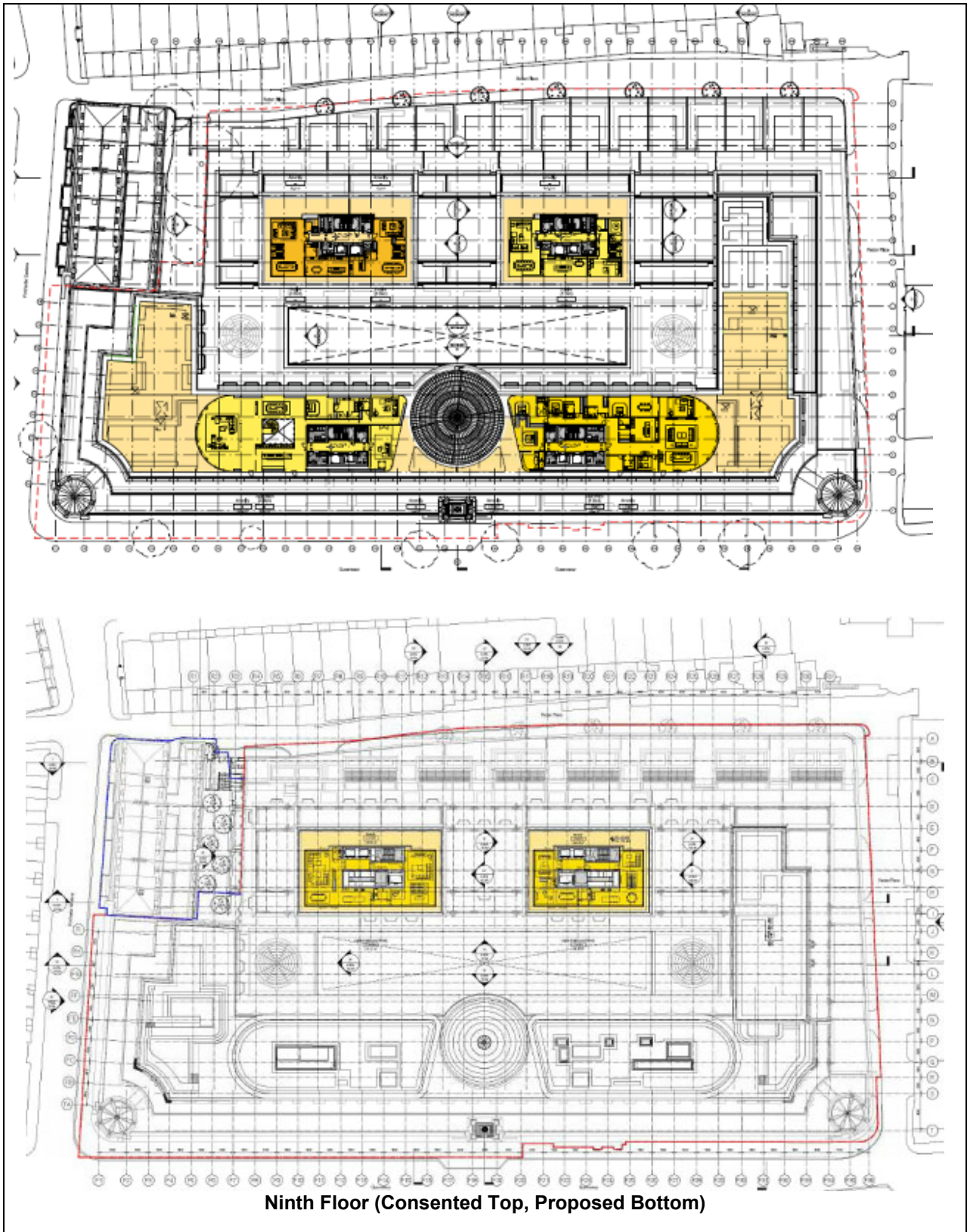


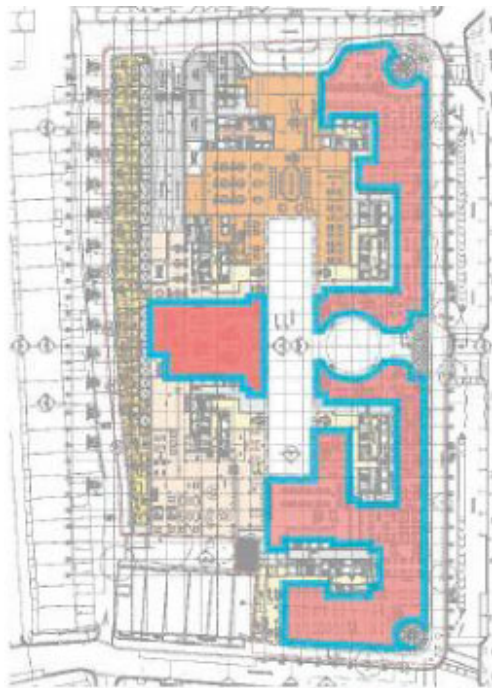
Sixth Floor Level (Consented Top, Proposed Bottom)



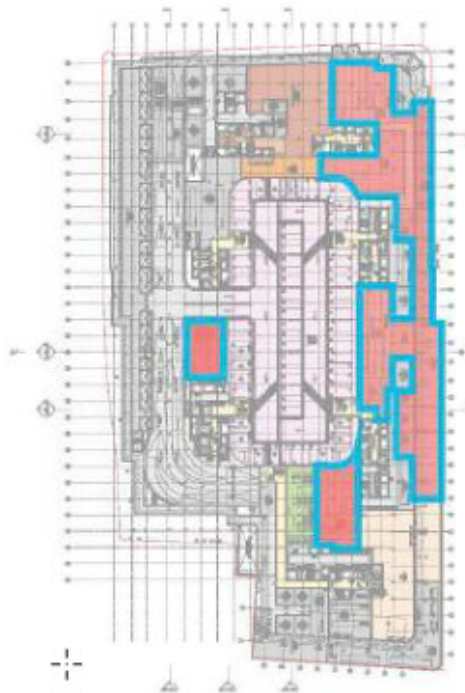


Eighth Floor (Consented Top, Proposed Bottom)





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

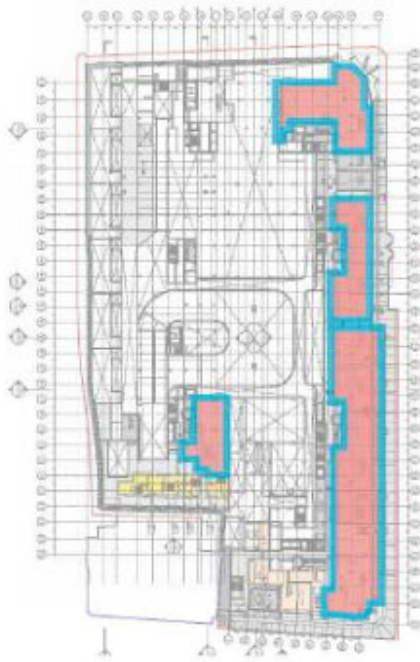


Basement Level B01 Plan - Total A1 & A3 (GEA excluding cores) : 2,406 m²

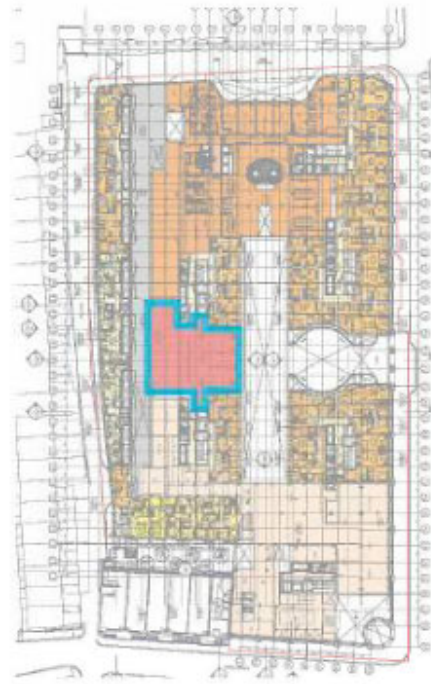


First Floor Plan - Total A1 & A3 (GEA excluding cores) : 1,262 m²

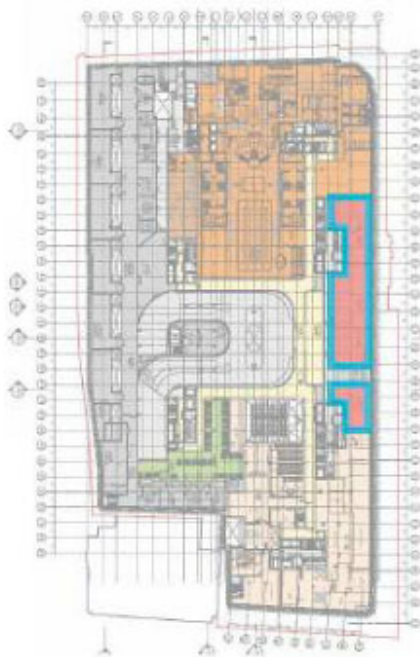
Consented Retail Floor Areas



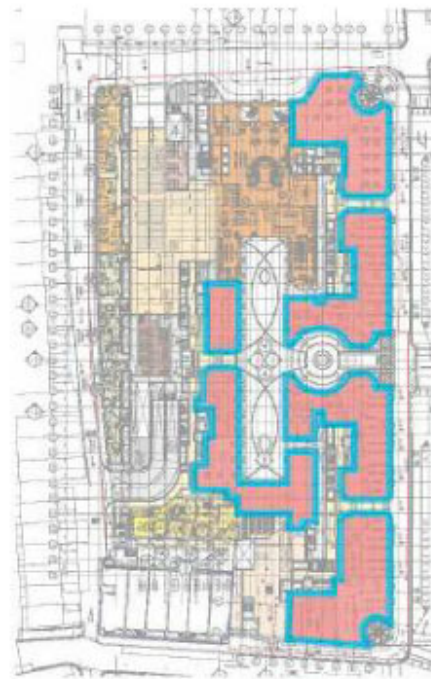
Basement Mezzanine Level D01 Plan - Total A1 & A3 (GEA excluding cores) : 2,833 m²



First Floor Plan - Total A1 & A3 (GEA excluding cores) : 613 m²

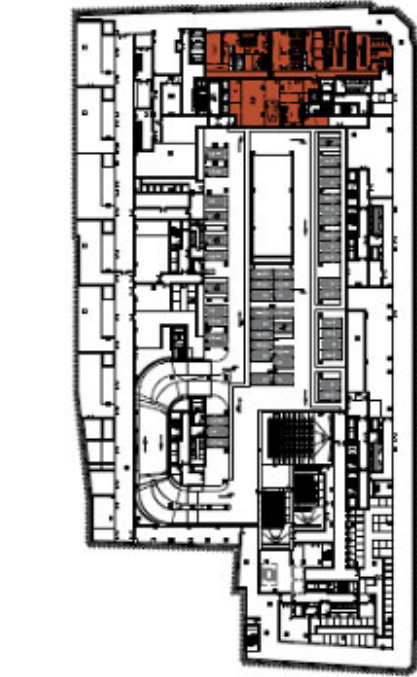


Basement Level D01 Plan - Total A1 & A3 (GEA excluding cores) : 673 m²

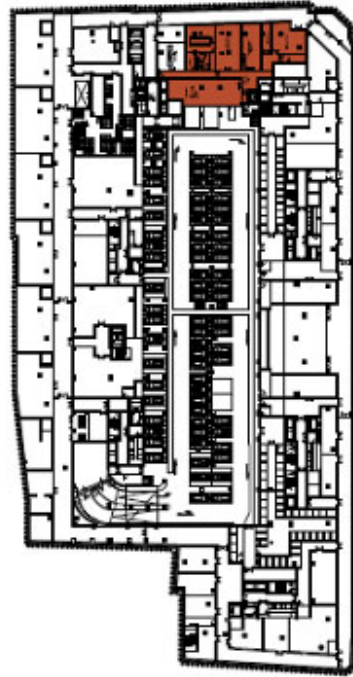


Ground Floor Plan - Total A1 & A3 (GEA excluding cores) : 3,019 m²

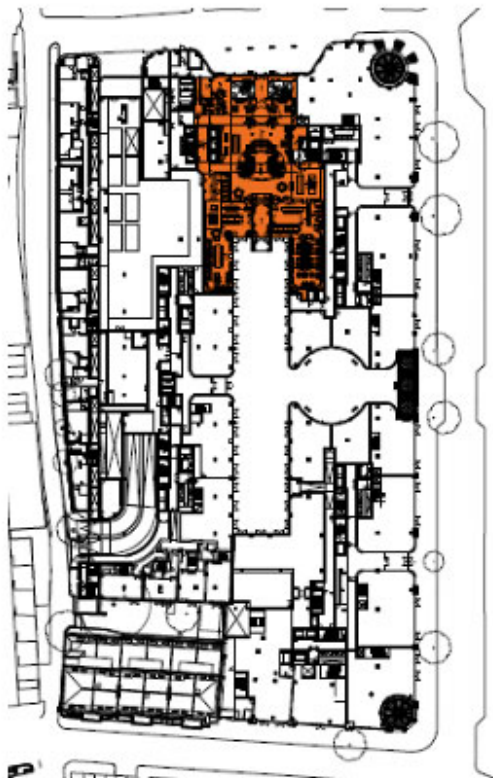
Proposed Retail Floor Areas



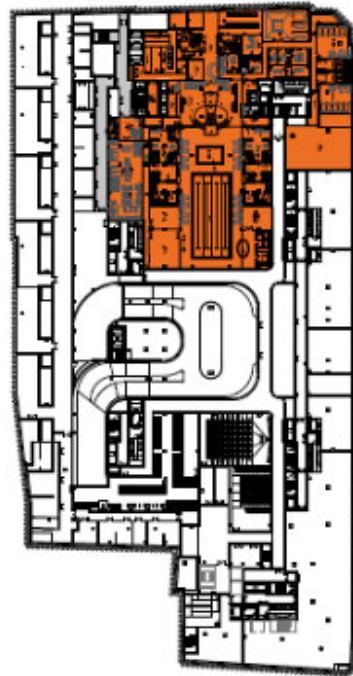
Basement 02



Basement 03



Ground floor plan

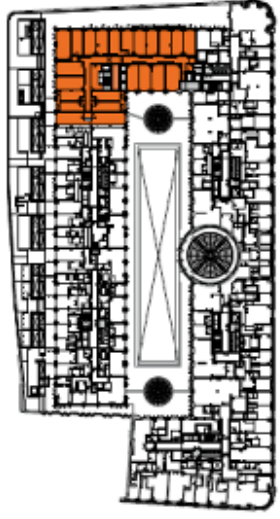


Basement 01

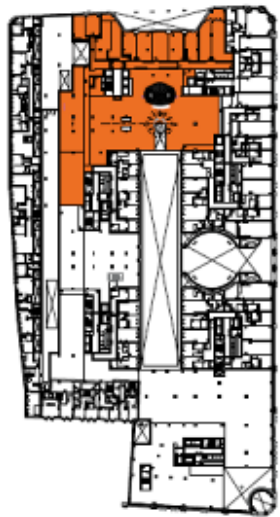
Hotel Floor Plans (Basement Level 3 to Ground Floor)

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

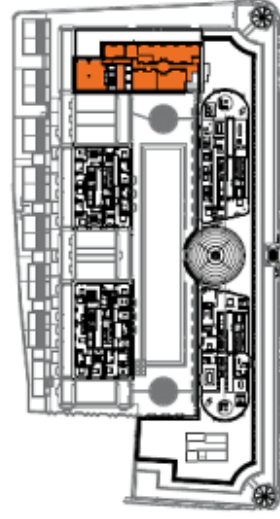
The first floor contains a large flexible space that links directly to the Ground Floor below with the relocated heritage 'La Scala' staircase.



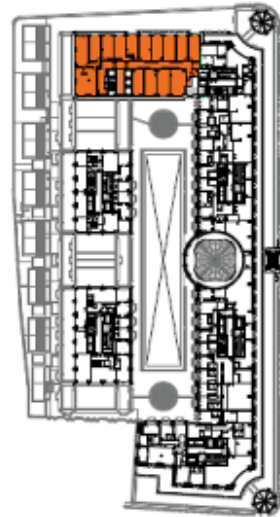
Second/Third floor plan



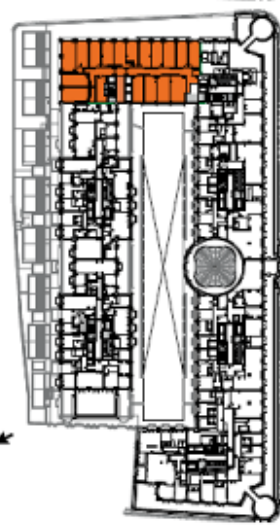
First floor plan



Eighth floor plan

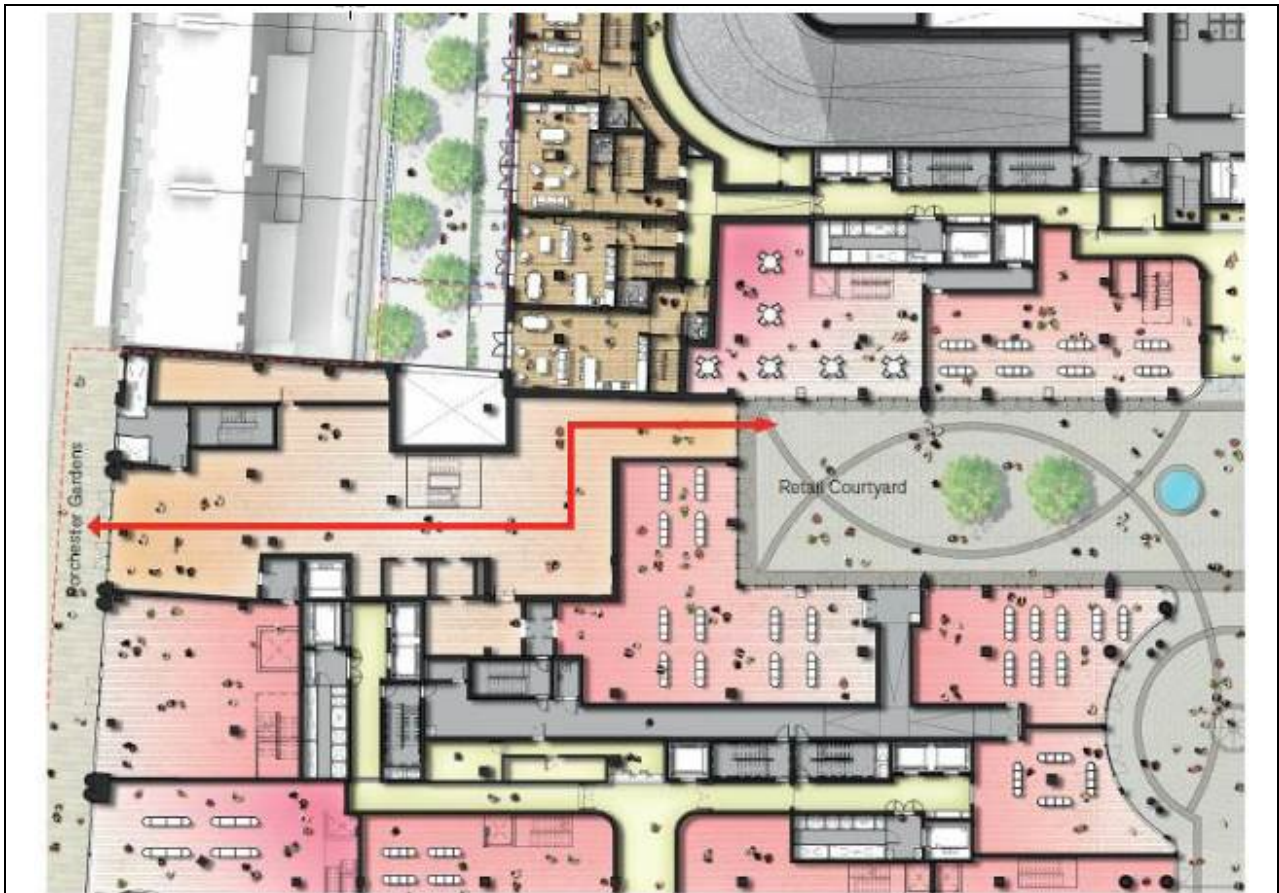


Seventh floor plan

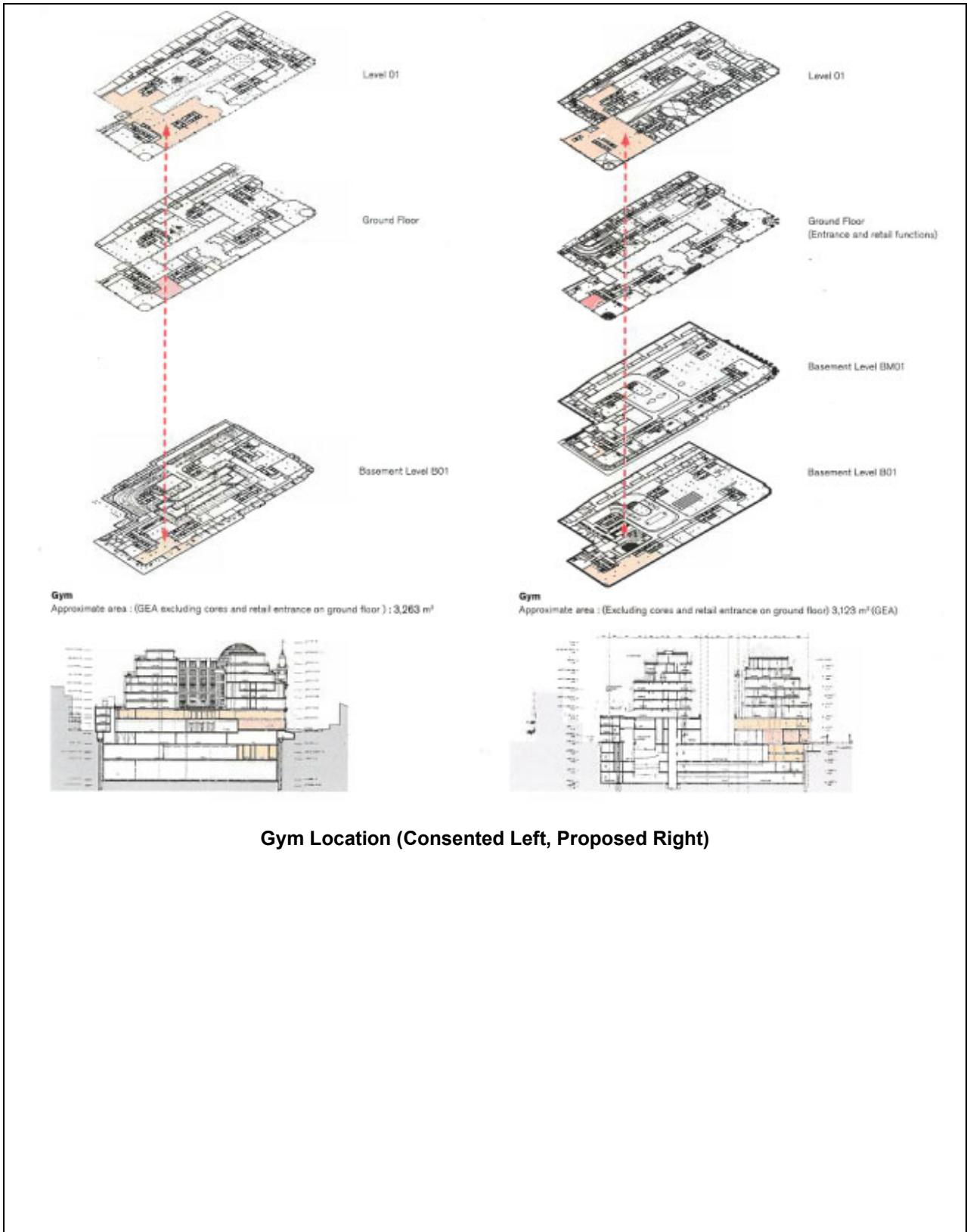


Fifth/Sixth floor plan

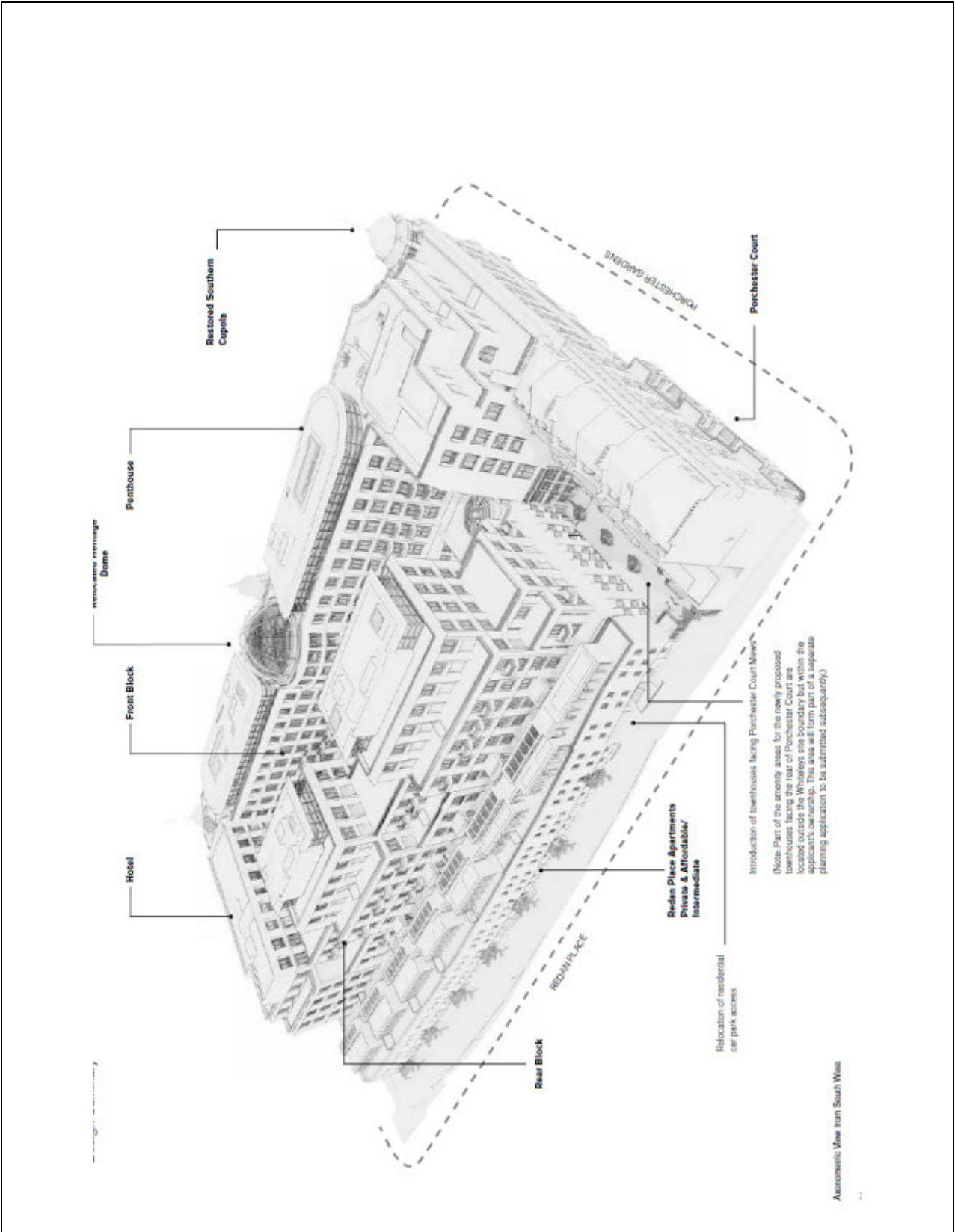
Hotel Floor Plans (First to Eighth Floors)



New Cinema Entrance from Porchester Gardens



Gym Location (Consented Left, Proposed Right)



Overview Image Showing New Townhouses to Porchester Gardens



Redan Place Townhouses as Consented



Proposed Redan Place Apartments



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



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

External Photo of Full Size Window Mock-up



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Internal Photo of Full Size Window Mock-up



DRAFT DECISION LETTER

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

Proposal: Variation of Condition 1 of planning permission dated 19 November 2018 (RN: 18/04595/FULL), which itself varied Conditions 1, 15 and 16 and removal of Condition 49 of planning permission dated 1 November 2017 (RN: 16/12203/FULL), which varied Condition 1 and removed Condition 10 of planning permission dated 27 April 2016 (RN: 15/10072/FULL) for: Demolition of and redevelopment of building behind retained and refurbished facades to Queensway and Porchester Gardens facades to provide a mixed use development comprising three basement levels, ground floor and up to 10 upper floor levels, containing 103 to 129 residential units (Class C3), retail floorspace (Class A1 and A3) facing Queensway and arranged around a new retail arcade below re-provided central atrium and central retail courtyard, public car park, hotel (Class C1), cinema (Class D2) gym (Class D2), crèche (Class D1), with associated landscaping and public realm improvements, provision of 103 basement residential parking spaces, cycle parking and associated basement level plant and servicing provision. NAMELY, variation of Condition 1 to increase number of residential units from 129 to 153 units, including 14 affordable units; amendment to townhouses along Redan Place; amendment of residential unit mix; reduction in basement excavation depth with associated amendment to car and cycle parking and basement level plant, relocation of servicing bay to ground level and removal of public car park; revisions to hotel, cinema and gym floorspace, including increase in hotel room numbers to 111 and relocation of swimming pool to hotel; removal of crèche use; and replacement of windows to parts of the historic façade with double glazed windows (Linked to 19/02374/LBC).

Reference: 19/02449/FULL

Plan Nos: **Drawings and Documents as Originally Approved on 27 April 2017 (RN: 15/10072/FULL):** A-0101-xx01-PL, A-0101-xx02-PL, A-0101-xx03-PL, A-0301-0001-PL, A-0301-0101-PL, A-0301-0201-PL, A-0301-0301-PL, A-0301-0401-PL, A-0301-b101-PL, A-0301-rf01-PL, A-0503-xx01-PL, A-0503-xx02-PL, A-0604-xx01-PL, A-0701-0001-PL, A-0701-0101-PL, A-0701-0201-PL, A-0701-0301-PL, A-0701-0401-PL, A-0701-b101-PL, A-0701-rf01-PL, A-0803-xx01-PL, A-0803-xx02-PL, A-0904-xx01-PL, A-1001-b101-PL, A-1001-b201-PL, A-1001-b301-PL/02, A-1001-0001-PL, A-1001-0001-UG-PL, A-1001-0101-PL, A-1001-0201-PL, A-1001-0301-PL, A-1001-0401-PL, A-1001-0501-PL, A-1001-0601-PL/01, A-1001-0701-PL/01, A-1001-0801-PL/01, A-1001-0901-PL/01, A-1001-1001-PL/01, A-1001-rf01-PL/01, A-1203-xx01-PL/01, A-1203-xx02-PL, A-1203-xx03-PL/01, A-1203-xx10-PL/01, A-1304-xx00-PL/01, A-1304-xx01-PL/01, A-1304-xx02-PL/01, A-1304-xx03-PL/01, A-1304-xx04-PL/01, A-1304-xx05-PL, A-1405-0002-PL, A-1405-0003-PL, A-1405-0004-PL, A-1405-0005-PL, A-1405-0006-PL, A-1405-0007-PL, A-1405-0008-PL/01, A-1405-0009-PL/01, A-1405-0201-PL, A-1405-0202-PL, A-1405-0203-PL, A-1405-0204-PL, A-1405-0205-PL, A-1405-0205A-PL, A-1405-0206-PL, A-1405-0209-PL, A-1405-0210-PL, A-1405-0211-PL, A-1405-0212-PL, A-1405-0213-PL, A-1405-0215-PL, A-1405-0218A-PL, A-1405-0219-PL, A-1405-0220-PL, A-1405-0221-PL, A-1405-0222-PL, A-1405-0223-PL, A-1405-0226-PL, A-1405-0227-PL, A-1405-0301-PL, A-1405-0302-PL, A-1405-0404-PL, A-1405-0405-PL, A-1405-0406-PL, A-1405-0409A-PL, A-1405-0501-PL, A-1405-0502-PL, A-1405-0503A-PL, A-1405-

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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-

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

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

As Amended by the Drawings and Documents Hereby Approved:

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

Item No.
1

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

Case Officer: Nathan Barrett

Direct Tel. No. 020 7641 5943

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

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

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

- (i) a construction programme including a 24 hour emergency contact number;
- (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
- (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
- (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

Reason:

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

- 4 (a) Demolition works shall be carried out in complete accordance with the Construction Logistics Plan (CLP) approved under application RN: 18/09246/ADFULL unless otherwise agreed in writing with the City Council as local planning authority.

(b) Before any construction works takes place on site, you must submit a CLP for approval by the City Council in consultation with Transport for London (TfL). This Plan needs to include the predicted number of vehicle site movements, traffic direction and controls on the local feeder roads. This document shall also include a Vehicle Movement Strategy (VMS) for vehicle operators to understand the access and egress strategy for the site.

Reason:

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

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

Reason:

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

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

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

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

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

Phase 3(b): Remediation strategy - details of this, having regard to the results of phase 3(a) and including maintenance and monitoring to protect human health and prevent pollution.

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

Reason:

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

- 7 The development hereby approved shall be carried out in accordance with the drainage strategy detailing on and off site drainage works that we approved on 23 August 2018 (RN: 18/05160/ADFULL), unless or until we approve an alternative drainage strategy in writing. No discharge of foul or surface water from the site shall occur until the relevant phase of the drainage works set out in the approved strategy has been completed. The strategy shall be implemented in accordance with the approved details prior to first occupation of any of the approved buildings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason:

To ensure that the drainage for the proposed development can be adequately maintained, and

to ensure that sufficient capacity is made available to cope with the new development and in order to avoid adverse environmental impact on the local community.

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

Reason:

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

- 9 The gymnasium in the development shall only be used for this purpose and you must not use it for any other purpose, including any other uses within Class D2 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it). Customers shall not be permitted within the gymnasium premises before 06.30 or after 23.00 each day.

Reason:

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

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

Reason:

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

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

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

The samples should demonstrate the colour, texture, face bond, pointing and means of construction (including any typical expansion/movement joints).

You must not start any work on the superstructure of the development until we have approved the sample panels. You must then carry out the work according to these approved samples.

Reason:

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

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

- i) windows;
- ii) external doors;
- iii) cills;
- iv) reveals;
- v) fascias;
- vi) shopfronts, including indicative locations and design principles for display of signage;
- vii) location and size of movement joints;
- viii) step backs in façade;
- ix) interfaces with windows;
- x) interfaces with landscaping;
- xi) interfaces with architectural metalwork;
- xii) ventilation and other services terminations at façade;
- xiii) balconies including method of drainage;
- xiv) railings and balustrades;
- xv) integral lighting
- xvi) the interface of the re-positioned entrance screen with new structure;
- xvii) the link structures to the cupolas at 6th floor level;
- xviii) the north cupola;
- xix) CCTV details and locations;
- xx) the new clock face;
- xxi) the skylights to the retail courtyard;
- xxii) new privacy screens;
- xxiii) any fixed cleaning or maintenance elements/structures.

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

Reason:

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

1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

Reason:

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

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

Reason:

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

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

Reason:

To maintain the special architectural or historic interest of this listed building as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) or Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29BC)

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

Reason:

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

10.128 of our Unitary Development Plan that we adopted in January 2007. (R16BC)

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 20 The hotel accommodation hereby approved as part of the development shall only be used for hotel purposes and you must not use it for any other purpose, including any other uses within Class C1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it). The hotel's ancillary restaurant(s) and bar(s) must be closed to non-residents of the hotel between the hours of 24.00 (midnight) to 08.00 hours.

Reason:

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

- 21 A Servicing Management Plan (SMP) for the commercial uses shall be submitted to and

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

Reason:

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

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

Reason:

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

- 23 You must provide 113 residential car parking spaces at basement levels 2 and 3 for the 153 residential flats as shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

Reason:

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

- 24 You must provide long stay cycle parking spaces in accordance with the approved drawings prior to occupation of the commercial and the residential uses. Thereafter the cycle spaces must be retained, and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 28 You must apply to us for approval of details of secure short stay cycle storage on the application site and for the commercial and residential uses. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the short stay cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

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

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

Reason:

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

- 30 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)
- Reason:
In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)
- 31 Any structure (including awnings, canopies and signage) over the footway (public highway) must maintain 2.6 metre vertical clearance from the footway surface at all times and not extend closer than 1 metre to the kerb edge.
- Reason:
In the interests of public safety as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)
- 32 Before the commercial and residential uses are occupied, you must apply to us with an updated Operational Waste Strategy that contains measures to prevent waste and recycling being manoeuvred and/or left on public highway. You must then operate the commercial and residential uses in accordance with the updated Operational Waste Strategy approved by the City Council as local planning authority. You must also permanently retain the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using/ occupying the residential and commercial uses.
- Reason:
To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)
- 33 No coaches shall drop off or collect guests using the hotel.
- Reason:
In the absence of any dedicated coach parking for the proposed hotel use and in the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan adopted in November 2016 and TRANS 2, TRANS 3 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.
- 34 Before you begin to use the new commercial accommodation you must apply to us for approval of a Travel Plan. The Travel Plan must include details of:
- (a) A comprehensive survey of all users of the commercial accommodation
 - (b) Details of local resident involvement in the adoption and implementation of the Travel Plan;
 - (c) Targets set in the Plan to reduce car journeys to the development ;
 - (d) Details of how the Travel Plan will be regularly monitored and amended, if necessary, if targets identified in the Plan are not being met over a period of 5 years from the date the new commercial buildings are occupied.

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

Reason:

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

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

Reason:

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

- 36 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

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

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping

equipment;

(c) Manufacturer specifications of sound emissions in octave or third octave detail;

(d) The location of most affected noise sensitive receptor location and the most affected window of it;

(e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;

(f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

(g) The lowest existing L A90, 15 mins measurement recorded under (f) above;

(h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;

(i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

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

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

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

Reason:

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

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

Reason:

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

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

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise. (R49AA)

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

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

Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AB)

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

Reason:

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

- 45 The measures as set out in the Design Recommendations in the revised Flood Risk Assessment Addendum dated December 2016; namely, the installation of a flood barrier to the basement entrance in Redan Place, a pumped drainage network to Basement Level 3, the position of electrical fittings, the provision of sealed food proof doors within the basement and a suitable sustainable drainage system (details of which are reserved by Condition 7), shall be implemented prior to the occupation of the development. These measures shall not be removed unless approved by the City Council.

Reason:

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

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

Reason:

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

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

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

Reason:

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

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

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

Reason:

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

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

Reason:

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

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

Reason:

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

Informative(s):

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

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

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

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

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

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

Thames Water Utilities Ltd
Development Planning
Maple Lodge STW
Denham Way
Rickmansworth
Hertfordshire

WD3 9SQ
Tel: 01923 898072
Email: Devcon.Team@thameswater.co.uk

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

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

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

Phone: 020 7641 2000

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

- 5 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- * any extra work which is necessary after further assessments of the building's condition;
- * stripping out or structural investigations; and
- * any work needed to meet the building regulations or other forms of statutory control.

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

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

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

1. The number of nights in any single calendar year in which the property is used to provide

'temporary sleeping accommodation' does not exceed 90 [ninety].

2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

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

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

- 7 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 8 This permission is governed by a legal agreement between the applicant and the City Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to provision of 14 intermedaite affordable units on-site, highway works associated with the development including the Stopping Up and Dedication of Land, a play space contribution, adherence to the Construction Code of Practice, Site Environmental Management Plan and construction monitoring, provision of a cinema and the social and community uses (gym and D1/D2 unit), employment, training and skills provision, a management strategy for the shopping centre and hotel uses including the distribution of A1/A3 in the centre, provision of lifetime car club membership and provision of Section 106 monitoring costs.
- 9 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)
- 10 Under Section 8(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, you cannot demolish a listed building unless you have given Historic England the opportunity to make a record of the building. You must give given Historic England at least 30 days' notice before you start demolition work. And within that period you must allow its officers reasonable access to the building. Historic England's address is:

Historic England, Architectural Investigations Section
1 Waterhouse Square
138-142 Holborn

London
EC1 2ST

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

- 11 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

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

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

Phone: 020 7641 3153
(I73AB)

- 13 Please contact a Metropolitan Police Crime Prevention Design Adviser about suitable security measures for your development. You should also check whether these features will need planning approval.

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

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

- 14 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM_s). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM_s, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)
- 15 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
- * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
 - * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.
- Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.
- It is now possible for local authorities to prosecute any of the relevant parties with respect to non-compliance with the CDM Regulations after the completion of a building project, particularly if such non-compliance has resulted in a death or major injury.
- 16 You should include features that improve biodiversity when designing the development and any open areas. For more advice, please speak to our Biodiversity Project Manager on 020 7641 1951. (I81AA)
- 17 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at www.hse.gov.uk/pubns/indg244.pdf. (I80DB)
- 18 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
- * Window cleaning - where possible, install windows that can be cleaned safely from

within the building.

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

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

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

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

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

- 19 Buildings must be provided with appropriate welfare facilities for staff who work in them and for visiting members of the public.

Detailed advice on the provision of sanitary conveniences, washing facilities and the provision of drinking water can be found in guidance attached to the Workplace (Health, Safety and Welfare) Regulations 1992. www.opsi.gov.uk/SI/si1992/Uksi_19923004_en_1.htm

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

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

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

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

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

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

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

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

- 22 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 23 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 24 Stopping Up: The area hatched red on drawing number A13039-T-106 must be stopped up prior to the commencement of the development and at no cost to the City Council, subject to any minor alterations to be agreed by the City Council as Local Highway Authority.
- 25 Dedication of Land: The area hatched blue on drawing number A13039-T-106 must be dedicated prior to the occupation of the development , at no cost to the City Council, subject to minor alterations agreed by the City Council as Local Highway Authority.
- 26 In respect of the piling condition recommended by Thames Water you are advised to contact Thames Water Development Services on 0800 009 3921 to discuss the details of the piling method statement.
- 27 Thames Water expects the developer to demonstrate what measures he will undertake to minimise ground water discharges into the public sewer. They advise that a Groundwater Risk Management Permit will be required to discharge groundwater into the public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water expects a developer to demonstrate what measures will be undertaken to minimise ground water discharges into the public sewer.

Permit enquiries should be made to Thames Water Risk Management Team by telephoning 0203 577 9483 or emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via ww.thameswater.co.uk/wastewaterquality

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

DRAFT DECISION LETTER

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

Proposal: Variation of Condition 1 of planning permission dated 19 November 2018 (RN: 18/04595/FULL), which itself varied Conditions 1, 15 and 16 and removal of Condition 49 of planning permission dated 1 November 2017 (RN: 16/12203/FULL), which varied Condition 1 and removed Condition 10 of planning permission dated 27 April 2016 (RN: 15/10072/FULL) for: Demolition of and redevelopment of building behind retained and refurbished facades to Queensway and Porchester Gardens facades to provide a mixed use development comprising three basement levels, ground floor and up to 10 upper floor levels, containing 103 to 129 residential units (Class C3), retail floorspace (Class A1 and A3) facing Queensway and arranged around a new retail arcade below re-provided central atrium and central retail courtyard, public car park, hotel (Class C1), cinema (Class D2) gym (Class D2), crèche (Class D1), with associated landscaping and public realm improvements, provision of 103 basement residential parking spaces, cycle parking and associated basement level plant and servicing provision. NAMELY, variation of Condition 1 to increase number of residential units from 129 to 153 units, including 14 affordable units; amendment to townhouses along Redan Place; amendment of residential unit mix; reduction in basement excavation depth with associated amendment to car and cycle parking and basement level plant, relocation of servicing bay to ground level and removal of public car park; revisions to hotel, cinema and gym floorspace, including increase in hotel room numbers to 111 and relocation of swimming pool to hotel; removal of crèche use; and replacement of windows to parts of the historic façade with double glazed windows (linked to 19/02449/FULL).

Plan Nos: **Drawings and Documents as Originally Approved on 27 April 2017 (RN: 15/10072/FULL):** A-0101-xx01-PL, A-0101-xx02-PL, A-0101-xx03-PL, A-0301-0001-PL, A-0301-0101-PL, A-0301-0201-PL, A-0301-0301-PL, A-0301-0401-PL, A-0301-b101-PL, A-0301-rf01-PL, A-0503-xx01-PL, A-0503-xx02-PL, A-0604-xx01-PL, A-0701-0001-PL, A-0701-0101-PL, A-0701-0201-PL, A-0701-0301-PL, A-0701-0401-PL, A-0701-b101-PL, A-0701-rf01-PL, A-0803-xx01-PL, A-0803-xx02-PL, A-0904-xx01-PL, A-1001-b101-PL, A-1001-b201-PL, A-1001-b301-PL/02, A-1001-0001-PL, A-1001-0001-UG-PL, A-1001-0101-PL, A-1001-0201-PL, A-1001-0301-PL, A-1001-0401-PL, A-1001-0501-PL, A-1001-0601-PL/01, A-1001-0701-PL/01, A-1001-0801-PL/01, A-1001-0901-PL/01, A-1001-1001-PL/01, A-1001-rf01-PL/01, A-1203-xx01-PL/01, A-1203-xx02-PL, A-1203-xx03-PL/01, A-1203-xx10-PL/01, A-1304-xx00-PL/01, A-1304-xx01-PL/01, A-1304-xx02-PL/01, A-1304-xx03-PL/01, A-1304-xx04-PL/01, A-1304-xx05-PL, A-1405-0002-PL, A-1405-0003-PL, A-1405-0004-PL, A-1405-0005-PL, A-1405-0006-PL, A-1405-0007-PL, A-1405-0008-PL/01, A-1405-0009-PL/01, A-1405-0201-PL, A-1405-0202-PL, A-1405-0203-PL, A-1405-0204-PL, A-1405-0205-PL, A-1405-0205A-PL, A-1405-0206-PL, A-1405-0209-PL, A-1405-0210-PL, A-1405-0211-PL, A-1405-0212-PL, A-1405-0213-PL, A-1405-0215-PL, A-1405-0218A-PL, A-1405-0219-PL, A-1405-0220-PL, A-1405-0221-PL, A-1405-0222-PL, A-1405-0223-PL, A-1405-0226-PL, A-1405-0227-PL, A-1405-0301-PL, A-1405-0302-PL, A-1405-0404-PL, A-1405-0405-PL, A-1405-0406-PL, A-1405-0409A-PL, A-1405-0501-PL, A-1405-0502-PL, A-1405-0503A-PL, A-1405-0505-PL, A-1405-0506-PL, A-1405-0507-PL, A-1405-0510-PL, A-1405-0601-PL/01, A-1405-0602-PL, A-1405-0603-PL, A-1405-0604-PL, A-1405-0604A-PL, A-1405-

0605-PL, A-1405-0608-PL, A-1405-0609-PL, A-1405-0610-PL, A-1405-0613-PL, A-1405-0614-PL, A-1405-0701-PL, A-1405-0702-PL, A-1405-0705-PL, A-1405-0801-PL/01, A-1405-0802-PL, A-1405-0803-PL, A-1405-0805-PL, A-1405-0806-PL, A-1405-0807-PL, A-1405-0810-PL, A-1405-0901-PL, A-1405-0903-PL, A-1405-0904-PL.

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

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

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

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

As Amended by the Drawings and Documents Hereby Approved:

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

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

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

Case Officer: Nathan Barrett

Direct Tel. No. 020 7641 5943

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

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

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

Reason:
To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Queensway Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)
- 3 You must apply to us for approval of a detailed window schedule which demonstrates the extent of re-used historic window fabric (including window ironmongery). The schedule should clarify where re-used fabric is to be positioned and incorporated within the new window system to the historic retained facades. You must not install any windows to the historic facades until we have approved this schedule. You must then carry out the work according to this approved schedule.

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

- 4 You must replace the patterned stone floor behind the column line within the main entrance area and the floor finishes to the circular covered corners to the retained facade in accordance with the details we approved on 15 October 2018 (RN: 18/07190/ADLBC) unless or until we approve alternative details for these parts of the works. If we approve alternative details you must then carry out the work according to the alternative details we approve.

Reason:

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

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

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

- A detailed methodology for the re-assembly/ repositioning of the stone entrance screen, the central staircase and the central dome. You must not start construction on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these approved details.

Reason:

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

- 6 You must carry out the works in complete accordance with the Level 4 survey approved under application RN: 19/06292/ADLBC unless otherwise agreed with the City Council as local planning authority.

Reason:

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

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

i) the re-created central atrium, including details of columns, balconies, balustrades and the second floor glazed screen;

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

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

Reason:

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

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

Reason:

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

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

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

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

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

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

Reason:

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

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

Reason:

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

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework July 2018, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would result in less than substantial harm to the special architectural and historic interest of this listed building and this harm would be outweighed by the public benefits of the development.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- * any extra work which is necessary after further assessments of the building's condition;
- * stripping out or structural investigations; and
- * any work needed to meet the building regulations or other forms of statutory control.

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

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

- 3 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)

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

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

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

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

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Agenda Item 2

Item No.
2

CITY OF WESTMINSTER			
PLANNING (MAJOR) APPLICATIONS SUB COMMITTEE	Date 8 October 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	Development site at 127-143 Oxford Street, 53-55 Berwick Street and 199-205 Wardour Street, London		
Proposal	Demolition of 127 Oxford Street and 205 Wardour Street, 129-131 Oxford Street, 133-135 Oxford Street (including 53-54 Berwick Street and 201 Wardour Street) (behind retained Oxford, Wardour and Berwick Street facades and partially retained interior), 137 Oxford Street, 139-143 Oxford Street (behind retained façade), 199 Wardour Street (behind retained front and rear façades) and 55 Berwick Street. Excavation to provide new Basement 02 level. Redevelopment of site to provide ancillary plant and facilities at Basement 02 and part Basement 01 level; nightclub (sui generis) at part Basement 01 and 02 with ground floor entrance at No. 55 Berwick Street; retail (Class A1) floorspace at part Basement 01, part ground and part first floor levels; office (Class B1) at part ground, part first and second to sixth floor levels, and roof top plant.		
Agent	JLL		
On behalf of	Daejan Investments Limited		
Registered Number	19/05171/FULL and 19/05172/LBC	Date amended/ completed	3 July 2019
Date Application Received	3 July 2019		
Historic Building Grade	Grade II -133-135 Oxford Street (including 53-54 Berwick Street and 201 Wardour Street).		
Conservation Area	Soho (except 205 Wardour Street / 127 Oxford Street and 129 - 131 Oxford Street).		

1. RECOMMENDATION

<p>1. Grant conditional permission subject to a legal agreement to secure the following:</p> <p>a) A contribution to the City Council's Affordable Housing Fund of £1,735,000 (index linked), payable prior to commencement of development.</p> <p>b) A Carbon Offset Contribution of £70,000 (index linked), payable prior to commencement of development.</p> <p>c) Undertaking of highways works in the vicinity of the site, including alterations to the crossroad of Oxford Street, Wardour Street and Berners Street including but not necessarily limited to kerb line alterations (to enable widening of the footway outside the site on Wardour Street),</p>
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- wayleaving of street light in Wardour Street onto the application site's frontage, associated traffic order making, alterations to crossing points, associated carriageway marking positions and any other associated works to accommodate the development (highways works to have been agreed and alterations to traffic orders to have been confirmed prior to commencement of development).
- d) A contribution of £89,000 (index linked) to support the Westminster Employment Service (payable prior to the commencement of development).
 - e) The re-provision of a nightclub (Sui Generis) on site to shell and core (ready for tenant fit out) prior to the occupation of any of the office floorspace on site.
 - f) The costs of monitoring the S106 legal agreement.
2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:
- a) The Director of Place Shaping and Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
 - b) The Director of Place Shaping and Planning shall consider whether the permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Place Shaping and Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. That Committee authorises the making of a draft order pursuant to s247 or s248 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway. That the Director of Place Shaping and Planning, Executive Director of City Management and Communities, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.
4. Grant conditional listed building consent
5. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

The application site comprises a group of buildings within the Core Central Activities Zone (Core CAZ) bound by Oxford Street, Wardour Street and Berwick Street. With the exception of 205 Wardour Street / 127 Oxford Street and 129 - 131 Oxford Street, the site is located within the Soho Conservation Area. Ilford House (133-135 Oxford Street (including 53-54 Berwick Street and 201 Wardour Street)) is Grade II listed. The site is in use as retail units over basement and ground floor levels fronting onto Oxford Street, a language school and offices on the upper floors, three nightclubs at rear ground and Basement 01 floor levels, a restaurant at 55 Berwick Street and a sandwich shop (Class A1) at front ground and part basement and offices at part basement, rear ground first, second, third and fourth floors at 199 Wardour Street.

The application proposes the demolition in their entirety of 205 Wardour Street / 127 Oxford Street, 129 - 131 Oxford Street, 55 Berwick Street and 137 Oxford Street. 139-143 Oxford Street (Berwick

House) is proposed to be demolished behind a retained façade that will then be raised up by 1.25m in order for the floorplates to align with the rest of the development. Substantial demolition is proposed to Ilford House, although parts of the interior and its three facades are proposed to be retained. The basement, as well as front and rear facades of 199 Wardour Street is proposed to be retained, albeit with substantial demolition of the ground, first floor rear elements and the interior. Excavation is proposed to expand the existing Basement 02 level.

The site is proposed to be redeveloped through the erection of a part six / part seven storey building behind the retained / altered facades for use as a nightclub over Basement 01 and Basement 02 levels (accessed from Berwick Street), retail units fronting onto Oxford Street over Basement 01, ground and first floor levels, and offices over second to sixth floor levels (accessed from a lobby / reception within 199 Wardour Street).

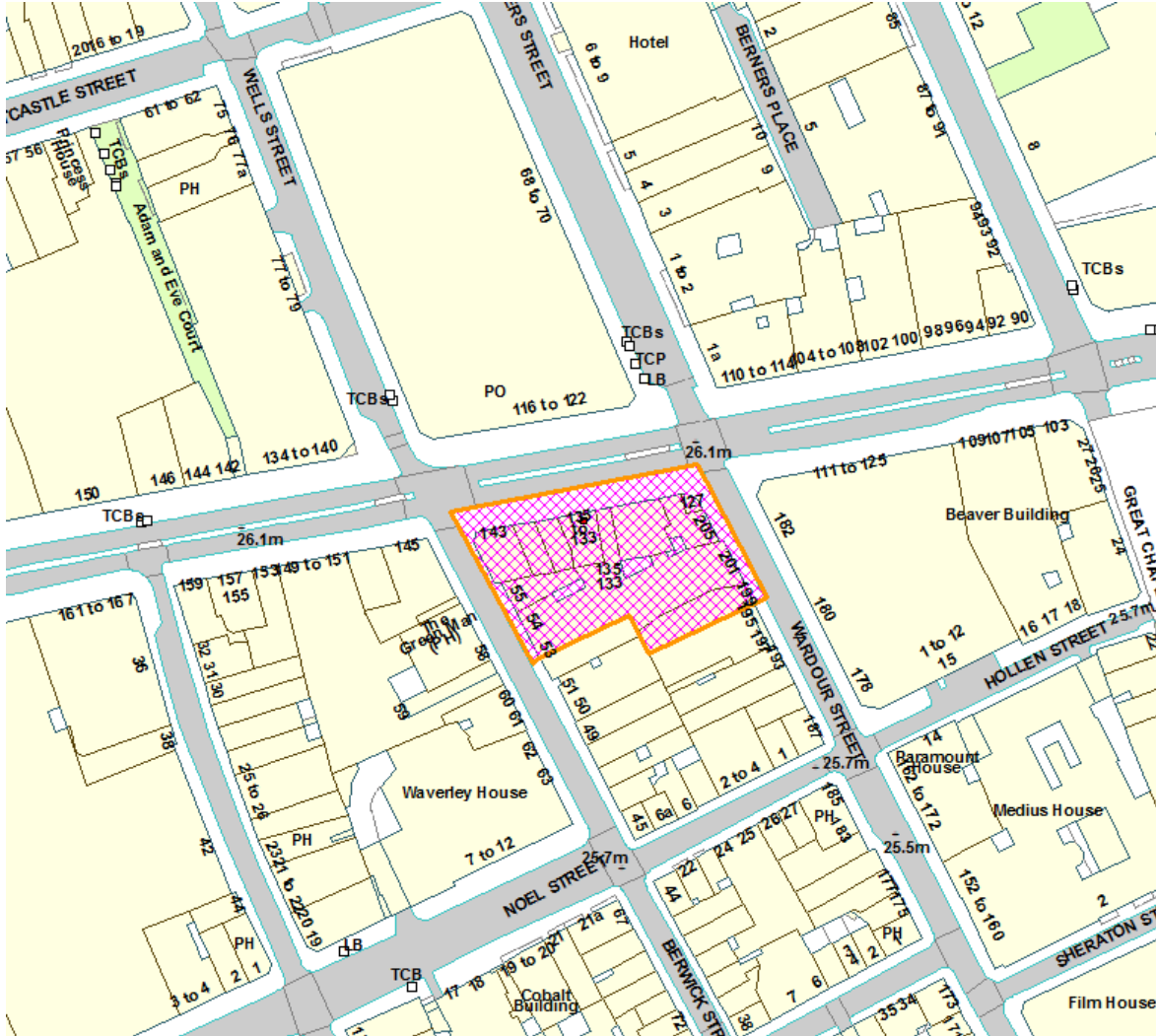
The proposal is similar to that approved by the City Council on 21 August 2019. The main differences in the current application are that: (i) The site has expanded to include 199 Wardour Street which is proposed to form the office entrance, allowing a deeper retail floorplate at the corner of Oxford Street and Wardour Street; and (ii) No new Basement 03 level is proposed to be excavated.

The key issues for consideration are:

- Whether the loss of 715 sq.m of evening / night-time economy floorspace is acceptable in this instance given the competing demands of providing additional retail floorspace on Oxford Street.
- Whether: (i) The demolition of 137 Oxford Street and 55 Berwick Street; (ii) The height and bulk of the eastern building on Oxford Street, particularly in terms of its relationship with Ilford House; and (iii) The substantial demolition of the interior of Ilford House, causes less than substantial heritage harm to the special interest of this listed building and to the character and appearance of the Soho Conservation Area; and, if so, whether this harm is outweighed by the public benefits derived from the additional retail floorspace (1,435 sq.m GIA) on Oxford Street and the additional office floorspace (2,593 sq.m GIA) within the Core CAZ that will unlock the potential of this site to contribute towards the continued regeneration of the east end of Oxford Street.

The proposal is considered acceptable in land use, amenity and transportation terms, complying with the policies set out in the London Plan, Unitary Development Plan (UDP) and the Westminster City Plan (City Plan) in these respects. Whilst the proposals do not fully comply with all the urban design and conservation policies, most notably DES 9, with respect to the Soho Conservation Area, and DES 10 with respect to the listed building, it is considered that there is clear and convincing justification for the harm to designated heritage assets and that the public benefits deriving from the proposed development outweigh this less than substantial heritage harm. For these reasons it is recommended that conditional planning permission and listed building consent be granted subject to a legal agreement securing the items listed within Section 8.12 of this report. It is further recommended that the Sub-Committee authorises the making of a draft order for the 'stopping up' of parts of the public highway required to enable the development to take place.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Site as seen from the junction of Oxford Street and Wells Street:



5. CONSULTATIONS

SOHO SOCIETY:

- Any response to be reported verbally.

PROJECTS OFFICER (WASTE):

- Although the proposal does include waste storage for the office and retail units at Basement 01 and 02 levels, objection on the grounds that: (i) No storage for food waste for the office floorspace is shown; (ii) Waste storage for the nightclub needs to be shown; (iii) A single waste store for the office and retail units should be proposed; (iv) The waste holding area at ground floor level is too small; and (v) The doors to the waste holding area need to be widened to at least 1.3m.

HIGHWAYS PLANNING:

- Objects to loss of chamfered corner at the junction of Oxford Street / Wardour Street.

ENVIRONMENTAL SCIENCES:

- Objection to the proposed increase in nightclub floorspace of 236 sq.m (GIA) on noise from servicing arrangements and access and egress from patrons [As set out within Section 7 of this report, the proposal would see a reduction in nightclub floorspace of 413 sq.m GIA].
- No objection to noise from proposed plant and transfer of noise from the proposed nightclub, subject to conditions.
- No objection from an air quality perspective, with the proposed development being air quality neutral.
- No objection from an overheating and ventilation perspective.

BUILDING CONTROL:

- Any response to be reported verbally.

LONDON UNDERGROUND LIMITED:

- No objection.

THAMES WATER UTILITIES LTD:

- Advises that there is an inability of the existing combined waste water infrastructure to accommodate the needs of the development proposal. As such, request that a condition be imposed that: (i) Prevents occupation of the development until all combined water network upgrades to accommodate the additional flows from the development have been completed; or (ii) Requires a phased occupation plan for the development to be agreed.
- Due to the proposed development being within 15m of a strategic water main, request that a condition be imposed requiring the submission of a piling method statement for approval in order to prevent damage to this infrastructure.
- Due to the proposed development being within 5m of a strategic water main and Thames Water do not permit building within this distance, request a condition requiring the submission of revised drawings showing how the development will be realigned so as to be at least 5m from a strategic water main.
- Expects surface water to be attenuated to greenfield run-off rates (5l/s/ha).
- Requires the drainage strategy to specify the point(s) of connection and peak discharge rates into the public sewer system for foul and surface water.

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- Requires demonstration of how the surface water hierarchy has been implemented to this site and why connection to the combined sewer is the preferred option.

HISTORIC ENGLAND:

- Authorisation provided for the City Council to determine the application for listed building consent as it see fit.

HISTORIC ENGLAND (ARCHAEOLOGY):

- No objection subject to the imposition of conditions securing: (i) A two-stage process of archaeological investigation; and (ii) A written scheme of historic building investigation.

ANCIENT MONUMENTS SOCIETY:

- Any response to be reported verbally.

COUNCIL FOR BRITISH ARCHAEOLOGY:

- Any response to be reported verbally.

THE GEORGIAN GROUP:

- Any response to be reported verbally.

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS:

- Any response to be reported verbally.

TWENTIETH CENTURY SOCIETY:

- Any response to be reported verbally.

THE VICTORIAN SOCIETY:

- Any response to be reported verbally.

METROPOLITAN POLICE:

- Any response to be reported verbally.

NEW WEST END COMPANY:

- Supports this revised proposal on the grounds that the integration of 199 Wardour Street into the development site: (i) Allows the office entrance on Wardour Street to be relocated further south and thereby create a larger frontage for the retail unit; and (ii) Allows some plant to be relocated from the formerly proposed third basement level, thereby reducing the construction impact of the proposed basement excavation.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 328

Total No. of replies: 2

No. of objections: 0

No. in support: 0

Objections received on the following grounds:

- The inclusion of a nightclub in the proposal which was not included in the previous scheme would lead to queues on the pavement, late-night exits and noise. [An almost identical nightclub was granted planning permission at this site on 21 August 2019].
- Overbearing impact of proposed development on neighbouring properties.
- The proposed increase in height of the buildings on Oxford Street will have a significant impact in the street scene.
- Daylight / sunlight concerns and, in particular, that windows maps are not included in the submitted assessment making it impossible to assess the impact on particular windows. [Window maps have now been provided and shared with this neighbouring resident].
- The proposed partial demolition of Ilford House is greater than previously approved and this harm to the significance of this heritage asset represents 'substantial harm' that is not necessary to achieve substantial public benefits that outweigh that harm, contrary to paragraph 195 of the NPPF.
- The height of the proposed building behind the retained façade of Ilford House will impact negatively on the visual quality of the roof form in views along Oxford Street.
- The loss of 137 and 55 Berwick Street will erode the historic grain of the Soho Conservation Area. This, combined with the overbearing scale of the proposed development, will harm the character and appearance of the Soho Conservation Area.
- The loss of the sandwich shop (Class A1) at ground floor level of 199 Wardour Street removes a use that reflects the traditional character of the Soho Conservation Area. This, combined with the proposed works to 199 Wardour Street, would harm the character and appearance of the Soho Conservation Area.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is bound by Oxford Street to the north, Wardour Street to the east and Berwick Street to the west. The site is located within the Core CAZ, the Soho Stress Area and the West End Special Retail Policy Area. Beneath the northern part of the site is the London Underground Central line. The Oxford Street frontage forms part of the Primary Frontage of the West End International Shopping Centre.

With the exception of 205 Wardour Street / 127 Oxford Street and 129 - 131 Oxford Street, the site is located within the Soho Conservation Area. Ilford House is a Grade II listed building (added to the listed in 2009). 55 Berwick Street, 137 Oxford Street, Berwick House and 199 Wardour Street are all identified as contributing to the character and appearance of the Soho Conservation Area. The site is located within a Tier 2 Archaeological Priority Area (The Great Estates Archaeological Priority Area). The site is not located within a strategic viewing corridor.

To the north of the site is the East Marylebone Conservation Area. Immediately to the south of the application site is the Grade II listed 52 Berwick Street. To the west of the site are 57 Berwick Street and 58 Berwick Street, both Grade II listed.

A small Basement 02 is located within the centre of the site and is used for plant. A number of retail (Class A1) units fronting onto Oxford Street are located over Basement 01 and ground floor levels. Three nightclubs (*Sui Generis*) operate from Basement 01 and ground floor levels. Two are accessed from Wardour Street and one is accessed from Berwick Street. Ilford House is in office use, having been converted from a language school pursuant to planning permission dated 9 November 2016 (see Section 6.2 of this report for more detail). Berwick House is in use as a language school (Class D1). The upper floors of 205 Wardour Street and 127 – 131 Oxford Street are in office use. 55 Berwick Street is in use as a restaurant (Class A3) over basement, ground and first floor levels, with ancillary landlord's maisonette over second and third floor levels. Finally, 199 Wardour Street is in use as offices (Class B1), with the exception of a sandwich shop (Class A1) over front ground and part basement level.

Records indicate that the nearest residential properties are located at:

- 52 Berwick Street - 2 x flats on the upper floors.
- 57 Berwick Street - an ancillary landlord's flat at second floor level above the Green Man public house.
- 58 Berwick Street – a maisonette over first to third floor levels.
- 50 Berwick Street - 4 x flats on the upper floors.
- 49 Berwick Street - 4 x flats on the upper floors.
- 195-195 Wardour Street - 4 x flats on the upper floors.
- 191 Wardour Street – 1 x flat at first floor level.

6.2 Recent Relevant History

Berwick House

16/05656/FULL - Dual/alternative use of part ground and first to fourth floors for office (Class B1) and / or educational (Class D1) purposes. Permitted – 09.11.16

Ilford House

16/05658/FULL - Dual/alternative use of part ground and first to fourth floors for office (Class B1) and / or educational (Class D1) purposes. Permitted – 09.11.16.

127-143 Oxford Street, 53-55 Berwick Street and 201-205 Wardour Street

18/00175/FULL and 18/00176/LBC - Demolition of 127 Oxford Street and 205 Wardour Street, 129-131 Oxford Street, 133-135 Oxford Street (including 53-54 Berwick Street and 201 Wardour Street) (behind retained Oxford, Wardour and Berwick Street facades and partially retained interior), 137 Oxford Street, 139-143 Oxford Street (behind retained façade) and 55 Berwick Street. Excavation to provide new Basement 02 and Basement 03 levels. Redevelopment of site to provide ancillary plant and facilities at Basement 03 and part Basement 02 level; nightclub (*sui generis*) at part Basement 02 and part Basement 01 level (with ground floor entrance at No. 55 Berwick Street); retail (Class A1) floorspace at part Basement 01, part ground and part first floor levels; and office (Class B1) at part ground, part first and second to sixth floor levels, and roof top plant. Permitted – 21.08.19

7. THE PROPOSAL

Planning permission and listed building consent are sought to excavate to enlarge the existing Basement 02 level. 205 Wardour Street / 127 Oxford Street and 129 - 131 Oxford Street, 137 Oxford Street and 55 Berwick Street are all proposed to be demolished in their entirety. The stone façade of Berwick House is proposed to be retained in situ, albeit raised in height by 1.25m in order for the floorplans to align with the remainder of the development. The roof and corner turret of Berwick House are proposed to be demolished and reinstated following the erection of the new building behind the retained stone façade. The three facades of Ilford House are proposed to be retained, as are some staircases and the majority of the rear wings of the building at basement to third floor levels. At fourth floor and above, with the exception of the three facades, Ilford House is proposed to be demolished. 199 Wardour Street is proposed to be demolished with the exception of the front and rear facades.

The site is proposed to be redeveloped behind the retained facades of Berwick House, Ilford House (as well as some retained internal elements of Ilford House) and 199 Wardour Street to provide a replacement development over Basement 02, Basement 01, ground and part five / part six upper floors with roof plant above.

Around half of Basement 02 is proposed to be used as a cycle centre, a refuse store for the office floorspace and plant. A replacement nightclub is proposed over part Basement 02 and part Basement 01, with a small ground floor entrance on Berwick Street. Retail floorspace fronting onto Oxford Street is proposed across the majority of Basement 01, ground and first floor levels. The entirety of second to sixth floors are proposed to be used as offices, accessed from quadruple height reception / lobby within 199 Wardour Street. Terraces for use in association with the office accommodation are proposed at fourth, fifth and sixth floor levels.

A summary of the land use implications of the proposed development is set out below:

	Existing GIA (sq.m)	Proposed GIA (sq.m)	+/-
Shops (Class A1)	1,708.8	3,144.0	+1,435.2
Restaurant (Class A3)	302.2	0	-302.2
Nightclub (<i>Sui Generis</i>)	1,118.4	705.0	-413.4
Office (Class B1)	3,168.8	5,762.0	+2,593.2
Language School (Class D1)	562.4	0	-562.4
Total	6860.6	9,611.0	+2750.4 (i.e. +40% of existing building)

Table 1: Existing and proposed floorspace by use (shared space is attributed to each use proportionately).

The proposed replacement building is proposed to extend the existing ground floor building line on Wardour Street by between 1.0m and 1.1m. Whilst within the applicant's ownership, this land has been enjoyed by the public as a right of way without interruption for at least the last 20 years and is therefore deemed to be dedicated as highway.

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The application is very similar to that permitted on 21 August 2019 (please see Section 6.2 of this report for more detail). The main differences are as follows:

- The inclusion of 199 Wardour Street within the site allows the ground floor office reception to be located within this building in the form of a quadruple height space rather than within the ground floor of 201 Wardour Street. The result is a deeper retail unit at the corner of Wardour Street and Oxford Street, enabling the provision of a greater net increase in retail floorspace (1,435 sq.m GIA compared to 1,227 sq.m GIA in the approved development).
- The inclusion within the site of 199 Wardour Street that already includes office floorspace means that, although the quantum of office floorspace proposed is slightly greater than as approved (5,762 sq.m GIA compared to 5,646 sq.m GIA), the net increase in office floorspace is slightly smaller than as approved (2,593 sq.m GIA compared to 2,899 sq.m GIA).
- A greater degree of demolition is proposed at Basement 01, ground and first floor levels, including two flights of staircase within Ilford House on the Berwick Street frontage between ground and Basement 01 level.
- The proposed excavation of a new Basement 03 level has been omitted, with the sprinkler and water attenuation tanks relocated to the basement of 199 Wardour Street and a reconfigured Basement 02 level.
- The number of cycle parking spaces for the office element of the development is proposed to be reduced from 98 x spaces to 90 x spaces (although still policy-compliant) and the male and female drying rooms are now omitted from the development.
- The number of cycle parking spaces for the retail element of the development is proposed to increase slightly from 18 x spaces to 20 x spaces.
- The size of the UKPN sub-station at ground floor level on the Berwick Street frontage is now slightly larger than as approved.
- Additional photovoltaic panels are proposed at roof level, a roof terrace has been omitted and minor alterations are made to the plant enclosure.

The application has been amended during the course of its assessment in the following ways: (i) To slightly alter the plant at sixth and seventh floor levels to accommodate additional ducts; (ii) Additional windows have been added to the stair core within the rear (south) elevation which has resulted in a reduction in photovoltaic arrays in this location (an amended Energy Assessment has been submitted); and (iii) The proposed extension at rear first floor level of 199 Wardour Street has been reduced in height and the rear rooflight increased in size.

These amendments are minor and do not alter the appearance of the building from any of the agreed verified view locations. As such, it was not considered necessary to undertake a further round of public notification.

8. DETAILED CONSIDERATIONS

The application is required to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the London Plan (adopted March 2016), Westminster's City Plan (adopted November 2016)

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and the remaining 'saved' and not superseded policies within the City of Westminster UDP (adopted January 2007). This development plan remains unchanged from that used to assess the application permitted on 21 August 2019.

As set out in more detail in Section 8.8 of this report, the City Council is currently working on a complete review of its City Plan, with formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between 19 June 2019 and 31 July 2019. Following this consultation period, the City Council is now reviewing the comments received before submitting the City Plan for examination. Given that the draft City Plan remains at a pre-submission it generally attracts very limited weight at this present time.

The Examination in Public for the draft new London Plan took place between 15 January 2019 and 22 May 2019. Following this examination, the Mayor published a consolidated suggested changes version of the plan on 15 July 2019. The emerging new London Plan is a material consideration in the determination of this application. The weight attributed to this document is a matter for the decision maker. The closer the document is to adoption, the greater the weight that should be given to it.

The revised National Planning Policy Framework (NPPF) was published in February 2019 (i.e. after the consideration of the most recent application to redevelop this site took place at Sub-Committee in 22 January 2019). The NPPF is also a material consideration in the determination of this application.

8.1 Land Use

8.1.1 Loss of Language School

As set out within Section 6.2 of this report, permission was granted by the City Council on 9 November 2016 for the conversion of the language schools within Berwick House and Ilford House to office accommodation. The language school within Ilford House has vacated and the building is now in office use. There is still, however, a language school within Berwick House (1,118 sq.m GIA) which is proposed to be lost. This element of the development remains unchanged from the development approved on 21 August 2019.

Whilst the loss of this social and community facility is contrary to City Plan Policy S34 and UDP Policy SOC 1, the City Council determined in its assessment of these application that these language schools offered very little social benefit to the community and are essentially commercial enterprises. This, combined with the benefits of the increased office accommodation that would have been provided in this part of the Core CAZ, meant that the City Council considered that a departure from the usual policy requirement to protect such floorspace was justifiable.

In light of the lack of material change in policy since November 2016 and that there is an extant permission to convert Berwick House to offices, there is no objection to the loss of this language school in this instance.

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8.1.2 Additional Retail Floorspace

The proposed increase in retail floorspace of 1,435 sq.m (GIA) is slightly greater than the 1,227 sq.m approved by the City Council on 21 August 2019. Further, the proposal will result in deeper retail provision at the corner of Wardour Street and Oxford Street. The provision of retail floorspace on Oxford Street over the majority of Basement 01, ground and first floor levels is welcome, enhancing the unique status of the West End West End Special Retail Policy Area and enhancing the character and function of the West End International Shopping Centre, in accordance with City Plan Policies S6, S7 and S21 and UDP Policy SS3. This provision of high-quality, flexible retail floorspace in this location is a public benefit of the proposal.

8.1.3 Additional office floorspace

Despite the quantum of office provision in the development is slightly greater than as approved on 21 August 2019, the net increase is slight reduced (2,593 sq.m GIA compared to 2,899 sq.m GIA) due to the existing office floorspace within 199 Wardour Street that it now included within the application site.

Nevertheless, given the site's location within the Core CAZ, the increase of 2,593 sq.m (GIA) of additional office floorspace is welcome, as set out within City Plan Policies S6, S18 and S20. The provision of modern, high quality and flexible office space will contribute towards meeting the job and office floorspace targets set out within City Plan Policy S20. This is also a public benefit of the proposal.

8.1.4 Mixed use in the CAZ

There is a requirement under City Plan Policy S1(3)(B) to provide 535.2 sq.m of residential floorspace on-site, off-site, by mixed use credit or as a payment in lieu of residential floorspace. It is at the applicant's discretion which of these options is pursued and the applicant has indicated that it wishes to make a payment towards the City Council's Affordable Housing Fund rather than providing the residential floorspace. A policy-compliant payment is £933,000.

This is lower than the £1,735,000 policy-compliant payment secured under the extant 2019 permission due to: (i) The net increase in office provision being slightly lower in the current application due to the existence of office floorspace within 199 Wardour Street and the removal of floorspace to enable the creation of a quadruple height office entrance space within 199 Wardour Street; (ii) The 30% of the existing building discount permitted by City Plan Policy S1 being larger due to the inclusion of 199 Wardour Street within the application site. In respect to the removal of floorspace within 199 Wardour Street, if the voids within 199 Wardour Street were infilled with office floorspace at a later date (works that would not need planning permission), the policy compliant payment would rise to £1,171,000.

In any event, the applicant has offered to carry across the previously committed £1,735,000 payment to the City Council's Affordable Housing Fund. This payment will be secured by legal agreement. As this exceeds the policy compliant payment were the voids within 199 Wardour Street infilled, there is no need to impose a condition preventing these works from taking place.

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8.1.5 Evening and Night Time Economy / Cultural Uses

The nightclub within the proposal is almost identical to that approved on 21 August 2019, being arranged over Basement 01 and Basement 02 level and accessed from the same location on Berwick Street.

The site is located within a strategic cluster of night time activity of international importance. City Plan Policy S22 protects all arts and cultural uses and London Plan Policy 4.6 outlines how boroughs should, '*... support the continued success of London's diverse range of arts, cultural, professional sporting and entertainment enterprises and the cultural, social and economic benefits that they offer to its residents, workers and visitors*'. In addition, Policy HC6(B)(6) of the draft London Plan states that in planning decisions, boroughs should, '*... protect and support evening and night-time cultural venues such as pubs, night clubs, theatres, cinemas, music and other arts venues*'.

The total floorspace of this new nightclub is 705 sq.m (GIA). This is 413 sq.m smaller than existing. In addition, the proposal would see the loss of the 302 sq.m (GIA) restaurant at 55 Berwick Street. There is therefore a total loss of evening and night time entertainment / cultural floorspace of 715 sq.m (GIA). However, the provision of a meaningful replacement nightclub is considered to strike the right balance between the competing policies relating to protecting the night time economy and cultural offer that this provides and the strong planning policies supporting retail growth on Oxford Street. On this basis, it is considered that the loss of evening and night time entertainment / cultural floorspace is acceptable in this instance.

The fact that no additional entertainment floorspace is proposed means that the scheme is compliant with City Plan Policy S24 and exceptional circumstances exist to provide a new night club in respect to UDP Policy TACE 10. This is notwithstanding the site's location within the West End Stress Area. This is subject to provisions in the legal agreement securing the completion of the nightclub to shell and core, ready for tenant fit out, prior to the occupation of any of the office floorspace on site. This is in order to ensure the delivery of the new nightclub.

There are no planning hours restrictions on the operation of the existing nightclub, with the premises licence allowing the night club to operate between 10.00 and 06.00 (Monday to Saturday) and between 10.00 and 00.30 (Sunday). The applicant has stated that it wishes to retain the ability to operate the nightclub until 03.00 (Monday to Saturday). Given the lack of planning control over the existing night club and the site's central location, it is recommended that hours of operation are conditioned to between 10.00 and 03.00 (the following morning) (Monday to Saturday) and to between 10.00 and 00.30 (the following morning) (Sunday). Conditions will also be imposed ensuring that the structure of the building prevents noise outbreak to neighbouring residential properties.

The objection from a neighbouring resident on the grounds of the provision of a *new* nightclub that was not approved in the permission dated 21 August 2019 is unfounded. A very similar nightclub was approved in this permission. Again, the proposed nightclub is a replacement for three nightclubs operating from the site, the cumulative floorspace of

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which is greater than the proposed nightclub. There has been no material change in policy to justify departing from the decision taken on 21 August 2019.

8.1.6 Efficient Use of Land

The proposal includes the demolition of the interior of 199 Wardour Street to create a quadruple height reception space for the proposed offices over second to sixth floor levels. The removal of the floors to create this space results in the loss of approximately 137 sq.m GIA of floorspace. NPPF Para. 123 states that local planning authorities should refuse application which they consider fail to make efficient use of land.

In isolation, the loss of floorspace to create a 'grand' office entrance would normally be resisted. However, as part of a development that would result in a net increase in 2,750 sq.m of floorspace on the site in the form of a building that is far more efficient compared to the numerous separate buildings that currently exist, it is considered that the development as a whole makes an efficient use of land despite the loss of floorspace within 199 Wardour Street.

8.2 Townscape and Design

8.2.1 Legal and Policy Background

In considering the applications the City Council has a statutory duty to:

- a) Have special regard to the desirability of preserving Ilford House or its setting or any features of special architectural or historic interest which it possesses (Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- b) Pay special attention to the desirability of preserving or enhancing the character or appearance of the Soho Conservation Area (Section 72 of the above Act).

Heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (NPPF Para. 184). The importance of protecting the significance of heritage assets is emphasised in NPPF Para. 193 that requires the City Council to give great weight to the conservation of heritage assets, irrespective of the degree of harm. Any harm to, or loss of, significance of a designated heritage asset (i.e. Ilford House and the Soho Conservation Area) should require clear and convincing justification (NPPF Para. 194). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (NPPF Para. 196).

8.2.2 Assessment of Design Quality and Heritage Impact

The main design changes from that approved on 21 August 2019 relate to the inclusion of 199 Wardour Street within the application site.

In order to create a quadruple-height office entrance lobby at 199 Wardour Street, the scheme involves removing the floors to create an entrance lobby which extends the

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whole height of the interior, to roof level. This has been permitted before at Bonhams at 101 New Bond Street. It is an unusual proposal, and unlikely to be repeated frequently, as it involves loss of floorspace. In this case it will have limited visual impact on the external appearance of the building, not harming the character and appearance of the Soho Conservation Area. The roof and rear part of the building is to be demolished and rebuilt. In this case these make little contribution to the conservation area and their replacement, including the rear extension which is in part lower than existing, is uncontentious. For these reasons, these elements of works to 199 Wardour Street are considered acceptable.

The proposed design of the entrance to 199 Wardour Street is modern and is not a suitable replacement for the existing shopfront. It is recommended that this part be subject to a condition requiring a revised design which is more traditional and responds to the design of the existing building and the character and appearance of the conservation area.

The other changes from that permitted on 21 August 2019 involve a small increase in roof level plant and additional internal demolition to Ilford House.

In respect to the additional plant at roof level, this is not significantly different from the approved scheme in terms of its impact on the appearance of the building and the conservation area. It is considered acceptable.

In respect to the additional demolition, the most relevant areas are at the southern end of the listed building. However, the approved scheme allowed for the removal of much of the interior of this part of the building which is not considered to be of special interest. This is evident on the approved proposed floor plans. For example, in the Berwick Street wing, the main staircase (at the north end of the Berwick Street frontage) is retained but the rest of the interior replaced. The current proposals do not differ significantly from this, except for the removal of the stair from basement to ground, and partial removal of the party wall with 199 Wardour Street at ground floor level. This demolition is considered acceptable in the context of the scheme as a whole. It will cause only minor harm to the special interest of the listed building. Overall, the extent of demolition is not considered to be significantly different from that approved on 21 August 2019.

As in the assessment of the applications granted permission and listed building consent on 21 August 2019, the substantial scale of the proposed demolition of Ilford House resulting in the loss of some surviving internal features, plan form and original fabric is considered to be harmful to the special interest of this listed building. Furthermore, the bulk and height of the replacement building (particularly at the corner of Wardour Street and Oxford Street) through this part of the development being taller than Ilford House and the loss of two unlisted buildings of merit in the form of 137 Oxford Street and 55 Berwick Street, are also considered to be both harmful to the character and appearance of the Soho Conservation Area and to the setting of Ilford House. In this respect, the harm to townscape views along Oxford Street raised by a local residents are agreed with.

However, the facades of Ilford House will be retained, as will key elements of significance, including the plan form at second and third floor level and two internal

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staircases. Some internal features such as part of the main staircase, the barrel-vaulted ground floor ceiling and the ceiling of the first-floor front room will also be reinstated following their removal. Even with the additional internal demolition now proposed, Ilford House will remain a building that will still be recognisable as a design by a notable architect.

In conservation area terms, whilst there is some increase in height and bulk, this is not unusual in the northern part of the Soho Conservation Area where it rises up to the more commercial and larger buildings on Oxford Street. In addition, the proposed development's height next to Ilford House is not excessively overbearing given that the top two storeys are set back. In addition, the replacement buildings for 55 Berwick St and 137 Oxford St are considered to be of good quality.

Given the above, despite the additional internal demolition proposed, it is not considered that the proposals amount to anything near total loss of significance to these designated heritage assets and it is therefore concluded that the harm is less than substantial. The same conclusion was reached in the assessment of the applications granted permission and listed building consent on 21 August 2019. Officers do not agree with the objection from a neighbouring resident that the harm to the significance of heritage assets represents substantial harm.

8.2.3 Assessment of Public Benefits against Heritage Harm

As set out within Section 8.2.2 of this report, the proposal is considered to cause less than substantial harm to the significance of Ilford House and to its setting. Furthermore, the proposal is considered to cause less than substantial harm to the character and appearance of the Soho Conservation Area. Even with the additional internal demolition to Ilford House now proposed, the level of harm is considered to be very similar to that in the extant permission and listed building consent.

Para. 196 of the NPPF states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the 'public benefits' of the proposal, including optimising its optimum viable use. 'Public benefits' could be anything that delivers economic, social or environmental progress as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

When undertaking this weighing exercise, the Committee must fulfil its statutory duties within Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as set out within Section 8.2.1 of this report) and give great weight to the conservation of heritage assets, irrespective of the degree of harm. Any harm needs to be clearly and convincingly justified.

In this instance, the public benefits are considered to derive from: (i) The replacement of the poor quality retailing on site with a greater quantum (+1,435) of high quality and flexible retail floorspace over basement, ground and first floor levels; and (ii) The replacement of the fragmented and poor quality office accommodation on site with a greater quantum (+2,593 sq.m GIA) of high quality and flexible office floorspace.

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The improved retail offer on site will enhance the unique status of the West End West End Special Retail Policy Area and enhance the character and function of the West End International Shopping Centre. The contribution that this will provide to the continued regeneration of the east end of Oxford Street is a significant public benefit. The improved office floorspace in this part of the Core CAZ will contribute to meeting the target set out within City Plan Policy S20 for an additional 774,000 sq.m of office floorspace between 2016/17 and 2036/37 (providing capacity for at least 58,000 new jobs). The applicant estimates that the new office floorspace will create approximately 431 jobs. Again, this is a public benefit.

An alternative scheme which is more conservation-based would cause less harm to heritage assets and could be more acceptable, but it would not produce the same amount of commercial floorspace. A balance has to be struck between creating more, modern floorspace and the conservation of the heritage assets. The nature of this site is that the T-shape of Ilford House creates two lightwells in the centre of the site. Without the proposed significant demolition of Ilford House, the large retail and office floorplates proposed would not be possible and the result would be a significant reduction in the public benefits that the scheme delivers. It is considered that an appropriate balance has been struck between the statutory duties within Section 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the desirability of unlocking the development potential of the site that will enable the proposal to generate the public benefits that are considered to outweigh the less than substantial harm to Ilford House, its setting and to the character and appearance of the Soho Conservation Area. It is accordingly considered that there is clear and convincing justification for the harm to designated heritage assets.

For these reasons, it is considered that the scheme complies with the requirements of the NPPF and elements of the City Council's urban design and conservation policies, including strategic policies S25 and S28, and Unitary Development Plan policies including DES 1, DES 4, DES 6, DES 9 and DES 10. Whilst the proposals do not fully comply with all the urban design and conservation policies, most notably DES 9, with respect to the Soho Conservation Area, and DES 10 with respect to the listed building, it is considered that they do comply with the City Council's development plan policies when taken as a whole.

8.3 Residential Amenity

The City Council places high priority on protecting residential amenity, with UDP Policy ENV 13 stating that the City Council will normally resist proposals which result in a material loss of daylight or sunlight to neighbouring properties. Similarly, City Plan Policy S29 seeks to ensure that development proposals safeguard the amenities of neighbouring residents in terms of privacy, outlook and noise. Policy ENV13 also states that regard should be given to the Building Research Establishment guidance entitled, '*Site layout planning for daylight and sunlight: a guide to good practice*' (the BRE Guide). The second edition of this guidance was published in September 2011.

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8.3.1 Daylight and Sunlight

The applicant has submitted a Daylight and Sunlight Report that assesses the impact on the proposed development on the amount of daylight and sunlight received by neighbouring residential windows. Originally, the submitted report did not include windows maps and therefore it was not possible to cross-reference the numerical impact set out in the report against a particular window. A local resident has objected to the application on this ground. A revised report including window maps has been shared with this local resident. On this basis and given that there are no material losses in either daylight or sunlight to any windows of this local resident's property, it is not considered that their ability to comment on the application has been prejudiced.

No objections from the occupants of properties that will see material losses in daylight or sunlight as a result of the proposed development have been made to the application. As such, it has not been possible to visit the affected rooms in order to assess their use or layout. This is with the exception of the ancillary second floor landlord's flat above the Green Man Public House at 57 Berwick Street. Whilst the occupier of this flat has not objected, access was possible.

Daylight

The most commonly used BRE method for assessing daylighting matters is the 'vertical sky component' (VSC), which measures the amount of sky that is visible from the outside face of a window. Using this method, if an affected window is already relatively poorly lit and the light received by the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable and the adverse effect would have to be taken into account in any decision-making. The BRE guidelines seek to protect daylighting to living rooms, kitchens and bedrooms.

Where the layout of affected room is known, the daylight distribution test can plot the 'no sky line' (NSL) which is a point on a working plane in a room between where the sky can and cannot be seen. Comparing the existing situation and proposed daylight distributions helps assess the likely impact a development will have. If, following construction of a new development, the no sky line moves so that the area of the existing room, which does not receive direct skylight, is reduced to less than 0.8 times its former value, this is likely to be noticeable to the occupants.

The layout of the residential properties is not known and therefore, for the purposes of the daylight distribution test, reasonable assumptions have been used.

Sunlight

With regard to sunlighting, the BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 5% of winter sunlight hours. A room will be adversely affected if this is less than the recommended standards and reduced by more than 20% of its former values, and the total loss over the whole year is greater than 4%. Only windows facing within 90 degrees of due south of the proposed development need to be tested.

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Assessment

In sunlight terms, the development proposal does not result in any material losses.

In daylight terms, the development proposal is expected to result in:

- 57 Berwick Street – Between 22.7% and 25.4% losses in VSC to windows serving two bedrooms and one kitchen (not dining) of a second floor landlord's flat above the Green Man Public House at 57 Berwick Street. This compares to losses in VSC of between 21.4% and 22.7% to these windows in the approved development.
- 195-197 Wardour Street – Between 44.6% and 43.9% losses in VSC to two windows facing back to the site. This compares to losses in VSC of between 43.2% and 42.1% to these windows in the approved development.
- 193 Wardour Street – A 35.7% loss in VSC to one window. This compared to a VSC loss of 34.0% to this window in the approved development.
- 191 Wardour Street – Between 21.3% and 27.2% losses in VSC to windows within the rear extension at first floor level and second. This compared to losses of VSC to windows within this wing of the building of between 24.1% and 26.2% in the approved development.

These losses in daylight are not materially different from the impact in the development approved on 21 August 2019 and are considered to be acceptable for the following reasons:

- 57 Berwick Street – The expected losses are only just above the 20% threshold beyond which they will be noticeable. Furthermore, the rooms affected are bedrooms and a non-dining kitchen which are not afforded as much protection as living rooms and dining rooms and the retained VSC levels (all above 14%) are considered to still retain good levels of daylight for this central location.
- 195-197 Wardour Street – The windows that are expected to see material losses in daylight face towards the development site and are likely to serve the same room as larger windows that are not materially unaffected and retain very good daylight levels. As such, the overall quality of the daylight enjoyed by the occupants of these dwellings will remain of a good quality.
- 193 Wardour Street – The window is expected to see a material loss in daylight face towards the development site and is likely to serve the same room as larger windows that are not materially unaffected and retain good daylight levels. As such, the overall quality of the daylight enjoyed by this room will remain of a good quality.
- 191 Wardour Street – The expected losses are only just above the 20% threshold above which they will be noticeable and therefore are considered to be acceptable in this central location.

8.3.2 Sense of Enclosure and Privacy

The relationship between the proposed development and the affected residential means that there is not considered to be any material loss of privacy or material increase in the sense of enclosure for neighbouring residential properties. The impact will be very

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similar to that in the proposal approved on 21 August 2019 and the objection on this ground is not considered to be sustainable.

8.4 Transportation/Parking

8.4.1 Cycle Parking

The scheme makes provision for storage for 110 cycles, as well as showers and lockers at Basement 02 level. A separate retail cycle storage area is proposed at Basement 01 level, whilst the office storage area is at Basement 02 level. Separate access from Berwick Street is proposed for cyclists, with access via a suitably sized lift. Whilst the cycle parking provision is slightly lower than as approved in the permission dated 21 August 2018 (116 x spaces), the quantum proposed is still policy compliant. The loss of the drying rooms in this revised proposed is disappointing but is considered to be acceptable in this instance given the competing demands for floorspace at Basement 02 level.

8.4.2 Servicing

As in the permission dated 21 August 2018, off-street serving is accepted as not being possible and therefore on-street servicing is again proposed to be retained. Again, given the use and size of the floor area increase of the proposed uses it is not considered that there would be a significant uplift in the servicing associated with the site. Adherence to the submitted Service Management Plan (SMP) which achieves rationalisation of servicing and the provision of a goods lift with associated storage area means that the impact upon the local highway network is acceptable.

8.4.3 Extension to Building Line

The development again proposes extending the building line by between 1.0m and 1.1m on Wardour Street. As in the permission granted on 21 August 2019, alterations to the highways arrangement at the crossroad of Oxford Street, Wardour Street and Berners Street involving widening the pavement on the west side of Wardour Street, 'wayleaving' an existing street light onto the proposed building and shifting the carriageway to the east is considered to adequately mitigate the loss of this section of sliver of public highway.

The Highways Planning Manager has no objection on this basis subject to the detailed design of the highways works being agreed with the City Council, the necessary alterations to the traffic orders both being confirmed prior to the commencement of development and the applicant securing the completion of these works (all to be secured by legal agreement).

In order for the development to proceed, a narrow section of public highway measuring between 1.0m and 1.1m would need 'stopping up'.

8.4.4 Impact on Subterranean Transport Infrastructure

London Underground raises no objection to the proposed basement excavation in terms of its impact on the integrity of the Central Line beneath Oxford Street, subject to a

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condition securing the submission of detailed design and method statements for the City Council's approval prior to the commencement of the demolition of the existing building.

8.5 Economic Considerations

The proposed increase in office and retail floorspace are welcome through supporting economic growth in this part of the Core CAZ and the West End Special Retail Policy Area.

8.6 Access

All entrances will provide level access and there will be lift access throughout the proposed replacement building.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Noise

Subject to the imposition of suitable conditions securing the submission of a supplementary acoustic report once the plant has been selected, Environmental Health has no objection from an environmental nuisance perspective agreeing that the plant is capable of complying with the relevant criterion within UDP Policy ENV 7.

8.7.2 Refuse / Recycling

The refuse storage arrangements remain unchanged from that approved on 21 August 2019. The only difference is that a slightly less deep (but slightly wider) waste holding area is proposed at ground floor level.

Whilst the concerns of the Projects Officer (Waste) are noted, the updated Recycling and Waste Storage Requirements guidance were in place when the previous application was in place when it was considered by Sub-Committee on 22 January 2019. Furthermore, the separate waste stores cumulatively provide more storage capacity than the consolidated waste store recommended by the Projects Officer (Waste). For these reasons, the proposed waste storage is considered to be acceptable.

In respect to the size of the bin holding area and the door widths, it is recommended that a condition be imposed requiring amended drawings showing a slightly deeper waste holding area and widened doors (to at least 1.3m).

As with the approved development, a separate refuse store is proposed to be created within the proposed floor area of the night-time use by the eventual occupier. The refuse store will be appropriately sized to accommodate the waste and recycling requirements of the night-time use. Further details are proposed to be secured by condition.

8.7.3 Biodiversity and Flooding

The site is not located within a flood risk zone. Some of the flat roofs are proposed to be used for terraces in association with the proposed office accommodation and for plant. The remainder will be living roofs to mitigate surface water run-off and maximise the

biodiversity potential of the site, in accordance with City Plan Policy S38 and UDP Policies ENV 4 and ENV 17.

In order to ensure that the flat roofs do not result in flooding and associated pollution, the application has included a 70 cubic metre storm water attenuation tank at basement level in order to meet the storage requirement when considering a 1 in 100-year rainfall event plus a climate change factor of 20%. Whilst Thames Water requests that the surface water runoff to be increase further, the size of the attenuation tank is considered to be the maximum reasonably required and the development will achieve at least 50% attenuation of the site's (prior to redevelopment) surface water run-off at peak times.

It is therefore concluded that the proposal is in accordance with City Plan Policy S30 through reducing the risk of flooding.

8.7.4 Sustainability

The proposal includes 114 sq.m of roof and facade mounted solar panels. The total area proposed is slightly greater than as approved in the extant permission dated 21 August 2016 (102 sq.m).

The energy strategy now results in site wide carbon savings of 19.2% compared to a 2013 Building Regulations Compliant scheme which is considered to be the maximum achievable. This falls short of the 35% reduction in carbon dioxide emissions against Part L 2013 required by London Plan Policy 5.2. There is therefore a shortfall of 24.6 tonnes to be off-set. Based on a carbon off-set price of £95 per tonne, the required contribution to off-site carbon savings is £70,000 for the notional 30-year life of the development. This contribution is recommended to be secured by legal agreement. The shortfall is slightly less than the approved development and therefore the payment in lieu is slightly reduced (from £80,000 to £70,000).

It is understood that there are no district wide heat networks in the vicinity of the site and none are planned. The development will be future-proofed to enable future connection to any district heating scheme.

8.7.5 Basement Excavation

There is no objection to the proposed excavation of a new sub-basement, with the applicant demonstrating demonstrate that site-specific ground conditions, drainage and water environment in the area of the development have been taken into account; that the structural stability of adjacent buildings will be safeguarded; and that the sub-basement basement will not increase flood risk on the site or beyond. The proposal is therefore compliant with City Plan Policy CM28.1.

Thames Water has requested that a condition be imposed requiring a piling method statement to be submitted for the City Council's approval to ensure that the proposed development will not harm the strategic water main. Although not imposed on the previous permission, in light of this request it is recommended that this condition be imposed.

Thames Water also request that a condition be imposed requiring the footprint of the proposed development to be modified so that it is not within 5m of a strategic water main. However, the excavation within the development proposal is all inbound of the retained existing perimeter walls which extend to 3m below ground level and the pavement vaults that extend below the footpaths on Berwick Street, Oxford Street and Wardour Street are all being retained (or infilled). For the reasons, it is not considered that the proposed development is within 5m of a strategic water main and therefore such a condition is not necessary for the development to go ahead.

8.7.6 Other

The site is within the city-wide Air Quality Management Area with declared exceedances for short and long term Nitrogen Dioxide NO₂ objectives. Short term objectives would be exceeded at the building façade and potentially also at height. Natural ventilation is not recommended and the applicant proposes mechanical ventilation with the air intake at roof level to ensure that air quality for users of the building is as clean as possible. Compliance with the City Council's Code of Construction Practice (see Section 8.12 below) will ensure that the impact of the construction phase on air quality is minimised.

The applicant has provided a statement confirming that the development is air quality neutral for building and transport emissions (GLA benchmarking assessment methodology). This is acceptable.

There is no objection from Historic England (Archaeology) to the proposal excavation subject to the imposition of a condition securing a two-stage process of archaeological evaluation and, if necessary, investigation and recording.

Thames Water advises that there is an inability of the existing combined waste water infrastructure to accommodate the needs of the development proposal. As such, request that a condition be imposed that: (i) Prevents occupation of the development until all combined water network upgrades to accommodate the additional flows from the development have been completed; or (ii) Requires a phased occupation plan for the development to be agreed. The applicant contends that the new discharge rates for both foul and surface water are an improvement on current discharge rates and therefore there should be no capacity issue. Discussions are ongoing with Thames Water to clarify its position and an update will be verbally reported to Sub-Committee.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Following informal consultation in 2018, the draft plan has been revised and formal consultation was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between 19 June 2019 and 31 July 2019. Following this consultation period, the City Council is now reviewing the comments received before submitting the City Plan for examination. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the

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tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.9 Neighbourhood Plans

The Soho Neighbourhood Area was designated by the City Council on 17th May 2013 and the site will be within the plan area for the forthcoming Soho Plan. The draft plan is still in development and therefore can be afforded little to no weight at the present time.

8.10 London Plan

This application raises no strategic issues. The maximum height of the proposed building is below the 30.0m threshold for referral to the Mayor of London.

8.11 National Policy/Guidance Considerations

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

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

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure:

- Detailed drawings showing how the parts of the building which are to be kept during building work will be supported and protected.
- Arrangements to secure the completion of the development as a single operation.
- The applicant's adherence to the City Council's Code of Construction Practice.
- A written scheme of investigation for a programme of archaeological work.
- Detailed design and method statements for demolition, all of the foundations, basement and ground floor structures in order to ensure the protection of subterranean transport infrastructure.
- An independent review of the environmental sustainability features.
- Updated Energy Calculations to show compliance with the carbon saving envisaged.

The applicant's response will be verbally reported to Committee.

8.12 Planning Obligations

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

- a. A contribution to the City Council's Affordable Housing Fund of £1,735,000 (index linked), payable prior to commencement of development.

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- b. A Carbon Offset Contribution of £70,000 (index linked), payable prior to commencement of development.
- c. Undertaking of highways works in the vicinity of the site, including alterations to the crossroad of Oxford Street, Wardour Street and Berners Street including but not necessarily limited to kerb line alterations (to enable widening of the footway outside the site on Wardour Street), wayleaving of street light in Wardour Street onto the application site's frontage, associated traffic order making, alterations to crossing points, associated carriageway marking positions and any other associated works to accommodate the development (highways works to have been agreed and alterations to traffic orders to have been confirmed prior to commencement of development).
- d. A contribution of £89,000 to support the Westminster Employment Service (index linked and payable prior to the commencement of development).
- e. The re-provision of a nightclub (Sui Generis) on site to shell and core (ready for tenant fit out) prior to the occupation of any of the office floorspace on site.
- f. The costs of monitoring the S106 legal agreement.

The estimated CIL payments are:

- Westminster CIL - £682,018
- Mayor CIL - £508,824

8.13 Environmental Impact Assessment

The scheme is of insufficient size and impact to require assessment under the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015.

8.14 Other Issues

None.

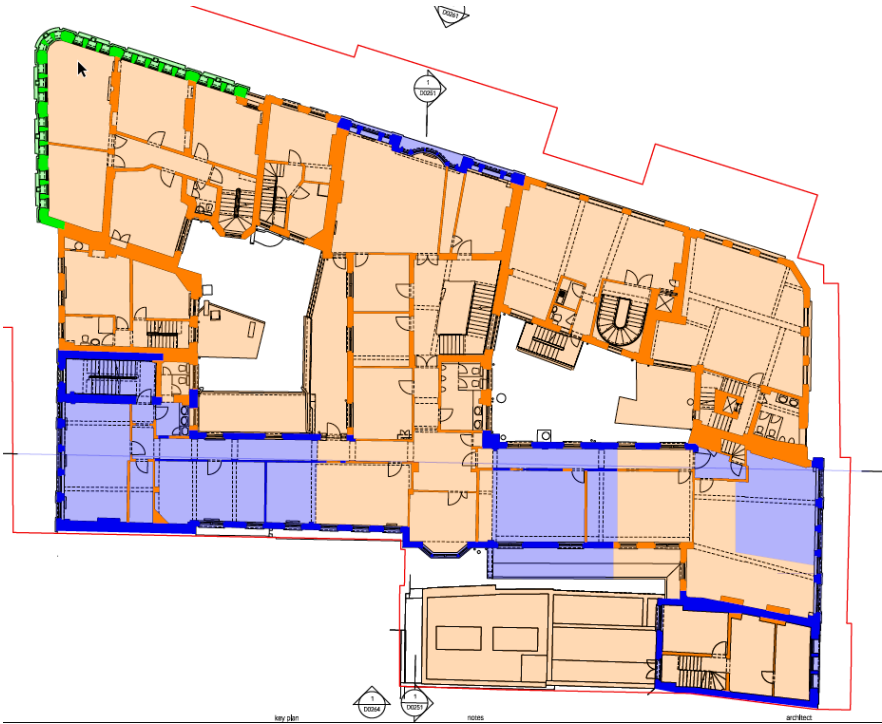
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

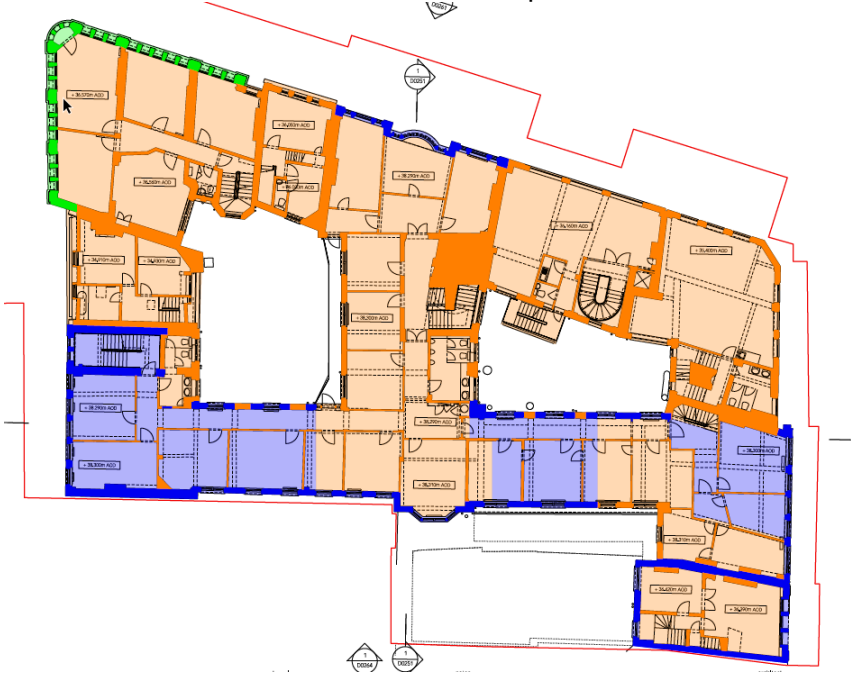
9. KEY DRAWINGS



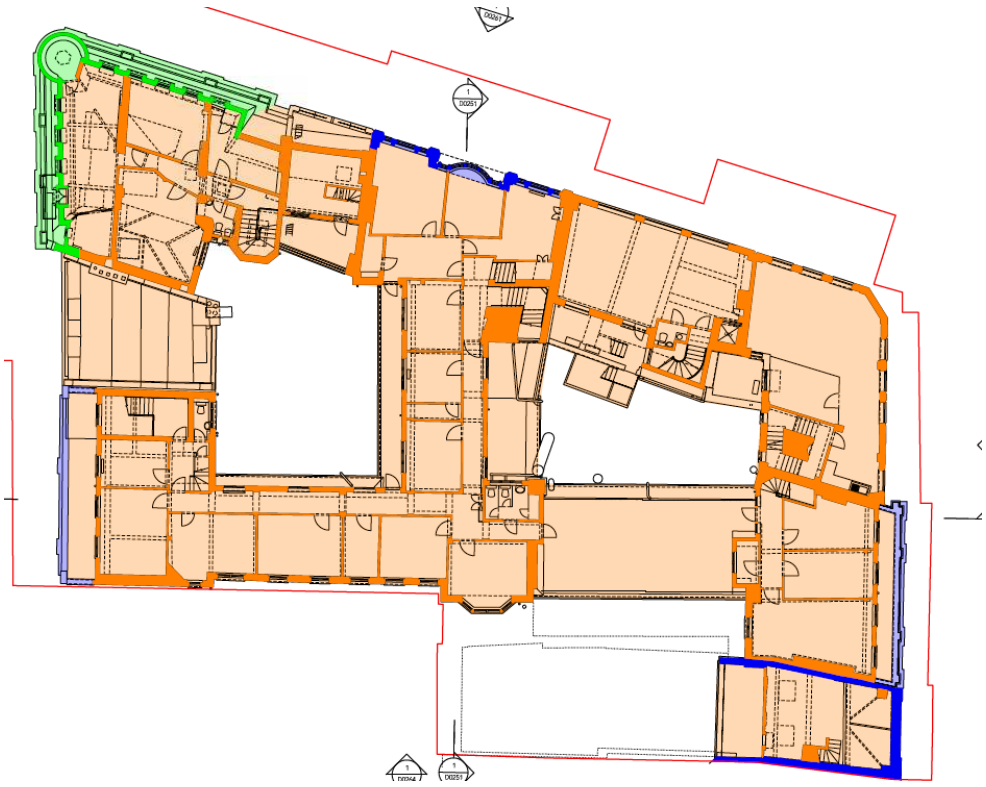
Demolition second floorplan:



Demolition third floorplan:



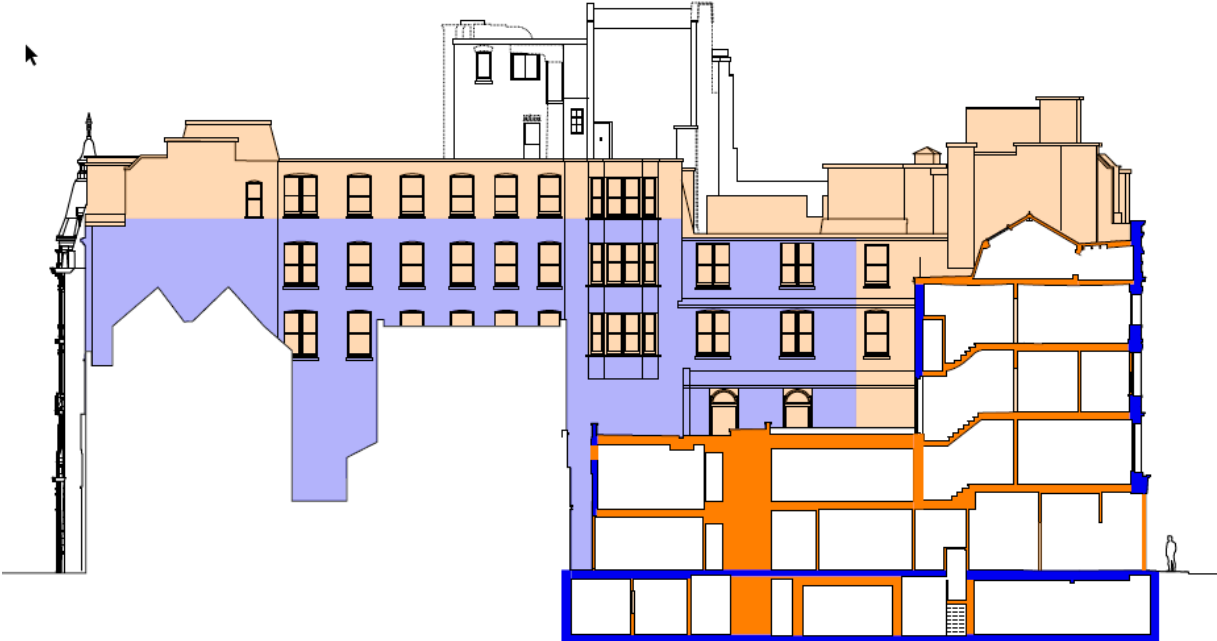
Demolition fourth floorplan:



Demolition north (Oxford Street) elevation:



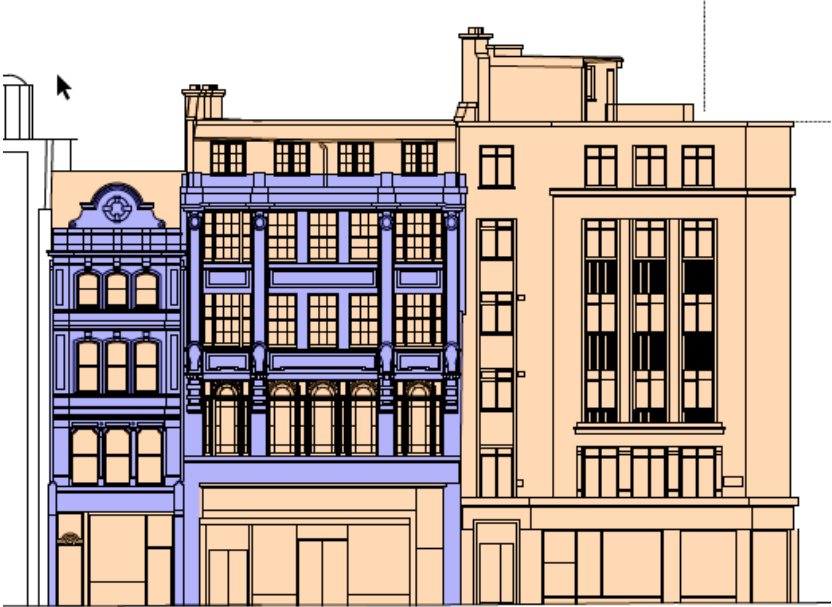
Demolition south (rear) elevation:



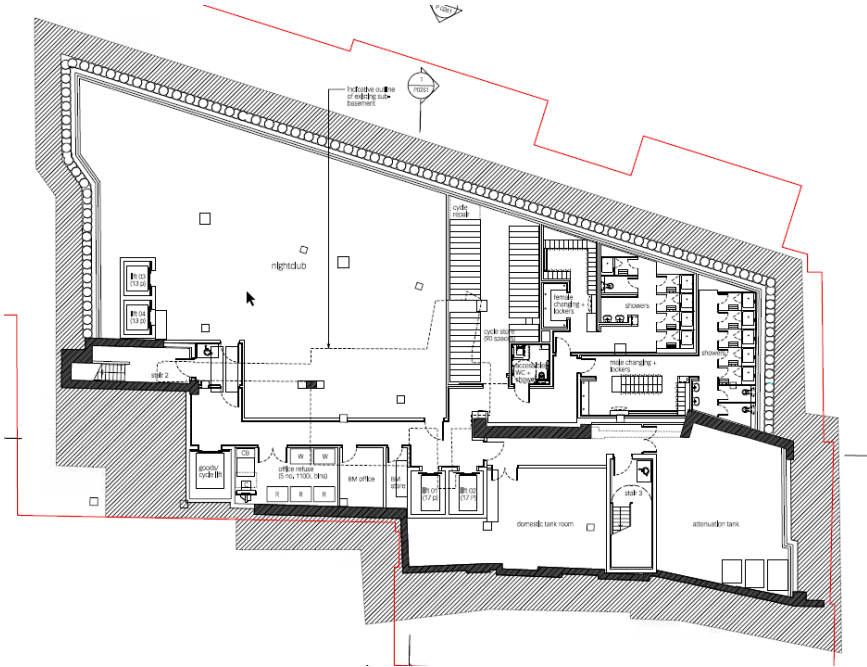
Demolition west (Berwick Street) elevation:



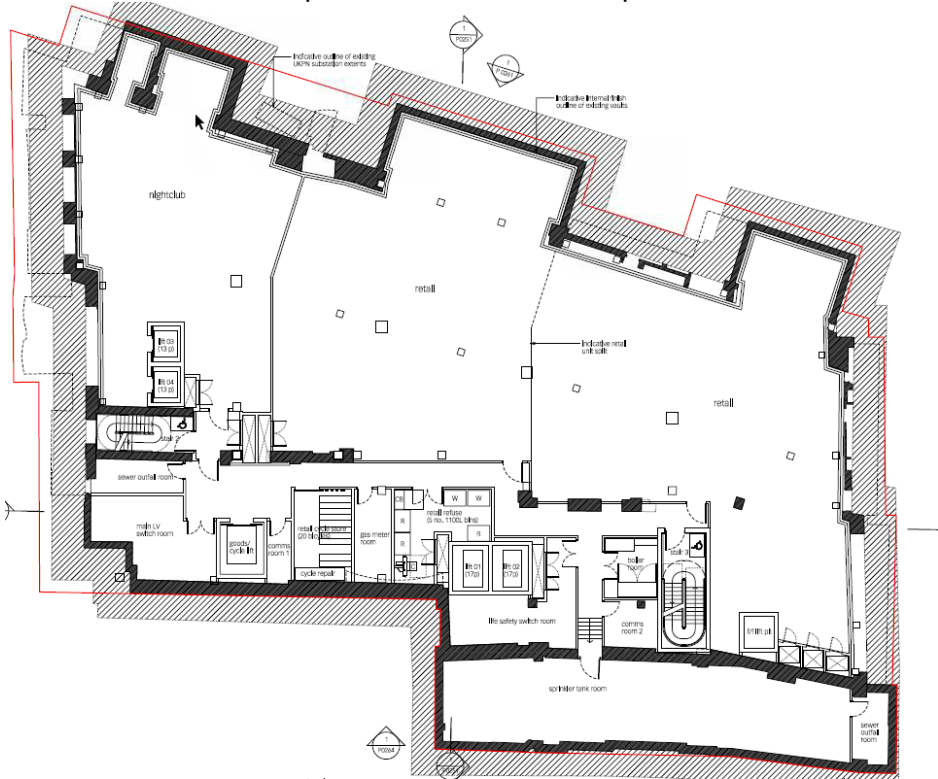
Demolition east (Wardour Street) elevation:



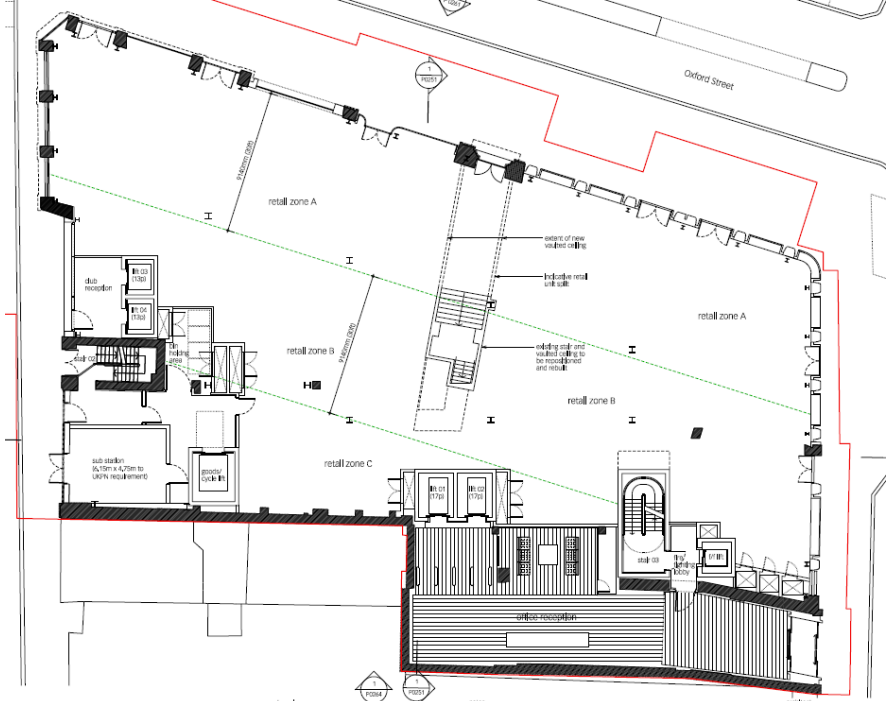
Proposed Basement 02 floorplan:



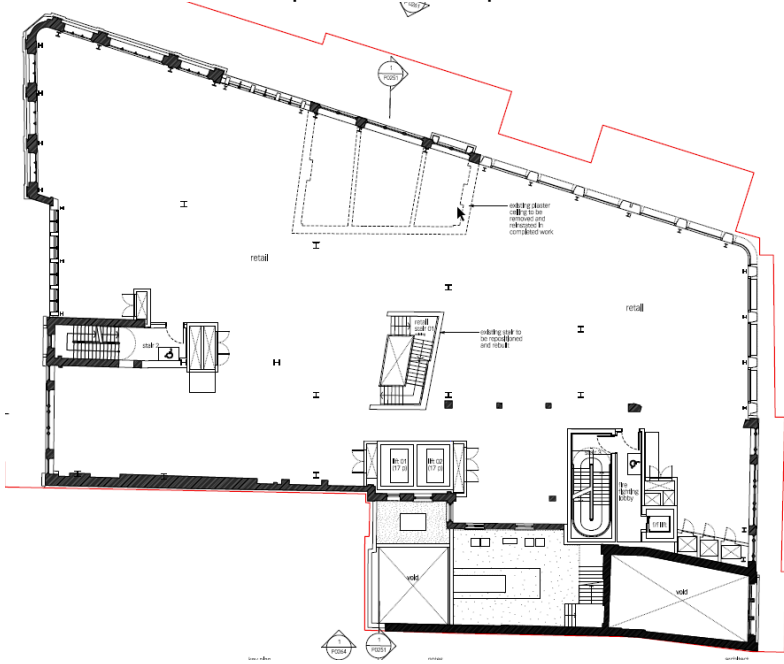
Proposed Basement 01 floorplan:



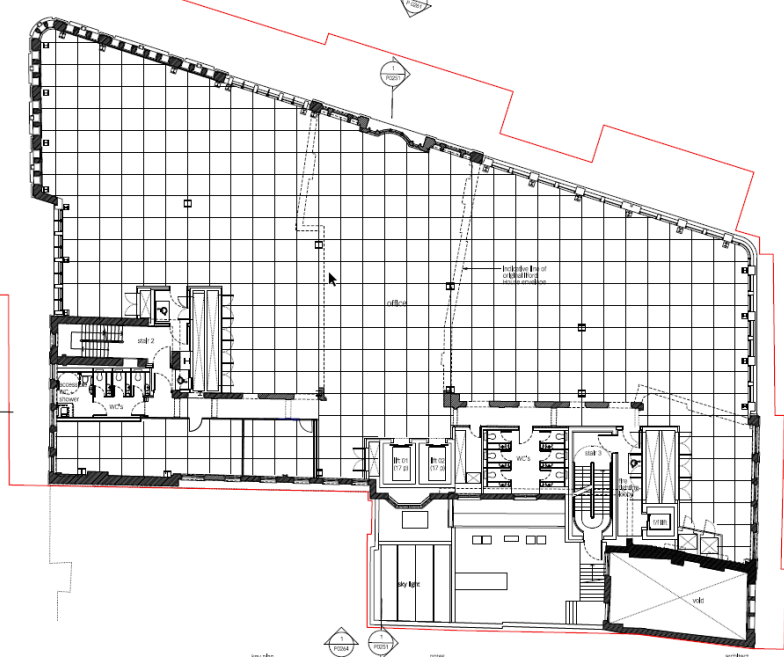
Proposed ground floorplan:



Proposed first floorplan:



Proposed second floorplan:



Proposed south (Oxford Street) elevation:



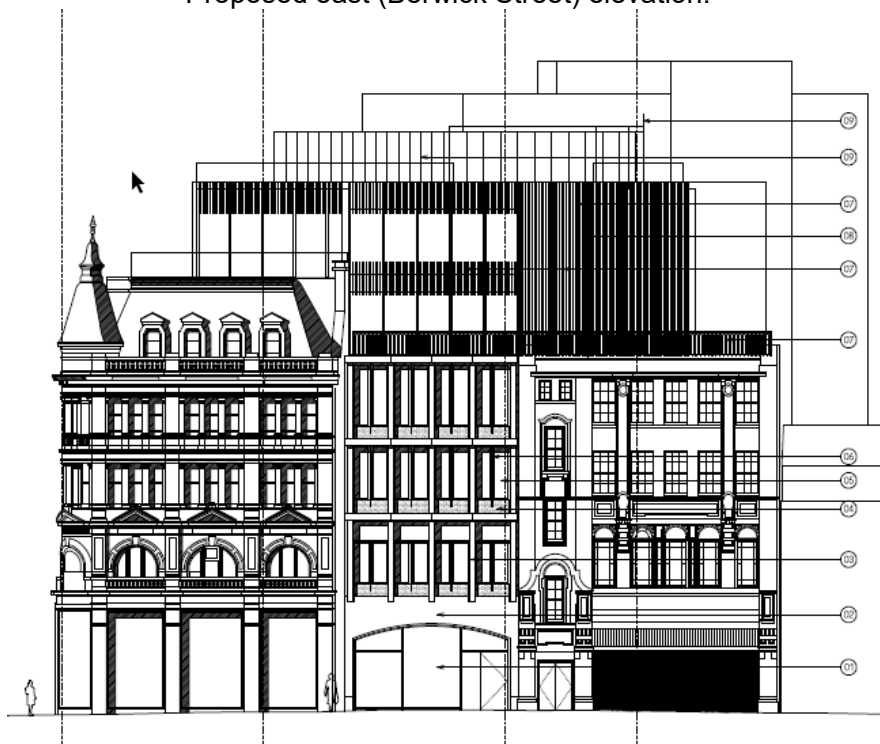
Proposed south (rear) elevation:



Proposed west (Wardour Street) elevation:



Proposed east (Berwick Street) elevation:



Existing Oxford Street (junction with Wells Street) view:



Proposed Oxford Street (junction with Wells Street) view:



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DRAFT DECISION LETTER (PLANNING PERMISSION)

Address: Development Site At 127-143 Oxford Street, 53-55 Berwick Street And 199-205, Wardour Street, London,

Proposal: Demolition of 127 Oxford Street and 205 Wardour Street, 129-131 Oxford Street, 133-135 Oxford Street (including 53-54 Berwick Street and 201 Wardour Street) (behind retained Oxford, Wardour and Berwick Street facades and partially retained interior), 137 Oxford Street, 139-143 Oxford Street (behind retained façade), 199 Wardour Street (behind retained front and rear façades) and 55 Berwick Street. Excavation to provide new Basement 02 level. Redevelopment of site to provide ancillary plant and facilities at Basement 02 and part Basement 01 level; nightclub (sui generis) at part Basement 01 and 02 with ground floor entrance at No. 55 Berwick Street; retail (Class A1) floorspace at part Basement 01, part ground and part first floor levels; office (Class B1) at part ground, part first and second to sixth floor levels, and roof top plant.

Plan Nos: Demolition drawings:

D0201, D0202, D0203, D0204, D01205, D0206, D0207, D0208, D0209, D0210, D0251, D0252, D0261, D0262, D0263 and D0264.

Proposed drawings:

P0201, P0202, P0203, P0204 Rev. A, P0205 Rev. A, P0206 Rev. A, P0207 Rev. A, P0208 Rev. A, P0209 Rev. A, P0210, P0251, P0252, P0261 Rev. A, P0262 Rev. A, P0263 and P0264 Rev. A.

Approved documents:

Delivery and Servicing Plan dated 14 June 2019.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

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

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

Reason:

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

- 2 You must apply to us for approval of samples of the facing materials you will use,

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including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

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 Soho 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 detailed drawings (scales 1:20 and 1:5) of the following parts of the development.

Typical details of all new facades at all levels.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Soho 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 not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

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

- 5 You must apply to us for approval of a comprehensive method statement and drawings of the following parts of the development.

Proposals for jacking up and modifying the retained street facades of 139-143 Oxford Street.

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 documents. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to

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

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

Reason:

To maintain the character and appearance of the Soho Conservation Area and the special architectural and historic interest of this listed building as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 9 (B) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) or Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29CC)

- 7 **Pre Commencement Condition.** You must apply to us for approval of detailed drawings showing how you will support and protect the parts of the building which are to be kept during building work. You must not start work until we have approved what you have sent us. You must then carry out the work according to these drawings. (C28AB)

Reason:

To protect the parts of the building which are to be preserved during building work. (R28AA)

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

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

You must only carry out the demolition and development according to the approved arrangements. (C29AD)

Reason:

To maintain the character and appearance of the Soho Conservation Area and the special architectural and historic interest of this listed building as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 9 (B) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) or Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29CC)

- 9 Except for piling, excavation and demolition work, you must carry out any building work

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which can be heard at the boundary of the site only:

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

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

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

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

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 10 **Pre Commencement Condition.** Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its written approval of such an application (C11CC)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 11 **Pre Commencement Condition.**
- (a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved in writing what you have sent us.
- (b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the

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investigation and findings to us, and to the Greater London Sites and Monuments Record, Greater London Archaeological Advisory Service, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA.

(c) You must not use any part of the new building until we have confirmed in writing that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

12 Pre Commencement Condition.

The development hereby permitted shall not be commenced until detailed design and method statements for each stage of the development (in consultation with London Underground) for demolition, all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:

- provide details on all structures;
- accommodate the location of the existing London Underground structures and tunnels;
- accommodate ground movement arising from the construction thereof; and
- mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with Policy 6.2 of the London Plan (2016), Policy T3 of the draft London Plan (December 2017) and Land for Industry and Transport SPG (September 2012).

- 13** You must provide each cycle parking space, the changing / shower rooms and lockers shown on the approved drawings prior to occupation of any part of the building. Thereafter these areas must be retained and the space used for no other purpose. All occupiers of the building shall have access to the cycle parking spaces, the changing / shower rooms and lockers shown on the approved drawings.

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

- 14 You must hang all doors or gates so that they do not open over or across the road or pavement. This is with the exception of the sub-station on Berwick Street. (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)

- 15 You must provide the waste stores shown on drawing P0201 and P0202 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the retail and office floorspace. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste stores for any other purpose. (C14DC)

Reason:

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

- 16 (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

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measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

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

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 18 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 16 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

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Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

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

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

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

Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AB)

- 20 The design and structure of the development shall be of such a standard that it will not result in the transfer of ground borne noise from underground railway lines through the building structure and fabric of this development to adjoining residential properties so that they are exposed to levels indoors of more than 35 dB LASmax within habitable rooms during day and night.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and

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DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 22 You must provide the following sustainability features as shown on the approved drawings before occupation of any part of the development:

- Rainfall attenuation tank (with a capacity of at least 70 cubic metres).
- Photovoltaic panels comprising at least 114 m2 of net active area of roof and façade mounted PV panels.
- Glazing with g-value of not exceeding 0.34 throughout.
- Allowance for connections to any future heat network in the vicinity of the site.
- The 'living' green roofs on the non-terrace roof space, as shown on the approved drawings.

You must not remove any of these features.

Reason:

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

- 23 You must adhere to the approved Delivery and Servicing Plan dated dated 14 June 2019 for the life of the development.

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)

- 24 Maximum noise levels generated by the proposed new development in terms of LAFmax shall not exceed the NR 15 curve inside the existing neighbouring premises. This includes noise from all sources (including amplified music from the nightclub and activities in the retail unit).

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. (R49BA)

- 25 **Pre Commencement Condition.**

a) You must apply to us for approval of an independent review of the environmental sustainability features (environmentally friendly features) of the development before you start any work on the development. In the case of an assessment using Building Research Establishment methods (BREEAM), you must

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provide a Design Stage Interim BREEAM rating and certificate of assessment. This review must showing that the development is expected to have achieved an 'excellent' rating under BREEAM UK New Construction 2014. If you use another method, you must achieve an equally high standard.

b) You must apply to us for approval of details of a post construction stage report which demonstrates that the development meets an "Excellent" rating under BREEAM UK New Construction 2014. This report shall be submitted to us within 6 months of the occupation of any part of the building. If you use another method, you must achieve an equally high standard.

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)

26 Pre Commencement Condition.

Updated Energy Calculations (and relevant design drawings) shall be provided prior to the commencement of development to demonstrate that the development will achieve at least a 19.2% reduction in regulated carbon dioxide emissions beyond Part L the 2013 Building Regulations. You must provide all the environmental sustainability features referred to in the review before you start to use any part of 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 and minimises carbon dioxide emissions, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016) and Policy 5.2 of the London Plan (2016).

27 Notwithstanding the provisions of Class A1 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 Class A1 retail accommodation hereby approved shall not be used as a food retail supermarket outlet or similar.

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)

28 You must apply to us for approval of details of how waste and recycling is going to be stored on the site for the nightclub hereby approved. You must not occupy the nightclub (sui generis) use hereby approved until we have approved what you have sent us. You must then provide the waste and recycling store in line with the approved details prior to occupation, and clearly mark it and make it available at all times to everyone using the nightclub (sui generis). You must not use the waste and recycling store for any other purpose. (C14GA)

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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)

29 Customers shall not be permitted within the nightclub premises:

- Before 10.00 or after 04.00 (the following morning) on Monday to Saturdays; or
- Before 10.00 or after 00.30 (the following morning) on Sunday or Bank Holidays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

30 There shall be no primary cooking on site such that you must not cook raw or fresh food on the premises.

Reason:

We do not have enough information to decide whether it would be possible to provide extractor equipment that would deal properly with cooking smells and look suitable. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05DC)

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

- The entrance (shopfront) at 199 Wardour Street shall be of a traditional timber and glass design which responds to the architectural character of the existing building.

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

Reason:

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

32 No piling shall take place 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 water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water.

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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 water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

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

- A deeper waste holding area with widened door openings (to at least 1.3m).

You must not occupy any of the retail or office floorspace until we have approved what you have sent us. You must then carry out the work according to the approved drawings.

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)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website:
<https://www.westminster.gov.uk/street-naming-numbering> (I54AB)
- 3 The term 'clearly mark' in condition 15 and 28 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 4 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)

- 5 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)

- 6 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 7 As this development involves demolishing the buildings on the site, we recommend that you survey the buildings thoroughly before demolition begins, to see if asbestos materials or other contaminated materials are present - for example, hydrocarbon tanks associated with heating systems. If you find any unexpected contamination while developing the site, you must contact:

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

Phone: 020 7641 3153
(I73CA)

- 8 Conditions 16 and 18 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 9 With reference to condition 10 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk.

Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

You are urged to give this your early attention

- 10 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
- a. A contribution to the City Council's Affordable Housing Fund of £1,735,000 (index linked), payable prior to commencement of development.
 - b. A Carbon Offset Contribution of £70,000 (index linked), payable prior to commencement of development.
 - c. Undertaking of highways works in the vicinity of the site, including alterations to the crossroad of Oxford Street, Wardour Street and Berners Street including but not necessarily limited to kerb line alterations (to enable widening of the footway outside the site on Wardour Street), wayleaving of street light in Wardour Street onto the application site's frontage, associated traffic order making, alterations to crossing points, associated carriageway marking positions and any other associated works to accommodate the development (highways works to have been agreed and alterations to traffic orders to have been confirmed prior to commencement of development).
 - d. A contribution of £89,000 to support the Westminster Employment Service (index linked and payable prior to the commencement of development).
 - e. The re-provision of a nightclub (Sui Generis) on site to shell and core (ready for tenant fit out) prior to the occupation of any of the office floorspace on site.
 - f. The costs of monitoring the S106 legal agreement.

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- 11 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at:
www.westminster.gov.uk/cil

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

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

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

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

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DRAFT DECISION LETTER (DRAFT DECISION LETTER (LISTED BUILDING CONSENT))

Address: Development Site At 127-143 Oxford Street, 53-55 Berwick Street And 199-205, Wardour Street, London,

Proposal: Demolition of 127 Oxford Street and 205 Wardour Street, 129-131 Oxford Street, 133-135 Oxford Street (including 53-54 Berwick Street and 201 Wardour Street) (behind retained Oxford, Wardour and Berwick Street facades and partially retained interior), 137 Oxford Street, 139-143 Oxford Street (behind retained façade), 199 Wardour Street (within retained façades) and 55 Berwick Street. Excavation to provide new Basement 02 level. Erection of replacement building over basement 02, basement 01, ground and six upper storeys.

Plan Nos: Demolition drawings:

D0201, D0202, D0203, D0204, D01205, D0206, D0207, D0208, D0209, D0210, D0251, D0252, D0261, D0262, D0263 and D0264.

Proposed drawings:

P0201, P0202, P0203, P0204 Rev. A, P0205 Rev. A, P0206 Rev. A, P0207 Rev. A, P0208 Rev. A, P0209 Rev. A, P0210, P0251, P0252, P0261 Rev. A, P0262 Rev. A, P0263 and P0264 Rev. A.

Case Officer: Mark Hollington **Direct Tel. No.** 020 7641 2523

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 work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

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 Soho 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.

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(R27AC)

- 3 You must apply to us for approval of detailed drawings (scales 1:20 and 1:5) of the following parts of the development.

Typical details of all new facades of extensions to the listed building.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26DB)

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

Reason:

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 Soho 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 a comprehensive method statement and drawings of the following parts of the development.

Proposals for the reuse of existing internal features, including the main staircase.

You must not start any demolition of Ilford House (133-135 Oxford Street (including 53-64 Berwick Street and 201 Wardour Street)) until we have approved what you have sent us. You must then carry out the work according to these documents. (C26DB)

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, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 6 **Pre Commencement Condition.** You must apply to us for approval of detailed drawings showing how you will support and protect the parts of the building which are to be kept during building work. You must not start work until we have approved what you have sent us. You must then carry out the work according to these drawings. (C28AB)

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Reason:

To protect the parts of the building which are to be preserved during building work. (R28AA)

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

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

You must only carry out the demolition and development according to the approved arrangements. (C29AD)

Reason:

To maintain the special architectural or historic interest of this listed building as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) or Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29BC)

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

Reason:

To maintain the special architectural or historic interest of this listed building as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) or Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29BC)

- 9 No demolition of Ilford House (133-135 Oxford Street (including 53-54 Berwick Street and 201 Wardour Street) shall take place until a written scheme of historic building investigation (WSI) has been submitted to and approved by the local planning authority in writing. For buildings that are included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:

- A. The programme and methodology of historic building investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason:

Built heritage assets on this site will be affected by the development. The planning authority wishes to secure building recording in line with NPPF, and publication of results, in accordance

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with Section 12 of the NPPF.

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework July 2018, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that whilst the proposed works would cause some harm the special architectural and historic interest of this listed building, that the scheme will deliver public benefits which outweigh the harm to heritage assets. The heritage harm is necessary to unlock the sufficiently important benefits of creating significant amounts of new retail and office floorspace .

In reaching this decision the following were of particular relevance:
S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 For the purposes of Condition 9, the written scheme of investigation will need to be prepared and implemented by a suitably professionally accredited heritage practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London

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

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