Weatminster City Hall #4 Victoria Street Lundon SWIE 6QF

020, 2641 6500 wagtmingfor gov Lie



Your ref: MR GEORGE GAY

My ref:

GL Hearn

London W1D 3QW

13/12442/FULL

Please reply to:

Oliver Gibson

Tel No:

020 7641 2680

Development Planning Westminster City Half 64 Victoria Street London SW1E 6QP

9th October 2014

Dear Sir/Madam

Mr Stuart Baillie

20 Soho Square

TOWN AND COUNTRY PLANNING ACT 1990 PERMISSION FOR DEVELOPMENT (CONDITIONAL).

The City Council has considered your application and permits the development referred to below subject to the conditions set out and in accordance with the plans submitted

Unless any other period is stated in the Schedule below or by conditions attached; this consent, by virtue of Section 91(1) of the Town and Country Planning Act 1990 (as amended), is granted subject to the condition that the development shall be commerced within 3 years of the date of this decision.

Your attention is drawn to the enclosed Statement of Applicant's Rights and General Information

#### SCHEDULE

Application No:

13/12442/FULL

Application Date:

21 12 2013

Date Received:

13 12 2013

Date Amended:

07/01/2014

Plan Nos:

10 Rev 03, 11 Rev 03, 12 Rev 04, 13 Rev 02, 14 Rev 03, 16 Rev 09, 17 Rev 13, 16 Rev 07, 19 Rev.06, 26 Rev.02, 34 Rev.03, 36 Rev.01, 37 Rev.03, 38 Rev.06, 41 Rev.01, 42 Rev.01, 43 Rev 01 44 Rev 05, 45 Rev 01, 46 Rev 03, 48 Rev 02, 50 Rev 01, 52 Rev 01, 53 Rev 01, 54 Rev.D1 56 Rev.01, 57 Rev.01, 58, 59, Design and Access Statement, Supporting Planning Statement dated Decement 2013, Consultation Statement and Transport Statement dated 11 December 2013 (Issue 3/ Ref. TR8131062/RH/DW/006) as amended by TR8130562/SP02 Rev C, TR8130862/SP03 Rev C and additional parking occupancy data provided in email from GL Heam dated 4 March 2014

Address:

The Colonnades, 26 Porchester Road, London, W2 6ES

Proposal:

Reconfiguration of the ground and first floors to provide a supermarket (Class A1) at part ground floor and first floor levels with three retail shop units (Class A1) and two restaurant/ cafe units (Class A3) at ground floor level, extension to Porchester Road and Bishon's Bridge Road plevations to infill existing colonnade and create entrance lobby to supermarket, infilling of basement vents to Bishop's Bridge Road atterations to street facades amendments to rear service yard, installation of mechanical plant and associated public realm works.

See next page for conditions/reasons

Yours faithfully

Strategic Director Built Environment

# Condition(s):

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.

- You must carry out any building work which can be heard at the boundary of the site only:
  - \* between 08.00 and 18.00 Monday to Friday.
  - \* between 08.00 and 13.00 on Saturday; and
  - \* not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

## Reason

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

#### Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

- You must apply to us for approval of detailed drawings (plans, elevations and sections as appropriate at a scale of 1:20 unless specified otherwise below) of the following parts of the development:
  - (a) All new shopfronts and associated framing
  - (b) Ground level uplighters to facades (confirming position and appearance).
  - (c) Recycling centre recess/ enclosure to Porchester Road elevation
  - (d) Recycling centre shutters.

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)

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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 Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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. (R268E)

Statement, you must apply to us for approval of a detailed Lighting strategy and details of CCTV for Porchester Walk. 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 Lighting Strategy and CCTV details and you must not occupy the new retail units until the lighting to Porchester Walk has been installed in accordance with the details we approve. Thereafter you must permanently retain and maintain the lighting and CCTV to Porchester Walk in accordance with the approved details.

# Reason

To prevent anti-social behaviour, maintain the safety of pedestrians and make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES5, DES9 and TRANS3 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 (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

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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 Strategic Policies adopted November 2013, 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.

7 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.

You must apply to us for approval of details of a supplementary acoustic report demonstrating that all new mechanical plant will comply with the Council's noise criteria as set out in Condition 7 of this permission. If additional noise attenuation measures to those shown on the approved drawings are required, you must also submit drawings and manufaturer's specifications (as appropriate) to demonstrate the position and appearance of these attenuation measures. You must not start work on these part of the development until we have approved what you have sent us.

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You must then carry out the installation of the mechanical plant in accordance with the acoustic report and associated details that we approve. If any attenuation measures are approved, you must install these in accordance with the details we approve prior to occupation of the new retail units and thereafter permanently retain and maintain the attenuation measures in the approved locations.

## Reason:

To maintain the appearance of the building and the Bayswater Conservation Area in accordance with Policies DES1, DES5, DES6 and DES9 in our Unitary Development Plan that we adopted in January 2007 and Policies S25 and S28 of Westminster's City Plan Strategic Policies adopted November 2013 and 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 Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

9 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

#### Reason:

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

You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

#### Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007

You must provide the reconfigured service yard area shown on the approved plans prior to occupation of the new retail units. Thereafter you must only use the service yard area to service the retail units hereby approved and the residential accommodation within the Colonnades. (C23AA)

#### Reason

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

You must apply to us for approval of a Servicing Management Plan, which includes details of how the service yard will be managed to ensure that all of the retail units can be serviced and

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the residential accommodation refuse collected within the approved service yard. You must not occupy the new and enlarged retail units until we have approved what you have sent us. Thereafter you must then manage the service yard in accordance with the Servicing Management Plan that we approve, unless we agree an alternative Servicing Management Plan in writing.

# 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: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007 (R23AC)

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: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007 (R24AC)

You must apply to us for approval of detailed drawings and samples of materials of a hard 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 and samples within 4 months of completing the development (or within any other time limit we agree to in writing). (C30AB)

## Reason.

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan. Strategic Policies adopted November 2013 and DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

You must provide the publicly accessible disabled toilet at ground floor level, as shown on drawing 17 Rev. 12 prior to occupation of the new and enlarged retail units. Thereafter the toilet must be permanently retained and maintained in this location and it must be open accessible from the public highway and available for public use between 07 30 and 23 00 daily.

## Reason.

To provide safe and secure public toilet facilities in accordance with Policies DES1, SOC8 and TRANS3 in our Unitary Development Plan that we adopted in January 2007 and Policy S42 in Westminster's City Plan: Strategic Policies that we adopted in November 2013

You must use Units 3 and 5 (as annotated on drawing 17 Rev 13) only for restaruant/ cafe use within Class A3 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)

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Reason

To maintain the character, function and vitality of the Core Frontage and Secondary Frontage of Porchester Road Local Centre in accordance with Policies SS7, SS11 and TACE9 in our Unitary Development Plan that we adopted in January 2007 and Policies S21 and S24 in Westminster's City Plan: Strategic Policies that we adopted in January 2013.

You must use Units 1, 2, 4 and 6 (as annotated on drawing 17 Rev. 13) only for retail shop use within 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)

Reason

To maintain the character, function and vitality of the Core Frontage and Secondary Frontage of Porchester Road Local Centre in accordance with Policies SS7, SS11 and TACE9 in our Unitary Development Plan that we adopted in January 2007 and Policies S21 and S24 in Westminster's City Plan: Strategic Policies that we adopted in January 2013.

18 Customers shall not be permitted within the retail shop units (Units 1, 2, 4 and 6) before 07.00 or after 23.00 Monday to Saturday (not including bank holidays and public holidays) and before 10.00 or after 18.00 on Sundays, bank holidays and public holidays. (C12BD)

Reason

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan. Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

19 Customers shall not be permitted within the restaurant/ cafe units (Units 3 and 5) before 08.00 or after 23.30 Monday to Saturday (not including bank holidays and public holidays) and before 09.00 or after 22.30 on Sundays, bank holidays and public holidays. (C12BD)

Reason

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan Strategic Policies adopted November 2013 and ENV 6, ENV 7, SS7 and TACE9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

No tables and chairs shall be placed outside of the retail units hereby approved on the forecourt of the building (where it does not form part of the public highway) without our written approval. You must apply to us for approval of the location, number, appearance, hours of use and location of storage for any tables and chairs and associated non-fixed structures such as enclosures or barriers around tables and chairs or sun shades that you propose to place on the forecount of the building. You must not place the table and chairs or associated structures outside the retail units until we have approved what you have sent us. You must then only place the tables and chairs in the locations we approve in accordance with the details of their use and appearance that we approve

Reason

To prevent obstruction to pedestrian movement across the site, protect the amenity of neighbouring residents and ensure that the appearance of the tables and chairs and associated structures are appropriate in accordance with S28, S32 and CS41 of

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Westminster's City Plan: Strategic Policies that we adopted in November 2013 and DES1. ENV6 and TRANS3 in our Unitary Development Plan we adopted in January 2007

All of the retail units hereby approved shall achieve a BREEAM 'Very Good' rating or higher (or any such national measure of sustainability for commercial design that replaces that scheme of the same standard). Within 3 months of occupation of each of the retail units you must submit to us for our approval a copy of a Building Research Establishment (or equivalent independent assessment) Final Post Construction Stage Assessment and Certificate, confirming that the retail units, when built, have achieved a BREEAM 'Very Good' rating or higher.

If the submitted assessment does not demonstrate that the retail units have achieved a BREEAM 'Very Good' rating or higher, you must also submit to us for our approval a report that sets out remediation measures that are to be carried out so that the retail units will achieve this rating or higher. The submitted remediation report (if required) must also provide a time frame within which the specified remediation works will be carried out. You must not carry out any remediation works until we have approved the remediation report. You must then carry out the remediation works in accordance with the remediation report that we approve.

## 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. Strategic Policies adopted November 2013. (R44AC)

You must provide the recycling centre (annotated 'Relocated recycling bins' on drawing 17 Rev 13) at ground floor level prior to occupation of the new and enlarged retail units. Thereafter the recycling centre must be permanently retained in this location.

#### Reason

To provide suitable waste and recycling facilities in this part of the City in accordance with Policy ENV12 in our Unitary Development Plan that we adopted in January 2007 and Policy S44 in Westminster's City Plan: Strategic Policies that we adopted in November 2013.

You must apply to us for approval of details of how waste and recycling for the supermarket (Unit 1) is going to be stored on the site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details prior to occupation of the supermarket (Unit 1) and thereafter permanently retain them for the storage of waste and recycling from the operation of the supermarket. (C14EC)

#### Reason

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

24 Prior to occupation of the ground floor retail units (Units 2 to 6 as shown on drawing 17 Rev. 13 only) you must provide the store for waste and materials for recycling shown on drawing

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number 17 Rev. 13. You must clearly mark them and make them available at all times to everyone working in these retail units. (C14FB)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007 (R14BD)

25 Prior to occupation of the retail units you must provide the storage area within the service yard for residential waste and materials for recycling shown on drawing number 17 Rev. 13. You must clearly mark this area and make it available at all times to everyone living in the residential part of the Colonnades. (C14FB)

Reason

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan. Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

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

The location and size of windows to the flank elevation of Unit 1 facing 8ishops Court as shown on Drawing D 18 Rev 07 revised to be consistent with the proposed elevation Drawing D 38 Rev 06.

The glass that you put in the windows to the flank elevation of retail Unit 1 facing Bishops Court must not be clear glass, it must be designed to prevent light pollution to windows opposits and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square).

You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to the approved drawings and fit the type of glass we have approved and must not change it without our permission.

Reason

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan. Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

#### Informative(s):

In dealing with this application like 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. Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably in

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addition, where appropriate, further guidance was offered to the applicant at the validation stage

- This permission is governed by a legal agreement between the applicant and us under Section 108 of the Town and Country Planning Act 1990. The agreement relates to notice of commencement, a shopfront and advertisement strategy, public realm improvements, highway works, provision of a publicity accessible disabled toilet, provision of a recycling centre, financial contribution towards Crossrail and monitoring costs. (155AA)
- 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). (109AC)
- Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 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@coscheme.org.uk or visit www.coscheme.org.uk
- 6 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 7 Under the Construction (Design and Management) Regulations 1994, clients, planning supervisors, designers and dontractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following controls. Risks must.
  - be avoided (the preferred approach); or
  - 2 be reduced to a safe level.

If the above are not possible, you must protect workers who are exposed to any risks that remain.

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

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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. (I80BA)

- 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)
- 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/Sl/si1992/Uksi 19923004 en 1.htm

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

BS 8465-1:2008: 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)

You are reminded that tables and chairs placed on the public highway in connection with retail units require the benefit of planning permission.

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# PLANNING APPLICATIONS SUB-COMMITTEE (1) TUESDAY 11 MARCH 2014

# 1. THE COLONNADES, 26 PORCHESTER ROAD, W2

Reconfiguration of the ground and first floors to provide a supermarket (Class A1) at part ground floor and first floor levels with three retail shop units (Class A1) and two restaurant/ cafe units (Class A3) at ground floor level, extension to Porchester Road and Bishop's Bridge Road elevations to infill existing colonnade and create entrance lobby to supermarket, infilling of basement vents to Bishop's Bridge Road, alterations to street facades, amendments to rear service yard, installation of mechanical plant and associated public realm works.

Additional representations were received from G L Hearn (5.3.2014 and 6.3.2014), Highways Planning Manager (5.3.2014) and Highways Planning (6.3.2014).

A late representation was received from SEBRA (11/3/14).

The presenting officer informed the Sub-Committee that following further discussions with officers the applicant amended the retail and residential waste and recycling storage provision and officers were satisfied that this aspect of the development is acceptable. Therefore part 1(b) of the recommendation set out on pages 5 and 6 of the committee report has been addressed. Accordingly a revised recommendation is set out below.

The presenting officer tabled the following Additional Conditions (24, 25 and 26) which were recommended to secure the waste and recycling storage that is now proposed.

The applicant has asked that Condition 18 (hours of opening for the Class A1 retail shop units) is amended to extend opening hours Monday to Saturday from between 07.00 and 22.30 to between 07.00 and 23.00. This half hour extension to the previously recommended hours of opening is considered to be acceptable in amenity terms and as such the initially recommended condition has been amended accordingly (see below).

In respect of Condition 22 (Energy Strategy) the applicant has provided additional information to clarify their proposals and this has confirmed that it is their intention to deliver all of the new retail units (not just the supermarket unit) to a BREEAM 'Very Good' rating. Whilst the applicant does not propose any on-site energy generation (either via a CHP system or from renewable sources), given that the scheme is a refurbishment and extension part of an existing mixed use building, on balance this is considered to be acceptable in sustainability terms. In itself the improvement of the envelope of the retail element of the

existing building to a BREEAM 'Very Good' rating would represent significant improvement in energy efficiency terms relative to the existing situation. In this context it is recommended that Condition 22 is deleted and Condition 21 amended to reflect the additional information that has been submitted.

# Revised Recommendation (part 1(b) of the previous recommendation has been omitted)

For Sub-Committee's consideration:

- Does the Sub-Committee agree that the second floor facade to the Bishop's Bridge Road and Porchester Road facades of the building should remain un-rendered in yellow brickwork to match the other residential elements of The Colonnades.
- 2. Subject to 1. above, grant conditional permission, subject to:
  - A legal agreement or unilateral undertaking to secure the following:
    - i. Notice of commencement of development.
    - ii. Provision and adherence to a shop front and advertisement strategy.
    - iii. Provision of public realm improvements to all external parts of the application site.
    - iv. Provision of highway works, to include the replacement of the pavement of the public highway and reorganise street furniture and street signage in Porchester Road and Bishop's Bridge Road.
    - v. Provision, access and ongoing future maintenance of a publicly accessible disabled toilet.
    - vi. Provision, access and ongoing future maintenance of accommodation for 'recycling centre', including provision of sleeves to enclose Eurobins.
    - vii. Provision of financial contribution of £50,800 towards Crossrail prior to commencement of development.
    - viii. Provision of costs for monitoring of agreement.
- 3. If the S.106 planning obligation has not been completed by 11 June 2014 then:
  - a) The Strategic Director 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 Strategic Director is authorised to determine and issue such a decision under Delegated Powers; however, if not;

b) The Strategic Director 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 Strategic Director is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

# **Amended/ Additional Conditions**

# Amended Condition 18 (amended text in bold italics)

Customers shall not be permitted within the retail shop units (Units 1, 2, 4 and 6) before 07.00 or after **23.00** Monday to Saturday (not including bank holidays and public holidays) and before 10.00 or after 18.00 on Sundays, bank holidays and public holidays.

# Amended Condition 21 (amended text in bold italics)

All of the retail units hereby approved shall achieve a BREEAM 'Very Good' rating or higher (or any such national measure of sustainability for commercial design that replaces that scheme of the same standard). Within 3 months of occupation of each of the retail units you must submit to us for our approval a copy of a Building Research Establishment (or equivalent independent assessment) Final Post Construction Stage Assessment and Certificate, confirming that the retail units, when built, have achieved a BREEAM 'Very Good' rating or higher.

If the submitted assessment does not demonstrate that the retail units have achieved a BREEAM 'Very Good' rating or higher, you must also submit to us for our approval a report that sets out remediation measures that are to be carried out so that the retail units will achieve this rating or higher. The submitted remediation report (if required) must also provide a time frame within which the specified remediation works will be carried out. You must not carry out any remediation works until we have approved the remediation report. You must then carry out the remediation works in accordance with the remediation report that we approve.

# **Additional Condition 24**

You must apply to us for approval of details of how waste and recycling for the supermarket (Unit 1) is going to be stored on the site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details prior to occupation of the supermarket (Unit 1) and thereafter permanently retain them for the storage of waste and recycling from the operation of the supermarket.

# Reason

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

# **Additional Condition 25**

Prior to occupation of the ground floor retail units (Units 2 to 6 as shown on drawing 17 Rev. 13 only) you must provide the store for waste and materials for recycling shown on drawing number 17 Rev.13. You must clearly mark them and make them available at all times to everyone working in these retail units.

# Reason

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

# **Additional Condition 26**

Prior to occupation of the retail units you must provide the storage area within the service yard for residential waste and materials for recycling shown on drawing number 17 Rev.13. You must clearly mark this area and make it available at all times to everyone living in the residential part of the Colonnades.

#### Reason

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

The presenting officer also tabled the following additional condition to be attached to the draft decision letters:

#### Condition 27:

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

The location and size of windows to the flank elevation of Unit 1 facing Bishops Court as shown on Drawing D 18 Rev 07 revised to be consistent with the proposed elevation Drawing D 38 Rev 06.

The glass that you put in the windows to the flank elevation of retail Unit 1 facing Bishops Court must not be clear glass, it must be designed to prevent light pollution to windows opposite and you must fix it permanently shut. You must apply to us for approval of a sample of the

glass (at least 300mm square).

You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to the approved drawings and fit the type of glass we have approved and must not change it without our permission.

# **RESOLVED:**

- 1. The Sub-Committee did not agree that the second floor facade to the Bishop's Bridge Road and Porchester Road facades of the building should remain un-rendered in yellow brickwork to match the other residential elements of The Colonnades. The Sub-Committee wish to see a white render to the facades of the residential accommodation at second floor level as proposed by the applicants.
- 2. Subject to 1. above, conditional permission be granted, subject to:
- a) A legal agreement or unilateral undertaking to secure the following:
  - i. Notice of commencement of development.
  - ii. Provision and adherence to a shop front and advertisement strategy.
  - iii. Provision of public realm improvements to all external parts of the application site.
  - iv. Provision of highway works, to include the replacement of the pavement of the public highway and reorganise street furniture and street signage in Porchester Road and Bishop's Bridge Road. The new pavement materials should of a high quality and match those materials proposed to be used for public realm improvements in Queensway
  - v. Provision, access and ongoing future maintenance of a publicly accessible disabled toilet.
  - vi. Provision, access and ongoing future maintenance of accommodation for 'recycling centre', including provision of sleeves to enclose Eurobins.
  - vii. Provision of financial contribution of £50,800 towards Crossrail prior to commencement of development.
  - viii. Provision of costs for monitoring of agreement.
  - ix. Provision of ongoing future cleaning and maintenance regime for areas of new render.

- b) The revised and additional conditions as tabled and set out above.
- c) Further changes to conditions as follows:
  - i. Amending condition 19 so that the restaurant/cafe units can open at 0800 weekdays and 0900 on Sundays.
  - ii. An additional condition requiring details of the shutters to the recycling area (with maintenance agreed via (iv) of the section 106 agreement)
  - 3. If the S.106 planning obligation has not been completed by 11 June 2014 then:
  - a) The Strategic Director 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 Strategic Director is authorised to determine and issue such a decision under Delegated Powers; however, if not;
- b) The Strategic Director 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 Strategic Director is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

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PLANNING APPLICATIONS	Date	Classification	
SUB-COMMITTEE	11 March 2014	For General Rele	ase
Report of		Wards involved	
Strategic Director Built Environr	nent	Bayswater	
Subject of Report	The Colonnades, 26 P	orchester Road, London,	W2 6ES
Proposal	(Class A1) at part ground shop units (Class A1) at ground floor level, exter Road elevations to infill to supermarket, infilling alterations to street face	pround and first floors to proud floor and first floor levels and two restaurant/ cafe unit asion to Porchester Road a existing colonnade and created basement vents to Bisholdes, amendments to rear sall plant and associated put	with three retail is (Class A3) at and Bishop's Bridge eate entrance lobby op's Bridge Road, service yard,
Agent	GL Hearn		
On behalf of	The Colonnades Limited		
Registered Number	13/12442/FULL	TP / PP No	TP/1279
Date of Application	21.12.2013	Date amended/ completed	07.01.2014
Category of Application	Major		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone  Outside Central Activities Zone  Within Porchester Road Local Shopping Centre		
Stress Area	Within Stress Area (Queensway/Bayswater)		

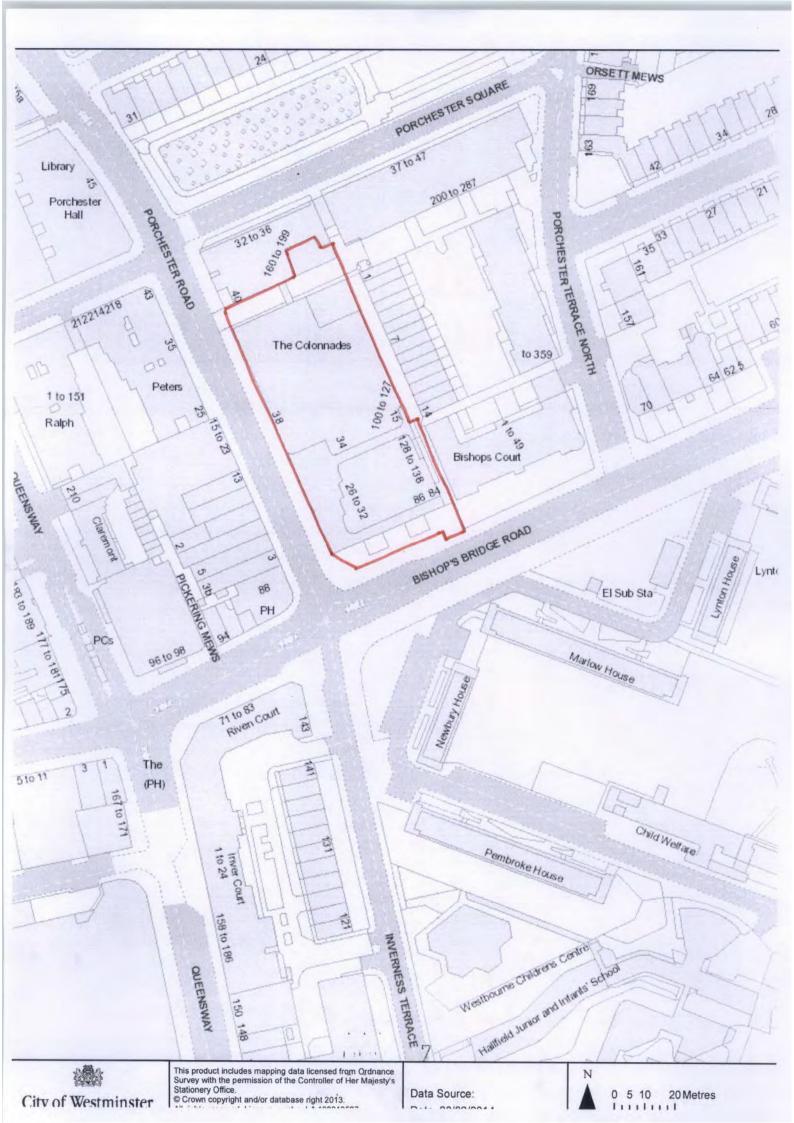
# 1. RECOMMENDATION

For Sub-Committee's consideration:

- 1. Does the Sub-Committee agree that:
  - a) The second floor facade to the Bishop's Bridge Road and Porchester Road facades of the building should remain un-rendered in yellow brickwork to match the other residential elements of The Colonnades.
  - b) The external provision of waste and recycling storage for the retail and residential uses within the service yard is unacceptable and this storage must be provided within the envelope of the building.

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- 2. Subject to 1. above, grant conditional permission, subject to:
  - a) A legal agreement or unilateral undertaking to secure the following:
    - i. Notice of commencement of development.
    - ii. Provision and adherence to a shop front and advertisement strategy.
    - iii. Provision of public realm improvements to all external parts of the application site.
    - iv. Provision of highway works, to include the replacement of the pavement of the public highway and reorganise street furniture and street signage in Porchester Road and Bishop's Bridge Road.
    - v. Provision, access and ongoing future maintenance of a publicly accessible disabled toilet.
    - vi. Provision, access and ongoing future maintenance of accommodation for 'recycling centre', including provision of sleeves to enclose Eurobins.
    - vii. Provision of financial contribution of £50,800 towards Crossrail prior to commencement of development.
    - viii. Provision of costs for monitoring of agreement.
- 3. If the S.106 planning obligation has not been completed by 11 June 2014 then:
  - a) The Strategic Director 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 Strategic Director is authorised to determine and issue such a decision under Delegated Powers; however, if not;
  - b) The Strategic Director 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 Strategic Director is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.





THE COLONNADES, 26 PORCHESTER ROAD, W2

#### 2. SUMMARY

The application proposes reconfiguration of the ground and first floors to provide a supermarket (Class A1) at part ground floor and first floor levels with three retail shop units (Class A1) and two restaurant/ cafe units (Class A3) at ground floor level. It is proposed to erect infill extensions to the Porchester Road and Bishop's Bridge Road elevations to infill the existing colonnade and create an entrance lobby to the supermarket. To the Bishop's Bridge Road elevation it is proposed to infill the existing basement car park vent pits to provide an enlarged area of public realm. To the rear it is proposed to alter and partially infill the existing servicing bay.

The key issues in this case are:

- The acceptability of the proposed mix of retail/ entertainment uses (Classes A1, A2 and A3) and the impact of the increase in retail/ entertainment use floorspace on the character and function and viability and vitality of the Porchester Road Local Centre and adjoining designated shopping frontages.
- The impact of the proposed development on the appearance of the building and the character and appearance of the Bayswater Conservation Area.
- The impact of the development on the amenity of neighbouring residents.
- The acceptability of the proposed servicing and refuse storage arrangements.

Subject to the Sub-Committee's views on the application of render and the associated alterations proposed to the second floor of the building and the suitability of the proposed waste and recycling storage, the proposed development is otherwise considered to be acceptable in land use, design, amenity, transportation and environment terms and would accord with the relevant policies within the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan). Therefore the application is recommended for conditional approval, subject to the completion of a S106 agreement to secure the planning obligations set out in Section 2 of this report.

# 3. CONSULTATIONS

# SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

No objection and welcome proposed upgrading of the shopping frontage, but raise the following points: (i) waste and recycling storage needs to be substantially improved: (ii) a shop front and signage strategy should be required and this should include the new Waitrose premises; (iii) concern that the relocated recycling centre could cause noise nuisance for neighbours and suggest it should be designed to be closed at night (i.e. using a roller shutter or similar); (iv) reservations about the use of white render on the yellow brickwork at second floor level; (v) public realm proposals need more detailed consideration and have reservations about use of Yorkstone on the public highway; (vi) trolley bays should be shown within the lobby at ground floor level in Waitrose; (vii) assume hours of opening for retail units will be controlled, especially Class A3 units (hours should be WCC core hours or less); (viii) assume that Class A3 uses will not be mixed bar/ restaurant uses; (ix) suggest no Class A2 uses are permitted; (x) reservations about removal of on-street disabled toilet and replacement off Porchester Walk and note that toilet should be open 24 hours and signposted from the public highway: (xi) tables and chairs on forecourt should only be allowed from 08.00 to 23.00 hours and should be controlled by a requirement to submit annual planning applications; and (xii) trust ventilation for retail units to extract cooking smells have been provided for in the scheme.

ARBORICULTURAL MANAGER
Any response to be reported verbally.

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#### BUILDING CONTROL

Any response to be reported verbally.

## **CLEANSING MANAGER**

Objection. Proposed waste and recycling storage capacity and arrangements are inadequate and waste and recycling storage for the food store, other retail units and residential flats within The Colonnades needs to be revisited. Designated stores should be provided and the storage should not be located within the service yard. Provision of this storage within the service yard appears likely to impede delivery/ collection vehicles and the lack of space also raises the prospect of damage to waste management equipment such as the proposed rotary compactor.

## **ENVIRONMENTAL HEALTH**

No objection. Note that restaurant units will require kitchen extraction terminating at main roof level. Hours of opening should be restricted and note that other aspects of restaurant uses would be subject to other Environmental Health controls. Conditions are recommended to prevent noise disturbance from proposed mechanical plant and to prevent noise disturbance to residential accommodation in the same building.

# HIGHWAYS PLANNING MANAGER

No objection in principle to amendments to servicing, but notes that the Cleansing Manager is concerned that refuse vehicles will not be able to pass an articulated lorry in the servicing bay to collect refuse. Further details of waste and recycling storage is also required - this should not be within the proposed servicing bay. A Servicing Management Plan should be required to 'manage out' any conflicts between refuse collections and deliveries by articulated lorries. Happy with loss of parking proposed, although further details of exact underutilisation of the car park would be appreciated given proposed enlargement of food store. Existing unauthorised uses of car park should be investigated by Planning Enforcement. Increase in cycle parking is welcomed but queries whether a greater increase should be secured.

## WASTE AND PARKS GROUP MANAGER

It is likely that the removal of the current on-street disabled toilet would be agreed if a suitable alternative is provided, but notes that this is ultimately a Cabinet Member decision. Would expect the proposed toilet to be maintained and cleansed in compliance with the British Toilet Association Guidance on Toilet Cleansing. Recommends that the toilet is open between 08.00 and 20.00 as a minimum.

# THAMES WATER

No objection. Fat traps recommended for restaurant units.

#### TRANSPORT FOR LONDON

No objection, subject to Construction Logistics Plan being secured by condition and financial contribution of £50,800 towards Crossrail pursuant to Mayor's Crossrail SPG to be secured via S106, in addition to Mayor's CIL.

# ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 662; Total No. of Replies: 5.

Five emails received from four respondents, three emails from two respondents in support of the development, which comment that the passageway and shops are in need of improvement/ modernisation, and two emails raising objection on all or some of the following grounds:

#### Amenity

 Overlooking and loss of privacy to occupiers of Bishop's Court from first floor of Unit 1 (but noted that would otherwise support scheme if obscure glazing could be incorporated to address this issue).

#### Other Matters

Concern regarding the proposed relocation of the unisex disabled toilet to opposite the
entrance to flats within The Colonnades. Note that there is currently unwelcome behaviour
(drug use, fighting, homelessness and sexual activity) around this facility in its current
location and do not wish to see that transferred to the proposed location. CCTV to cover
the proposed location is inadequate.

ADVERTISEMENT/ SITE NOTICE: Yes.

#### 4. BACKGROUND INFORMATION

# 4.1 The Application Site

The application site comprises the commercial element of The Colonnades, a mid 1970s mixed use redevelopment designed by Farrell Grimshaw Partnership. It comprises most of the street block bounded by Porchester Square, Porchester Terrace North, Porchester Road and Bishop's Bridge Road. The development is formed of larger wholly residential blocks facing Porchester Square and Porchester Terrace North, whilst the current application relates to the lower three and part four storey element of the development facing Bishop's Bridge Road and Porchester Road.

The application site comprises the basement (car park), ground (existing retail use – Classes A1 to A3 and service yard) and first (existing office and Pilates studio uses – Classes B1 and D2) floors. The third and part fourth floor residential accommodation above the commercial floorspace would be unaltered by the application scheme and does not form part of the application site.

The Colonnades is not listed, but is located within the Bayswater Conservation Area. The buildings comprising The Colonnades complex have a common architectural language and share a consistent facing material; namely, a light yellow brick, with the commercial element of the scheme identified by the use of a colour coordinated yellow tile and more extensive brown tinted glazing (albeit there have been previous amendments to this to the Porchester Road elevation).

In terms of land use, the frontages of the site in Porchester Road and Bishop's Bridge Road are within the Porchester Road Local Centre and the Queensway/ Bayswater Stress Area. The ground floor is currently in a mix of retail uses (Classes A1 to A3), with a relatively large Waitrose food store and eight smaller retail units. Above, the first floor has historically been in use as offices (Class B1), although part of the office accommodation is currently in use as a Pilates studio (Class D2).

At basement level the existing public car park currently contains 209 parking spaces.

## 4.2 Relevant History

The shop unit numbers below correspond to those shown on drawing 12 Rev.04, which is provided at the end of this report.

# 4.2.1 Unit 1 - Class A1 (Waitrose Supermarket)

19 September 2005 – Planning permission granted for the installation of a new shopfront and entrance/exit doors at ground floor level (05/04719/FULL).

11 August 2008 – Planning permission granted for the retention of a new shopfront, including demolition of part external wall at ground floor level, and installation of new external mechanical plant in unloading bay to rear (08/03573/FULL).

# 4.2.2 Unit 2 – Class A3 ('Le Bistro')

22 February 2007 – Planning permission granted for continued use of the ground floor as cafe (Class A3) and retention of rear extract duct (06/02791/FULL). The hours of opening are restricted by condition to between 07.30 to 23.00 hours daily.

# 4.2.3 Unit 3 – Class A1 (Mini Supermarket)

No relevant planning history.

# 4.2.4 Unit 4 – Class A1 (Vacant – last used as a Pharmacy)

No relevant planning history.

# 4.2.5 Unit 5 – Class A2 (Estate Agents)

No relevant planning history.

# 4.2.6 Unit 6 – Class A3 ('Marhba Café')

23 August 2001 – Planning permission granted for use of part of the public highway (7.2m x 5.5m) for the placing of 10 tables and 24 chairs with sun umbrellas in connection with Pizza Express (01/01745/TCH). Permission granted for a temporary one year period and the hours of tables and chairs were limited to between 11.00 and 23.00 by condition. This permission was renewed on four occasions in 2002, 2004, 2006 and 2007, after which the unit was vacated by Pizza Express.

15 July 2010 – Planning permission refused for use of part of the public highway (7.7m x 5.6m) for the placing of 10 tables and 20 chairs and installation of open canopy (3m x 6m x 2.5m) in connection with Marhba Cafe and Restaurant (09.00 – 00.00 Monday to Sunday) (09/07428/TCH). Permission withheld on design reasons relating to the proposed canopy and on the basis of harm to residential amenity as a result of noise and disturbance.

4 April 2011 – Planning permission refused by the Planning Applications Sub-Committee for use of part of the public highway in an area measuring 7.7m x 5.6m for the placing of 10 tables and 20 chairs in connection with Marhba Cafe and Restaurant between the hours of 09.00 and 23.00 daily (10/08481/TCH). Permission was refused on residential amenity grounds due to noise and disturbance, especially late at night. A subsequent appeal against the City Council's decision was allowed on 3 January 2012. Permission was limited by condition to a one year period.

29 October 2013 – Planning permission was granted for the use of part of the public highway measuring  $7.7m \times 5.6m$  for the placing of 10 tables and 20 chairs in connection with Marhba Cafe and Restaurant between the hours of 09.00 and 23.00 daily (13/02378/TCH). Permission was limited by condition to a one year period.

## 4.2.7 Unit 7 – Class A1 (Hairdressers)

No relevant planning history.

# 4.2.8 Unit 8 – Class A1 (Berdee's Coffee Shop)

There are ongoing planning enforcement investigations into the use of these premises. It is alleged that the use that is being carried out is a Class A3, rather than a Class A1 use.

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19 September 2007 – Planning permission granted for the placing of six tables and 24 chairs in front of the premises in an area measuring 5.5m (deep) and 5.7m (width) (07/04553/TCH). Hours of use restricted to between 08.00 and 23.00 hours daily by condition.

19 January 2012 – A Certificate of Lawful Existing Use was refused for use of land outside No. 84 Bishop's Bridge Road for placing of tables and chairs in connection with coffee shop use at No.84 (11/11239/CLEUD). The application was refused on the basis of insufficient evidence to demonstrate that the placing of tables and chairs outside the premises had occurred for a continuous 10 year period prior to the date of the application.

# 4.2.9 Unit 9 - Class A2 (Estate Agents)

No relevant planning history.

# 4.2.10 First Floor - Class B1 Office Floorspace

11 January 2001 – Planning permission was granted for use of part first floor as Class B1 offices as an extension to adjacent existing offices and replace grilles on the Porchester Road elevation with new windows (00/07216/FULL).

16 May 2003 – Planning permission was granted for elevational alterations to the Porchester Road elevation and Bishop's Bridge Road elevation with extension at part ground and first floor level on the Porchester Road elevation in connection with the office use (03/00946/FULL).

18 August 2008 – Planning permission granted for use of part of the first floor as a Pilates studio (Class D2) (08/05290/FULL). Conditions were imposed to prevent alternative Class D2 use and to limit hours to between 06.00 and 21.00 hours Monday to Friday, 09.00 and 17.00 hours on Saturdays and 09.00 and 13.00 hours on Sundays and Bank Holidays.

## 4.2.11 Basement Car Park

14 July 2010 – A Certificate of Lawful Existing Use was issued for the use of the basement as a public car park (09/04974/CLEUD). The car park is therefore not subject to any current controls over its operation (i.e. hours of opening etc).

# 5. THE PROPOSAL

The application seeks permission for the reconfiguration of the ground and first floors to provide a supermarket (Class A1) at part ground floor and first floor levels with three retail shop units (Class A1) and two restaurant/ cafe units (Class A3) at ground floor level.

The reconfiguration at ground floor level would include the infilling of the existing colonnade to the Bishop's Bridge Road and Porchester Road facades, whilst the triple height space over Porchester Walk would be infilled at first floor level to accommodate the enlarged supermarket unit. Facade alterations are proposed at ground, first and second floor levels to the street elevations, including the creation of a new entrance lobby to the supermarket at the corner of Bishop's Bridge Road and Porchester Road.

To the rear it is proposed to infill part of the existing covered service yard and the installation of mechanical plant is proposed at basement level, within the service yard and at roof level over Porchester Walk.

Public realm improvements are proposed to the hard landscaping in the curtilage of the site, including the infill of the basement vents to Bishop's Bridge Road. It is also proposed to improve the layout of street furniture and replace the surface of the footpath of the public highway.

	Item	No.
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# 6. DETAILED CONSIDERATIONS

#### 6.1 Land Use

The application site is located within the Porchester Road Local Centre. The frontage in Porchester Road is located within the Core Frontage of the Local Centre, whilst the Bishop's Bridge Road frontage is located within the Secondary Frontage.

The application proposes an uplift in retail floorspace and the loss of the existing Class B1 office and Class D2 Pilates studio floorspace at first floor level (see Table 1).

Table 1 – Existing and proposed floorspace figures for ground and first floors (GIA)

Use	Existing (m2)	Proposed (m2)	Change (+ or – m2)
Supermarket (Class A1)	2150	4060	+1910
Retail shops (other Class A1)	240	790	+550
Financial or Professional Services (Class A2)	70	40	-30
Restaurant/ Cafés (Class A3)	320	800	+480
Offices (Class B1)	1380	0	-1380
Pilates studio (Class D2)	160	0	-160
Ancillary Floorspace	260	160	-100
Total	4580	5850	+1270

The loss of the office accommodation at first floor level is considered acceptable in land use terms as there is no policy protection for office uses in this part of the City. The private Pilates studio is a social and community use and would ordinarily be afforded protection by Policy S34 in the City Plan and Policy SOC1 in the UDP; however, in this case it is considered that the wider planning benefits of the scheme in terms of the improved retail offer that The Colonnades will provide to the local centre outweighs the loss of this small private social and community use housed in converted office accommodation.

At ground floor the scheme would entirely reconfigure the existing retail accommodation within The Colonnades, replacing the existing ground floor supermarket (which has back of house accommodation at first floor level) and eight other small retail units with an enlarged supermarket at first floor level (with back of house floorspace at ground level adjacent to the service yard) and five larger retail units. The existing Class A2 estate agents unit accessed from Porchester Walk would remain as existing. By infilling the existing colonnades all of the retail units would have a street frontage at the back edge of the public highway or private forecourt, thereby enhancing the street presence of the retail offer at ground level.

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1	

The applicant has assessed the impact of the development on the Porchester Road Local Centre, as is required by Policies SS7 and SS11 in the UDP.

Policy SS11 is applicable to all proposals for supermarkets and other major retail developments. It sets out that planning permission for major retail developments will be granted within a larger Local Centre if:

- "...the proposal would not cause harm to the vitality and viability of shopping areas or centres in the catchment area of the development, and if:
- 1. the proposal is of a size appropriate to the character and function of the shopping centre or area;
- 2. the proposed site is highly accessible by public transport and for pedestrians, cyclists and the less mobile;
- 3. the existing road network has sufficient capacity to take any additional servicing traffic generated by the proposal without causing adverse effects on the environment, traffic circulation, or air quality;
- 4. the proposal provides facilities such as cycle parking and public recycling facilities:
- 5. the proposal is well designed, relates well to the existing shop frontage, reflects the character of the local area, is landscaped where appropriate and is integrated with the surrounding uses.

In this case the Porchester Road Local Centre is considered to be a larger Local Centre and furthermore regard must be had to the proximity of the Queensway/ Westbourne Grove District Centre, adjoining the Local Centre. The 2007 Porchester Road Shopping Area Health Check confirms that the Centre is above average in size. As such, the principle of enlarging the existing supermarket in this location is considered acceptable in land use terms, subject to the scheme meeting the other policy tests.

In terms of the impact on vitality and viability of the Local Centre and other shopping areas in the vicinity of the site, officers are satisfied that the proposed development would not have an adverse impact. The 2007 retail health check for the Local Centre (which is the most recent adopted shopping health check) revealed that vacancy levels were significantly below average (2.9% compared to 9% across the City), and although these have since risen, periods of vacancy appear to be relatively short term and as such, it is considered that the Centre generally is in robust health and is capable of adapting to change and absorbing the effect of increasing the quantum of retail floorspace within the Centre. Furthermore, at present the poor retail offer provided by The Colonnades is considered to have a negative impact on the overall attractiveness to shoppers of this part of the Core Frontage of the Local Centre and in this regard the scheme would serve to improve the vitality of the Local Centre by attracting increased footfall.

In terms of the size and function of the Porchester Road Local Centre (point 1 of Policy SS11), the proposed development would increase the retail floorspace within the Local Centre from 5,258m2 to 8,168m2 and this would fall below the definition of a District Centre in the London Plan, which identifies these as Centres with 10,000 to 50,000m2 of retail/ other town centre use floorspace. As such, the size of the Centre would remain such that it can comfortably be considered to be a Local Centre. The function of the Centre would be little altered as a supermarket already exists on the application site, supported by a mix of Class A1, A2 and A3 units.

The application site is highly accessible using all forms of transport. For the reasons set out in Section 6.4 of this report, officers are satisfied that the scheme would not have an adverse impact on the local road network. Cycle and recycling facilities are proposed as part of the

scheme and these are also considered in further detail in Section 6.4 of this report. The proposed shop frontage is considered to be acceptable in design terms and the applicant is proposing public realm and highway works which would integrate the development into the surrounding area. As such, the scheme is considered to satisfy the other requirements of Policy SS11 (points 2 to 5).

Policy SS7 relates to all proposals for development within Local Centres, albeit the policy is designed to be used primarily to assess the change of use of particular shop units and not wholesale redevelopment proposals that reconfigure the position and layout of retail units and uses. As such, it is considered that the policy needs to be implemented with a degree of flexibility in this case.

The ground floor frontage of The Colonnades facing Porchester Road forms part of the Core Frontage of the Porchester Road Local Centre and currently this includes the existing Waitrose supermarket and five small retail units, comprising one Class A3 café, two small Class A2 estate agents and one Class A1 retail shop, which is used as a mini supermarket. The frontage facing Bishop's Bridge Road forms part of the Secondary Frontage and comprises three retail units. The largest of these is in use as a Class A3 café/ restaurant, whilst the other two are lawfully Class A1 units, with one used as a hairdressers and the other a coffee shop.

In the Core Frontage the proposed development would retain one of the Class A2 estate agent units (to the rear of the site accessed from Porchester Walk) and replace the other units with two units, one Class A1 retail shop (Unit 2) and one for use as a Class A3 café/ restaurant (Unit 3). In addition to these ground floor units, the proposed first floor Class A1 supermarket premises would have a strong visual presence at the corner of Bishop's Bridge Road and Porchester Road, where its entrance would be located.

In the Secondary Frontage, the three existing units would be replaced by three differently configured units, comprising two Class A1 retail shop units (Units 4 and 6) and one Class A3 café/ restaurant unit (Unit 5).

This disposition of uses is considered acceptable and would maintain an acceptable Class A1 retail shop presence within both the Core and Secondary Frontages at ground floor level, in addition to the increase in supermarket floorspace at first floor level. As can be seen in Table 1, the uplift in Class A1 (non-supermarket) floorspace is proportionately greater than the growth in Class A3 floorspace and therefore it is considered that the existing balance of retail uses on this site at ground floor level would be maintained. There is no objection to the loss of one small Class A2 unit. Overall the mix of retail uses is considered acceptable and would accord with the aims and objectives of Policy SS7 in the UDP and Policy S21 in the City Plan.

The ground floor restaurant/ café units would have kitchen extraction equipment to roof level and, as set out in Section 6.3 of this report, conditions are recommended to control the potential use of the forecourt of the premises for the placing of tables and chairs. As such, it is not considered that the provision of two enlarged café/ restaurant units as part of the scheme would have a detrimental impact on the amenity of neighbours. As such, these new entertainment uses would satisfy the requirements of Policies SS7 and TACE9 in the UDP and Policy S24 in the City Plan and are acceptable in land use and amenity terms despite the location of the site within the Queensway/ Bayswater Stress Area.

Conditions are recommended to control the hours of use of the retail units including the supermarket premises so that they do not cause late night or early morning noise disturbance to neighbouring residents. It is recommended that the hours of opening of the retail shop units, including the proposed supermarket are limited to between 07.00 and 22.30 Monday to Saturday (not including bank holidays and public holidays) and between 10.00 and 18.00 on Sundays, bank holidays and public holidays. It is recommended that the hours of opening of the restaurant/ café units are limited to between 09.00 and 23.30 Monday to Saturday (not

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including bank holidays and public holidays) and between 11.00 and 22.30 on Sundays, bank holidays and public holidays.

# 6.2 Design and Townscape

## 6.2.1 Existing Buildings

The Colonnades is a mixed use development dating from the mid 1970's and was one of the first developments by the Farrell Grimshaw Partnership to be built. The development comprises three principle blocks; namely, the mixed retail, office and residential block comprising the application site (three and part four storeys), an eight storey residential block facing Porchester Square (which to its eastern end retains the 19<sup>th</sup> Century facade to the street elevation) and a seven storey residential block facing Porchester Terrace North. To the centre of the site, three storey mews houses are located along Porchester Square Mews.

Other than where the original 19<sup>th</sup> Century facade has been retained in Porchester Square, all the blocks comprising The Colonnades share a common, consistent architectural language comprising a double height base formed using structural columns clad in stacked yellow tiles, with dark brown tiles or glazing within the reveals formed between the structural columns. Above the double height base, at second floor level and above, the buildings comprise simple rectangular forms finished in pale yellow brickwork that are generally sparsely detailed, with slender framed aluminium windows.

The Colonnades development had originally been designed to incorporate the site facing Bishop's Bridge Road now known as Bishop's Court. The intention had been to replicate the colonnaded façade of the application site along Bishop's Bridge Road further to the east beyond Porchester Square Mews. It is for this reason that the existing colonnade to the Bishop's Bridge Road façade ends abruptly at Porchester Square Mews.

# 6.2.2 Proposed Development

The proposed scheme seeks to significantly alter the street facades of the building at ground, first and second floor levels, as well as infilling existing colonnades and covered section of the service yard and over Porchester Walk at first floor level. The scheme also proposes kitchen extraction equipment and ventilation panels for mechanical plant located within the envelope of the building.

# 6.2.3 Loss of Existing Colonnades and Street Façade Alterations

The infill of the existing colonnaded areas, from which the development's name is derived, is considered acceptable in design terms. As set out in the preceding section of this report, the colonnade was originally intended to be a more impressive and dominant feature stretching further along the principal street frontage of the site in Bishop's Bridge Road. As a result of the part implementation of the original scheme the colonnade has never performed its intended purpose either architectural or functionally. Instead it creates a dark and uninviting ground floor environment, to the detriment of the attractiveness of the retail premises at ground floor level to retailers and shoppers alike.

The infill of the colonnade and associated removal of the remaining dark brown glazing from the first floor would serve to create a more inviting façade that would be further enlivened by retail activity within the units, which would be more apparent than in the current shop unit configuration. The scheme proposes to reclad the structural columns in white aluminium panels, with dark grey window framing and infill panels. Predominantly the glazing proposed would be frameless at ground and first floor levels, with the first floor glazing to the Porchester Road façade forming a continuation of the modern glazing that has previously been partially installed to the existing office accommodation.

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It is recommended that a shopfront and advertisement strategy is secured via the S106 agreement to prevent inappropriate use of window vinyls and future display of advertisements that would detract from the frameless glazed shopfronts that are proposed. It is expected that fascia signage will be accommodated within the shop units with projecting signage attached to the structural columns between each shop unit, although this would be agreed as part of the shopfront and advertisement strategy.

Above first floor level the applicant proposes to render the existing residential accommodation at second floor level, which is currently finished in yellow brickwork. This proposal is considered to be a retrograde step in design terms. As set out earlier in this report, the buildings comprising The Colonnades have a consistent architectural language, which delineates between the ground and first floors, which form a double height base, and the upper floors. Whilst the proposed alterations and general modernisation of the ground and first floors of the retail element of The Colonnades is considered acceptable for the reasons set out in the preceding paragraphs, it is not considered that the addition of white render to part of the second floor where it faces Bishop's Bridge Road would respect the intended visual separation between the base of the building and the upper floors. The rendering of this element of the building would also serve to blur the originally intended clear division between the facade detailing to the commercial (office and retail) element of the building and the residential element at second and third floor levels. The Sub-Committee's views are specifically sought in respect of this particular issue.

The infill of the two existing car park ventilation pits facing Bishop's Bridge Road is considered acceptable in design terms and would improve the appearance of the building in the prominent views from the junction with Westbourne Grove. (Associated public realm matters are considered in Section 6.4.5 of this report.)

## 6.2.4 Alterations to Porchester Walk

Currently Porchester Walk, the private pedestrian passageway running through the site from Porchester Road to Porchester Square Mews and onwards to Porchester Terrace North, comprises a triple height space with a pitched glazed roof above second floor level; albeit below this roof the space already has a number of walkways and other structures running above the ground floor passageway.

The proposed scheme would reduce this passageway to a single storey where it runs through the site as a result of the infill extension proposed at first floor level. Whilst this is less desirable in terms of the proportions and natural lighting of this enclosed space, the entrance to Porchester Walk would be opened up and would become less enclosed where it meets Porchester Road (currently this is obscured by a lift and stair core). In addition, the applicant is proposing to enhance the lighting of this space and provide shop frontages that look out on to this passageway to enhance passive surveillance of the passageway. It is considered that these measures would address concerns arising from the loss of the triple height space over the passageway, although a condition is recommended requiring submission of further details of the proposed lighting and CCTV strategy in the interests of design and the prevention of anti-social behaviour.

As a result of the infill extension at first floor level the glazed roof at second floor level would become redundant and the applicant proposes to remove this structure. It is also proposed to make a minor alteration at second floor level to accommodate a new fire escape route from the first floor and to route a kitchen extract duct from one of the new restaurant/ café units up to main roof level. These alterations would be discreetly located towards the rear of the site and, in the case of the new kitchen extract, it would be located against the side elevation of an existing lift overrun structure. As such, these alterations are considered uncontentious in design terms.

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#### 6.2.5 Alterations to Service Yard

The service yard is already of very functional appearance and is only partially visible in fleeting views from Porchester Road. The proposed infilling of the existing covered, but not enclosed, element of the service yard is considered uncontentious in design terms. The new facade would be largely functional in appearance with various louvres and a kitchen extract duct accommodated on this facade. However, given the concealed location and existing functional appearance of this part of the building, the proposed alterations to the service yard are considered acceptable in design terms.

# 6.2.6 Design Summary

In summary in design terms, the proposed alterations and extensions are considered acceptable subject to the recommended conditions and would maintain the appearance of the building and the character and appearance of the Bayswater Conservation Area. The proposed development would accord with Policies DES1, DES5, DES6 and DES9 in the UDP and Policies S25 and S28 in the City Plan.

# 6.3 Amenity

# 6.3.1 Daylight and Sunlight, Sense of Enclosure and Overlooking

The extensions proposed are largely infill extensions in locations that would not adversely impact upon the amenity of neighbouring residents in terms of loss of light, increased sense of enclosure or overlooking. Where alterations beyond the envelope of the existing building are proposed, such as at roof level to accommodate an amended fire escape route and a new kitchen extract duct, the extensions/ alterations proposed are of limited bulk and scale and are discreetly located away from windows serving habitable residential rooms.

Concern has been expressed by a resident in Bishop's Court on overlooking grounds, however, the new windows within the first floor retail accommodation to the Bishop's Bridge Road frontage would be set back from neighbouring front elevation windows serving properties in Bishop's Court and therefore the development would not give rise to any increase in overlooking in this regard.

As such, in daylight and sunlight, sense of enclosure and overlooking terms, the scheme is considered acceptable and would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

#### 6.3.2 Noise Disturbance

The scheme proposes new mechanical plant at basement level and new kitchen extraction equipment to serve the new restaurant/ café and supermarket units. Environmental Health do not object to these proposals in principle. However, due to the scope of the development, although the existing background noise levels have been assessed as part of the application, the mechanical plant has yet to be specified and therefore it is recommended that a detailed supplementary acoustic report and full details of any additional attenuation measures that may be required are secured by condition to ensure that the proposed plant would comply with Policies ENV6 and ENV7 in the UDP and S32 in the City Plan.

The proposed scheme includes the provision of enhanced public realm on the application site where it faces Bishop's Bridge Road, principally to facilitate the placing of tables and chairs on this area in association with the adjacent retail units. A condition is recommended requiring the submission of details of the hours of use, number and layout of the tables and chairs and other associated equipment (umbrellas, planters, screens etc) that may be proposed in this area. Subject to the recommended condition it is considered that the use of the private forecourt area for tables and chairs would not give rise to significant noise disturbance.

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It should be noted that the use of any areas of adjoining public highway land for the placing of additional tables and chairs would continue to require the benefit of separate permission, which would be granted only on a temporary basis in accordance with the Council's normal approach to tables and chairs permissions.

The proposed alterations to the service yard would reduce its overall size. However, the service yard is already an open area and therefore it is not considered that the amended open service yard would give rise to significant additional noise disturbance (subject to successful resolution of officer's current concerns regarding waste and recycling storage – see Section 6.4.4 of this report).

# 6.4 Transportation/ Parking

## 6.4.1 Trip Generation

The proposed uplift in retail floorspace, particularly the enlargement of the existing supermarket premises (from 2,150m2 to 4,060m2 – GIA), would result in increases in trip generation across all modes of transport. However, the increases in trip generation would be within acceptable tolerances and would not have an adverse impact on the local highway network. Furthermore, the site is well served by public transport and this would support any increases in non-car travel to and from the site. The Highways Planning Manager does not object to the development on trip generation grounds.

## 6.4.2 Car Parking

Although a reduction in parking spaces may be acceptable and in accordance with Policy TRANS25 in the UDP, it must be evidenced that the extent of reduction proposed is not so significant that it would give rise to an underprovision of parking in future, having regard to the proposed increase in retail floorspace, particularly the significant increase in supermarket floorspace.

The proposed scheme would reduce the number of car parking spaces by 24 to 185 spaces to accommodate a new lift and stair core to the retail uses at ground and first floor levels, as well as improved disabled parking, cycle parking, trolley bays and new mechanical plant. The applicant cites the current under occupancy of the car park, as well as the availability of other nearby public car parking, on and off street (there is car parking in Arthur Court – 35 spaces and Whiteley's – 175 spaces), as grounds for allowing a reduction in the number of spaces. However, the information initially submitted fails to provide evidence of the extent of under occupancy and therefore further evidence of this has been sought from the applicant to address the concerns of the Highways Planning Manager in this regard.

The Highways Planning Manager has noted that the existing alternative uses of the car park referred to in the submitted Transport Statement as being indicative of the current under occupancy of the car park; namely, provision of a valet service, car hire and self storage units, do not appear to have the benefit of planning permission and therefore these uses have been referred to the Planning Enforcement Team for further investigation.

# 6.4.3 Cycle Parking

The scheme proposes to increase cycle parking on the site from 10 spaces to 24 spaces, which would be located at basement level adjacent to the lift and stair core to ground and first floor level. The increase in cycle parking provision is welcome, but as noted by the Highways Planning Manager, this increase does fall below the increase required to fully accord with Policy TRANS10 in the UDP, which expects the provision of approximately 44 cycle parking spaces given the proposed uplift in retail floorspace. The applicant has been asked to review the number of cycle parking spaces that can be provided and any amendment will be reported

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verbally to the Sub-Committee. A condition is recommended to ensure the provision of the onsite cycle parking that is proposed.

## 6.4.4 Servicing

The proposed scheme seeks to alter and reduce the size of the existing service yard by infilling the double height covered section of the existing 'L' shaped service yard.

The applicant cites that the layout of the existing service yard requires articulated lorries to be reversed into the service yard (they cannot enter in forward gear) and then carry out multiple manoeuvres to enter the covered section of the service yard where the existing Waitrose servicing bay is located. The infill of the covered section of the service yard and provision of a new service bay to the north elevation of the existing building would simplify the servicing arrangements for articulated lorries and reduce the time spent servicing these vehicles. Articulated lorries would continue to be reversed into the service yard, but this is considered to be acceptable in this case given that this is presently how these larger lorries access the site for servicing.

The applicant has demonstrated that other smaller servicing vehicles, including refuse collection vehicles, would be able to pass an articulated lorry parked in the service yard to access the other proposed servicing bays. In this context the alterations to the existing service yard, including the proposed reduction in its overall size is considered acceptable, subject to a condition requiring a Servicing Management Plan to ensure that there would not be significant conflicts between the servicing arrangements for the various retail units and the refuse collection for residential waste and recycling. Subject to this condition and a condition to require the reconfiguration of the service yard prior to the occupation of the new retail units, the proposed servicing yard would accord with Policy TRANS20 in the UDP and Policy S42 in the City Plan.

Whilst the layout of the proposed service yard is acceptable in principle, the proposals for waste and recycling storage are not currently considered to be acceptable and would have an unacceptable impact on the operation of the proposed service yard. The initially submitted scheme did not include proposals for waste and recycling storage for the retail units. It has also subsequently become apparent that residential refuse is currently stored within the existing larger service yard.

During the course of the application the applicant has clarified that all waste and recycling storage apart from that for the supermarket premises is proposed to be accommodated within the service yard. This arrangement would unacceptably inhibit the operation of the service yard as the bins and other waste storage equipment, including a rotary compactor, would significantly impinge on the manoeuvring and loading space available for service vehicles. Furthermore, as part of a comprehensive redevelopment it is expected that dedicated and weather proof waste storage facilities should be provided in accordance with Policy ENV12 in the UDP.

The applicant has been asked to look again at the proposed waste and recycling storage arrangements in advance of the Sub-Committee meeting and any amendments to the current proposals to address officers concerns will be reported verbally to the Sub-Committee for its consideration and views.

## 6.4.5 Public Realm and Highway Works

The applicant proposes a scheme of public realm improvements to the hard landscaping around their site and on the surrounding public highway (footpath only) and in principle this accords with Policy SS14 in the UDP, which seeks environmental improvements to improve the townscape and environment of shopping areas. They initially proposed the use of English Pennine Stone (EPS) (a stone with an appearance similar to Yorkstone) both on their site and

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on the surrounding public highway. The rationale for proposing this material was to match proposals for public realm improvements in Queensway. However, the use of EPS in Queensway has yet to be formally agreed and therefore in advance of this decision, officers are unconvinced that the use of EPS on the public highway in this location is appropriate as it would appear as an unjustified and isolated island of high quality paving in an area otherwise characterised by the Council's normal artificial stone paving (ASP) finish. In addition to this concern, officers are also concerned that the use of EPS would significantly increase future maintenance costs for the Council for this area of highway.

In the context of the concerns set out in the preceding paragraph, it is recommended that the detailed design and specification of materials for the on-site hard landscaping is reserved by condition. It is also recommended that these details are secured via the \$106 agreement in association with the detailed design and specification of the works to the public highway (given that they are integral to one another). The highway works would include rationalisation and reorganisation of street furniture such as cycle stands, provision of a drop curb for collection of bins from the 'recycling centre' and removal of the existing on-street toilet (see Section 6.6). The \$106 agreement would ensure the delivery of the on-site public realm works and the highway works at the applicant's expense and also would allow additional time to negotiate the appearance of these works so that they would be consistent in terms of design and materials with the public realm scheme that is agreed for Queensway.

## 6.4.6 Other Transportation Matters

The applicants propose to relocate the existing 'recycling centre', which comprises a row of Eurobins located outside The Colonnades in Porchester Road, to within a dedicated enclosure recessed within the Porchester Road façade of the building. They have also agreed to provide 'sleeves' which reduce noise break out from the bins and improve their appearance. The proposed new location for the 'recycling centre' is considered to represent a welcome improvement in terms of the location and appearance of this existing community facility. A condition is recommended to secure further details of the detailed design of the recessed opening in which the 'recycling centre' would be located. It is also recommended that the provision of this facility on the application site and the ongoing maintenance of and access to the facility is secured via the \$106 agreement.

The application site falls within a 1km zone around Paddington Station within which the Mayor's Crossrail SPG (April 2013) seeks a financial contribution towards the cost of Crossrail, in addition to the contribution the development will make via the Mayor's CIL. In this case, Transport for London have advised that the scheme generates a requirement to provide a financial contribution of £50,800 towards Crossrail and it is recommended that this is secured via the S106 agreement.

#### 6.5 Economic Considerations

The proposed scheme is in accordance with the relevant land use policies in the City Plan and Unitary Development Plan and as such the economic benefits that would be generated are welcomed.

# 6.6 Equalities and Diversities (including Access)

The proposed scheme would deliver significant improvements in terms of access, with improved parking provision for disabled persons at basement level and new lifts to provide step free access to the ground floor shop units and to the first floor supermarket premises. Access to all of the shop units would be step free, although Units 2 and 3 facing Porchester Road would require the provision of an access ramp within the shop units due to the higher street level outside these units.

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The applicant proposes to replace the existing toilet that is currently located on the public highway in Bishop's Bridge Road with a new wheelchair accessible toilet within the development accessed from Porchester Walk. The existing toilet on the highway was installed to provide a wheelchair accessible toilet in this location, as the Queensway public toilets (at the junction of Queensway and Westbourne Grove) are not wheelchair accessible as they are located below street level. In this context, the provision of a permanent wheelchair accessible toilet facility, provided and permanently maintained at the applicant's expense, is considered to be welcome in accessibility terms and would represent a significant improvement on the existing temporary facility. As such, it complies with SOC8 of the UDP. The removal of the temporary toilet structure also represents a significant benefit in public realm terms as it serves to reduce the amount of street clutter, albeit it should be noted that its removal would be subject to agreement by the Cabinet Member for City Management, Transport and Environment.

A condition is recommended to ensure that it is open to the public between 07.30 and 23.00 hours daily, as these hours would suitably replicate the hours of opening of the public toilets in Queensway which are advertised as being between 07.30 and 00.30 daily. The permanent provision and ongoing maintenance of the toilet will be secured via the S106 agreement. As part of the S106 agreement details of signage for the toilet will be secured (so that it is legible to people using the public highway) and it is recommended that the applicant is permitted to charge a small fee for the use of the toilet (to cover the cost of regular cleaning), which is consistent with that currently charged for use of the on-street toilet that it is to replace.

# 6.7 Other UDP/Westminster Policy Considerations

None relevant.

# 6.8 London Plan

The proposals would accord with the relevant policies in the London Plan, including Policy 4.7 'Retail and Town Centre Development'.

# 6.9 National Policy/ Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

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

# 6.10 Planning Obligations

As referred to in other sections of this report, the proposed development would deliver a number of planning obligations, which are to be secured via a \$106 agreement. The planning obligations to be secured are:

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- Provision of a shopfront and advertisement strategy to ensure that shopfronts are not concealed with window vinyls and so that future shopfront advertisements maintain the appearance of the development and are of consistent design.
- Provision of on-site public realm improvements works to be carried out at the applicant's expense and to be completed within four months of completion of the development.
- Provision of highway works to replace the paving to the footpath of the public highway
  outside the site in Porchester Road and Bishop's Bridge Road, including reorganisation/
  removal of street furniture (cycle parking hoops, on-street toilet etc) and street signage as
  appropriate works to be carried out at the applicant's expense.
- Provision of access to and ongoing future maintenance of a publicly accessible disabled toilet – toilet to be publically accessible between 07.30 and 23.00 hours, applicant to be permitted to charge a fee to cover cleaning/ maintenance that is commensurate with the Council's current fees for use of the on-street toilet and details of signage to be specified so that it is legible from the public highway.
- Provision of access to and ongoing future maintenance of accommodation for a 'recycling centre', including provision of 'sleeves' to enclose Eurobins – to ensure provision of facility on the application site for the lifetime of the development.
- Provision of a financial contribution of £50,800 towards Crossrail in accordance with the Mayor's Crossrail SPG (April 2013) – to be provided prior to commencement of development.

The S106 agreement will also require the applicant to provide notice of commencement of development (to allow appropriate arrangement of highway works) and provision of the Council's costs for monitoring the agreement (in accordance with the 'Planning Obligations' SPG 2008).

In addition to the planning obligations set out above, the 'Planning Obligations' SPG sets out that schemes delivering 1,000m2 or more of new commercial floorspace may be asked to provide new public open space. In this case, given that the scheme represents a reconfiguration and extension of an existing building, it is not considered that it would be reasonable to require the provision of new public open space or a contribution in lieu of such provision. Furthermore, the site is not within an area of public open space deficiency and the scheme would provide an area of improved hard landscaping to the Bishop's Bridge Road edge of the site that is publically accessible.

# 6.11 Environmental Assessment including Sustainability and Biodiversity Issues

The applicants have provided a Sustainability Statement and a BREEAM Pre-assessment which demonstrates that the proposed supermarket premises are capable of achieving a BREEAM sustainability score of 'Very Good'. It is clear from the applicant's Sustainability Statement that whilst they are focused on reducing carbon dioxide emissions from the building by refurbishing it using more thermally efficient materials to construct the building envelope and by using more energy efficient fixtures and fittings, they have yet to produce a finalised detailed energy strategy. However, it is considered that this matter can be resolved by imposing conditions requiring the submission of a detailed energy strategy and requiring all of the retail units to achieve at least a BREEAM 'Very Good' rating. Subject to the recommended conditions, it is considered that the scheme would accord with Policies S28, S39 and S40 in the City Plan and the relevant policies in Chapter 5 of the London Plan.

#### 6.12 Other Matters

None relevant.

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# 7. CONCLUSION

The proposed development is considered to accord with the relevant policies in the UDP and City Plan and is acceptable in land use, design, amenity and environment and transportation terms, save for the rendering of the second floor facade and refuse storage issues highlighted in the Recommendation section of this report. Subject to the Sub-Committee's views on these issues and, if necessary, the successful resolution of these matters, it is recommended that conditional permission is granted, subject to the completion of the S106 agreement to secure the planning benefits set out in Section 6.10 of this report.

# **BACKGROUND PAPERS**

- Application forms.
- 2. Letter from the South East Bayswater Residents Association dated 26 February 2014.
- Email from Thames Water dated 20 January 2014.
- 4. Memo from Environmental Health dated 22 January 2014.
- 5. Email from Transport for London dated 6 February 2014.
- Email from the Highways Planning Manager dated 14 February 2014.
- 7. Memo from the Cleansing Manager dated 25 February 2014.
- 8. Email from the Waste and Parks Group Manager dated 25 February 2014.
- 9. Email from the occupier of 17 Bishop's Court, 76 Bishop's Bridge Road dated 13 January 2014.
- 10. Email from the occupier of 125 The Colonnades, 34 Porchester Square dated 19 January 2014.
- 11. Email from the occupier of 240 The Colonnades, 34 Porchester Square dated 2 February 2014.
- 12. Emails (x2) from the occupier of 317 The Colonnades, 34 Porchester Square dated 18 January 2014.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT CLARAGH MULHERN ON 020 7641 2535 OR BY E-MAIL – cmulhern@westminster.gov.uk

# **DRAFT DECISION LETTER**

Address:

The Colonnades, 26 Porchester Road, London, W2 6ES

Proposal:

Reconfiguration of the ground and first floors to provide a supermarket (Class A1) at part ground floor and first floor levels with 3 x retail shop units (Class A1) and 2 x restaurant/ cafe units (Class A3) at ground floor level, extension to Porchester Road and Bishops Bridge Road elevations to infill existing colonnade and create entrance lobby to supermarket, infilling of basement vents to Bishop's Bridge Road, alterations to street facades, amendments to rear service yard, installation

of mechanical plant and associated public realm works.

Plan Nos:

10 Rev.03, 11 Rev.03, 12 Rev.04, 13 Rev.02, 14 Rev.03, 16 Rev.08, 17 Rev.12, 18 Rev.07, 19 Rev.06, 26 Rev.02, 34 Rev.03, 36 Rev.01, 37 Rev.03, 38 Rev.06, 41 Rev.01, 42 Rev.01, 43 Rev.01, 44 Rev.04, 45 Rev.01, 46 Rev.03, 48 Rev.02, 50 Rev.01, 52 Rev.01, 53 Rev.01, 54 Rev.01, 56 Rev.01, 57 Rev.01, 58, 59, Design and Access Statement, Supporting Planning Statement dated December 2013, Consultation Statement and Transport Statement dated 11 December 2013

(Issue 3/ Ref: TR8131062/RH/DW/006).

Case Officer:

Oliver Gibson

Direct Tel. No. 020 7641 2680

# Recommended Condition(s) and Reason(s):

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 carry out any building work which can be heard at the boundary of the site only:
  - \* between 08.00 and 48.00 Monday to Friday;
  - \* between 08.00 and 13.00 on Saturday: and
  - \* not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

#### Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

#### Reason:

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

character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of detailed drawings (plans, elevations and sections as appropriate at a scale of 1:20 unless specified otherwise below) of the following parts of the development:
  - (a) All new shopfronts and associated framing.
  - (b) Ground level uplighters to facades (confirming position and appearance).
  - (c) Recycling centre recess/ enclosure to Porchester Road elevation.

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

#### Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

Notwithstanding the outline Lighting Strategy contained within the Design and Access Statement, you must apply to us for approval of a detailed Lighting strategy and details of CCTV for Porchester Walk. 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 Lighting Strategy and CCTV details and you must not occupy the new retail units until the lighting to Porchester Walk has been installed in accordance with the details we approve. Thereafter you must permanently retain and maintain the lighting and CCTV to Porchester Walk in accordance with the approved details.

## Reason:

To prevent anti-social behaviour, maintain the safety of pedestrians and make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES5, DES9 and TRANS3 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- (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 LAegTm, 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: Strategic Policies adopted November 2013, 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.

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.

8 You must apply to us for approval of details of a supplementary acoustic report

demonstrating that all new mechanical plant will comply with the Council's noise criteria as set out in Condition 7 of this permission. If additional noise attenuation measures to those shown on the approved drawings are required, you must also submit drawings and manufacturer's specifications (as appropriate) to demonstrate the position and appearance of these attenuation measures. You must not start work on these part of the development until we have approved what you have sent us.

You must then carry out the installation of the mechanical plant in accordance with the acoustic report and associated details that we approve. If any attenuation measures are approved, you must install these in accordance with the details we approve prior to occupation of the new retail units and thereafter permanently retain and maintain the attenuation measures in the approved locations.

# Reason:

To maintain the appearance of the building and the Bayswater Conservation Area in accordance with Policies DES1, DES5, DES6 and DES9 in our Unitary Development Plan that we adopted in January 2007 and Policies S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and 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: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

#### Reason:

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

You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

#### Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

You must provide the reconfigured service yard area shown on the approved plans prior to occupation of the new retail units. Thereafter you must only use the service yard area to service the retail units hereby approved and the residential accommodation within the Colonnades. (C23AA)

# Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies

adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

You must apply to us for approval of a Servicing Management Plan, which includes details of how the service yard will be managed to ensure that all of the retail units can be serviced and the residential accommodation refuse collected within the approved service yard. You must not occupy the new and enlarged retail units until we have approved what you have sent us. Thereafter you must then manage the service yard in accordance with the Servicing Management Plan that we approve, unless we agree an alternative Servicing Management Plan in writing.

#### 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: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

13 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: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

14 You must apply to us for approval of detailed drawings and samples of materials of a hard 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 and samples within 4 months of completing the development (or within any other time limit we agree to in writing). (C30AB)

# Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

You must provide the publicly accessible disabled toilet at ground floor level, as shown on drawing 17 Rev.12 prior to occupation of the new and enlarged retail units. Thereafter the toilet must be permanently retained and maintained in this location and it must be open accessible from the public highway and available for public use between 07.30 and 23.00 daily.

## Reason:

To provide safe and secure public toilet facilities in accordance with Policies DES1, SOC8 and TRANS3 in our Unitary Development Plan that we adopted in January 2007 and Policy S42 in Westminster's City Plan: Strategic Policies that we adopted in November 2013.

You must use Units 3 and 5 (as annotated on drawing 17 Rev.12) only for restaurant/ cafe use within Class A3 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).

#### Reason:

To maintain the character, function and vitality of the Core Frontage and Secondary Frontage of Porchester Road Local Centre in accordance with Policies SS7, SS11 and TACE9 in our Unitary Development Plan that we adopted in January 2007 and Policies S21 and S24 in Westminster's City Plan: Strategic Policies that we adopted in January 2013.

17 You must use Units 1, 2, 4 and 6 (as annotated on drawing 17 Rev.12) only for retail shop use within 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).

#### Reason:

To maintain the character, function and vitaility of the Core Frontage and Secondary Frontage of Porchester Road Local Centre in accordance with Policies SS7, SS11 and TACE9 in our Unitary Development Plan that we adopted in January 2007 and Policies S21 and S24 in Westminster's City Plan: Strategic Policies that we adopted in January 2013.

18 Customers shall not be permitted within the retail shop units (Units 1, 2, 4 and 6) before 07.00 or after 22.30 Monday to Saturday (not including bank holidays and public holidays) and before 10.00 or after 18.00 on Sundays, bank holidays and public holidays. (C12BD)

#### Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

19 Customers shall not be permitted within the restaurant/ cafe units (Units 3 and 5) before 09.00 or after 23.30 Monday to Saturday (not including bank holidays and public holidays) and before 11.00 or after 22.30 on Sundays, bank holidays and public holidays. (C12BD)

#### Pageon:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, SS7 and TACE9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

No tables and chairs shall be placed outside of the retail units hereby approved on the forecourt of the building (where it does not form part of the public highway) without our written approval. You must apply to us for approval of the location, number, appearance, hours of use and location of storage for any tables and chairs and associated non-fixed structures such as enclosures or barriers around tables and chairs or sun shades that you propose to place on the forecourt of the building. You must not place the table and chairs or associated structures outside the retail units until we have approved what you have sent us. You must then only place the tables and chairs in the locations we approve in accordance with the details of their use and appearance that we approve.

#### Reason:

To prevent obstruction to pedestrian movement across the site, protect the amenity of

neighbouring residents and ensure that the appearance of the tables and chairs and associated structures are appropriate in accordance with S28, S32 and CS41 of Westminster's City Plan: Strategic Policies that we adopted in November 2013 and DES1, ENV6 and TRANS3 in our Unitary Development Plan we adopted in January 2007.

The development units hereby approved shall achieve a BREEAM 'Very Good' rating or higher (or any such national measure of sustainability for commercial design that replaces that scheme of the same standard). Within 3 months of completing the development you must submit to us for our approval a copy of a Building Research Establishment (or equivalent independent assessment) Final Post Construction Stage Assessment and Certificate, confirming that the retail units, when built, have achieved a BREEAM 'Very Good' rating or higher.

If the submitted assessment does not demonstrate that the retail units have achieved a BREEAM 'Very Good' rating or higher, you must also submit to us for our approval a report that sets out remediation measures that are to be carried out so that the retail units will achieve this rating or higher. The submitted remediation report (if required) must also provide a time frame within which the specified remediation works will be carried out. You must not carry out any remediation works until we have approved the remediation report. You must then carry out the remediation works in accordance with the remediation report that we approve.

## 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: Strategic Policies adopted November 2013. (R44AC)

You must apply to us for approval of a detailed Energy Strategy for the proposed development. You must then carry out the development in accordance with the Energy Strategy that we approve. You must not occupy the retail units hereby approved until the approved Energy Strategy has been fully implemented. Thereafter the development must be operated in accordance with the approved Energy Strategy.

# Reason:

To make sure that the development affects the environment as little as possible, as set out in S28, S39 and S40 of Westminster's City Plan: Strategic Policies adopted November 2013 and Policies 5.2, 5.3, 5.6, 5.7 and 5.9 in the London Plan (Revised Early Minor Alterations) October 2013. (R44BC)

You must provide the recycling centre (annotated 'Relocated recycling bins' on drawing 17 Rev.12) at ground floor level prior to occupation of the new and enlarged retail units. Thereafter the recycling centre must be permanently retained in this location.

# Reason:

To provide suitable waste and recycling facilities in this part of the City in accordance with Policy ENV12 in our Unitary Development Plan that we adopted in January 2007 and Policy S44 in Westminster's City Plan: Strategic Policies that we adopted in November 2013.

# Informative(s):

- 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: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 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 notice of commencement, a shopfront and advertisement strategy, public realm improvements, highway works, provision of a publicly accessible disabled toilet, provision of a recycling centre, financial contribution towards Crossrail and monitoring costs. (I55AA)
- 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). (109AC)
- 4 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 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.
- The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps

by issuing regular bulletins about site progress.

- 7 Under the Construction (Design and Management) Regulations 1994, clients, planning supervisors, 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 controls. Risks must:
  - 1 be avoided (the preferred approach); or
  - 2 be reduced to a safe level.

If the above are not possible, you must protect workers who are exposed to any risks that remain.

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. (180BA)

- 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)
- 9 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)

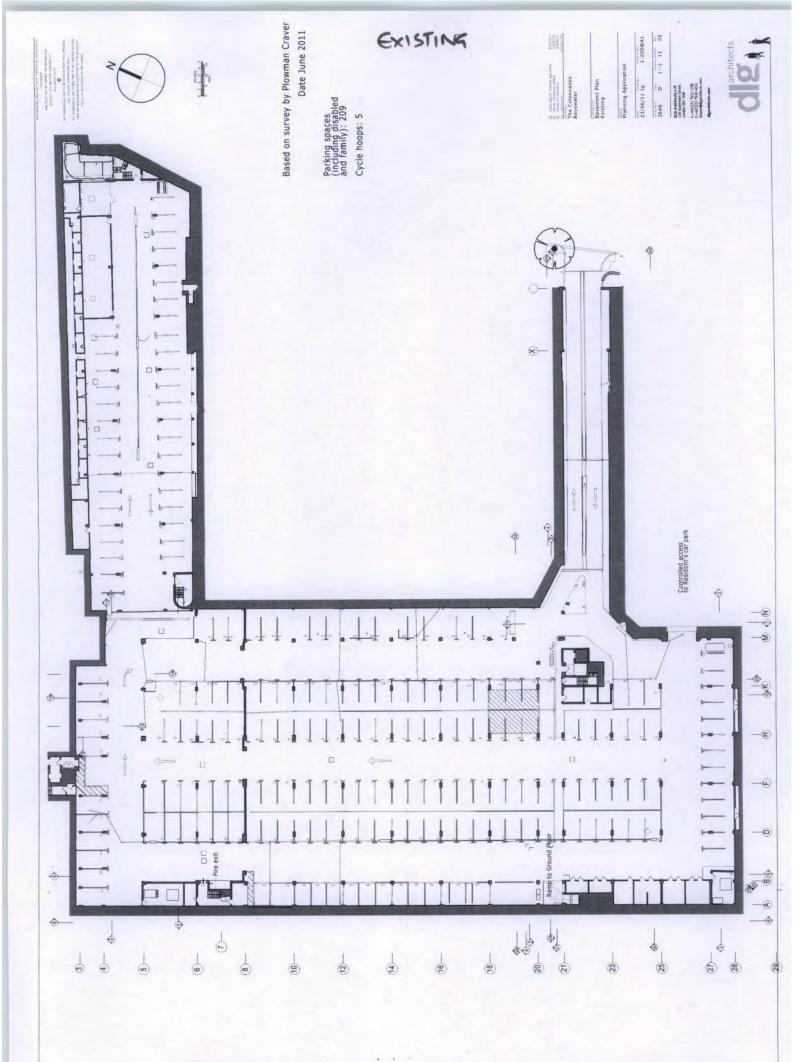
You are reminded that tables and chairs placed on the public highway in connection with retail units require the benefit of planning permission.



f) Bishops Bridge Road elevation, Proposed



Porchester Road elevation, Proposed

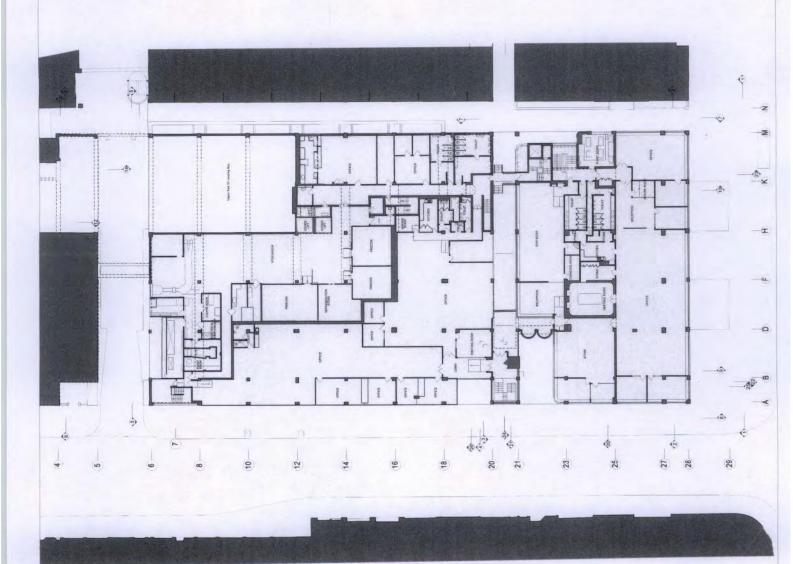


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Based on Survey by Plowman Craven date June 2011















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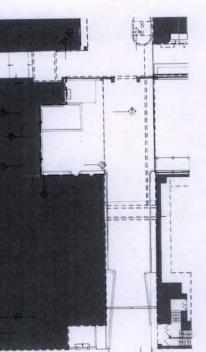


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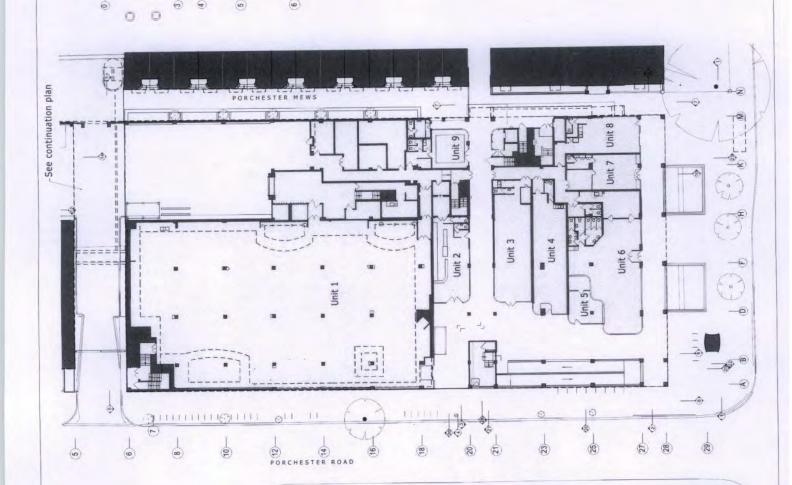
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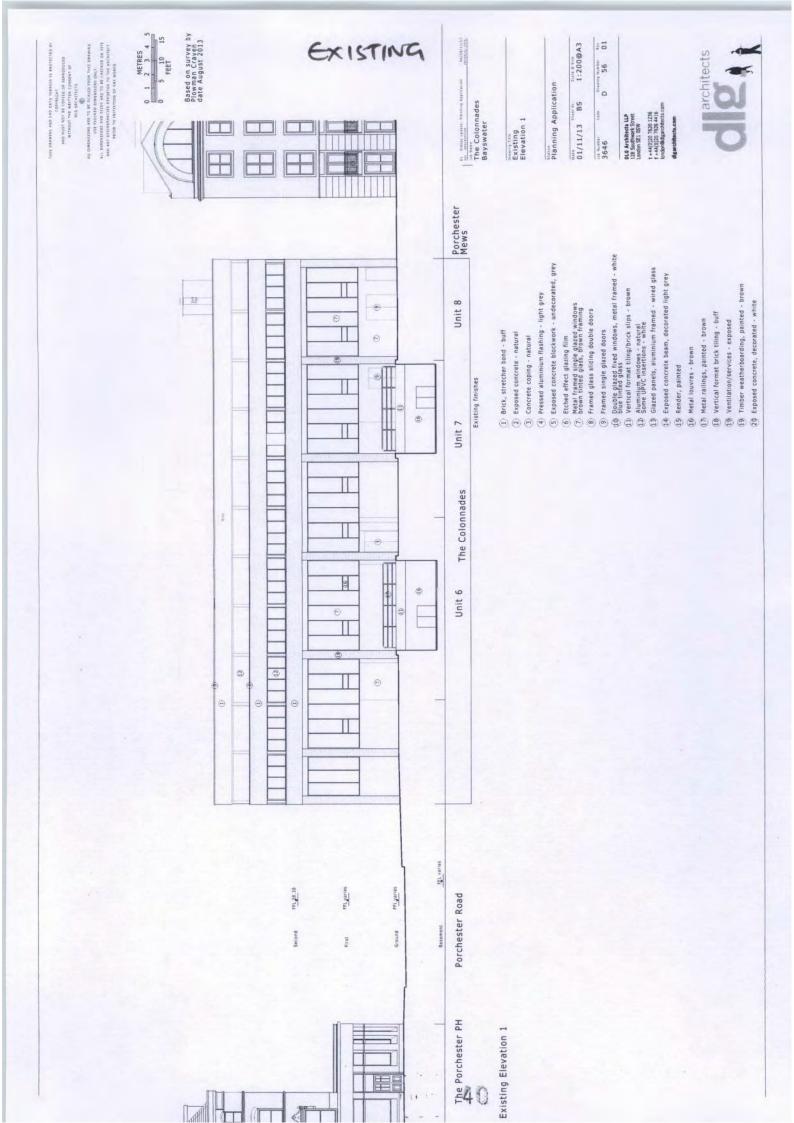


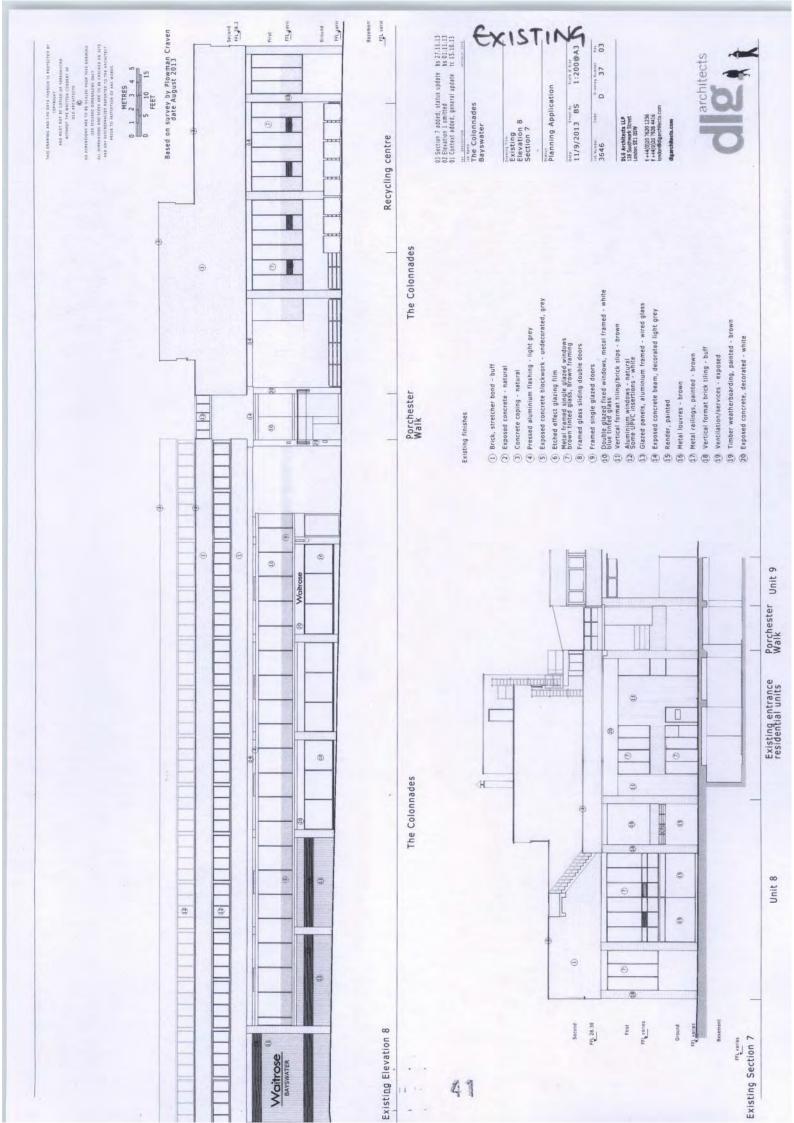












Based on survey by Plowman Craven date August 2013 Planning Application The Colonnades Bayswater DLG Architects LLP 128 Southwark Street Landon SE1 05W t + 44(0)20 7520 1236 f + 44(0)20 7928 4416 london@dlgarchitects.com Existing Existing Elevation 5 Exposed concrete blockwork - undecorated, grey
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 Framed single glazed doors (i) Double glazed fixed windows, metal framed - wh (ii) britished glasse windows, metal framed - wh (ii) Vertical format tilling/brick slips - brown (ii) Some UpVC insertions - white (ii) Glazed panels, aluminium framed - wired glass 14 Exposed concrete beam, decorated light grey 19 Timber weatherboarding, painted - brown (4) Pressed aluminium flashing - light grey (20) Exposed concrete, decorated - white 18 Vertical format brick tiling - buff (9) Ventilation/services - exposed (1) Metal railings, painted - brown (1) Brick, stretcher bond - buff 2) Exposed concrete - natural (3) Concrete coping - natural (16 Metal louvres - brown 15 Render, painted Existing finishes FFL 28.30 H. gurles FEL yaries (2) Service Yard-Extent of Application 6 (16) 9 0 (1) (3) (8) (6) 0 0 99) (4) 0 99 Basement FEL varies (5) Existing Elevation 5 Second FFL 28.30 First FFL garres Ground FPL yaries 42

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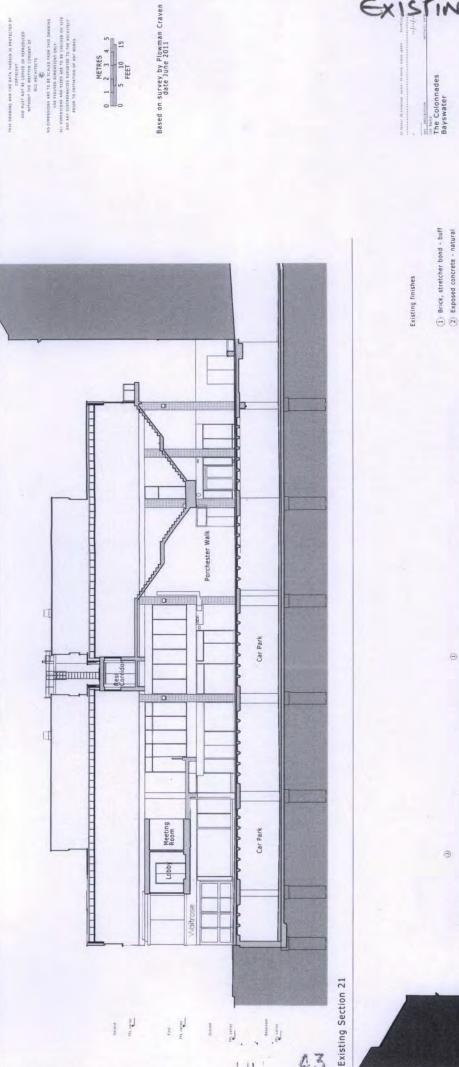
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Extent of Application Loading Bay

Daniel Gooch PH

Existing Elevation 11



EXISTING The Colonnades Bayswater

3) Concrete coping - natural

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Existing Sections 21 & 24

Planning Application

16/9/13 BS 3646 A Pressed aluminum flashing - light grey
 Exposed concrete blockwork - undecorated, grey
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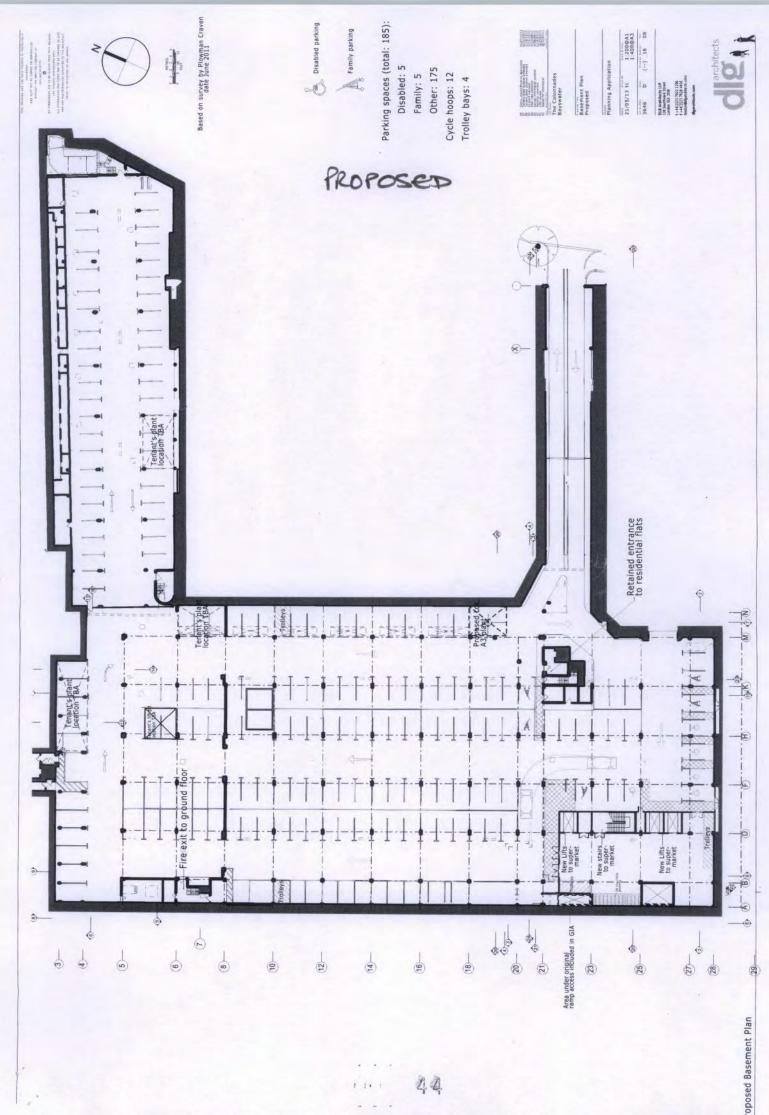
DLG Architects LLP 128 Southwark Street London SEI 05W

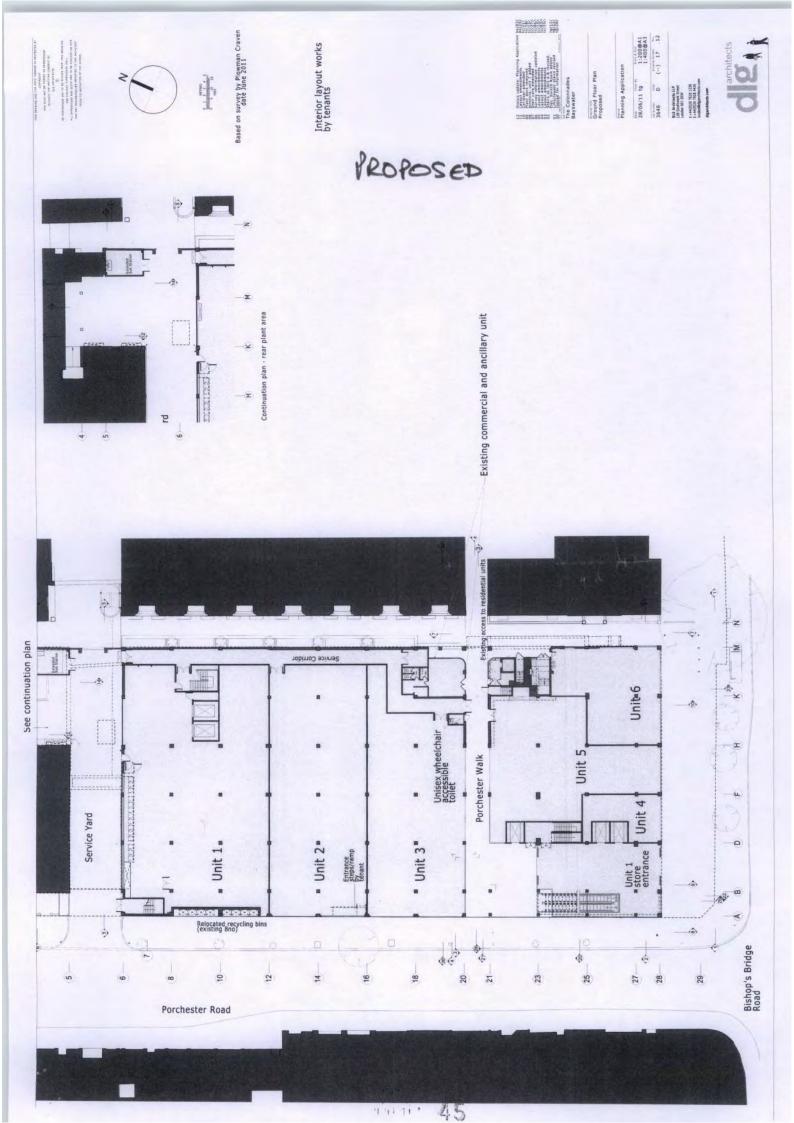
(19) Timber weatherboarding, painted - brown (20) Exposed concrete, decorated - white

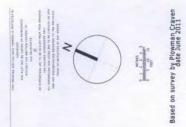
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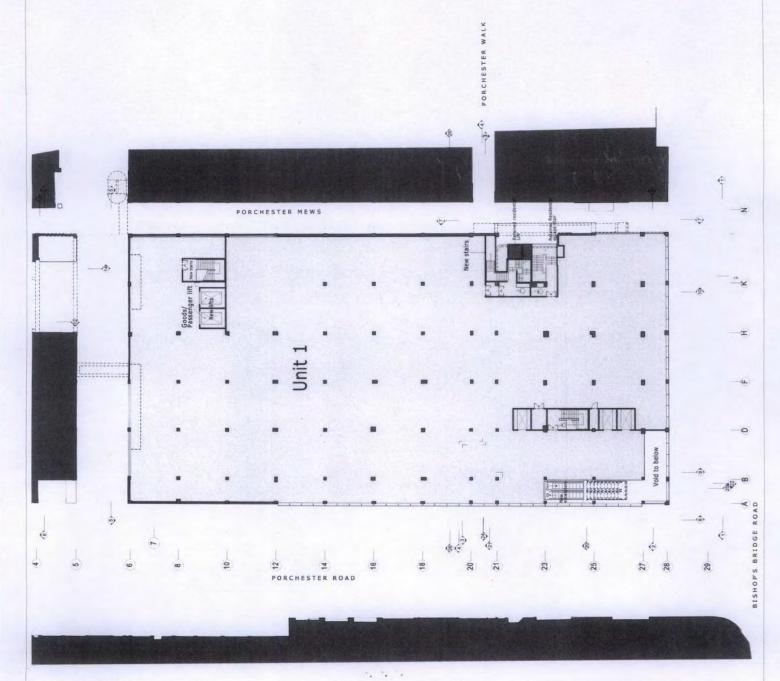




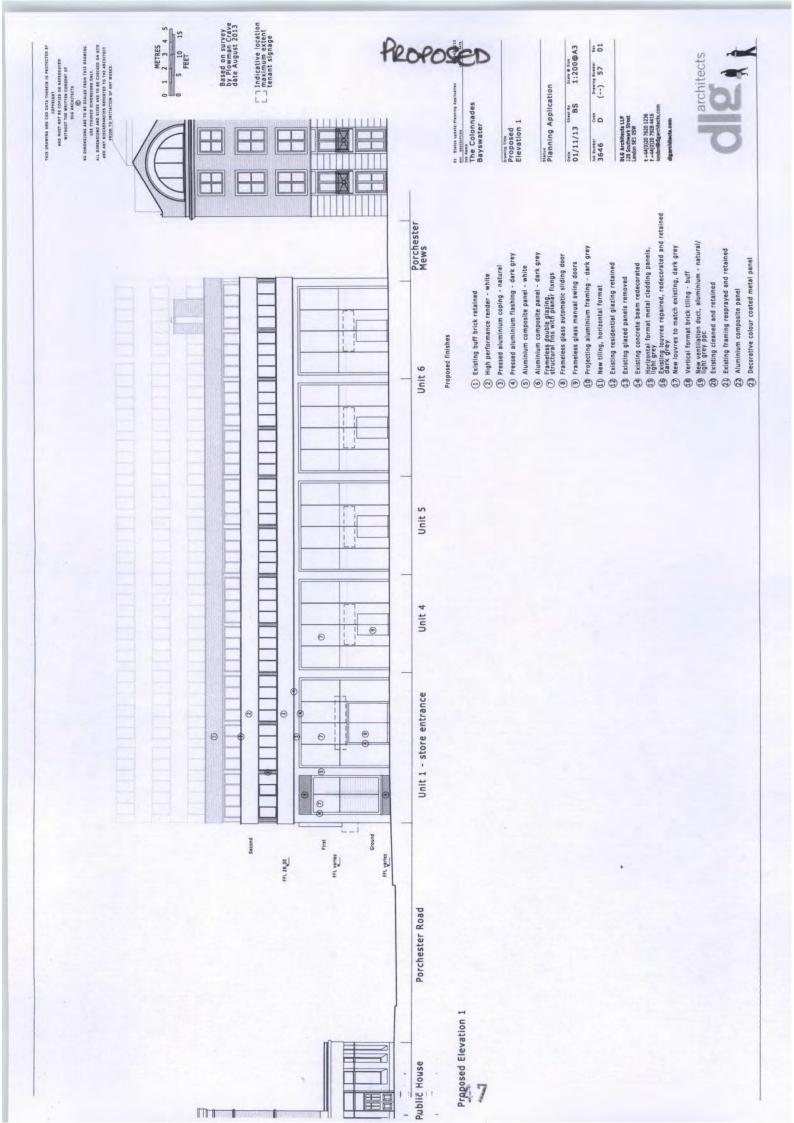


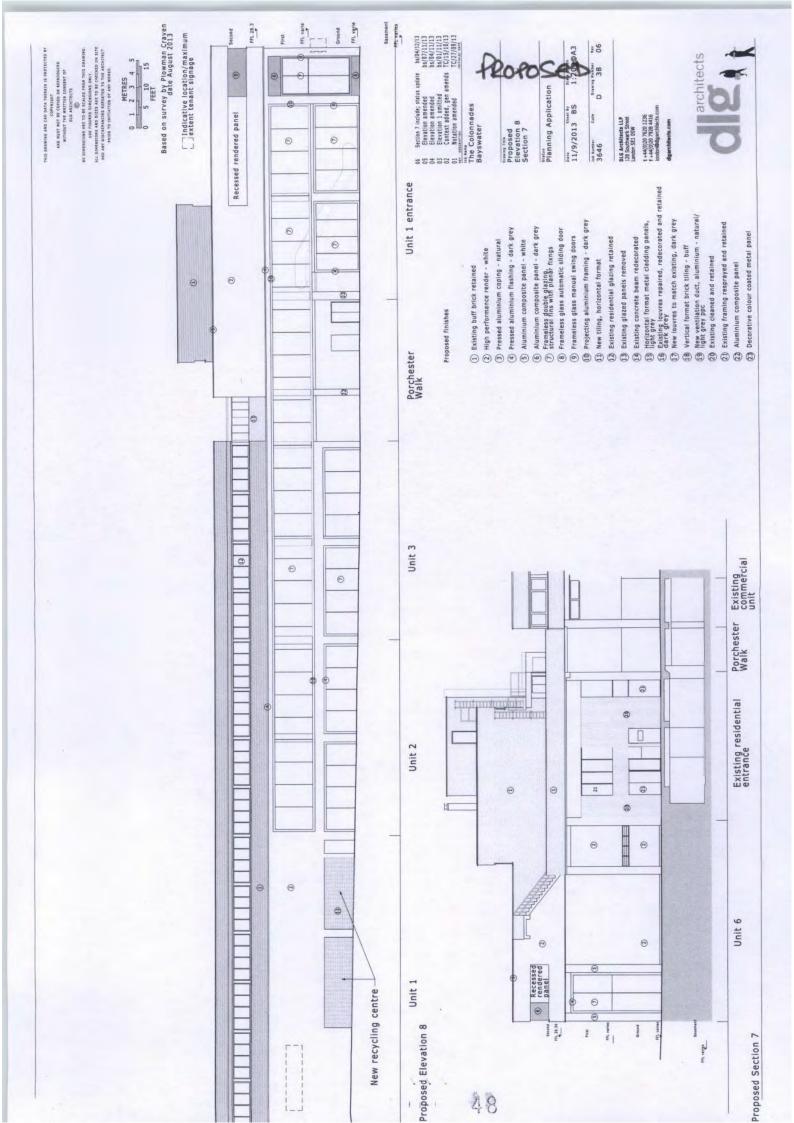


# Proposer

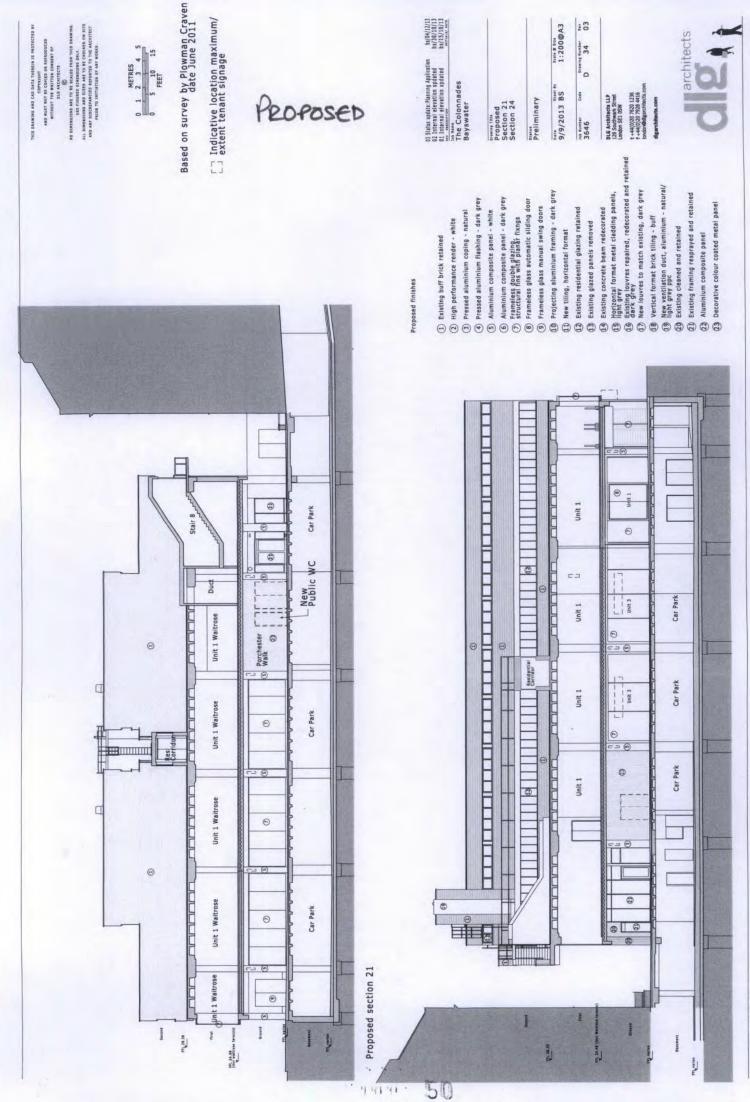


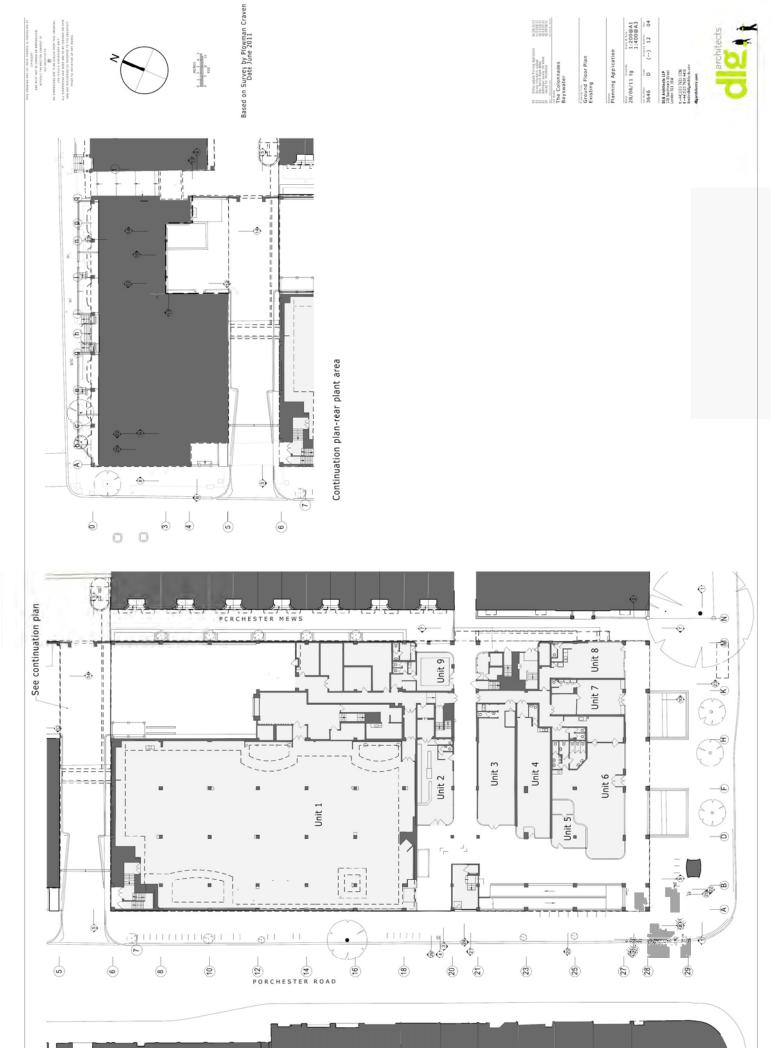
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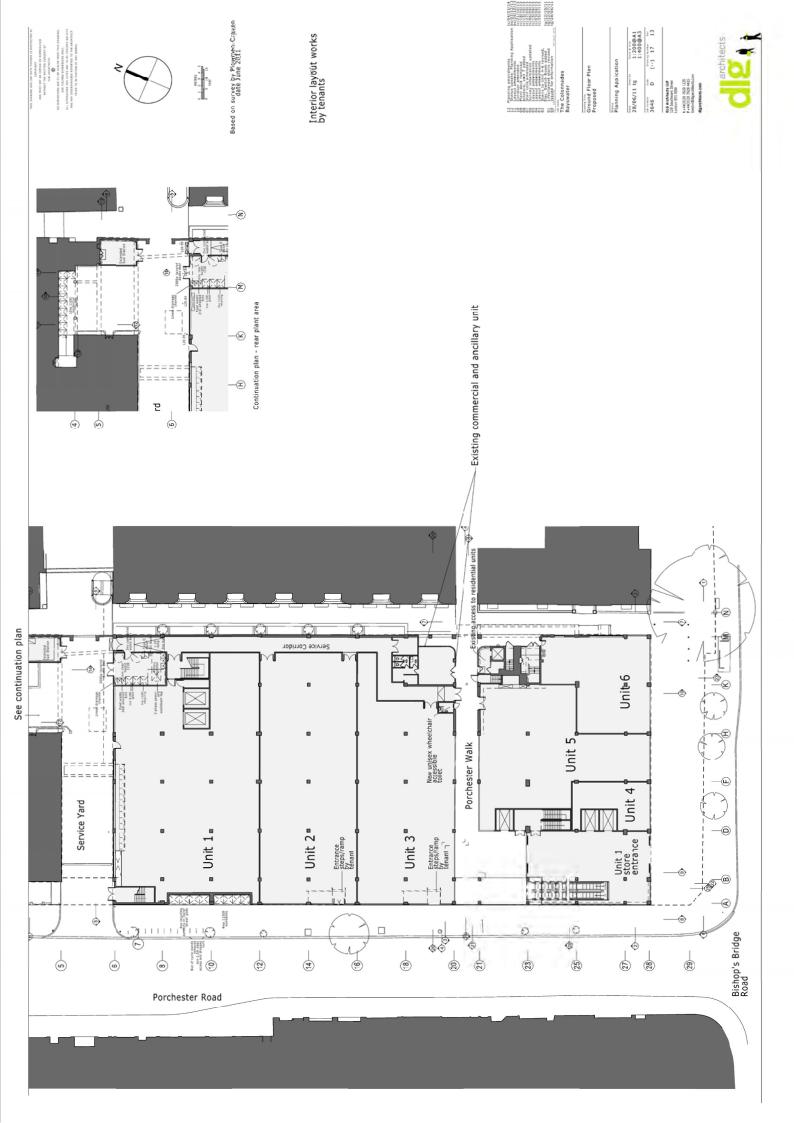




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Bayswater PROPOSED Planning Application Proposed Elevation 5 Elevation 11 23/9/2013BS t +44(0)20 7620 1236 f +44(0)20 7928 4416 lenden@digarchitects.co ÷ 0 DLG Architects LLP 128 Southwark Street London SE1 05W 1) Existing built brick retained
2) High performance render - white
3) Pressed aluminium coping - natural
4) Pressed aluminium flashing - dark grey
5) Aluminium composite panel - white
6) Aluminium composite panel - dark grey
7) Frameless globble glazing - franceless globble glazing frangs
8) Frameless glass manual swing doors
9) Frameless glass manual swing doors
10) Projecting aluminium framing - dark grey
11) New tiling, horizontal format
12) Existing residential glazing retained
13) Existing concrete beam redecorated and retail
14) Rew louvres to match existing, dark grey
15) Wertical format metal cladding panels,
16) Resisting format metal cladding panels,
17) Registing iouvres repaired, redecorated and retail
18) New ventilation duct, aluminium - natural/18
19) Resisting reaming resprayed and retained
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21) Existing reaming resprayed and retained
22) Existing reaming resprayed and retained
23) Aluminium composite panel FFL varies 111.34.47 FFL garies Second FFL\_38.30 Proposed finishes Graund Porchester Road FFL yarles Porchester Mews FFL yarles 0 Extended electricity sub-station finish to match existing -extent of works (6) Loading Bay 0 Service Yard-Extent of Application Tenant's riser extent of works 6 Θ 0 Unit 1 Overhead sectional shutter 0 0 Daniel Gooch PH 6 Entrance to service corridor 9 3 Porchester Mews Proposed Elevation 11 Porchester Road Proposed Elevation 5 49







25 3 (19) (3) (3) 8 (0) (0) First FFL yaries Second FFL 28.30 Ground FFL yaries

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FEL varies

10 Double glazed fixed windows, metal framed - write (S) Exposed concrete blockwork - undecorated, grey (12) Some UPVC insertions - white
(13) Glazed panels, aluminium framed - wired glass (14) Exposed concrete beam, decorated light grey 11) Vertical format tiling/brick slips - brown 4) Pressed aluminium flashing - light grey 6 Etched effect glazing film
Metal framed single glazed windows
7 brown tinted glass, brown framing (8) Framed glass sliding double doors 18 Vertical format brick tiling - buff (17) Metal railings, painted - brown 9 Framed single glazed doors 1) Brick, stretcher bond - buff 2 Exposed concrete - natural (3) Concrete coping - natural 16 Metal louvres - brown (15) Render, painted Existing finishes FFL 28.30 Ffl yaries Second First Service Yard-Extent of Application 6) (9) (3) Porchester Mews 0 (0) Existing Elevation 5

The Colonnades Bayswater

Existing Elevation 5 Elevation 11

Planning Application

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DLG Architects LLP 128 Southwark Street London SEL 95W

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19 Timber weatherboarding, painted - brown

(19) Ventilation/services - exposed

FIL yaries

Ground

20 Exposed concrete, decorated - white

FFL varies

**Extent of Application** Loading Bay

architects

Existing Elevation 11

Daniel Gooch PH

FFL varies FFL 24.47 FFL varies Second FFL 28.30 First Porchester Road @ ٩ Service Yard-Extent of Application (9) (3) ٥ Unit 1 Overhead sectional shutter by Iandlord Θ Entrance to Entrance to service corridor Refuse store 9 63 2 Porchester Mews Proposed Elevation 5

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☐☐Indicative location/maximum ☐☐extent tenant signage

Proposed finishes

Na Status gamendmett - bind store door seded to be a Status store framenty Application by 13 New cladding amended bs/3. 12 Plant deck omitted TC/1. 11 Louver obcations amended TC/1.

Job Name The Colonnades Bayswater

Status Planning Application

Proposed Elevation 5 Elevation 11

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FFL varies

Extended electricity sub-station finish to match existing —-extent of works

Tenant's riser | extent of works

Proposed Elevation 11

Porchester Mews

Loading Bay

Daniel Gooch PH

Porchester Road

architects

 Pressed aluminium flashing - dark grey
 Aluminium composite panel - white
 Aluminium composite panel - dark grey
 Strametess quoble glazhings
 Frametess grouple glazhings
 Frametess glass autematic silding door Aligh performance render - white
 Pressed aluminium coping - natural (1) Existing buff brick retained Second FFL 28.30

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(3) Frameless glass marual swing doors
(10) Projecting aluminium framing - dark grey
(11) New tilling, horizontal format
(12) Existing residential glazing retained
(13) Existing glazed panels removed
(14) Existing glazed panels removed
(15) Horizontal format metal cladding panels,
(16) Existing louvres repaired, redecorated and retained
(17) New louvres to match existing, dark grey
(18) Vertical format brick tilling - buff
(19) New vealibilishing out, aluminium - natural/
(19) Bissting : leaned and retained first FfL yarles

 Existing framing resprayed and retained
 Aluminium composite panel 23 Decorative colour coated metal panel