

CITY OF WESTMINSTER			
PLANNING APPLICATIONS MAJOR COMMITTEE	Date 15 November 2022	Classification For General Release	
Report of Director of Town Planning and Building Control		Ward(s) involved Lancaster Gate	
Subject of Report	114-150 Queensway and 97-113 Inverness Terrace, London, W2 6LS		
Proposal	Demolition of 114-150 Queensway and 97-113 Inverness Terrace, and redevelopment to provide two buildings comprising basement, ground and up to six upper floor levels, providing retail use (Class E) at ground floor, residential units (Class C3) and Office (Class E) floorspace at upper floors, with associated amenity space, basement level secure cycle parking, ancillary facilities, and plant, with servicing provision to Cervantes Court.		
Agent	Turley		
On behalf of	MB QW (Guernsey) Ltd		
Registered Number	20/04934/FULL	Date amended	20 October 2022
Date Application Received	5 August 2020		
Historic Building Grade	Unlisted, although Whiteleys on the opposite side of the road is Grade II listed		
Conservation Area	Queensway		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Subject to the concurrence of the Mayor of London, grant conditional permission subject to a Section 106 agreement to secure the following :

- a) Provision of 11 intermediate units on site (5x London Living Rent and 6 x Lower Quartile rents) prior to the occupation of the market units .The affordable units to be provided at affordability levels to be agreed with the Head of Affordable Housing and Partnerships;
- b) Provision of an early stage viability review mechanism, in accordance with policy H5 of the London Plan and the Mayor's Affordable Housing and Viability SPG;
- c) A financial contribution of £5,546.00 (index linked) towards improvements to play space in the vicinity of the development, on the commencement of development;
- d) Payment of a carbon offset payment of £ 341,871 (index linked) on the commencement of development;
- e) Been seen energy monitoring

- f) Submit an Employment and Skills Plan, and payment of a financial contribution of £293,977.00 (index linked) on the commencement of development towards the Westminster Employment Service prior to commencement of development;
- g) Provision of lifetime (25 year) car club membership for each residential flat;
- h) Costs of any highways works associated with the development (outside of the scope of the City Council's public realm and highways scheme for Queensway); and including Stopping Up of a small part of the public highway;
- i) Improvements to the Lady Samuels Garden prior to occupation of the development , including the feasibility of the keeping the garden in some form during construction and if not feasible to ensure that safe removal of the existing statue and plaque, their reinstatement and improvements to the Garden and at the applicant's cost;
- j) Financial contribution of £20,000 for additional tree planting in the vicinity of the development (index linked and payable on commencement of development);
- k) Public art;
- l) Provision of S106 agreement monitoring costs.

2.If the Section 106 agreement has not been completed within three months of the Committee resolution, then:

a)The Director of Town Planning and Building Control shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above .If this is possible and appropriate , the Director of Town Planning and Building Control is authorised to determine and issue such a decision under delegated powers ; however if not :

b)The Director of Town Planning and Building Control shall consider whether permission should be refused on the grounds that it has not proven possible to complete an undertaking within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so , the Director of Town Planning and Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3 a) That Committee authorises the making of a draft order pursuant to Section 247 of the Town and Country Planning Act 1990 for the stopping up of part of the public highway on the corner of Porchester Gardens and Queensway.

b) That the Director of Town Planning and Building Control or other such proper officer responsible for the highways functions, be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order .

2. SUMMARY & KEY CONSIDERATIONS

The application site is located on the east side of Queensway, at its junction with Porchester Gardens, located within the Queensway Conservation Area. Opposite the application site is the Grade II Whiteleys development which is undergoing redevelopment behind the retained facades .The application site is located within the Queensway/Westbourne Grove Major Shopping Area, an area of Open Space Deficiency and in a Surface Water Hotspot.

The application site is currently occupied by a 1950s block laid out over three to four floors a single storey element on the corner with Porchester Gardens, with retail units on the ground floor and 27 residential flats above. The site backs onto Cervantes Court and Aird House with a rear service yard from Inverness Terrace which also serves the retail and residential units on-site.

This proposal is for the demolition of all buildings and the erection of two, seven storey plus a single basement level buildings. Both buildings would include Class E uses (Retail, Restaurant and Office Lobby) at ground floor. The largest of these two buildings, at the southern end of the site will be in office use (Use Class E) on the upper floors and the other building is residential block of 32 units. The application has been amended to include eleven affordable(35%) units all for intermediate rent (5x2 bed units at London Living Rents 56% and 6x 1 beds at Low Quartile Rents 44%) and to make changes to the design of the new buildings by further recessing the upper levels of the office building at the rear and creating recesses at the rear to both buildings in order to mitigate the impact on adjoining residents amenities and to address design concerns.

The applicant proposes introducing access control gates service yard at the rear, and this will provide off street servicing for the majority of the proposed uses.

The application has attracted objections and letters of support including a petition with 29 signatures from local businesses. There is an online petition to save the existing post office at No's 118-120 Queensway and to ensure that an alternative location is found. This petition has not been formally submitted to the Council as part of the consultation responses on this planning application, although officers are aware of its existence.

The objections are primarily concerned with the height and bulk of the proposed buildings and their impact on the character of the conservation area and the amenity of nearby residents; and the construction impact to this development either on its own, or in conjunction with Whiteleys opposite. The letters of support welcome the regeneration benefits this proposal will deliver to the area and the provision of 35% affordable housing. The owners of Aird House have now withdrawn their initial objections on loss of amenity grounds and support the proposal. The GLA in their Stage 1 response are supportive of the principle of this town centre redevelopment from a strategic land use point of view.

The key considerations are:

- The principle of the demolition of the existing buildings and the sustainability of the proposed new buildings in the light of the Council's environmental policies and whole life carbon /circular economy;
- The demolition of the existing buildings as unlisted buildings within the Queensway Conservation Area from a townscape point of view;
- The impact of the proposed new buildings on the designated heritage assets in terms of their scale, massing, and detailed design and whether the less than substantial harm to the designated heritage benefits as a result of the proposed office building is outweighed by the public benefits the overall scheme will deliver;.
- Provision of new residential units, including affordable housing, the new office and retail floorspace in terms of the regeneration of this part of Queensway and in the light of the Council's adopted land use policies;

- Impact on the amenity of local residents, in respect of loss of daylight, sunlight, increased sense of enclosure and overlooking to neighbouring residents, in particular Aird House and Cervantes Court;
- The quality of the new residential accommodation being provided in terms of its light and outlook and relationship with the proposed commercial uses;
- Loss of existing Post Office;
- Servicing arrangements for the new commercial units;
- Acceptability of the proposed single storey basement.

In land use terms, there are no objections to the principle of redevelopment to provide a mixed commercial and residential development which will be in line with London Plan and City Plan policies. The new retail floorspace(although there is a reduction in floorspace) together with a significant amount of new office floorspace are most welcomed in terms of the viability and vitality of this Major Shopping Centre, and the benefits these uses will bring to the local area, the local economy and local employment. The new residential block of 32 units is also acceptable.

The latest revision now includes a policy amount of eleven on site affordable housing (35%) which is supported given the originally proposed scheme included none. Albeit it is accepted that the proposed tenure of the eleven intermediate rent units does not strictly comply with the Council's tenure split(60 intermediate and 40 social rented) in the City Plan . The applicant has now amended their offer for 5x2 bed units at London Living Rent 56% and 6x 1 bed units at Lower Quartile rents 44% .It is recognised that the applicant has significantly improved their affordable housing offer since the receipt of this application and this revised offer is now considered acceptable . This will be secured via legal agreement , in addition to an early stage review.

In respect of the loss of the existing Post Office, the applicant has offered an alternative location at 125 Queensway to address the concerns raised by the local community and are actively engaged with the Post Office and will make all reasonable endeavours to facilitate the retention of the post office in the local area.

In terms of whole life carbon and sustainability. The London Plan Policy S17 Circular Economy Guidance requires applicants to confirm if it is technically feasible for the existing building to be retained as a part or as a whole. The Applicant has explored options in retaining the existing structure, however the existing frame is insufficient to deliver the benefits outlined above and will need additional reinforcement and structural support to extend upwards. It can be agreed with some degree of certainty that the resulting steel exoskeleton to support the additional structure will result in comparable upfront carbon as of a new-built option, while the carbon savings will be insignificant. A detailed pre-demolition audit was submitted and a circular economy strategy was outlined for the existing materials on site, with clearly defined waste streams for re-use and recycle.

the applicant has demonstrated it is not possible to retain/refurbish/extend the existing buildings and generate the public benefits which new commercial and residential development, including 11 affordable housing units will deliver. The proposed new buildings will be highly sustainable in terms of their construction and operational requirements and includes BREEAM Excellent rating for the commercial elements with the potential to achieve Outstanding .The proposed new buildings will use of Cross Laminated Timber (CLT) in construction, Air Source Heat Pumps, natural ventilation , blue/green roofs ,increases in biodiversity, SUD's, no parking, cycle parking

and will be highly sustainable.

There are no design objections to the demolition of the existing 1950's buildings from a townscape point of view which are identified as being neutral in the Queensway Conservation Audit. The proposed residential block is considered acceptable in terms of its height ,massing and detailed design.

One of the key considerations, is the proposed height and bulk of the proposed office building when viewed from the east along Porchester Gardens/Inverness Terrace .The applicant has amended the design to incorporate further set backs to the upper two floors of the office building and recessed elements to the rear façade to both the office and residential buildings. However, a position has now been reached where the applicant advises that any further revisions will make the scheme unviable. Therefore, this revised application is being determined as it stands.

It is considered that the proposed development would result in less than substantial harm to the Queensway Conservation Area; the setting of the Bayswater and Hallfield Estate Conservation Areas and setting of the grade II listed terraces on Inverness Terrace by reason of its overall height, bulk and the horizontality of its design. It is recognised this is a finely balanced assessment and it is the question of identifying and assessing any public benefits to be weighed against the less than substantial harm.

The height, bulk and location of the proposed development results in significant losses of light and increased sense of enclosure for the occupiers of Aird House and Cervantes Court to the rear. A recent letter of support has been received from the owners of Aird House who are now content in respect of the amenity impacts to this block and have withdrawn their previous objections.

It is accepted that the losses of daylight and sunlight to Aird House are well in excess of the BRE guidelines. In the light of the existing arrangement of the windows to the rear which have obscure glazing directly facing the site and have clear glazing to the side and overhanging balconies, it is considered that these losses daylight and sunlight are acceptable when assessing the retained values and the public benefits of the proposal. There will be an increased sense of enclosure but again given the existing circumstances this is also considered acceptable.

In respect of Cervantes Court , the worse affected windows are those on the lower floors and light to these windows are affected by an overhanging balcony/walkway which runs along the rear elevation .At lower ground floor a number of the garages are being converted into flats and given the future redevelopment of this site, it is considered these units can be afforded lesser protection.The resultant daylight levels to flats in Cervantes Court (small kitchens with bedrooms above) is still considered reasonable for this central London location and when the proposal is balanced with the overall public benefits. The same comment to increased sense of enclosure to these residents .It is not considered that the proposal will result in a material loss of privacy to neighbouring residents.

In terms of the standard of the new residential accommodation, this has been retested in the light of the new BRE Guidelines which came out in June 2022 .In general, the levels of light to the majority of the new flats is very good , however a number of the flats on the first and second floors fall below the guidelines .These are the affordable units, and the impacts are as a result

of the proposed balconies and the deep plan form of these flats. Results could be improved by removing the balconies, but this needs to be balanced between the need to provide outdoor amenity space and ensuring the new flats are of a good layout and size . Overall it is considered that lighting levels for these new flats, their outlook and standard are acceptable.

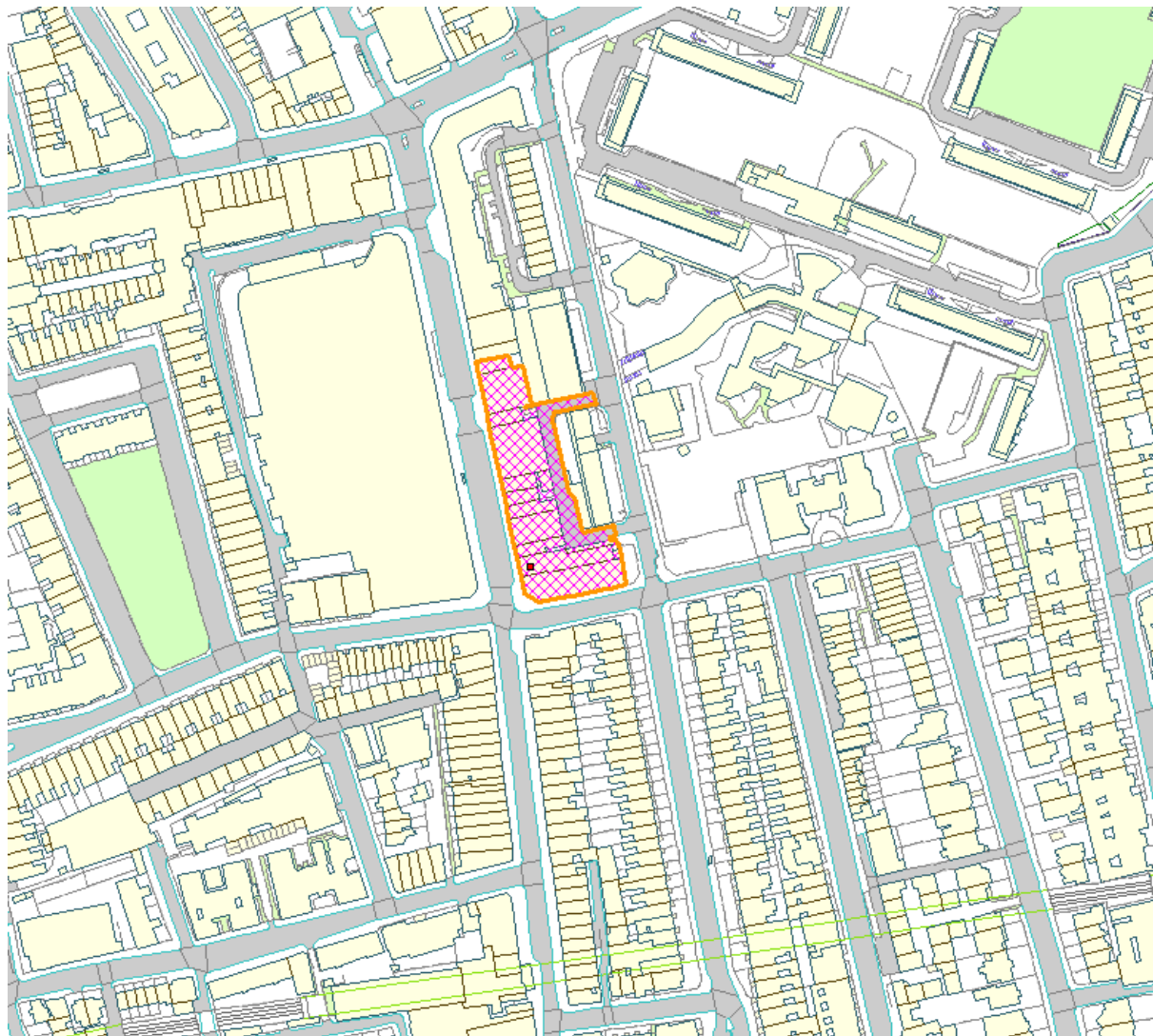
It is recognised that there are several public benefits of the proposed development which align with the strategic aspirations of the City Plan and the London Plan. The proposed development now provides a policy compliant number of affordable units (11) and a net increase of 5 units . The proposal would provide a significant amount of new office space in a town centre location and better quality retail units which will enhance this Major shopping centre .The applicant estimates that this proposal will result in 1110 jobs (a net increase of 990 compared to the existing site) and that new residents of the development and occupiers of the non-residential floorspace will spend approximately £16.3 million a year. Of this, there is likely to be an amount of discretionary expenditure spent with retail businesses within Queensway/Westbourne Grove Major Shopping Centre. This equates to approximately £2.5 million per annum and could support up to 100 additional retail jobs within the local economy. This uplift in commercial floorspace and the mix of uses proposed within this town centre location would be consistent with policies 13 and 14 of the City Plan. These public benefits of the scheme are given considerable weight.

During construction, the applicant estimates that the proposed development would directly generate 100 jobs and indirectly generate another 65 jobs. Opportunities for local employment during construction and demolition would be maximised through a Local Employment and Skills Plan and a contribution of £ 293,977 toward the Westminster Employment Service would also be provided. This would be consistent with policy 18 of the City Plan.

The applicant has also noted that the proposed development would include public realm improvements to Porchester Gardens and Inverness Terrace and improvements to the Lady Samuels Gardens and these can be secured by a Section 106 Agreement. The applicant has recently offered a further payment of £20,000 towards tree planting in addition to the biodiversity measures included within the new development . A financial contribution is also offered towards improvements to play space in the vicinity of the development is also secured .A small area of the highway will need to be Stopped Up. Whilst the Highways Planning Manager objects to this loss of highway , the area is very small and will improve the quality of the public realm.

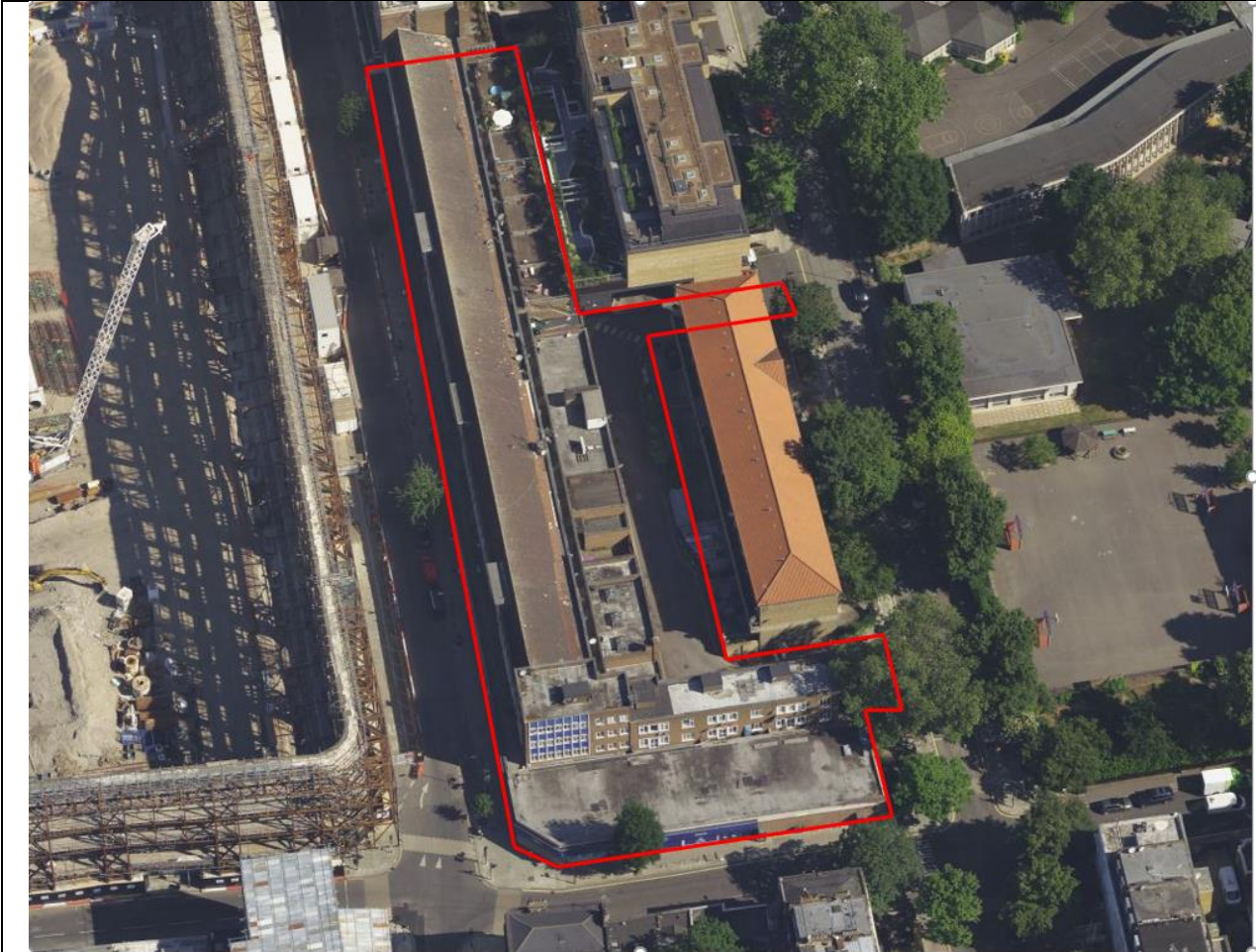
The package of public benefits and their relationship to the development plans aspirations are given significant weight and it is considered on balance that these outweigh the less than substantial harm to the designated heritage assets .Therefore it is recommended that permission be granted subject to Stage 2 referral back to the Mayor of London and the completion of a Section 106 agreement.

3. LOCATION PLAN



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4. PHOTOGRAPHS
Aerial view – site outlined in red





Front and rear elevations



Queensway elevation looking south



Rear of the application site – looking towards Cervantes Court and Aird House

Rear elevation of Aird House



Rear elevation of Cervantes Court – garages at lower ground level being converted into 2 flats



5. CONSULTATIONS

FIRST ROUND OF CONSULTATION (EXPIRED ON 9 SEPTEMBER 2020- This proposal had no affordable housing)

WARD COUNCILLORS

No response received.

GREATER LONDON AUTHORITY (GLA)

In their Stage 1 response, the GLA advise that, whilst the proposal is supported in principle, the application does not currently comply with the London Plan and Intend to Publish London Plan.

Principle of development: The redevelopment of this town centre site for commercial-led mix uses is strongly supported in principle, in line with London Plan Policies 2.15 and 4.2 as well as Intend to Publish London Plan Policies SD6, SD7 and E1 and Objective GG2

Affordable housing: The scheme is proposing 0% affordable housing, which is wholly unacceptable. The GLA will robustly interrogate the viability assessment submitted to ensure that the maximum level of affordable housing is delivered and the requisite review mechanisms secured.

Heritage and urban design: Broadly supported as the approach to design in terms of layout, height and massing and appearance is consistent with and relates to the surrounding context, and the significance of the nearby heritage assets would be conserved.

Transport: Broadly supported. However, the applicant should show greater commitment towards providing Healthy Streets improvements and the trip generation should be updated to reflect more recent data.

Sustainable development: Further information is required in relation to overheating, district heating connections and futureproofing, PV and the air source heat pumps.

HISTORIC ENGLAND (ARCHAEOLOGY)

The application site is not within an Archaeological Priority Area (APA) and the applicant's desk-based assessment concludes that the site has low archaeological potential. Note that archaeology condition has been previously recommended but having reviewed the evidence presented in the context of Westminster's revised APA system, this condition is no longer recommended.

Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

HISTORIC ENGLAND (CONSERVATION AND LISTED BUILDINGS)

Based on the information available to date, advise that they do not wish to offer any comments. Advise that views of specialist conservation advisers should be sought.

TRANSPORT FOR LONDON (TfL)

Healthy Streets: The proposed re-development will see an increase in pedestrian and cycle trips to/ from the site and the local area. The development will not provide any car parking and includes works to improve public realm and provide cycle parking. This will contribute towards promoting and encouraging sustainable and active travel which supports Healthy Streets indicators in terms of reducing car dominance and contributing towards clean air. It is also understood from the Transport Assessment (TA) that the proposed Queensway public realm scheme in the vicinity of the site will address most of the areas of improvement identified in the Active Travel Zone (ATZ) assessment. This is welcomed. However, there are areas of improvement identified in the ATZ assessment at routes 4 and 5 that remain unaddressed. TfL request that the applicant commits to contributing towards these improvements in line with policy T2 of the London Plan.

Trip Generation: A trip generation exercise has been undertaken using different methodologies for each of the land uses. Regarding the proposed office space, the methodology used is acceptable with the assumption of 85% daily occupation. However, the employment density used for the proposed development has been derived from the government employment density indicator. The density applied should be London-specific and therefore, the average office density identified in the London Office Policy Review (LOPR) should be applied. In addition, some of the figures used in the office trip generation exercise are outdated, particularly the peak hour arrivals/departures as they are based on data from the 2004 Broadgate Employee Travel Survey (BETS). Surveys done of similar offices in London suggest that 56% of employees arrive between 8-9 am and 57% depart between 5-6pm. It is requested that the applicant applies these percentages to the trip generation exercise to present a more accurate estimation of peak hour trip generation. For the residential element of the scheme, the trip generated has been based on comparable sites within the TRICS database which is acceptable. The above revisions to the trip generation are required to ensure TfL has a robust understanding of the site impact in line with policy T4 of the London Plan.

Car Parking: The car-free nature of the proposed development complies with policy T6 of the London Plan. However, given the site's excellent PTAL, TfL would also expect a restriction on residents applying for parking permits in the local Controlled Parking Zone (CPZ). This should be secured through an appropriate legal mechanism. It is understood that no disabled parking spaces will be provided on site from the outset and that blue badge holders can use an existing disabled parking bay on Queensway. Furthermore, additional disabled parking space is proposed to be provided on-street if demand arises. TfL request that the applicant and City Council identify a location where disabled parking can be provided in the future if needed.

Cycle Parking: A total of 224 long-stay and 78 short-stay cycle parking spaces are proposed which is in line with policy T5 of the London Plan. Long-stay spaces will be located at basement level with changing rooms, showers and lockers for the anticipated staff of the development. Short-stay spaces will be provided within the public realm which is welcomed. TfL understand that cycle parking has been designed and laid out in

accordance with the guidance contained in Chapter 8 of the London Cycling Design Standards (LCDS), which is welcomed.

Construction: Section 8 of the TA provides brief information on proposed construction arrangements. TfL understand that construction may entail footway closures and use of on-street parking. More details on this should be provided once they are known and should be included in a Construction Logistics Plan (CLP). The final CLP should be secured by condition and be produced having regard to TfL's best practice guidance.

Delivery and Servicing It is understood from Appendix B of the TA that refuse collection and large deliveries will be undertaken within the site on Cervantes Court Road, which is welcomed. Smaller deliveries will be undertaken on Queensway in front of the site. Further details on proposed delivery and servicing arrangements should be provided in a full Delivery and Servicing Plan (DSP). The DSP should be secured by condition and be produced having regard to TfL's best practice guidance.

Travel Plan: A draft Travel Plan (TP) has been provided in Appendix A of the TA. The proposed development will be car-free and therefore the majority of trips generated by the development will be sustainable which is in line with the Mayor's Transport Strategy objectives to shift travel modes to sustainable transport. However, it is recommended that the TP sets mode share targets with an aim to shift travel modes from public transport towards cycling and walking. The final TP should be secured, enforced, monitored and reviewed by the applicant as part of the s106 in line with policy T4 of the London Plan.

THAMES WATER

Raise no objection, subject to conditions to safeguard water infrastructure and ensure sufficient capacity for the proposed development.

NHS CENTRAL LONDON

No response received.

DESIGNING OUT CRIME OFFICER

No response received.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Object to no affordable housing being offered either on site or a full financial payment in lieu. Also object to all the shop units not having rear access for deliveries or refuse & recycling collections and this is totally unacceptable on a new development.

Expect hours of opening of shops and restaurants to be no more than Westminster Core Hours policy. Also want all deliveries and refuse and recycling collections to take place between 0800 & 1800 and reduced hours on Sundays & Bank Holidays

BAYSWATER RESIDENTS ASSOCIATION

No response received.

HIGHWAYS PLANNING MANAGER

Subject to conditions, supports cycle parking, lack of non-residential car parking, trip generation, waste storage and canopies/awnings. Concerns raised with lack of on-site residential car parking, servicing arrangements, building line setback and stopping up and public realm works. The Highways Planning Managers comments are discussed in greater detail below.

ENVIRONMENTAL HEALTH OFFICER

Air Quality

The proposed development is situated within an area of poor air quality. Given the sensitive nature of the development and end use with residential properties, mitigation measures are considered necessary to protect future occupiers.

With regards to the construction phase, a dust risk assessment has been completed where it has been confirmed that there is a medium risk for dust soiling and low risk to human health. Mitigation measures to reduce these risks to a point where they will be not significant have been indicated by the applicant. Developments of this size will have to comply with the councils Code of Construction Practice, where a site-specific Site Environmental Management Plan will need to be agreed prior to commencement of the development and this will be required by planning condition.

Predicted vehicle movements associated with construction traffic have not been provided. There is the potential for an adverse impact to local air quality and a detailed assessment should be completed. It is recommended that numbers of vehicles are screened against the IAQM criteria and where it is exceeded, a detailed assessment should be undertaken. It is understood that a construction logistics plan should be implemented to reduce unnecessary traffic movements, although where adverse impacts are predicted harder measures in addition to logistics may be required.

The proposed development is car free and the maximum increase in annual average daily traffic (AADT) is predicted to be 72 light duty vehicles (LDVs) and 8 HDVs. The predicted levels are below the thresholds for significant impact therefore impacts are considered not significant.

Heating and hot water will be supplied by heat pumps and will not have an associated air quality emission. An emergency standby generator is proposed (375kVA) which will only be used for testing and maintenance purposes and the flues are proposed to terminate at roof level. Roof level plans do not indicate the location of the flues and it again had this scheme been considered acceptable it would have been reserved by condition . included.

The Local Atmospheric Emission Inventory (LAEI) has been used to determine local air quality concentrations where it has been reported that the area exceeds the annual mean national objectives for Nitrogen Dioxide (NO₂). The report has recommended that the development should incorporate a ventilation strategy to supply the properties with clean air and it has recommended that NO_x filtration should be included. Where mechanical ventilation is required then the properties should be designed to prevent overheating in accordance with CIBSE TM52.

Roof terraces and balconies are included and in these areas the annual mean is applicable. LAEI data only provides ground floor concentrations and air quality does improve with height but the applicant should predict concentrations for these residential outdoor areas and make assessments against the National AQO

Restaurant uses have been proposed although the ground floor plans do not indicate that there are any outdoor seating areas. If outdoor seating areas are proposed, then the 1-hour mean national objective is applicable. Data presented from the LAEI indicate an exceedance of the annual mean and it can be considered that exceedances of the NO₂ 1-hour objective may occur at roadside sites if the annual mean is above 60µg/m³. The applicant should either confirm that no outside seating areas are proposed and/or, report the predicted concentrations and provide an assessment on the likelihood of the short-term objective being exceeded.

The applicant has confirmed that there will be no car trips from the development, and it is proposed to be car free. It can be agreed that the development is Air Quality Neutral for Transport emissions.

It has been stated that there are no combustion sources therefore no associated emissions and meets the required benchmarks. A back-up generator is proposed that will have associated emissions and it is recommended that emissions from testing maintenance cycles should be calculated and compared against site specific derived benchmarks.

Noise and Vibration

The applicant property has been assessed as being in an area in which existing ambient noise levels exceed WHO Guideline Levels. No objections are raised to the proposed plant on noise grounds, and had this scheme been considered acceptable a condition requiring the submission of an supplementary acoustic report would have been imposed to demonstrate compliance with the Council's noise conditions.

The proposal includes commercial uses which may result in high internal activity and to need to safeguard the amenities of the future residents above. Again this could be reserved by conditions and also details requiring extract ventilation and the emergency generators.

Ventilation & Overheating

With regards to the restaurant uses, it has been stated that all kitchens exhaust discharge will occur at roof level. All the kitchen exhaust air will be treated with UV/HEPA/carbon activated filtration to mitigate cooking smells of the exhaust and these are highlighted on the roof level drawing.

With regards to the residential uses, both the noise report and the air quality assessment confirm that windows may need to be kept closed to prevent ingress of poor air quality and high levels of external noise. The air quality report also advises that NO_x filtration should be incorporated into the design of the system to ensure that air is of suitable quality and again had this scheme been considered acceptable, it could be reserved by condition.

Requiring developments to have closed windows can lead to overheating in the summer months. The proposed mechanical ventilation system should be designed so that it provides adequate cooling. CIBSE TM59 provides a methodology to assess overheating and an assessment should be provided to demonstrate compliance with this standard,

and again this could be reserved by condition to safeguard the future residential occupiers.

BUILDING CONTROL

No response received.

WASTE PROJECT OFFICER

Separate waste storage for commercial and residential units are located within the basement and temporary waste loading areas located on the ground floor drawing. Waste servicing will be carried out on-site on Cervantes Court. The waste storage capacity and waste servicing proposed is acceptable. However, the applicant has not labelled the bins and the waste equipment within the waste stores located in the basement drawing. The applicant will need to submit revised basement drawing to show the bins and waste equipment indicated within the commercial and residential waste stores labelled appropriately.

ARBORICULTURAL MANAGER

No response received.

AFFORDABLE HOUSING SUPPLY MANAGER

No response received.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 671
Total No. of replies: 9
No. of objections: 6
No. in support: 3

In summary, the objectors raise the following issues:

Land Use

- Lack of affordable housing unacceptable;
- Given the large number of vacant shops in the area, the proposed shops are not likely to be viable;
- Post-pandemic, office space is declining and the proposed office floorspace is not likely to be viable;
- Removal of the post office will remove a valuable amenity for local residents and businesses;

Townscape and Design

- Height and/or bulk of proposed building is excessive;

- Although the existing buildings are not aesthetically outstanding architecture, the replacement building is mediocre and does not warrant their demolition;

Amenity

- The height of the proposed development will significantly block daylight and sunlight to nearby residential properties;
- By reason of its close proximity to properties to the rear, the proposed development will dominate properties to the rear;
- By reason of its close proximity to properties to the rear, the proposed development will cause loss of privacy;

Highways

- Servicing from Queensway will cause traffic delays. The proposed shops should be serviced from the rear, rather than from Queensway;

Other

- Construction noise will be unacceptable on its own or in conjunction with Whiteleys redevelopment; and
- There are several elderly residents living within the building to be demolished who have not been consulted and the applicant has not advised what will happen to them.

In summary, the supporters raise the following issues:

- The architecture is sympathetic to its surroundings;
- The proposal will kickstart and/or contribute to further regeneration of Queensway;
- The proposed development will bring much needed jobs and investment;
- The provision of office space will significantly enhance the daytime economy;
- The design of the scheme is well considered and will complement the area; and
- The scheme should be permit free for all but blue badge holders.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

SECOND ROUND OF CONSULTATION THAT EXPIRED ON 3 JANUARY 2022.

Additional consultation took place following addition of seven affordable residential units; revisions to bulk and massing on Porchester Gardens and Inverness Terrace corner of site; and amendments to façade designs and materials.

FORMER WARD COUNCILLOR -COUNCILLOR BURBRIDGE

Requests that the post office on-site is re-provided elsewhere during construction and/or re-provided within the development at a discounted rent.

GREATER LONDON AUTHORITY

No response received.

HISTORIC ENGLAND (ARCHAEOLOGY)

No response received.

HISTORIC ENGLAND (CONSERVATION AND LISTED BUILDINGS)

Based on this information, they do not wish to offer any comments. Suggest that the views of Council's specialist conservation advisers are sought.

DESIGNING OUT CRIME OFFICER

No response received.

NHS CENTRAL LONDON

No response received.

TRANSPORT FOR LONDON

Confirm that they will provide comments at Stage 2 when consulted by the Mayor of London.

THAMES WATER

Raise no objection, subject to conditions to safeguard water infrastructure.

BUILDING CONTROL OFFICER

No response received.

WASTE PROJECT OFFICER

Note that separate waste storage for commercial and residential units are located within the basement and temporary waste loading areas located on the ground floor drawing. Waste servicing will be carried out on-site on Cervantes Court. The waste storage capacity and waste servicing proposed is acceptable.

However, the applicant has not labelled the bins and the waste equipment within the waste stores located in the basement drawing

HIGHWAYS PLANNING MANAGER

Subject to conditions, supports cycle parking, lack of non-residential car parking, trip generation, waste storage and canopies/awnings. Concerns raised with lack of on-site residential car parking, servicing arrangements, building line setback and stopping up and public realm works. The Highways Planning Manager's comments are discussed in greater detail below.

AFFORDABLE HOUSING SUPPLY MANAGER

Eleven affordable homes represents 35% of the new homes and welcomes the on site affordable housing .Prefer that 2 beds should be made available as social housing to meet the Council's primary housing demand and 1 bed units to be intermediate rented housing .However noting the Council's own viability evidence that suggests that 35% affordable housing even at 100% intermediate housing will not be viable , the introduction of lower value social rented units will make the scheme less viable .Therefore based upon this evidence Housing can support a 100% intermediate offer .Housing does have some concerns about potential service charge levels as both the affordable and private will share common entrance and parts and would prefer separate cores/entrance .However the applicant has indicated this is not possible but service charges will be minimised by the design. The intermediate rents will be 5x 2 bed units at London Living Rent (LLR) and 6 x1 bed units .LLR are determined by the GLA according to ward location and are restricted to household incomes up to £60,000 .WLQR are linked to those lower income households registered with the Council for intermediate housing in the City. Qualifying household incomes for these units will be significantly below £60K .

ARBORICULTURAL MANAGER

No response received.

ENVIRONMENTAL HEALTH OFFICER

No response received.

BAYSWATER RESIDENTS ASSOCIATION

No response received.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

No response received.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 671
Total No. of replies: 7
No. of objections: 3
No. in support: 4

In summary, the three objectors raise the following issues:

Land Use

- The proposal would result in the loss of several shops essential to the neighbourhood, including a chemist, supermarket and post office. If these go, people, including elderly residents or those with disabilities, would have to travel out of the area to carry out daily tasks;
- Demolition of existing homes is unacceptable;
- Lack of social housing unacceptable;
- Too much office floorspace is proposed for this town centre location;
- Request the provision of a permanent prayer facility as the current provision in Queensway market is very limited and a prayer space would be beneficial for the area.

Townscape and Design

- Height and/or bulk of proposed building would make Queensway a tunnel blocking out light;
- Height and bulk of the building is out of character with the street;
- Design of the building is not sympathetic to architecture of Bayswater;
- Although the existing buildings are not aesthetically outstanding architecture, the replacement building is mediocre and does not warrant their demolition;

Amenity

- The height of the proposed development will significantly block daylight and sunlight to nearby residential properties;

Other

- Construction noise and disturbance will be unacceptable, particularly in conjunction with or following Whiteleys redevelopment;

There is an online petition organised by Westminster Conservatives to save the existing post office in Queensway which has over 2000 signatures to keep the existing post office open. This petition has not been submitted as part of the consultation responses to this planning application, but officers are aware of its existence and for completeness sake have included reference to it in the Committee report.

Letter with 29 signatures from local businesses on Queensway and Westbourne Grove in support. Three further letters of support have been received from local landowners and a local resident and these are summarised below:

Warrior Capital cites the need for on-going regeneration and investment in both Queensway and Westbourne Grove. Delivery of Queensway Parade is essential to the long term vitality of Queensway and much supported bringing capacity for new jobs, support local shops Number and quality of the affordable housing is a significant benefit.

Existing building is the least attractive building in Queensway and the proposal represents opportunity for change and significant improvement which is welcomed and complete the regeneration of Whiteleys and other developments in Queensway.

DC Properties previously written two letters of objection(owners of Aird House) .Now note the alterations to the scheme and now in the position that the proposal will be significantly beneficial to the locality rather than causing detrimental harm .Previous position regarding the potential loss of daylight and sunlight to the rear facing blocks of Aird House .Assessed the revised proposal and there will not be the significant loss of light which they originally feared and that living conditions for their residents will remain good once the development is completed .Welcome 11 affordable homes in line with policy .Principle of office is supported through policy and supported by local stakeholders. Support the revised design ,its sensitive mix and sustainability credentials. Support redevelopment and much needed office floorspace and provide more job opportunities .Also improve Cervantes Court which has serious issues with crime and anti-social behaviour .

5.2 Applicant's Pre-Application Community Engagement

A meeting was held with Councillor Barraclough (the Cabinet Member) on 10 August 2022 and notes of this meeting are included in the background papers.

An earlier meeting was held with Councillors Green and Rigby on 22 July 2020 where the applicant was advised to include affordable housing within the development and a summary note of this meeting is also included in the background papers.

In addition, the applicant has carried out extensive pre-application engagement with the local community in the summer 2019 with public exhibitions which were well attended by residents. As set out in the applicant's Statement of Community Involvement , a total of 135 residents and stakeholders attended consultation events and the overall feedback was constructive and positive .Many residents agreed with the principle of redevelopment ,the improvements to the public realm and believed that the design was an improvement compared to the existing building . Due to the impact of the COVID -19 pandemic and the inability to hold face to face meetings, the applicant undertook a range of digital consultations .

The applicant has undertaken consultation with the Ward Councillors ,the local amenity groups during the determination of this application and in respect of the proposed revisions.

6 WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 and London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021 .The policies of the City Plan are consistent with national policy as set out in the National Planning Policy Framework(NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster

in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and where relevant, neighbourhood plans covering specific parts of the City

As set out in Section38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy and Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found sound and in accordance with the tests set out in paragraph 35 of the NPPF .They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The application site is located on the east side of Queensway, at its junction with Porchester Gardens. The existing buildings are not listed and located within the Queensway Conservation Area. The site is also located within the Queensway/Westbourne Grove Major Shopping Area and in an area of Open Space Deficiency.

It is approximately 0.4 hectares in area and occupies a 'L' shaped parcel of land fronting Queensway and Porchester Gardens. The existing buildings are a 1950s block laid out over three to four floors, with retail to ground floor and residential to upper floors(27 units). There is a small existing basement. The twelve retail ground floor units project out from the upper building line to the rear of the footway on Queensway and Porchester Gardens. The projection of the ground floor is most pronounced facing Porchester Gardens where the entire retail unit projects out from the southern upper floors building line. There are two street naming plates 'Porchester Gardens' located on the existing buildings , one on the corner with Queensway and the other on the corner with Inverness Terrace. There are 2 ATM machines in the Porchester Gardens elevation.

Directly opposite the site to the west on the other side of Queensway is the Grade II listed Whiteleys, which is currently being redeveloped behind its retained façades for mixed retail, hotel and residential uses which is due to completed in 2023.

The site backs onto Cervantes Court, which acts as a service yard for the retail units on-site and shared access for the upper floors and other adjacent buildings.

Cervantes Court is a 3 storey plus lower ground post war building and comprises of flats and a dental surgery in the southern corner . At the rear there are garages at lower

ground floor level. Works are currently taking place to convert four of these garages into 2 flats .

Also, at the rear of the site is Aird House a 4 storey block which is a modern building of a mixed use of residential units and refurbished Tesco's at 138-140 Queensway and contains its supermarket's service yard on ground floor. The windows of the flats in the rear elevation of Aird House which look over the application site have distinctive projecting 2 sided windows which have obscure glazing and a number have small projecting balconies and there are larger roof terraces at the rear and on the main roof.

The rear elevations of the existing buildings are clearly visible from Inverness Terrace and Porchester Gardens to the east (both within the Bayswater Conservation Area). Further to the east on the other side of Inverness Terrace is the Hallfield Estate Conservation Area, and its constituent listed blocks of flats and the Grade II* listed School.

To the south-east of the site are the Grade II listed stuccoed four-storey terraces which front both sides of the southern end of Inverness Terrace, within the Bayswater Conservation Area. There is the public house, a flower stall and a hotel opposite the application site on Porchester Gardens. Also, on the corner with Inverness Terrace and immediately abutting the application site is the 'Lady Samuels Garden' featuring the bust of George Kastrioti Skanderbeg Memorial. There is a plaque on the wall which reads 'this garden was refurbished by Westminster City Council in consultation with the Residents of Bayswater January 1992' .There is also a mature street tree next to the garden, cycle racks and bollards and other street trees next to the site along the frontages.

The application site lies outside the Central Activities Zone(CAZ). It is well served by public transport and has an excellent PTAL of 6B which is the highest . It is located within Flood Zone 1 and within a Surface Water Hotspot.

7.2 Recent Relevant History

17/10151/FULL

Demolition of existing buildings and redevelopment to provide a new building comprising two basement levels, ground and five upper storeys for retail use at ground and part basement levels (Class A1 and flexible A1/A3) with up to 94 residential units (Class C3) on the upper floor levels with associated private amenity spaces, retail servicing access road with planted deck over to the rear, provision of 50 private residential and 36 public car parking spaces, cycle parking and associated basement level plant and servicing provision.

Application Withdrawn

3 August 2020

18/00294/FULL

Demolition and redevelopment of 114-144 Queensway and 97-113 Inverness Terrace, to provide a new building comprising two basement levels, ground floor and five upper storeys, providing retail (Class A1 and flexible A1/A3) with up to 79 residential units (Class C3) at upper levels with associated private amenity space, the provision of 50 private residential and 36 public parking spaces including disabled and electric vehicle charging spaces at basement level, secure cycle parking spaces, associated basement

level plant and servicing provision.
Application Withdrawn

3 August 2020

20/04633/EIASCR

Request for an Environmental Impact Assessment (EIA) Screening Opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) regarding the proposed redevelopment of the site at 114-150 Queensway and 97-113 Inverness Terrace, W2 (Queensway Parade). Advised that due to the scale of the proposed development an EIA not required .

There are a number of applications relating to the current commercial uses, but these have limited weight in the determination of this current planning application .

8 THE PROPOSAL

The applicant proposes demolition of all buildings on the application site and erection of two, seven storey plus basement level buildings. Both new buildings would include Class E uses (Retail, Restaurant and Office Lobby) at ground floor. The largest of these two buildings, at the southern end of the site, would include Offices (Use Class E) on the upper six floors. These offices would be accessed via a double height atrium on the Queensway and Porchester Gardens corner of the site.

The smaller of the two buildings at the northern end of the site would include 32 new residential units. The original submission did not include any affordable housing and was accompanied by a viability report to support the applicant's case that it was not viable at that time to provide any affordable housing.

Following revisions to the proposal, the applicants initially proposed seven intermediate flats and in this latest submission this offer has been increased to eleven flats for intermediate rent located on the first and second floors(778 sq. m). This now represents 35% provision. Five of these flats will be at London Living Rents and 6 at the Lower Quartile Rents

The application site also includes the private road at the rear of the site behind Cervantes Court. The applicant proposes introducing access control gates to Cervantes Court and using it as a service yard for the majority of the proposed uses, and this will follow the existing one way system, entry via the southern arm and exit via the northern arm onto Inverness Terrace. Three dedicated loading bays will be created to accommodate 1x7.5 ton van and 2x10m rigid trucks.

Since the original submission, there have been several design changes. Further amendments have been made to reduce the massing of the southeast wing of the office building. At level 6 , this has been recessed further to create more of a stepping character . There has also been reductions to the massing of the east façade to Cervantes Court , pushing back from Level 1 to Level 6 between the cores to create terrace spaces. The detailed design treatment has also changed; namely to add additional vertical reconstituted stone columns to the southern Queensway corner to increase solidity, additional planting and brick to parts of the rear façade of the office building to tie in with the brick façade to the new residential building.

The proposal is for BREEAM Excellent for the commercial and is targeting BREEAM Outstanding as a highly sustainable building.

The existing and proposed floor areas are set out in Table 1 below:

Table 1: Floor Areas

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Retail and Restaurant (Use Class E)	3,616	2,216	-1400
Office (Use Class E)	-	10,978	+10,978
Residential (Use Class C3)	2,765(27 units)	3,634(32 units)	+869
TOTAL	6,381	16,828	+10,447

The mix of residential units proposed are set out in Table 2 below:

Table 2: Residential Unit Mix

TENURE	NUMBER OF BEDROOMS					TOTAL
	STUDIO	ONE	TWO	THREE	FOUR	
Market	0	6	12	3	0	21
Intermediate Rent	0	6	5	0	0	11
Social rented	0	0	0	0	0	0
TOTAL UNITS	0	12	17	3	0	32
TOTAL (%)*	0	38%	53%	9%	0	100%

*Total not 100% due to rounding

Amendments to the Application

To address concerns raised by officers, the application was amended on 2 December 2021 as follows:

1. Seven intermediate affordable units were proposed on level 1.
2. The bulk and massing at the south-eastern (Inverness Terrace) corner of the site has been reduced at sixth and seventh floor levels;
3. The two recessed bays on the rear (eastern) elevation at sixth and seventh floor levels have been extended to the full height of the building, and made deeper at sixth and seventh floor level; and
4. Minor amendments to the façade, including the addition of reconstituted stone columns at third, fourth and fifth floor level on the Queensway corner; change from glass balustrades to metal balustrades at sixth floor level; and the addition of brick

infill panels on the rear elevation.

To address further concerns raised by officers, the application was amended again on 14 January 2022 to include 11 intermediate affordable units on levels 1 and 2. Further information has been provided in respect of the Circular Economy and Whole Life Carbon, updated Design and Access Statement and updated BRE report in respect of the new residential accommodation to reflect the changes which came into force in June this year. The applicant has recently updated the affordable housing offer 5x2 bed units will be London Living Rent and 6x1 bed units will be Lower Quartile Rent .

Referral to the Mayor of London

Pursuant to the Town and Country Planning (Mayor of London) Order 2008 (as amended) (“the Order”) this application is referable to the Mayor of London as it is a development which comprises or includes the erection of a building or buildings in Central London (other than the City of London) with a total floorspace of more than 20,000 square metres. Accordingly, this application must be referred to the Mayor of London, following the committee’s resolution, for a final decision. The Mayor’s Stage 1 comments are set out in further detail in this report and included in the background papers.

9 DETAILED CONSIDERATIONS

During the determination of this planning application the City Council adopted its City Plan in April 2021. The City Council has recently adopted its Environmental SPD in February 2022 and the application has been assessed in the light of these adopted policies and London Plan policies and guidance.

9.1 Land Use

9.1.1 Loss of Existing Uses

A former Ward Councillor and three objectors have raised concern with the loss of several shops and in particular the post office at No’s 118-120 Queensway because of this proposal and once the development has been completed . There is an online petition to save the Post Office although this has not been formally submitted in respect of this planning application, due regard has been had to this petition.

Whilst these concerns are understood, the proposed development would provide 11 retail units once the development is completed in better quality units with step free access and with high quality shopfronts.

There are no development plan policies which protect the post office use per se as it falls within Class E of the Use Classes Order and therefore it can change within that Use Class to other uses without the need for planning permission. However, in the light of these objections and the on line petition , the developer has offered an alternative location for the Post Office in 125 Queensway and discussions are on- going.

It is considered that this offer is reasonable and whilst the Council cannot insist via legal agreement or a planning condition that an alternative site must be found prior to the

demolition of the existing buildings, the applicant is actively seeking to resolve this matter with the Royal Mail and will continue to use reasonable endeavours to facilitate the retention of the post office in the local area. It is considered this is as far as the applicant can go at this stage.

The proposed redevelopment will result in the loss of two ATM's machines .It is recognised that these machines do provide a vital local service, albeit it is also accepted there are ASB issues associated with these units in this location .It is not considered reasonable that a condition be imposed to require their reinstatement in the new building. The proposed new building introduces an active retail frontage along Porchester Gardens which is welcomed compared to its existing dead frontage.

9.1.2 Proposed Retail, Restaurant and Office Uses

Policies 13 and 14 of the City Plan support the principle of retail and restaurant uses at ground floor within town centres like this, provided they maintain active frontages and are open to visiting members of the public. The proposed eleven units with their attractive shopfronts will provide active frontages facing onto Queensway. Whilst there is a 39% reduction in retail Class E floorspace because of this proposal, the proposed replacement shops are considered to be of good size and will complement and enhance the existing retail offer in this Major Shopping Centre. The proposed retail units vary in size from 102 sq. m to 327 sq. m offering the flexibility for anchor tenants and smaller units , and 70% will be for retail uses in Class E1 (a) and 30% flexible retail and restaurants and will be secured by condition .No Class A5 or A5 units are being proposed.

Conditions are proposed to control the Class E uses, their hours of opening(07.00-23.30 hours – the same as Whiteleys) , new shopfronts, extract ventilation and servicing. The proposed retail and restaurant use would be consistent with policies 13 and 14 of the City Plan and are welcomed.

Policies GG5 and E1 of the London Plan supports the provision of new and refurbished office space and mixed-use development which would improve the quality, flexibility, and adaptability of London's office stock. Accordingly, the proposed office floorspace is supported in principle. Policy 13 of the City Plan also supports the provision of new office floorspace whilst policy 14 of the City Plan also supports the intensification of town centre uses, with offices within designated town centres such as this. Accordingly, the principle of the proposed office floorspace is supported as a mixed use redevelopment.

Policy E2 of the London Plan seeks to ensure that development proposals for larger quanta of B Use Class (Now Class E (g)(i)) floorspace consider the scope to provide a proportion of flexible workspace or smaller units suitable for micro, small, and medium sized enterprises, and that these proposals deliver office space that is fit for purpose.

Whilst the drawings show that the office accommodation at Levels 1-6 is substantial (8319 sq. m) , this could be divided if there is demand to do so. The proposed development would provide a range of office accommodation which would complement the shopping centre, provide employment opportunities and is considered a public benefit of the proposed development. A condition is also recommended to limit the office

accommodation within Class E to ensure that it delivers the regeneration benefits and not used by other uses within Class E or be converted to residential accommodation under Class MA at a later date.

One objection has been received requesting this development include a permanent prayer facility as the existing facility within Queensway Market is limited . It is not considered reasonable to require the inclusion of such a sui generis use within the ground floor commercial frontage as it is a Major Centre as the priority is to ensure that any redevelopment protects and enhances the retail viability and vitality of this centre.

9.1.3 Proposed Residential Use

Policy 8 of the City Plan and policies GG4 and H1 of the London Plan support the principle of new residential units throughout Westminster, particularly on brownfield sites like the application site. Policy 14 of the City Plan also supports new residential units above ground floor level in town centres like this. As a result of this proposal 27 existing units would be lost but replaced with 32 new units of which 21 are market and 11 are affordable.

Policy 8 of the City Plan limits the size of new residential units to no more than 200 sqm GIA to ensure that site capacities are optimised. None of the proposed flats exceed 200 sqm, in accordance with policy 8 of the City Plan.

In respect of optimising the residential use of this site, it is recognised that more residential units could be provided, but this proposal is also providing a significant amount of office floorspace which is also acceptable and supported by policy. Therefore, it is considered that the proposed 32 units is reasonable level of provision which is net increase of 5 units together with the 1 intermediate affordable flats.

Affordable Housing

Policy 9 of the City Plan requires that at least 35% of new homes will be affordable. This equates to 11 affordable homes in this instance. Policy 9 requires that these units be provided on-site. In exceptional cases, the affordable units can be provided off-site where it is sufficiently demonstrated that on-site provision is physically or otherwise impracticable or is inappropriate. A payment in lieu may be acceptable as a last resort if it is demonstrated to the council's satisfaction that no sites are available for off-site provision.

Background to Current Affordable Housing Offer

The applicant originally proposed no affordable units on-site or off-site and no payment in lieu. They instead contended that it would not be viable to do and submitted a viability appraisal by DS2 which was reviewed on behalf of the City Council by Avison Young. Following this review, a further review by the GLA and discussion with the applicant, officers gave little weight to the viability appraisal provided and did not accept that the development was incapable of providing affordable housing on-site and this has been the subject of extensive discussions with the agent.

Current Affordable Housing Offer

The applicant now proposes 11 affordable units on-site all to be intermediate rent. These are located on the first and part of the second floor levels. This would meet the 35% requirement within policy 9 of the City Plan. However, policy 9 also requires that 60% of the affordable units will be 'intermediate' affordable housing for rent or sale and 40% will be social rent or London Affordable Rent.

In this instance, all 11 units would be intermediate rent. The Head of Affordable Housing and Partnerships supports the intermediate units proposed, although has raised some concerns about potential service charges for these units as they share a common entrance and circulation space with the private units. This may make the units unattractive to some affordable housing providers.

Whilst the Head of Affordable Housing and Partnerships concerns are noted, paragraph 3.6.7 of the supporting text to policy D6 of the London Plan requires maximisation of tenure integration. Creating separate entrances would not be consistent with this and an objection to the development on this basis would not be sustainable. It is considered that a tenure blind building is a suitable way forward.

The provision of these 11 affordable units will be secured by a legal agreement and shall be provided prior to the occupation of the market units. The proposed development would be subject to early and late stage viability review mechanisms which the applicant has agreed to and be secured in the legal agreement.

Residential Mix

Policy 10 of the City Plan requires that 25% of all new homes be 'family sized' (i.e., with 3 bedrooms or more) and limits studio flats to no more than 10% of new homes. In this instance, no studio flats are proposed although only 9% of the proposed flats would be family sized (see Table 2). However, paragraph 10.6 of the supporting text to policy 10 states that the 25% requirement is a strategic target, rather than a site specific one, and there may be circumstances where it is not appropriate to provide family sized homes, due to a site's small size, location or other practicability issues.

The site is constrained in terms of the potential layout of units by the narrowness of this site and the need to re-provide a minimum level of residential units to replace those demolished to facilitate this development. The application site's location within a town centre location and on a relatively busy road also makes it a location where a higher proportion of family sized accommodation would not be appropriate. Accordingly, the lower proportion of family sized accommodation proposed is acceptable in this instance.

The same standards of accommodation have been used for market flats and the intermediate and all share a common entrance. Accordingly, the proposed flats are tenure blind and will have the same external appearance. Service charges for these intermediate units will be a concern and this will need to be addressed in the section 106 legal agreement.

Standard of Residential Accommodation

All flats exceed the Nationally Described Space Standards, include 2.5 m floor to ceiling

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heights and the requirements of part F of policy D6 of the London Plan and policy 12 of the City Plan. As noted by the GLA, the cores would be efficient (4 to 7 units per floor), with no single aspect north-facing units and the provision of dual aspect units maximised given the narrowness of the site.

Of the 32 units proposed, 28 would have access to a private terrace or balcony. The remaining four, which are all one-bedroom units facing onto Queensway, would have no external private amenity space. However, this site is a relatively narrow site within a town centre and officers consider the provision of private outdoor amenity space has been maximised whilst at same time preserving the amenities of neighbouring residents. These four units would also significantly exceed the minimum floorspace standards within the Nationally Described Space Standard and this increase in floorspace in lieu of private external space is therefore acceptable.

During this application, the new BRE guidelines came into force in June 2022 which sets out new criteria for the assessment of new residential accommodation. A revised analysis has been submitted. This concludes that expected levels of daylight to these new 32 flats is good for a central London location, and only four bedrooms falling below the 100 lux recommended for their use. These four are on all on the lowest floor and have balconies above which is casting additional shade. Whilst light levels could be increased by removing the balconies above, it is considered that the provision of private amenity space outweighs the losses of light, and these bedrooms are well lit.

In respect of the living areas to the proposed flats, the new BRE guidance advises that half an area within a Living/Kitchen /Diner (L/K/D) should see 200 lux for half of the daylight hours. Due to the position of overhanging balconies and depth of these open plan rooms, 24 of the 32 L/K/D falls short of the recommended targets. The design of these flats has positioned the kitchens to the rear and the living areas to the front which receive the most light. Daylight results could be improved by removing the balconies and reducing the room sizes, but this would be considered detrimental to the overall quality of the accommodation and loss of outdoor amenity space. It is considered that overall, the quality of natural light and outlook /view for these new flats is acceptable.

In terms of sunlight, all but 2 units out of the 32 meet or exceed the BRE criteria. The two units which fall below are again located on the first floor and are affected by the projecting balconies above. Whilst it is recognised that these first floor units are the affordable flats, nevertheless the quality of these units are good and are considered reasonable for central London location.

Play Space Contribution

This site is in an area of play space deficiency and whilst it is not possible to incorporate play space within the new residential block due to the constraints of the site, the applicant is making a financial contribution of £5,426 in accordance with the agreed formula. This will be secured via the legal agreement, be indexed linked and payable on commencement of the development.

9.2 Environment and Sustainability

9.2.1 Demolition versus Retrofitting

As new developments are major consumers of resources and materials , the possibility of sensitively refurbishing or retrofitting buildings should be considered prior to demolition and proposals for substantial demolition and reconstruction should be fully considered based on whole-life carbon impact resource and energy. In dealing with this application regards have been had to policy 38 in the City Plan, the Environmental SPG , London Plan policies and guidance.

The applicant has demonstrated that the existing 1950's buildings are nearing the end of their lifespan, and whilst it could be possible to refurbish and extend the existing buildings, this would not generate the quantum and quality of the new office floorspace , the replacement retail and the additional residential floorspace including the affordable flats plus the other public benefits which this proposal will generate.

The applicant has submitted a Circular Economy and Whole Life Carbon Statement .A full Pre-Demolition Audit has been undertaken to investigate recycling of the construction, demolition and excavation material can be maximised .This report identifies parts of the existing building and hard standing which can be re-used or recycled, which includes the crushing of the existing concrete for re-use within the proposed development. The applicant is committed to minimise embedded carbon as well as minimising construction waste and diverting at least 95% of the demolition and construction waste from landfill .

The proposal are for two highly sustainable replacement buildings ensuring from both an embodied and operational carbon perspectives , to ensure that the environmental effects are kept to a minimum .These are addressed through a number of core design principles

The office building will be constructed from a steel frame with Cross Laminated Timber resulting in a significant reduction in embodied carbon compared to a building in concrete or steel .The scheme is targeting BREEAM Excellent for the commercial and the scheme is targeting BREEAM Outstanding . Mixed mode ventilation and openable windows are proposed without the need for air condition in the shoulder seasons(spring and autumn months) which will reduce energy consumption by up to 20% . Automated window openings in the evening will allow passive ventilation during the evening and allow passive cooling of the building overnight to reduce energy consumption .The development will include extensive rainwater harvesting , blue roofs, green roofs and biodiversity improvements .It is 100% electric and will operate a net carbon with ASHP on the roofs.

Subject to further assessment of additional information required by the GLA, it is considered that the applicant has made a convincing case for the demolition of the existing buildings and the new development will be highly sustainable.

9.2.2 Energy Performance

Policy SI 2 of the London Plan requires major developments to be net zero-carbon. The policy also requires that a minimum on- site reduction of at least 35 per cent beyond Building Regulations is met with residential development achieving 10 per cent carbon reductions, and non-residential development achieving 15 per cent carbon reductions through energy efficiency measures. Where it is clearly demonstrated that the zero-

carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either: 1) through a cash in lieu contribution to the borough’s carbon offset fund, or 2) off-site.

Policy 36 of the City Plan states that all development proposals should follow the principles of the Mayor of London’s energy hierarchy. Major development should be net zero carbon and demonstrate through an energy strategy how this target can be achieved. Where it is clearly demonstrated that it is not financially or technically viable to achieve zero-carbon on-site, any shortfall in carbon reduction targets should be addressed via off-site measures or through the provision of a carbon offset payment secured by legal agreement.

In the GLA’s Stage 1 response, further information was requested in relation to overheating, district heating connections, PV installation and the proposed Air Source Heat Pumps (ASHP). In response to the GLA, the applicant has responded to the GLA’s comments as follows:

- The proposed buildings will include active cooling and a high level of cross ventilation to prevent overheating.
- The application site is not located near an existing or planned district heating network. Notwithstanding this, a basement plant room adjacent to Queensway would provide a connection point, should a district heating network be installed in the future.
- The applicant undertook a feasibility study on the provision of PV panels and found that ASHP would be more appropriate. PV would achieve an additional carbon reduction of up to 2% but this would result in the loss of the green/blue roofs proposed.
- Additional technical information on the ASHP units and system were provided; and
- A carbon offset payment of £341 871 would be payable in lieu of additional carbon savings.

Table 3 Regulated carbon dioxide savings from each stage of the energy hierarchy.

	Regulated Carbon Dioxide Savings	
	Tonnes CO ₂ per Annum	%
Be Lean: Savings from energy demand reduction	66.4	29%
Be Clean: Savings from heat network	0	0
Be Green: Savings from renewable energy	41.5	18%
Cumulative on-site savings	108.0	47%
Carbon shortfall	119.9	-

	Tonnes CO ₂
Cumulative savings for offset Payment	3598.6
Cash-in-lieu contribution	£341 871

Given the above, the proposed development is considered consistent with policies S12 of the London Plan and policy 36 of the City Plan.

9.2.3 Whole Life Cycle Carbon

The applicant has submitted a Whole Life-Cycle Carbon Assessment (WLCA), as required by Policy SI2 of the London Plan. In the GLA's stage 1 response, further information in relation to the current status and expected decarbonisation was requested.

The applicant has provided the additional information requested by the GLA. In particular:

- The missing fields and typos within the GLA's WLCA assessment template have now been completed;
- The applicant has provided clarifications on sequestered carbon.
- The applicant has confirmed that refrigerants have not been specifically included in the WLCA assessment template, but allowance has been made for its carbon impact over the building lifecycle as a % increase. If robust and accurate information becomes available at practical completion stage, this will be included in the final assessment of WLC; and
- The applicant confirms that it is not possible to provide an estimated mass for each individual reusable and recyclable building material at present but could be included in the 'As Built Practical Completion Assessment'

Given the above, and subject to the Mayor's Stage 2 report, the proposed development is considered consistent with policies S12 of the London Plan and policy 36 of the City Plan.

9.2.4 Circular Economy

Policies SI7 of the London Plan and 37 of the City Plan seek to reduce waste and support the circular economy. Waste is defined as anything that is discarded. A circular economy is one where materials are retained in use at their highest value for as long as possible and are then re-used or recycled, leaving a minimum of residual waste.

The applicant has submitted a Circular Economy Statement (CES) In the GLA's stage 1 response, further information was requested on key commitments, recycling and waste reporting, operational waste and plans for implementation.

The applicant has provided an updated CES that provides the information requested by the GLA.

9.2.5 Sustainable Drainage and Flood Risk

Policy SI13 of the London Plan states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. Drainage should be designed and implemented in ways that promote multiple benefits including increased water use efficiency, improve water quality, and enhance biodiversity, urban greening, amenity and recreation.

Policy 35 of the City Plan states, amongst other things, that new development must incorporate Sustainable Drainage Systems (SuDS) to alleviate and manage surface water flood risk. Development should aim to achieve greenfield run-off rates and demonstrate how all opportunities to minimise site run-off have been taken.

The application site is in Flood Zone 1 (Low Risk) and within a Surface Water Flood Risk Hotspot. The application is supported by a flood risk assessment, which assessed all sources of flood risk, including surface water flooding.

The assessment concludes that there is a low risk of flooding from all sources. In terms of the drainage strategy, blue/green roofs, permeable paving and geo-cellular attenuation are proposed in accordance with policy . These mitigation measures will be secured by condition .

9.2.6 Air Quality

Policy 32 of the City Plan states that major developments should be at least Air Quality Neutral. The applicant has provided an Air Quality Assessment that indicates that the development will be Air Quality Neutral. This assessment has been reviewed by the Environmental Health Officer.

With regards to the construction phase, a dust risk assessment has been completed where it has been confirmed that there is a medium risk for dust soiling and low risk to human health. Mitigation measures to reduce these risks to a point where they will be not significant have been indicated by the applicant. Developments of this size will have to comply with the Council's Code of Construction Practice, where a site-specific Site Environmental Management Plan to be secured by condition.

Predicted vehicle movements associated with construction traffic have not been provided. There is the potential for an adverse impact to local air quality and a detailed assessment should be completed. It is recommended that numbers of vehicles are screened against the IAQM criteria and where it is exceeded, a detailed assessment should be undertaken. It is understood that a construction logistics plan should be implemented to reduce unnecessary traffic movements, although where adverse impacts are predicted harder measures in addition to logistics may be required.

The code of construction practice can control the number of construction vehicle trips to some extent, although should the development require a vehicle trip rate above the IAQM thresholds, there is little that can be done to mitigate any adverse impacts short or restricting the number of vehicles trips to and from site daily. The applicant is still

recommended to quantify potential vehicle trips, screen against the IAQM methodology and assess impacts to local air quality where appropriate.

With regards to the completed development, the proposed development would be car free and the maximum increase in annual average daily traffic is predicted to be 72 light duty vehicles and 8 heavy duty vehicles. The predicted levels are below the thresholds for significant impact therefore impacts are considered not significant.

Heating and hot water will be supplied by air source heat pumps and will not have an associated air quality emission. An emergency standby generator is proposed (375kVA) which will only be used for testing and maintenance purposes and the flues are proposed to terminate at roof level. These will be controlled via conditions.

The Local Atmospheric Emission Inventory (LAEI) has been used to determine local air quality concentrations where it has been reported that the area exceeds the annual mean national objectives for Nitrogen Dioxide (NO₂). The report has recommended that the development should incorporate a ventilation strategy to supply the properties with clean air and it has recommended that NO_x filtration should be included. Where mechanical ventilation is required then the properties should be designed to prevent overheating in accordance with CIBSE TM52. Again, conditions are recommended to secure filtration and prevent overheating.

Roof terraces and balconies are included and, in these areas, the annual mean is applicable. LAEI data only provides ground floor concentrations and air quality does improve with height. It is considered that these outdoor amenity spaces will be acceptable in terms of air quality .

The Environmental Health Officer noted that outdoor seating associated with the ground floor restaurants may be exposed to high pollution levels. The applicant was advised that they should either confirm that no outside seating areas are proposed and/or report predicted NO₂ concentrations and provide an assessment on the likelihood of the short-term objective being exceeded. The applicant subsequently confirmed that annual mean NO₂ concentrations of below 60µg/m³ in the vicinity of the site are expected and therefore in line with local air quality management technical guidance (LAQM TG16) The short-term objective would therefore be met, should outdoor seating be proposed in connection with the retail units. Any proposal for outdoor seating would require either a planning application or a pavement licence.

The applicant has confirmed that there will be no car trips from the occupants of the new development, and it is proposed to be car free. It can be agreed that the development is Air Quality Neutral for Transport emissions.

It has been stated that there are no combustion sources therefore no associated emissions and meets the required benchmarks. A back-up generator is proposed that will have associated emissions and it is recommended that emissions from testing maintenance cycles should be calculated and compared against site specific derived benchmarks.

Overall, , the proposed development would meet policy SI1 of the London Plan and policy 32 of the City Plan. A range of conditions are proposed to address the points raised by the Environmental Health Officer .

9.2.7 Sustainable Design and Construction

The application is accompanied by a BREEAM Pre-assessment by an accredited BREEAM Assessor. This demonstrates that the proposed commercial elements development will achieve a BREEAM 'Excellent' rating. The pre-assessment also indicates that a BREEAM 'Outstanding' rating could be achieved, although this would require commitments from the future occupiers of the building for the additional credits. Notwithstanding, the proposed development would meet policy 38 E of the City Plan with an 'Excellent' rating. A post commission condition is proposed to secure this .

9.2 .8 Water Infrastructure

The sustainability statement that accompanies the application indicates that daily water consumption of 105 l/person/day will be targeted, in accordance with policy SI5 of the London Plan. This will be achieved through low flow sanitary fixtures and fittings and metering for throughout the development. Thames Water have also advised that they have no objection to the development, subject to several conditions to protect water infrastructure during construction and these are incorporated in the draft decision notice as conditions and informatives.

9.3 Biodiversity and Greening

Policy G5 of the London Plan states that major development should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage. Boroughs should develop an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments and tailored to local circumstances. In the interim, the Mayor recommends a target score of 0.4 for developments that are predominately residential. This is a mixed office and residential development. The proposal will score an UGF of 0.26 which is just below GLA target of 0.3 .

Whilst the planted terraces to the office building, the green and blue roofs are welcomed it is not possible to incorporate significant areas of new landscaping and greening due to the small size of the site and the service road at the rear. The possible provision of a green wall to the side elevation onto Porchester Gardens could improve the UGF further.

The applicants have advised their offer to replant and improve the Lady Samuel's Garden adjacent to the site on the corner of Inverness Terrace which will offer further opportunities for biodiversity enhancements.

Although no UGF is set within the City Plan, policy 34 requires that developments will, wherever possible, contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme. Policy 34 also states that developments should achieve biodiversity net gain, wherever feasible and appropriate. Opportunities to enhance existing habitats and create new habitats for priority species should be maximised. Developments within areas of nature deficiency should include features to enhance biodiversity, particularly for priority species and Policy 34 of the City Plan also seeks to protect trees of amenity, ecological and historic value and those which contribute to the

character and appearance of the townscape will be protected. The planting of trees will also be encouraged.

No trees are located on the application site or would be removed to accommodate the development. Minimal incursions into the Root Protection Areas of nearby street trees T2 and T7 are required and will require some pruning . Conditions are required to ensure these trees are protected with fencing and an Arboricultural Method Statement in respect of T2 and T7. The submitted ecological survey identifies one street tree as having low potential for roosting bats but this tree is being retained .A condition is recommended to ensure that all trees are adequately protected during construction , and an Arboricultural Method Statement in respect of trees T2 and T7 given the proximity of the proposed basement to the root protection areas of these trees.

The proposed landscaping to the terraces of the building and the green roofs are welcomed and accord with policy 34 in the City Plan and will be secured by conditions. A condition to reserve the inclusion of bird and bat boxes is also recommended.

The application includes a commitment to re-provide Lady Samuel's Gardens in an enhanced form and an outline initial design is included in the Design and Access Statement. Works to improve the Lady Samuels Garden could not be controlled by condition as it is located outside the red line of the application site, and this would need to be secured by a legal agreement . Further details of this would also be the subject of further consultation with local stakeholders and the City Council .It has also been raised whether the garden could remain during demolition and construction , and this will need to be investigated further by the applicant .If the garden does need to be hoarded off during construction, the legal agreement will also secure the safe removal of the existing plaque and statue and reinstatement at the applicant's cost.

Whilst it is recognised that scope for additional tree planting within the application site is heavily constrained by the service road, and the public realm improvements taking place along Queensway , it is considered that a financial contribution towards tree planting in the vicinity of the site would improve greening and benefit the wider area. The applicant has now agreed to a financial contribution of £20,000 index linked and payable on commencement of the development. This will need to be secured via the legal agreement.

9.4 Townscape, Design and Heritage Impact

9.4.1 Introductory Text/Legislative and Policy Context

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *"In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 66 of the same Act requires that *"In considering whether to grant planning*

permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Section 72 of the same Act requires that *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, considering the statutory duty to have special regard or pay special attention, as relevant. This should also consider the relative significance of the affected asset and the severity of the harm caused.

Policies 38 (Design principles) and 40 (Townscape and architecture) are also of key relevance to this application. Policy 41 (Building height) is not so relevant as the application proposals are not generally considered to be a ‘tall building’ in the local context.

9.4.2 Site and significance

The site is currently occupied by a 1950s block laid out over three to four floors, with retail to ground floor and residential on the upper floors. The retail ground floor units project out from the upper building line. This arrangement of retail podium with set-back upper storeys considerably reduces the bulk fronting this eastern side of the road, but conversely also presents a relatively weak frontage when compared with the bolder frontage of Grade II Whiteleys opposite. It is however consistent with the building line of the adjacent five/six storey Inver Court to the north. The projection of the ground floor is most pronounced facing Porchester Gardens where the entire retail unit projects out from the southern upper floors building line.

The existing building is a long and proportionally low continuous block occupying a considerable length of frontage onto Queensway but facing also onto Porchester Gardens to the south. It is of some limited architectural value in its own right, being consistent with typical mixed-use developments of its period, although opinions on this vary due to its contrasting character with the more traditional local townscape. It is not considered to be an unlisted building of merit, and it makes a neutral to a negative contribution to the character and appearance of the Queensway Conservation Area within which it sits (and settings of the adjacent Hallfield Estate and Bayswater Conservation Areas).

Directly opposite the site to the west on the other side of Queensway is the Grade II listed Whiteleys; currently being redeveloped behind its retained façades, it is the principal retail focus of Queensway and a dominant feature for the street and surrounding area.

The site backs onto Cervantes Court and Aird House. The rear service yard accessed

off Inverness Terrace and serves the retail units and shared access for the upper floors and other adjacent buildings, and consequently it has quite functional and utilitarian character. The rear elevations are clearly visible from Inverness Terrace and Porchester Gardens to the east (both within the Bayswater Conservation Area). Further to the east on the other side of Inverness Terrace is the Hallfield Estate Conservation Area, and its constituent listed blocks and the Grade II* listed Hallfield School.

To the south-east of the site are the Grade II listed stuccoed four-storey terraces which front both side of the southern end of Inverness Terrace, within the Bayswater Conservation Area. Also, on Inverness Terrace and immediately abutting the site is the 'Lady Samuel Garden' featuring the George Kastrioti Skanderbeg Memorial.

9.4.3 Proposals

The application seeks permission to redevelop the site following the demolition of all existing buildings. The new development would consist of two new buildings, both fronted onto Queensway and of differing characters.

To the north end of the site, a new six and seven storey mansion block is proposed, containing retail to the ground floor and residential above. The top two floors (5th and 6th) would be set back from the main frontage.

To the southern end of the site would be a new seven to eight storey blocks, again with retail to the ground floors, but with offices above, including a prominent principal office entrance fronting the corner of Queensway and Porchester Gardens. The top two floors would be stepped back progressively from the principal building line below, presenting a principal cornice line at the same height as that of Whiteleys opposite. The ground floor would be double-height, meaning the building would in fact contain seven functional floors, but would be the height of an eight-storey building.

Both buildings would be built on the existing ground floor frontage line but would not feature the same set back of the upper floors as the existing, meaning that visually the buildings would step forwards of the principal frontage of the existing building, but also that of the adjacent mansion blocks to the north of the site. Due to the slight kink in the line and narrowing of Queensway where it crosses Porchester Gardens, the building line would remain slightly east of the prevailing building line of the buildings fronting the southern end of the road.

The development is proposed to be built using advanced sustainable construction methods to reduce the amount of concrete required, including Cross-Laminated Timber (CLT) slabs supported by a steel frame. This influences the external appearance of the facades which are based around a pre-cast stone frame with deep-set metal windows and spandrel panels. The projection of the stone columns and beams provides a degree of solar shading to the windows, so contributing to the building's sustainable design. The façade has a very conscious horizontal emphasis.

The detailed design of the office façade has been revised by the applicants in response to negotiations with officers and is now presented with a simple decorative moulding to both beams and columns, and with a greater number of columns to the upper floors on

the corner office entrance, to increase the building's visual solidity. The applicant states that the glass to solid ratio of the façade is comparable to Whiteleys opposite.

A key component of the proposed office building is the retail frontage onto Queensway. This would feature metal and glass shopfronts set into each bay of the façade, each with a projecting retractable awning. The heights of the shopfronts would change from north to south to follow the rise in the road, such that those units to the northern end of the building would be notably taller (more or less double height) than those to the southern end.

The rear elevation of the office building has been revised during the course of the application to change from painted render to now brickwork but remains quite plain and functional and given its context this approach is considered appropriate.

The proposed mansion block façade is more solid and with a vertical emphasis. It is based on articulated brickwork cladding with again deeply set metal windows and spandrel panels, forming inset projecting bays most of which feature balconies. The upper set back floors would be clad in metal and would be stepped again at each end. To the rear these storeys would be sheer with the lower floors below, although recessed elements have been incorporated in the latest set of revisions to mitigate the impact of the proposed development on neighbouring flats to the rear.

The rear elevation of the mansion block is plainer than the front but is based on a brick frame with inset brick and/or metal panels.

The mansion block is also designed to accommodate retail at ground floor level, with a similar but lower scale design to the office building, and again featuring projecting retractable fabric awnings to each bay.

9.4.4 Design quality, and impacts on townscape and heritage

Demolition of existing building

The demolition of the existing building is acceptable in principle from a design and heritage point of view, subject to the comparative architectural merits and impacts of its proposed replacements and highly sustainable replacement buildings. Whilst the existing buildings may have some value architecturally as an example of its period, their contribution to the conservation area is limited, and in some respects is harmful. Many of the comments received support the proposed demolition and redevelopment.

The existing weak frontage onto Queensway, but particularly onto Porchester Gardens, has a decompressive effect on the character of both streets, which otherwise feature quite assertive and architecturally 'proud' frontages. The existing buildings are if anything, too low in scale for the manner in which it addresses the street with a deep podium projecting. From a townscape point of view there are no objections to the proposed demolition of the existing buildings.

Scale and bulk

Notwithstanding the limitations of the existing buildings, both of the proposed new

buildings would represent a very considerable increase in both height and bulk for the site, in excess of the historic scale of most of Queensway and reflecting more the sort of grand high-status retail scale of Whiteleys opposite. Each building is a large singular building, particularly the office building which would be in many respects as large as Whiteleys, including an equal cornice line.

The scale of the office building is the most significant impact of the scheme and has been the subject of considerable negotiations between officers and the developer's team. Some reductions have been made to the stepping of the eastern upper floors, in order to reduce impacts from Inverness Terrace and Porchester Gardens, but the building remains a considerably bulky addition to the local townscape. Despite the progressive stepping of the upper two floors, the proposed new building would be visually very apparent when viewed from the east, showing a breadth of end elevation onto Inverness Terrace which is quite unlike that of adjacent terraced housing. The height and bulk of the new building would dominate views from Porchester Gardens.

The mansion block is generally consistent with the scale and character of the adjacent mansion blocks to the north. It would step forward of their upper floor building line, but in a manner which is generally acceptable and not inconsistent with how this happens with other building lines elsewhere on Queensway. The upper two-storeys of the block would however appear quite prominent despite their set-back, and this could have been lessened by a further step back of the front wall line of the top-most storey, although this would of course have reduced residential floor area by a consequent amount. It is however considered to be acceptable as proposed.

Design quality, landscaping and public realm

Both new buildings are high quality pieces of architecture, particularly following further revisions secured during the course of the application. As architectural compositions in their own rights, each building is very well designed, limited only by the bulk of their upper two floors which from some angles, and certainly from elevated positions, would be somewhat top-heavy.

The shaped mouldings of the pre-cast stone columns and beams of the office building would add an element of simple enrichment to the building. Coupled with good detailing on the metalwork of windows, spandrels and, where relevant, railings the building should be interesting without being too 'loud'. The prominence of the office corner entrance, as modified during the course of the application, would give a good degree of legibility to define it from the retail frontages.

Aside from the issues of scale discussed above however, the principle challenge of the office building's design is its horizontality which is a substantial contrast with the evident verticality of most buildings on Queensway. Whilst the building's columns do break this up into bays, it remains a deliberately horizontal building.

It is noted of course that a horizontal emphasis is a valid way of designing a building, with many cherished examples of art-deco buildings from around the world forming an important page in architectural history. It is also not prescribed that all buildings on Queensway 'must' be vertically proportioned – some already are not. However, in this case, it is evident that the strength of this horizontality does accentuate the building's

size, and particularly its length and breadth, thus not aiding attempts to reduce the impact of its bulk on the surrounding area. To change it however would mean likely a wholesale different approach and one which might arguably be compromised or softened in its architectural composition – the architects will of course consider such a bold horizontality to be a deliberate and effective basis for the building's design.

A further key point of discussion between officers and the developer's team has been the extent of glazing or 'voids' in the façade. The building's framed construction is expressed prominently by the vertical columns and beams of its façade, with the windows and spandrel panels set deeply back from the front face of the façade. This has the effect of amplifying the 'void' effect of the windows, such that the façade is dominated by the framed form and has a less 'solid' appearance than other buildings on the street, which are nearly all predominantly solid masonry facades.

Whilst the developer has shown that the amount of glazing to 'solid' materials is comparable to Whiteley's opposite, this ignores the role that the window framing and spandrels have in this effect, which is similar to that of glazing. Most of the solidity of Whiteley's facades consists of stonework, whereas the calculation given for the application site relies also on the spandrel panels which are in fact visually composite with the windows. As such the effect is a less solid building, more dominated by glazing (and metal spandrels) than is characteristic in this location. This causes the building to feel somewhat unrooted in its historic context. Overall, the office building's architectural limitations make it somewhat harmful to the character of the conservation area, and to the setting of the adjacent Bayswater Conservation Area.

The mansion block is more successful overall. It is also a carefully detailed building, with articulated brick columns and inset panels, with inset-projecting metal bay windows. It is a notably more 'solid' building than the office building, with window proportions consistent with the surrounding area. Shopfront design is again successful. Its verticality is a more sympathetic means of addressing the prevailing character of the area than the horizontality of the office building, and as such overall it is a more successful building design.

Due to the hard-landscaped character of the street, opportunities for extensive greening on the site are severely limited, particularly at street level. It is however shown that the office building's terraces would feature as much planting as possible, and that the main flat roofs of both buildings would be 'blue' and biodiverse green roofs.

Whilst not part of the application site, the application refers to refurbishing and improving the Lady Samuel's Garden which would immediately abut the office building's eastern façade, and this would need to be secured by a legal agreement due to its off-site position.

The positive architectural merits of the proposed new buildings do partly compensate for some of the impacts discussed above in relation to scale and bulk, but not as much as it could have if the office building's its horizontality and top-level bulk had been better resolved.

Impacts on townscape and heritage assets

The key impacts which the proposals would have on the local area have been largely addressed above, but it is worth touching on how this translates to an effect on the area's key townscape characteristics, and on nearby designated heritage assets.

As set out above, the new office building would be a dominant new building on the street, particularly when viewed from the south on Queensway, and from the west and east along Porchester Gardens. This would increase the enclosure of the street between the site and Whiteleys, which the proposed new office building could compete somewhat in terms of architectural dominance; it is only Whiteleys grander and more intricate façade, and overall existing historical standing in the street, which means it would remain the dominant feature of the street.

From the east and south on Porchester Gardens and Inverness Terrace respectively, the proposed office development is considered to overbearing, exhibiting a substantial change in townscape character and scale compared to the existing. To some degree, in terms of architectural quality compared with the existing buildings to be demolished, this is welcomed but in others respects it does fail to respect the predominant scale and proportions of Inverness Terrace in particular.

Whilst it is recognised the applicant has sought to recess the upper levels 5 and 6 of the office building in order to address officer's concerns regarding the overall visibility of this extra bulk and height, it is not considered that this changes go far enough to overcome officer design concerns. This would cause some 'less than substantial' harm to the character and appearance of the Queensway Conservation Area, and to the setting of the listed terraces of Inverness Terrace and both the Hallfield Estate and Bayswater Conservation Areas. A better stepping back and/or the omission of the upper two floors, would have helped this difficult transition, and was sought by officers throughout pre-application and application negotiations. It is disappointing that the developer has not made this change, albeit has incorporated further set backs to reduce the visibility of these upper floors. However, the applicant has advised that further revisions are not possible without affecting the overall viability of the scheme. Therefore a decision must be reached on the revised application as it stands.

Overall, considering the balances between harmful elements of the proposals such as its scale, bulk, the building's horizontality, against its positives such as the quality of its detailed design, its sustainability /greening and the positive retail frontages and the land uses, it is considered there remains a degree of 'less than substantial' harm caused to the local townscape/designated heritage assets as set out above. In accordance with paragraph 202 of the NPPF, this harm should be carefully weighed by the decision maker and against the wider package of planning impacts and benefits. This is considered in more detail in the rest of this committee report.

9.5 Residential Amenity

Several objections have been received in relation to potential loss of light, sense of enclosure and privacy to surrounding properties. Although it is now noted that the objections from the owners of Aird House on grounds of loss of light has recently withdrawn and they now support the application. Nevertheless, the impact on neighbouring residents must be fully assessed whether they object or support the proposal.

Policy H6 of the London Plan requires that the design of the development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.

Policy 7 of the City Plan promotes neighbourly development that protects and, where appropriate, enhances amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking and regard has also been had to policy 33 (A) Local Environmental Impacts and policy 38(C) Design Principles.

9.5.1 Loss of Light

Although not specifically referred to in the above policies, BRE's "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" is widely recognised as the appropriate method for measuring light loss and appropriate light levels. The BRE stress that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in an area with modern high-rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of neighbouring buildings.

The applicant has submitted a Daylight and Sunlight Report by GIA which has tested the following properties:

- Cervantes Court, Inverness Terrace
- Aird House, 117 Inverness Terrace
- 93 Inverness Terrace
- 95 Inverness Terrace
- 100 Inverness Terrace
- 102 Inverness Terrace
- 104 Inverness Terrace
- 106 Inverness Terrace
- 121 Inverness Terrace
- 123 Inverness Terrace
- 125 Inverness Terrace
- 131 Queensway
- 158 Queensway
- 160 Queensway
- Inver Court, Queensway
- 2 Queensborough Terrace
- 3 Queensborough Terrace
- 4 Queensborough Terrace
- Whiteleys under construction(residential units on the upper floors)

Residential properties beyond these locations do not breach the 25-degree test within the BRE Guide and/or are considered too distant from the subject property to result in potentially unacceptable light loss.

Following the publication of the new BRE guide in June 2022, the applicant has now submitted a revised daylight and sunlight report. The main changes in the new BRE guide relate to the assessment of new residential developments in respect daylight, sunlight and a number of other factors such a view and overheating and the quality of the new residential developments. This is dealt with earlier in this report.

Daylight

In assessing daylight levels, the Vertical Sky Component (VSC) is the most commonly used method. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. The BRE guide also recommends consideration of the distribution of light within rooms served by these windows. Known as the No Sky Line (NSL) method, this is a measurement of the area of working plane within these rooms that will receive direct daylight from those that cannot. With both methods, the BRE guide specifies that reductions of more than 20% are noticeable.

The use of the affected rooms has a major bearing on the weight accorded to the effect on residents' amenity as a result of material losses of daylight. For example, loss of light to habitable rooms such as living rooms, dining rooms, bedrooms, studies and large kitchens (if they include dining space and are more than 12.6 square metres) whereas non-habitable rooms such as stairwells, bathrooms, and hallways are not tested.

In terms of loss of daylight, the BRE guidelines advise that diffuse daylighting to an existing building may be adversely affected if the VSC measured from the centre of the window is less than 27% and a loss of 20% or more occurs or NSL losses are 20% or more. As already stated in central London the BRE advice does have to interpreted flexibly.

Of the properties eligible for assessment identified above, 93, 100, 102, 104, 106 and 123 Inverness Terrace; 131, 158 and 160 Queensway; and 2, 3, 4 Queensborough Terrace would not have levels of daylight loss above BRE guidelines. With regards to the remaining sites, the BRE Guide states that losses above 20% are noticeable. Officers consider that losses between 20-30% would be minor; losses between 30-40% would be moderate; and losses over 40% would be significant. The loss of daylight to these sites is summarised in the table below.

Table 4: Summary of Daylight Loss Levels to Neighbouring Residential Properties

Address	Total No. Windows	VSC				Total Below BRE	Total No. Rooms	NSL			Total Below BRE
		Reduction (%)			Reduction (%)						
		20-29.9	30-39.9	>40	20-29.9			30-39.9	>40		
Cervantes Court	37	0	0	37	37	37	1	1	35	37	
Aird House	71	4	7	41	52	28	2	2	15	19	
95 Inverness Terrace	3	0	3	0	3	3	0	0	3	3	
121 Inverness Terrace	12	0	0	0	0	6	1	0	0	1	

125 Inverness Terrace	5	0	0	0	0	3	0	1	0	1
Inver Court	72	0	0	3	3	35	0	0	0	0
Whiteleys	310	20	86	48	154	132	5	1	1	7
TOTAL	510	24 (5%)	96 (19%)	129 (25%)	249 (49%)	244	9 (4%)	5 (2%)	54 (22%)	68 (28%)

As can be seen from the above table ,the worse affected properties are those immediately to the rear in Cervantes Court and Aird House and this will be examined in more detail below.

Cervantes Court is a block of flats and the rear windows that face onto the application site are understood to serve principally bedrooms, hallways and small kitchens. There is a deep overhanging walkway at first floor level which affects light to the windows below. There are flats under construction on the site of four former integral garages at lower ground floor level to create 2 additional flats . These flats as shown on the approved drawings have full height doors which serve bedroom and living room windows and a small courtyard /patio area at the rear enclosed by a tall brick wall .The living rooms are dual aspect with windows fronting onto Inverness Terrace. When permission was granted for this conversion , the applicant was advised in the light of the forthcoming proposals to redevelop the site at the rear , that these windows would be afforded less protection in the light of the future proposals to redevelop Queensway Parade.

At Cervantes Court, significant losses of 60.7-100% VSC and 40.7-100% NSL would be experienced. The most significant losses of up to 100% and retained VSC levels of 0, would be experienced at ground floor level and would impact six small kitchens and six bedrooms. The rear elevation of Cervantes Court does include overhanging balconies which the BRE Guide acknowledges can exacerbate daylight losses and recommends undertaking a separate analysis to determine how much impact these balconies are having on daylight levels. Factoring in the impact of these balconies, significant losses of VSC reduce to 60.7-77.3% and losses of NSL reduce to 45.4-82.9%. Retained VSC levels would be 7.33 at ground, 9.05 first and 7.38 at second floor .

It is accepted that these flats which are approximately 18.5 m away from the proposed 7 storey office building will be significantly affected. The applicant has sought to incorporate sets backs at the rear which has resulted in some improvements in daylighting levels and outlook . It is considered that the retained values of 8.22 VSC on the ground , 9.60 VSC on the first and 8.00 VSC on the second floor (given these are bedrooms are lesser requirement for daylight compared to living rooms) are on balance acceptable when looking at the public benefits this scheme will generate.

At Aird House, this is a modern block of flats, and at the rear there is a landscaped communal garden ,small projecting balconies and roof terraces at roof level . There is already a close relationship between the back of Aird House and the existing buildings and a distance of 5.9 m which separates the main rear elevation of the Queensway buildings with the rear wall of the landscaped terraces and 13.5m, to the main rear wall of Aird House . It is recognised that whilst the existing distances have been maintained in this proposed development , the 7 storey residential and office buildings will have impact on daylight to this building. Because of this close relationship , the rear elevation of Aird House been designed with obscured glazed windows which serves the staircase

cores and projecting full windows/doors which also have obscure glazing on two sides and clear glass to the side, to afford these residents more privacy. Outlook from these flats at the rear is dictated by their current fenestration design.

The windows are the rear serve bedrooms and open plan living rooms. It is understood that 8 flats have a single aspect to the rear, and the rest are dual aspect with windows facing onto Inverness Terrace. There are a total of 20 flats in this block. The proposal will result in significant losses of 41.9-100% VSC and 40.7-77.5% NSL would be experienced, and the worse affected will be those at first floor level and would impact three living rooms. There are small overhanging balconies at second floor which affect light to these windows below and factoring in the removal of these balconies, the losses of daylight will be 41.8-68.9% and losses of NSL reduce to 40.8-72.4%. Retained VSC levels would be 13.27 at first, 17.31 at second and 25.40 at third floor levels.

It is considered after visiting the site and given existing design of the windows which are projecting and the rooms which they serve, it is considered that the retained levels of VSC for these flats are reasonable for this Central London location and these flats will remain well lit.

At Whiteleys which is under construction and has residential flats on the upper floors, the majority of losses are in the moderate category, although significant losses of 40.1-45.8% VSC and 47.5% NSL would be experienced. These losses would affect bedrooms within the approved development, which the BRE Guide acknowledges have less expectation of daylight. The loss of light to these flats which are currently under construction is considered acceptable and lighting levels for these flats will remain reasonable.

With regards to 95 Inverness Terrace, significant losses of NSL would affect three rooms at lower ground floor level, with losses of 73.8-78.2%. Moderate losses of VSC of 33.3-37% would impact the windows to these rooms. This property is in hotel use and it is considered that these losses are acceptable given its commercial use which is afforded less protection compared to residential accommodation.

With regards to 121 and 125 Inverness Terrace, VSC losses would not exceed 20%. However, NSL losses of 21.2% (Minor) and 34.1 (Moderate) would impact rooms within 121 and 125 respectively. These losses are considered acceptable.

Sunlight

The BRE Guide only requires assessment of rooms with a main window facing within 90 degrees of due south. The BRE guidelines state that rooms will appear reasonably sunlit provided that it receives 25% of Annual Probable Sunlight Hours (APSH), including at least 5% of Winter APSH. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of APSH.

The results of the sunlight assessment are summarised in table below.

Table 5: Summary of Sunlight Loss to Neighbouring Residential Properties.

Address	Total No. Rooms Eligible for Testing	Rooms Not Meeting BRE Guidance
Cervantes Court	37	37
Aird House	25	17
100 Inverness Terrace	6	0
102 Inverness Terrace	6	0
104 Inverness Terrace	9	0
106 Inverness Terrace	5	0
121 Inverness Terrace	6	4
123 Inverness Terrace	3	2
125 Inverness Terrace	3	1
93 Inverness Terrace	8	0
158 Queensway	1	0
Inver Court	25	2
160 Queensway	1	0
2 Queensborough Terrace	8	0
3 Queensborough Terrace	7	0
4 Queensborough Terrace	7	0
Whiteleys	42	0
TOTAL	199	62 (31%)

The sunlight assessment indicates that all windows facing the site within Cervantes Court will experience adverse levels of sunlight loss. However, the windows affected all serve bedrooms and kitchens, which the BRE Guide notes are less important in terms of access to sunlight.

Aird House would result in a high proportion of rooms experiences losses of sunlight in excess of the BRE Guidelines .Many windows that serve the living rooms are dual aspect , and whilst there are some living room windows and bedrooms at the rear , bedrooms, given how this block is designed and laid out , it is not considered that the losses of sunlight as so severe to warrant refusal of permission on this ground .

It is also accepted that 121 Inverness and 123 Inverness Terrace 3 storey houses will also experience adverse levels of sunlight loss to the windows at the rear , but again after visiting the site , it is considered that these losses are on balance acceptable.

9.5 2 Sense of Enclosure

The application site would be separated from Whiteleys to the west by the width of Queensway (approximately 20 m). The application site and Whiteleys are also of a similar height and would have a mutual sense of enclosure impact on one another when completed. Accordingly, the proposed development would not have an unacceptable sense of enclosure impact on these future residents.

With regards to Inver Court and 121 Inverness Terrace to the north of the application site, the proposed development would be largely screened from those properties by the flank wall of Inver Court, or only seen in oblique views and will not result in any overlooking issues for these properties.

To the south, 112 Queensway (Prince Alfred Public House) and 95 Inverness Terrace do not contain any residential units that could experience sense of enclosure. No 102 Inverness Terrace to the south east of the application site would be located approximately 28 m from the proposed building, would view it at an oblique angle and would be partially screened from it by a TPO Lime tree. Similarly, the flats above 131 Queensway would be located approximately 33 m from the proposed buildings and would also view it at an oblique angle. Given the above, the proposed development would not result in unacceptable sense of enclosure for the occupants of these sites.

As set out above the worse affected properties are Aird House and Cervantes Court in terms of increased sense of enclosure as result of the height of the new buildings. But it is not considered that the outlook to these flats will be so materially affected to warrant refusal on this ground.

9.5.3 Overlooking and Privacy

The application site would be separated from Whiteleys to the west by the width of Queensway (approximately 20 m) This separation distance, particularly across a street elevation where there is less expectation of privacy, would ensure that the development does not give rise to an unacceptable loss of privacy for the future occupants of the residential units under construction.

With regards to Inver Court and 121 Inverness Terrace to the north of the application site, the proposed development would be largely screened from those properties by the flank wall of Inver Court, or only seen in oblique views. Accordingly, the proposed development would not result in an unacceptable loss of privacy for the occupants of those residential units.

To the south, 112 Queensway (Prince Alfred Public House) and 95 Inverness Terrace do not contain any residential units that could experience significant loss of privacy whilst 102 Inverness Terrace to the south east of the application site would be located approximately 28 m from the proposed building, would view it at an oblique angle and would be partially screened from it by a TPO Lime tree. Similarly, the flats above 131 Queensway would be located approximately 33 m from the proposed buildings and would also view it at an oblique angle. Given the above, the proposed development would not result in unacceptable loss of privacy for the occupants of those sites.

With regards to Cervantes Court to the east, and as noted above, the new office block would be closer and substantially higher than the building it replaces. It would also include terraces at all levels on the rear elevation. However, it would be approximately 14 m from the rear elevation of Cervantes Court and this distance is considered reasonable and the proposal will not result in a material loss of privacy to Cervantes Court.

With regards to Aird House which lies directly to the rear of the site . its rear elevation includes a large private roof garden at first floor level, and three separate roof terraces at main roof level. This garden and the terraces include boundary screening and have evidently been designed to not be overlooked by the existing building on the application site. Similarly, the splayed, floor to ceiling height windows on the rear elevation with obscure glazing were a conscious design decision to minimise overlooking and privacy between the existing flats within the application site and Aird House.

As noted above, the proposed residential block would be closer to Aird House and substantially higher than the building it replaces. Although the existing building includes terraces at first floor level, these are largely screened from Aird House. The new residential blocks rear elevation also includes balconies and roof terraces that directly face Aird House and would be able to see over the screening on that site. Given the close proximity of the new building and the existing flats in Aird House there would be some increased overlooking between the two buildings .However, given the existing arrangement of Aird House, it is not considered that the proposal will result in a material loss of privacy.

9.5.4 Noise and Vibration

It is proposed to install building services plant on the roof of the development. Plant and substations are also located at several positions throughout the development and subject to conditions to safeguard the amenities of future residents and existing residents in order to comply with policies 7 and 33 in the City Plan.

In respect of the proposed commercial uses , hours of opening of the retail units are conditioned along the same hours as Whiteleys . Extract ventilation is included within the design and again should not cause odour or noise disturbance to future residents and neighbouring residents .The terraces to the office accommodation will also be conditioned Monday to Friday to safeguard amenity.

9.5.5 Residential Amenity Conclusion.

As noted above, the proposed development would result in significant losses of daylight and sunlight to several neighbouring properties and increased sense of enclosure to Cervantes Court and Aird House.

It is recognised that the BRE Guide is intended to be applied flexibly as light levels are only one factor affecting site layout. In a central London location, expectations of natural light levels cannot be as great as development in rural and suburban locations and to which the BRE guide also applies. Many sites within Westminster have natural light levels comparable to that which would result from the proposed development yet still provide an acceptable standard of accommodation and are desirable places to live.

It is considered that these losses are considered acceptable given this central London location and weighed against the significant public benefits which this redevelopment will generate , and therefore the proposals are considered to comply with policies 7, 33 and 38 in the City Plan.

9.6 Transportation Accessibility and Servicing

9.6.1 Highways Stopping Up

The existing highway boundary is the existing building line. The proposed building line is indicated to be set back in several places, particularly in front of the proposed retail unit facades. There are no objections to setting back the building line , and this land will not be dedicated public highway .

The proposal also comes forward of the existing building line on the corner of Inverness Terrace and Queensway. The existing chamfered corner would be extended into the highway to create a more rounded protrusion and therefore this part of the Highway will need to be stopped up. The Highways Planning Manager has raised an objection to this, noting that the proposed development will increase the numbers of pedestrians in the area and any obstruction to highway raises concerns, as there is no benefit to the wider highway network of these proposed changes, and they are solely to accommodate the proposed scheme.

It is considered that the proposed area to be stopped up would have a relatively modest area of approximately 1.7 sqm and project no further forward than 0.6 m from the existing building line. A minimum footway width of approximately 4 m would be retained on the Inverness Terrace frontage, increasing to approximately 5.9 m on the Queensway frontage. Despite this loss, the footway width in both directions would remain significant and appropriate to this town centre location.

As noted above, the applicant also proposes setting back the building line on the Queensway and Inverness Terrace frontages. These setbacks would be up to 0.8 m in depth and would provide significantly more new space than that that would be lost. Accordingly, there would be a net increase in highway and footway. Whilst the Highways Planning Manager's concerns are noted, the proposal is consistent with policies 25 and 28 of the City Plan. The applicant is proposing public realm improvements, and these are welcomed and again can be secured by a legal agreement

9.6.2 Trip Generation/Highway Impact

The Highways Planning Manager and TfL have reviewed the trip generation from the scheme and raise no objection

It is accepted that the majority of trips associated with the site (excluding servicing activity) will be via public transport or other sustainable modes (e.g., walking and cycling). Trip generation modelling indicates that the proposed uses will not have a significantly detrimental impact on the safety or operation of the highway network, despite the increase in office floor space.

Provided the ancillary uses (e.g., gym etc) are for occupants of the office building , it will not generate additional trips to the subject site and therefore have no noticeable impact on the highway network. It is not considered that the residential element given no parking is provided will have any noticeable impact on the highway .

Given the wide list of potential uses within Use Class E, certain uses (e.g., education and medical type uses) may generate significant peaks of motor vehicle traffic. This may be unacceptable in trip generation terms, and this is being mitigated by planning conditions-

Overall , the proposal is considered to accord with policies T4 of the London Plan and 24, 25,26and 28 in the City Plan.

9.6.3 Cycle Parking and Storage

The Highways Planning Manager and TfL have raised no objection to the cycle parking proposed.

A total of 224 long-stay and 78 short-stay cycle parking spaces are proposed. Long-stay spaces are to be located at basement level, with changing rooms, showers and lockers for staff. In addition, 5% of the long-stay spaces would be larger spaces .These will be secured by condition.

While short stay cycle parking is referenced, this is within the wider public realm proposals the Council is undertaking will provide some on-street cycle parking. There are also existing on street cycle racks along Inverness Terrace and Porchester Gardens .

Additional short stay cycle parking for the commercial uses is considered desirable, albeit the potential to create more short stay spaces within the curtilage of the site is very limited . The City Council will expect that as part of the public realm improvements offered by the applicant that the opportunities to provide additional short stay spaces be maximised to support this sustainable transport mode for visitors .The detailed design of these improvements will be secured under the legal agreement

9.6.4 Car Parking

The Highways Planning Manager and TfL have reviewed the car parking provision proposed and raised no objection.

With regards to the non-residential elements of the proposed development, no on-site car parking is proposed. The application site is also within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those controls. The impact of the non-residential elements of the proposal on parking levels will be minimal and consistent with policy 27 of the City Plan.

With regards to the residential units proposed, no on-site car parking is proposed. Policy 27 of the City Plan and policy T6.1 of the London Plan do not require on-site parking for general needs housing and the development would be consistent with this.

However, policy T6.1 of the London Plan states that 3% of all dwellings should have access to disabled car parking space/s. This would equate to 1 space. The applicant should also demonstrate how an additional 7% of all units will have access to a disabled parking space should the 3% prove to be insufficient. This would equate to an additional 2 spaces (total of 3 spaces).

There is an existing disabled parking bay on Queensway which the applicant notes will be retained, and additional on-street disabled parking can be proposed to meet any

future demand. However, this would be subject to approval of the highways authority and is not necessarily secured under this permission.

The Highways Planning Manager has also requested Lifetime Car Club Membership for all residential units to minimise the impact of the proposed development on the adjacent highway and reduce car ownership of future occupiers. The applicant has agreed to this and be secured by the legal agreement .

The GLA and TfL have requested that future residents be prevented from applying for on-street parking spaces, but this is not current adopted City Council policy.

9.6.5 Servicing and Delivery

An existing vehicle area, accessed from the rear of the site via Cervantes Court, would be reconfigured to accommodate all servicing (including waste collection) – except that for two retail units at 148 and 150 Queensway at the northern end of the site which do not benefit from this access. Vehicles will be able to enter and exit the site in forward gear, via a one-way system. The vehicle access at the rear of the property would only be for servicing activity. It is accepted that the vehicle tracking has demonstrated that servicing vehicles will be able to manoeuvre within the Cervantes Court servicing area. The South East Bayswater Residents Association object on the basis that all servicing should take place off- street

A detailed Servicing Management Plan (SMP) has been submitted to support the application. The Highways Planning Manager notes that the SMP is very technical in nature and contains a large amount of information that is usually found within a Transport Assessment. In general, the proposed arrangements for servicing off Cervantes Court is considered acceptable .

It is disappointing that not all the retail units can be serviced at the rear, but it is understood that the constraints of the existing site do not allow this. To allay concerns raised about servicing the applicant has been engaging with the owners of Aird House and through which the existing Tesco store is serviced to come to an agreement to use their back of house areas to service these 2 retail units as much as possible .Further details via a Servicing and Delivery Management Plan can controlled by a condition including hours of use. This SDMP could be the subject of further consultation with the local amenity groups as an approval of details application at a later stage.

It is also recommended that the electric charging points be provided to the three loading bays.

The Highways Planning Manager has requested a condition that prevents delivery services operating from the Class E units proposed. Delivery vehicle parking can reduce the availability of parking for other uses, increase congestion (both on the carriageway and footway) and increases noise and fumes in the area.

However, the City Council has been unsuccessful at recent appeals where conditions have sought to prevent such services operating, including within Queensway (See RN: 19/00475/FULL). Paragraph 16.8 of the City Plan recognises the recent growth in delivery platforms and seeks to control numbers and hours of operation of food deliveries through planning conditions to ensure any such services are ancillary to the primary use of the premises and will seek to promote use of sustainable delivery options.

A condition will limit up to 30% of the retail accommodation to restaurant /café uses , and no Class A4 and A5 uses are proposed . Conditions are recommended to secure an Operational Management Plan and how these can be managed and the use of sustainable delivery vehicles to mitigate their impact on the highway network and the amenity of residents .

9.7 Waste Storage and Collection

As noted above, the Waste Project Officer has objected to the lack of labelling of the proposed bins, although notes the overall capacity proposed is acceptable. However, this will be addressed by condition to ensure consistent with policy 29 of the City Plan.

9.8 Economy including Employment and Skills

Regard has been had to policy 13 supporting economic growth and policy 18 D Education and Skills which states that major development will contribute to improved employment prospects for residents. Policy 18D goes on to state that financial contributions and an Employment and Skills Plan will be secured in accordance with policy.

The applicant has submitted an Economic Impact Assessment (“EIA”) with the application. The EIA estimates that the proposed development would directly generate 1000 jobs during the construction and demolition phase of the application and indirectly generate another 65 jobs from the need to purchase supplies for the proposed development and from the increased expenditure in the locality by the construction workers. Had this scheme been considered acceptable an Employment and Skills Plan would have been secured through a section 106 agreement to maximise opportunities for local employment during construction and demolition a contribution of £ 293,977 toward the Westminster Employment Service to secure employment opportunities for Westminster residents.

Once operational, the EIA estimates that the non-residential floorspace would create an additional 1110 jobs. The EIA estimates that the new residents of the development and occupiers of the non-residential floorspace will spend approximately £16.3 million a year. Of this, there is likely to be an amount of discretionary expenditure spent with retail businesses within Queensway/Westbourne Grove Major Shopping Centre. This equates to approximately £2.5 million per annum and could support up to 100 additional retail jobs within the local economy.

9.9 Access

Policy D5 of the London Plan requires that all new development achieves the highest standard of accessible and inclusive design and can be used safely, easily and with dignity by all.

Policy 38 of the City Plan states that all development will place people at the heart of design, creating inclusive and accessible spaces and places.

All residential and commercial units benefit from level access from the street. Ten percent of the proposed residential units are wheelchair user adaptable, as per part M4

(3) (2) b of the building regulations. Approximately 90% of the proposed units also meet part M4 (2) of the building regulations.

Overall, the scheme is considered to comply with policy D5 of the London Plan and policy 34 of the City Plan in terms of accessibility.

9.10 Fire Safety

As this application was made before 1 August 2021, the applicant is not required under Planning Gateway One to produce a Fire Statement and the Health and Safety Executive does not need to be consulted.

However, policy D12 of the London Plan states that major applications should be accompanied by a fire statement, prepared by a suitably qualified third-party assessor, demonstrating how development proposals would achieve the highest standards of fire safety, including details of construction methods and materials, means of escape, fire safety features and means of access for fire service personnel. Further to the above, Policy D5 of the London Plan seeks to ensure that developments incorporate safe and dignified emergency evacuation for all building users, with fire evacuation lifts suitable to be used to evacuate people who require level access from the buildings.

The applicant has provided an independent fire statement by H+H Fire. This statement demonstrates that the matters raised in policy D12 have been addressed. In particular:

- The products, materials and methods of construction will meet Regulation 7 of the Building Regulations. The facades of the buildings, constructed mainly from Glass Reinforced Concrete (GRC), mineral wool insulation and aluminium windows systems will be non-flammable.
- Details of the means of escape have been provided. All flats will adopt a 'defend-in-place' evacuation strategy given the high degree of compartmentalisation within the blocks. The commercial units will evacuate directly to the surrounding highway.
- The blocks will have fire alarms and sprinklers throughout, including the basement levels; and
- All sides of the application site are accessible to Fire Tenders. Firefighting stairs, fire lifts for disabled residents, fire mains and smoke ventilation systems are proposed within the blocks

Given the above, the proposed development is consistent with policies D5 and D12 of the London Plan

9.11 Archaeology

This site is not located within an Archaeological Priority Area (APA) and the applicant's desk-based study concludes that the site has low archaeological potential and GLAAS raise no objections, therefore no conditions are required.

9.12 UK Power Networks

An objection has been raised by UK Power Networks as there is an existing substation at the property and its loss without replacement would have a detrimental impact on the local electricity network. They are only prepared to withdraw this objection once formal agreement has been reached with the applicant .

The applicant advises that the existing substation does not have the capacity to serve this development and the applicant is proposing bringing capacity via the new Whiteleys substation This will require a smaller on site substation on the Queensway Parade site and details can be reserved by condition.

9.13 Basement Development

The proposed development includes a basement level and would be subject to policy 45 of the City Plan. With regards to policy 45 A (1), the applicant has submitted a Structural Methodology Statement (SMS) by a suitably qualified engineer. The SMS demonstrates that the basement levels can be constructed without harming the structural stability of nearby buildings or increasing flood risk. Accordingly, the requirements of policy 45 A (1) have been met.

With regards to policy 45 A (2) and 45 B (3) the application site is a large site with three frontages and therefore high levels of accessibility. A single basement level is being proposed. The applicant has also submitted a signed Appendix A to Westminster's Code of Construction Practice, which demonstrates that the applicant intends to build the basement in a manner that minimises the impact of its construction on local residents and the road network as much as possible under planning law. Construction impacts are also considered further below. Accordingly, the requirements of policy 45 A (2) and 45 B (3) have been met.

With regards to policy 45 A (3), the SMS submitted indicates that nearby heritage assets will be safeguarded as much as possible at the planning application stage. The proposed basement is also not located beneath or immediately adjacent to any heritage assets. Accordingly, it would not harm heritage assets and meets policy 45 A (3) of the City Plan.

With regards to policy 45 A (4), the proposed basement has no external manifestations, such as lightwell and rooflights. Accordingly, it would have no impact on the character and appearance of the Queensway Conservation Area and meets policy 45 A (4) of the City Plan.

With regards to policy 45 B and the extent and depth of the basement, the application site is located within a highly built-up area and therefore does not have a garden and does not provide a garden setting. Notwithstanding, the proposed basement is located entirely beneath the proposed buildings and has a single storey. Although deeper than the 2.7 m floor to ceiling height indicated as appropriate under paragraph 45.9 of the City Plan, this site is a large and highly accessible site and serves the commercial uses, and it is not considered excessive

With regards to policy 45 B (5), the proposed basement level does not project below the adjacent highway.

Overall, the proposed basement would be consistent with policy 45 of the City Plan.

9.14 Construction Impact

Objections have been received from neighbouring properties regarding the impact of construction, including noise, fumes, and traffic. Objectors are also concerned with the cumulative impact of construction from both the application site and Whiteleys development which is under construction.

It is inevitable that the construction of the proposed development will cause noise and disturbance to local residents and businesses. Whilst the concerns of local residents are well understood, it is established planning law that planning permission cannot be refused due to the impact of construction. It is considered that through appropriate controls and careful management the impact from construction works can be lessened.

The City Council's adopted Code of Construction Practice (CoCP) sets out the standards and procedures to which developers and contractors must adhere to when undertaking construction of major projects. This will assist with managing the environmental impacts and will identify the main responsibilities and requirements of developers and contractors in constructing their projects. This will ensure that the site:

- will be inspected and monitored by the City Council's Code of Construction Practice Team.
- will undertake community liaison, informing neighbours about key stages of the development and giving contact details for site personnel.
- pay the charges arising from site inspections and monitoring; and
- ensure that contractors and sub-contractors also comply with the code requirements.

The CoCP will require the developer to provide a bespoke Site Environmental Management Plan (SEMP), which will need to be approved by the City Council's Environment Inspectorate team. This would need to include site construction logistics, working hours, environmental nuisance, identification and description of sensitive receptors, construction management, matters relating to dust, noise and vibration from works and local community liaison.

The applicant has confirmed their intention to establishing a Community Liaison Group for the duration of the demolition and construction works which will include regular meetings, newsletters and other communications. There will also be engaging with the local amenity societies regarding the design of any construction hoarding and traffic routes.

A Construction Logistics Plan (CLP) condition, CoCP condition and hours of building work condition are recommended.

9.15 Equalities

The Equality Act 2010 places a duty on public bodies, including the City Council, in the exercise of their functions, to have due regard to the need to advance equality of

opportunity between persons who share a relevant protected characteristic and persons who do not share it. This requirement includes removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic and taking steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it. The Act defines protected characteristics, which includes age, disability, gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

The application site contains no housing used by people with protected characteristics and is not located adjacent to housing or facilities used by people with protected characteristics. Although the existing shops on-site, including the post office, a pharmacy and supermarket be used by people with protected characteristics, the impact of their loss will be minimised by remaining provision in the area, and the applicant has offered an alternative location for the existing post office. Overall, due regard has been had to the Public Sector Equalities Duty, as per section 149 of the Equalities Act 2010.

9.16 London Plan

As noted above, this application is GLA referable. The GLA have advised in their Stage 1 response that whilst the proposal is supported in principle, the application does not currently comply with the London Plan. The applicant has been requested to reconsider the areas of concern to the Mayor and the amendments made in response are set out in the relevant sections of this report.

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

9.17 Pre-Commencement Conditions

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

During the course of this application a notice was served relating to the proposed imposition of the pre-commencement conditions noted in the decision notice. The applicant has agreed to the imposition of the pre-commencement conditions which relate to CoCP, Construction Logistics Plan land contamination, tree protection, Thames Water piling conditions.

9.18 Planning Obligations

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

- a) Provision of 11 intermediate affordable units prior to the occupation of the market housing , at the on-site at affordability levels to be agreed with the Head of Affordable Housing and Partnerships.
- b) Provision of early stage reviews in accordance with policy H5 of the London Plan and the Mayor's Affordable Housing and Viability SPG.
- c) A financial contribution of £5,546.00 (index linked) towards improvements to play space in the vicinity of the development, payable on the commencement of development.
- d) Payment of a carbon offset payment of £341,871 (index linked) payable on the commencement of development.
- e) Been seen energy monitoring
- f) Submit an Employment and Skills Plan, and payment of a financial contribution of £293,977.00 (index linked) on the commencement of development towards the Westminster Employment Service prior to commencement of development.
- g) Provision of lifetime (25 year) car club membership for each residential flat
- h) Costs of any highways works associated with the development (outside of the scope of the City Council's public realm and highways scheme for Queensway); and including Stopping Up
- i) Improvements to the Lady Samuels Garden prior to occupation of the development , including the feasibility of the keeping the garden in some form during construction and if not feasible to ensure that safe removal of the existing statue and plaque, their reinstatement and at the applicant's cost
- j) Financial contribution of £20,000 for additional tree planting in the vicinity of the development (index linked) and payable on commencement of development
- k) Public art
- l) Provision of S106 agreement monitoring costs.

The estimated Westminster CIL payment is £3,513,400.00, subject to any exemptions or relief that may be available to the applicant.

9.19 Environmental Impact Assessment

The proposed development is not subject to an Environmental Impact Assessment because of its scale.

9.20 Other Issues

Street Naming and Numbering Plates

A condition is recommended to secure the reinstatement of the Street Naming plates/signs 'Porchester Gardens' on the new office building.

Lack of Public consultation

An objection has been raised that several elderly residents living in Queensway have not received a letter regarding this proposal to demolish their home. The applicant has carried out extensive community engagement and the City Council has sent neighbour letters to existing residents in the building and those neighbouring residents ; therefore, this objection cannot be supported .

10.0 Conclusion and Planning Balance

It is recognised the proposed redevelopment does provide several public benefits and these are supported . It is accepted by reason of the height and bulk of the proposed buildings at the rear and the views from the neighbouring conservation areas that the proposed development would result in less than substantial harm to the Queensway Conservation Area; the setting of the Bayswater and Hallfield Estates Conservation Areas and of the grade II listed terraces on Inverness Terrace. Accordingly, special regard must be had to the statutory requirement to give great weight to the desirability of preserving or enhancing heritage assets when deciding this application.

As such whilst being mindful of policies 38, 39 and 40 of the City Plan 2019-2040 , given the substantial public benefits that would be delivered , which are the regeneration benefits of this development providing new office floorspace and better quality retail units which will enhance the Major Centre, provide employment benefits and local spend , together with new residential units which now includes a policy complaint number of intermediate rent units . The proposal is a highly substantial replacement building, and which also deliver further public realm improvements including the Lady Samuels Gardens . Therefore, the proposal is therefore considered acceptable in terms of its impact on the designated heritage assets .Therefore the recommendation to grant conditional permission is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Building and Conservation Areas) Act 1990.

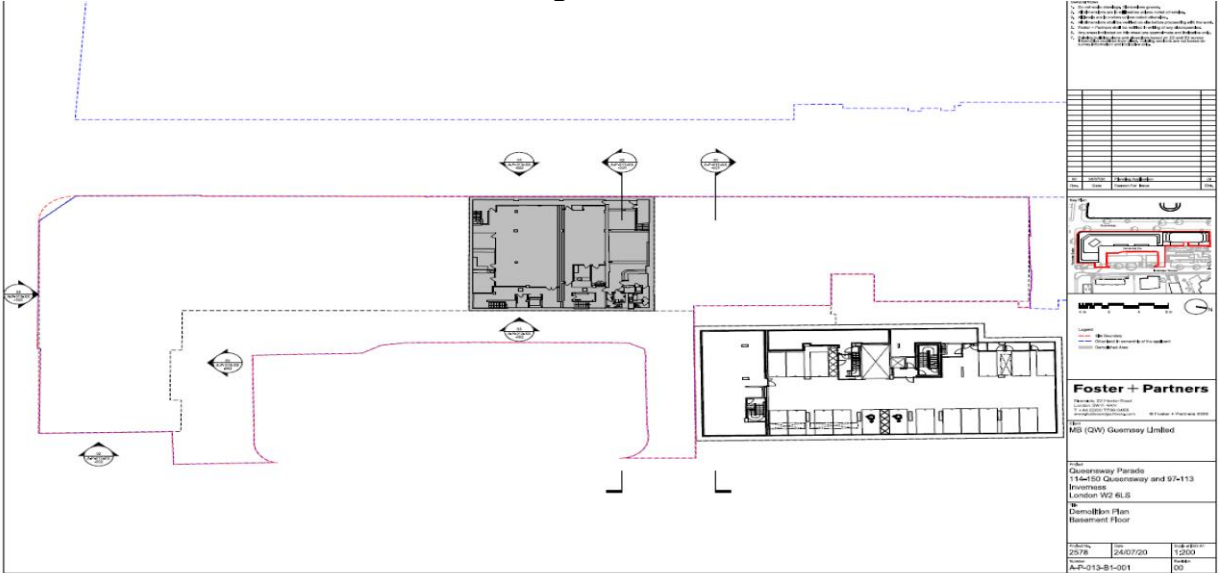
As set out in this report , it is also recognised that the proposal will result in significant losses of light and increased sense of enclosure for the occupiers of Aird House and Cervantes Court to the rear of the application site. It is also accepted that whilst these losses are more than the BRE guidance , the neighbouring residents would receive a reasonable level of daylight and sunlight for a central London location , and this also has to be weighed in light of the regeneration benefits this scheme would deliver.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT, PLEASE CONTACT THE PRESENTING OFFICER: AMANDA COULSON BY EMAIL AT acoulson@westminster.gov.uk

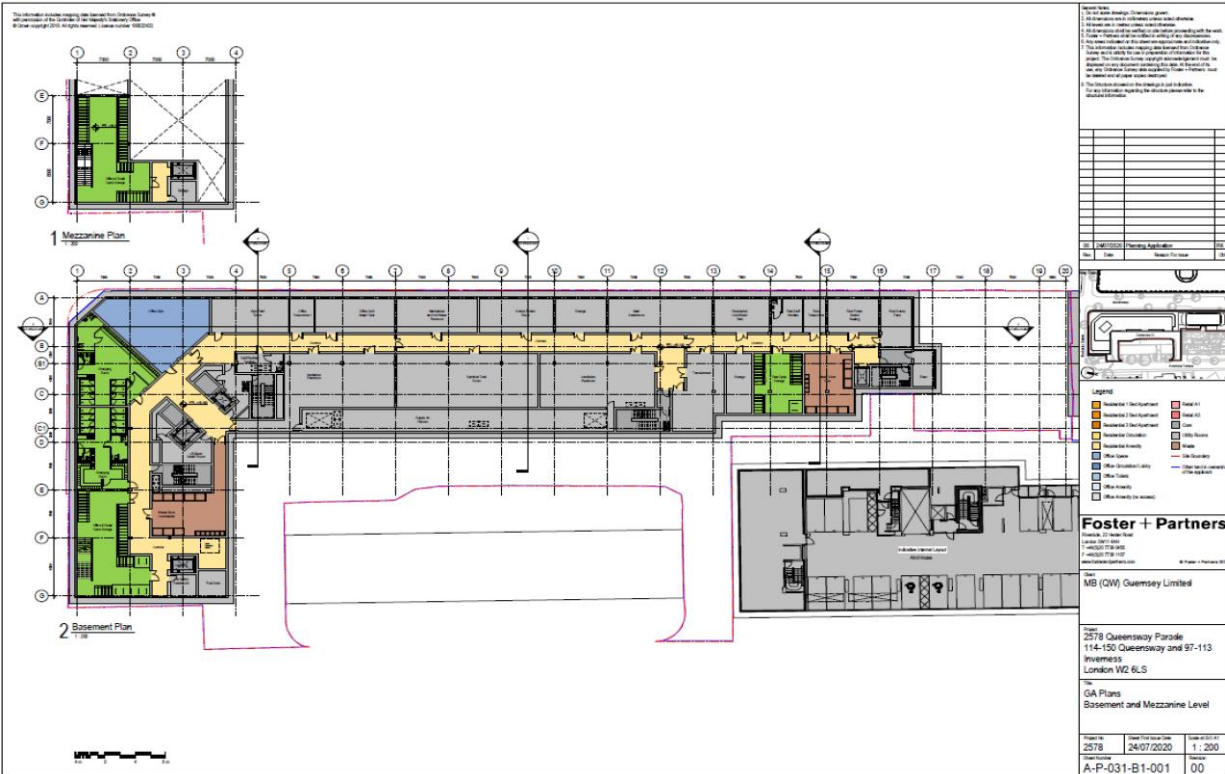
Item No.
1

KEY DRAWINGS Existing Basement Plan



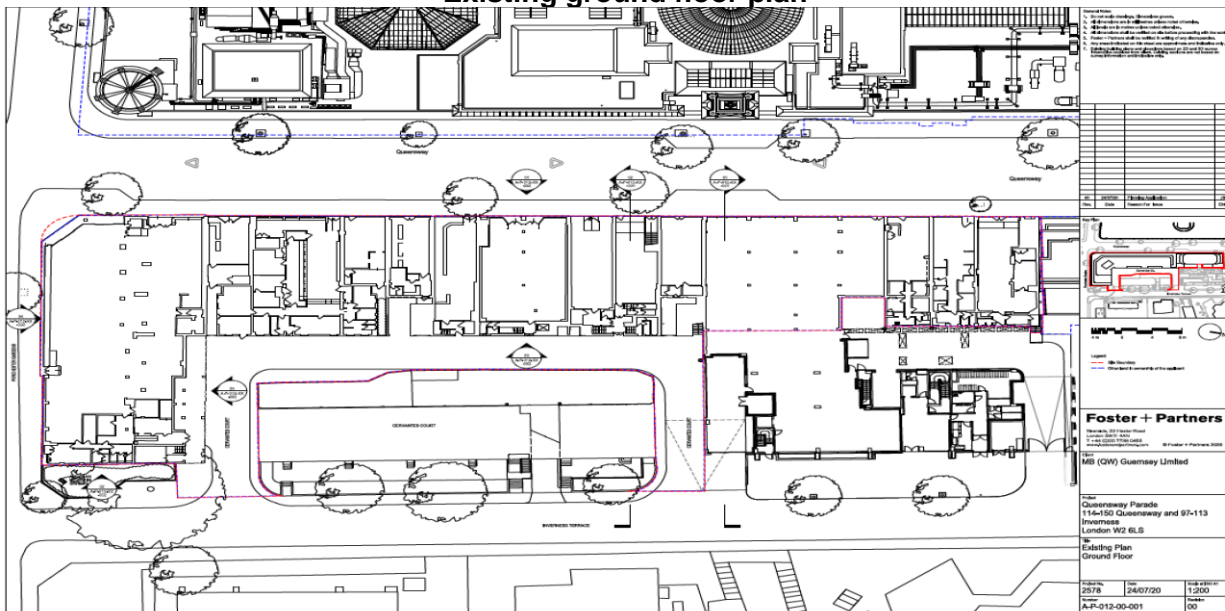
<p>Foster + Partners Architects 11th Floor, 1 St. Andrew Place, London EC4A 3DF Tel: +44 (0)20 7460 8000 www.fosterpartners.com</p>		
<p>MS (QW) Quersway Limited</p>		
<p>Project: Quersway Parade 114-150 Quersway and 97-113 Inverness London W2 6LS</p>		
<p>Drawing: Demolition Plan Basement Floor</p>		
<p>Issue No: 2578</p>	<p>Issue Date: 24/07/20</p>	<p>Issue No: 1200</p>
<p>Revision: A-P-03-B1-001</p>		<p>Revision: 00</p>

Proposed basement and part mezzanine

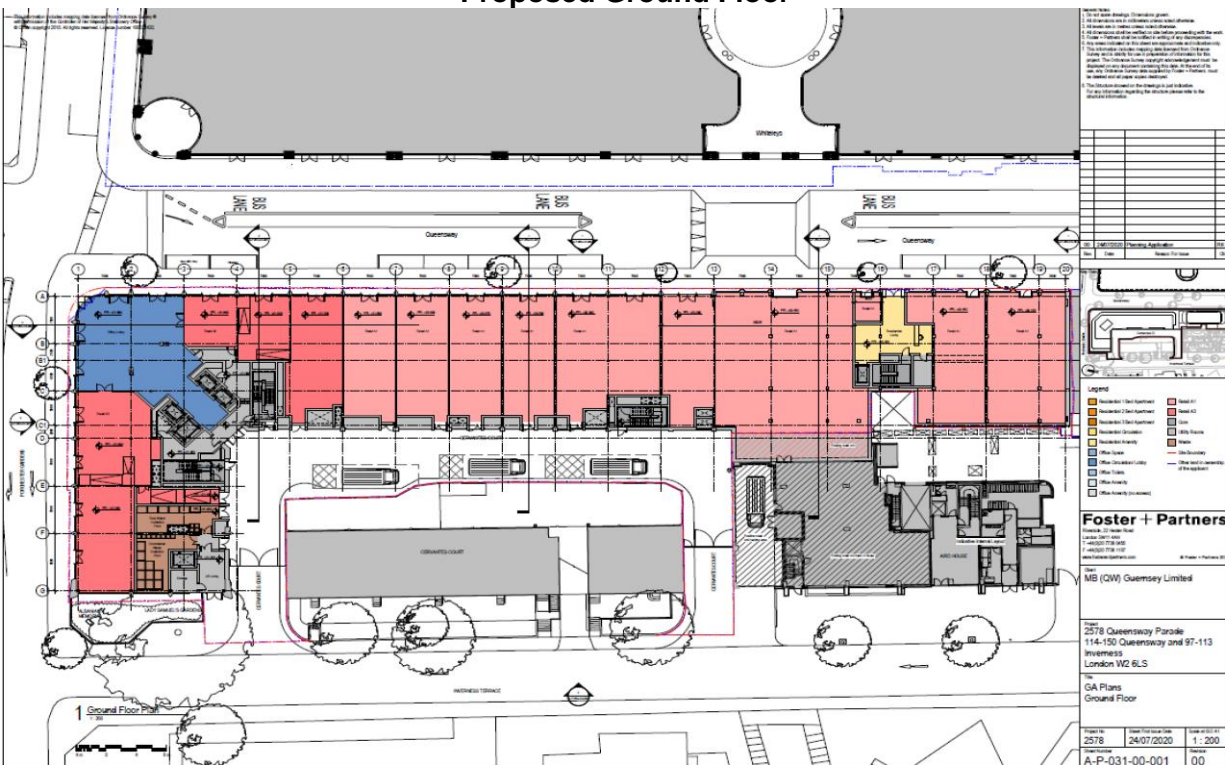


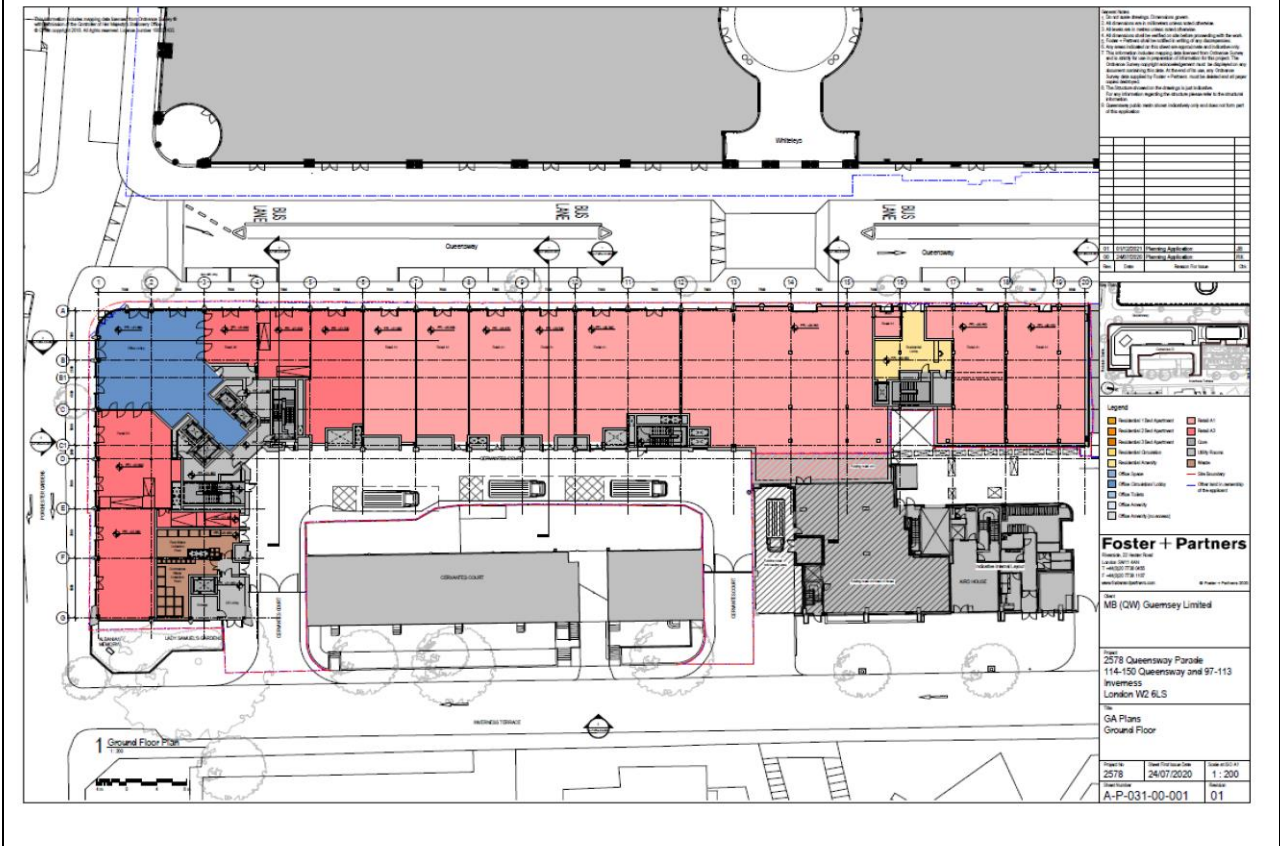
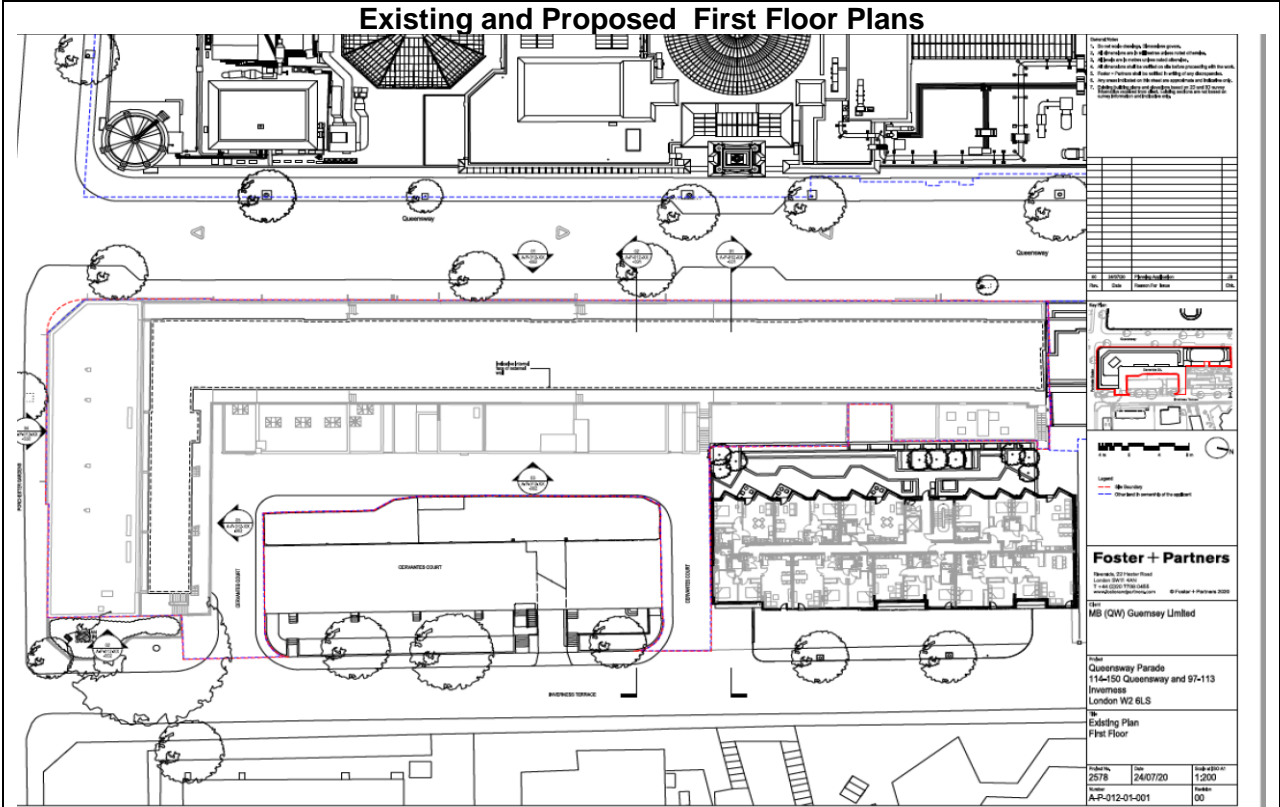
<p>Foster + Partners Architects 11th Floor, 1 St. Andrew Place, London EC4A 3DF Tel: +44 (0)20 7460 8000 www.fosterpartners.com</p>		
<p>MS (QW) Quersway Limited</p>		
<p>Project: 2578 Quersway Parade 114-150 Quersway and 97-113 Inverness London W2 6LS</p>		
<p>Drawing: GA Plans Basement and Mezzanine Level</p>		
<p>Issue No: 2578</p>	<p>Issue Date: 24/07/20</p>	<p>Issue No: 1 : 200</p>
<p>Revision: A-P-031-B1-001</p>		<p>Revision: 00</p>

Existing ground floor plan

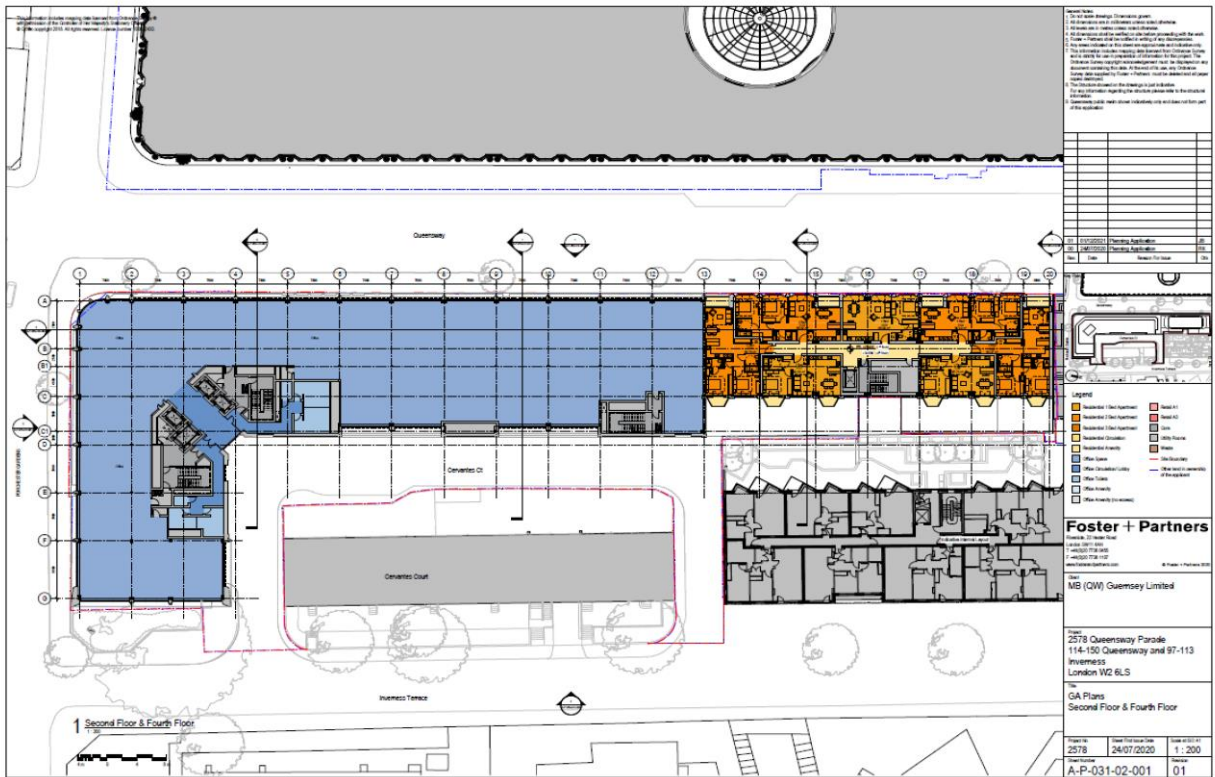


Proposed Ground Floor

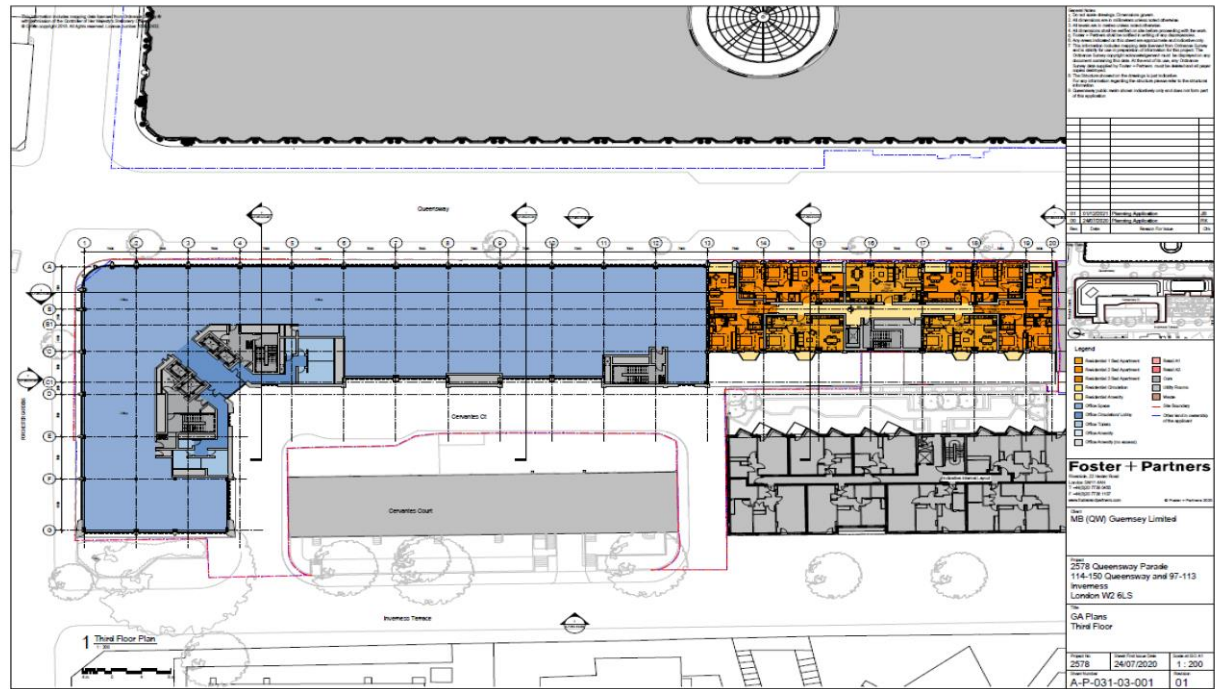




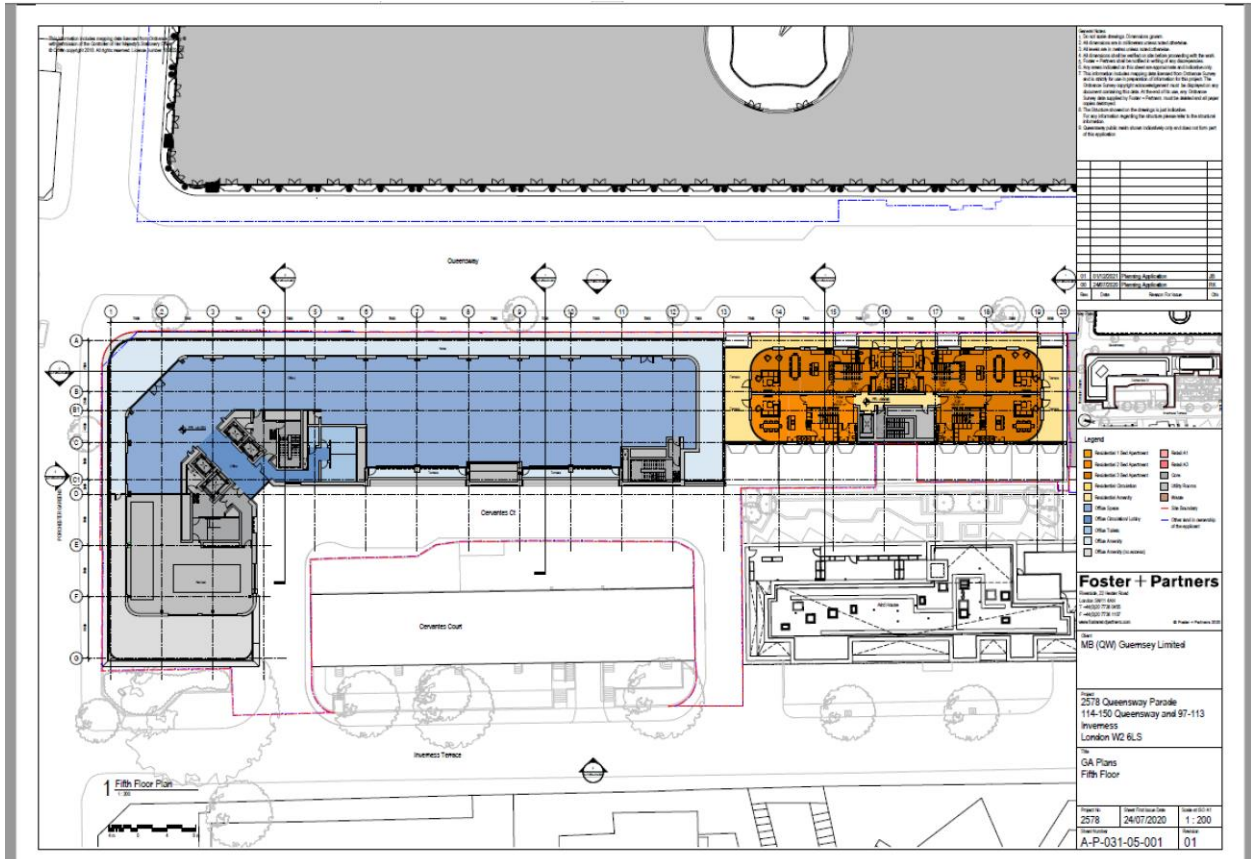
Proposed second and fourth floor plans



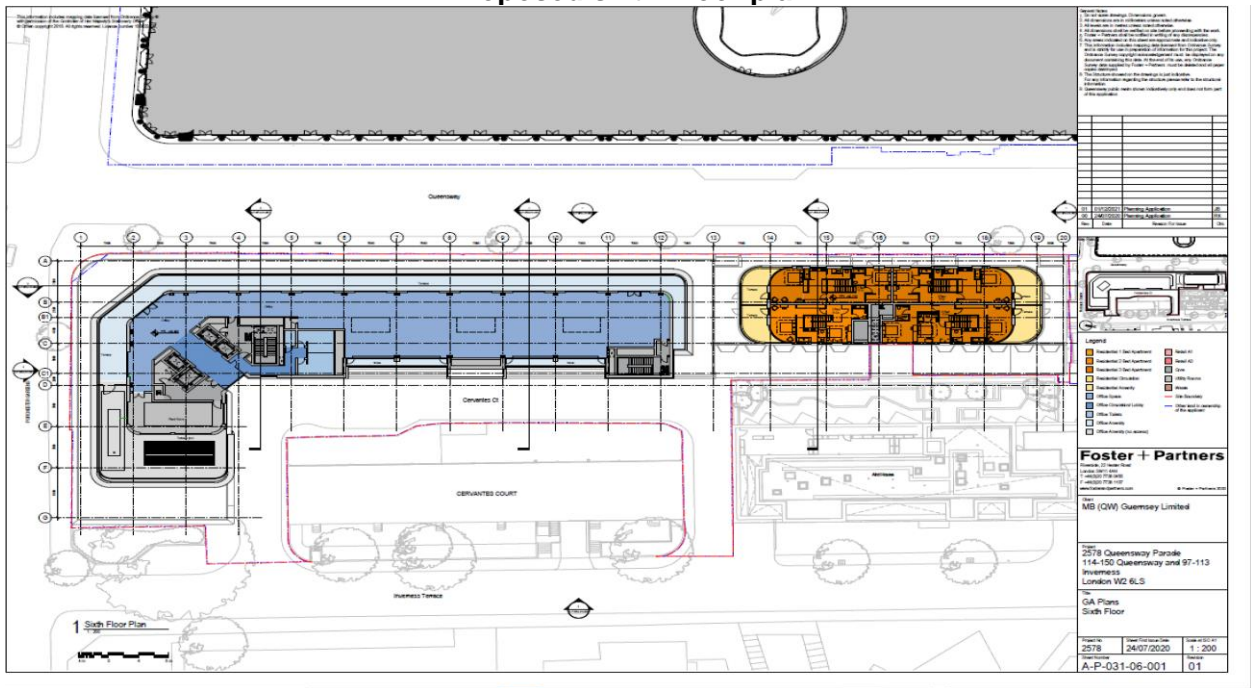
Proposed third floor plan



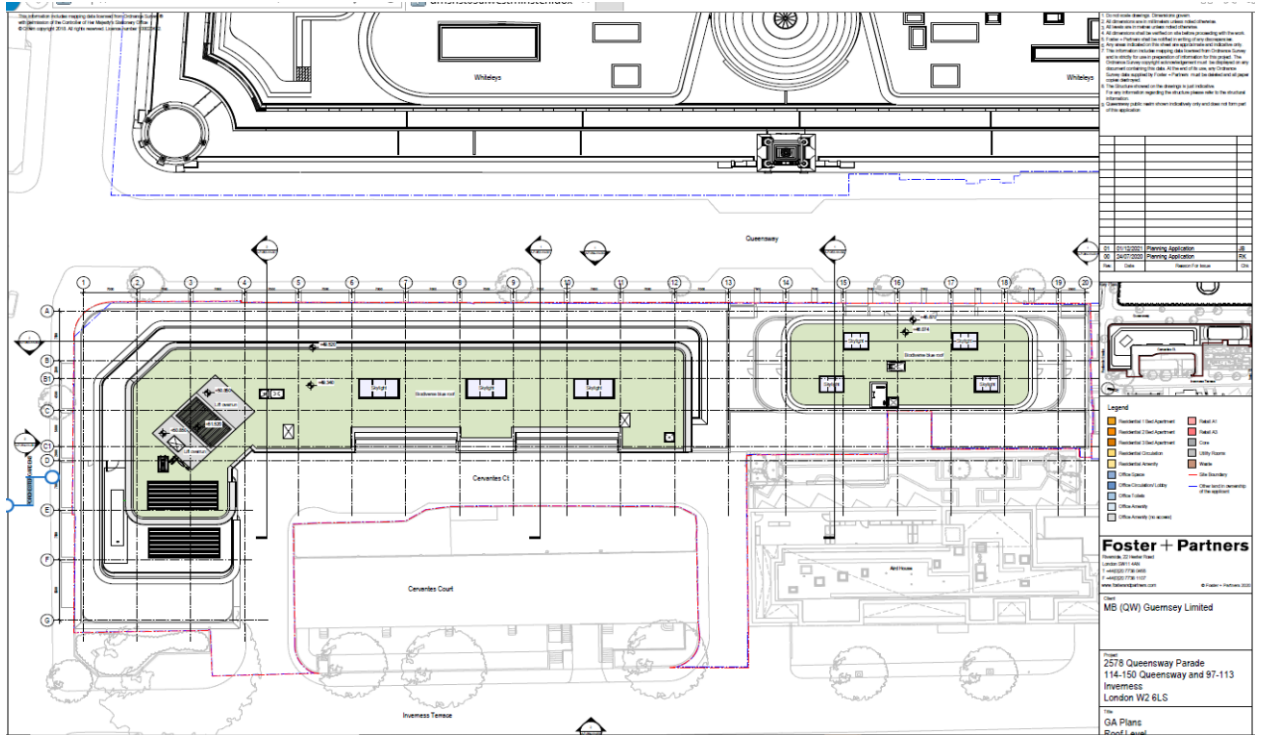
Proposed 5th Floor Plan



Proposed sixth Floor plan



Proposed Roof Plan





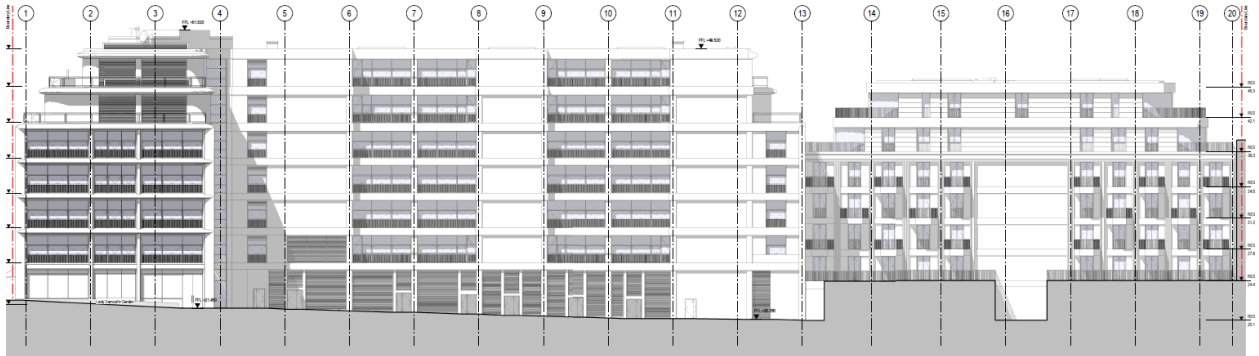
Existing West Elevation



Proposed West Elevation



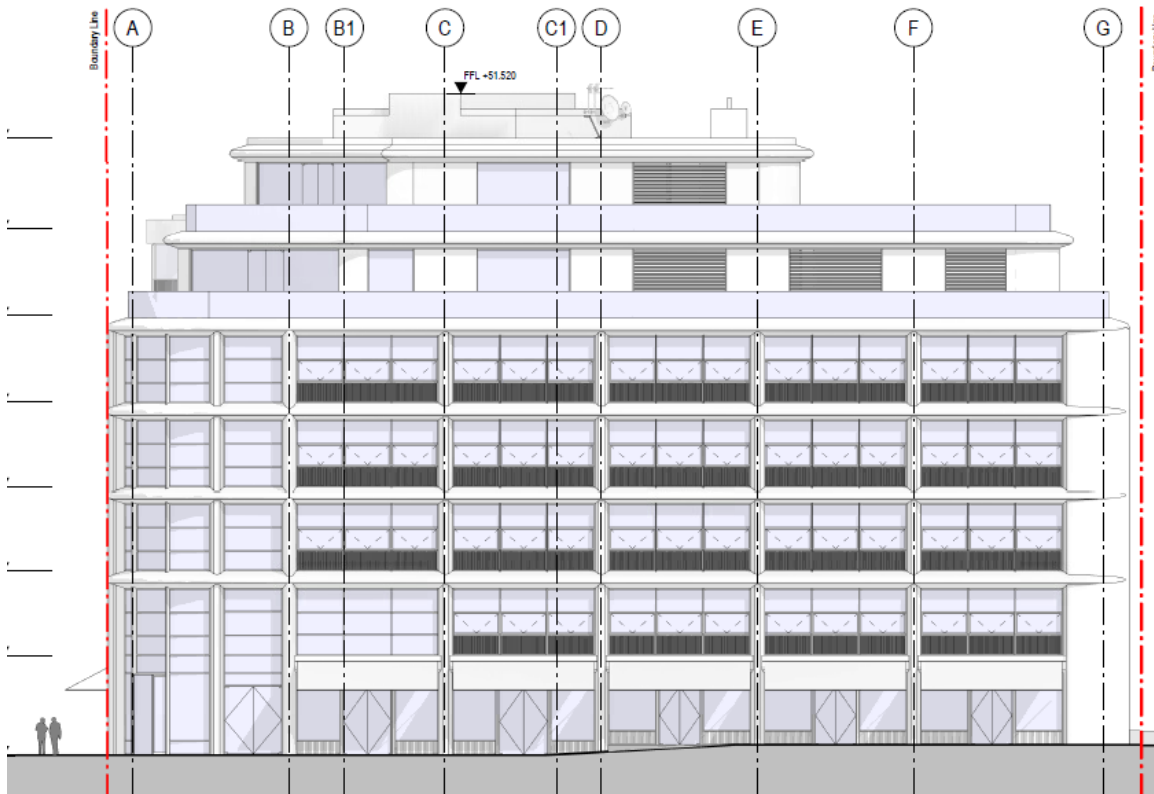
Existing East Elevation



Proposed East Elevation



Existing South Elevation



Proposed South Elevation



Existing North Elevation



Proposed North Elevation



Applicant's Visualisation as Seen from Queensway/Porchester Gardens Junction



Applicant's Visualisation from Queensway Looking South.

Applicant's visualisation from Inverness Terrace looking north-winter



Applicant's visualisation taken from Porchester Gardens looking west towards Queensway



Item No.
1

DRAFT DECISION NOTICE

Address: 114 - 116 Queensway, London, W2

Proposal: Demolition of 114-150 Queensway and 97-113 Inverness Terrace, and redevelopment to provide two buildings comprising basement, ground and up to six upper floor levels, providing retail use (Class E) at ground floor, residential units (Class C3) and Office (Class E) floorspace at upper floors, with associated amenity space, basement level secure cycle parking, ancillary facilities and plant, with servicing provision to Cervantes Court.

Plan Nos: A-P-000-XX-010, A-P-011-XX-001, A-P-011-XX-002,A-P-011-XX-003, A-P-012-00-001, A-P-012-01-001,A-P-012-02-001,A-P-012-03-001, A-P-012-B1-001, A-P-012-RF-001,A-P-012-XX-001, A-P-012-XX-002, A-P-013-00-001 ,A-P-013-01-001, A-P-013-02-001, A-P-013-03-001, A-P-013-BG-001, A-P-013-RF-001,A-P-013-XX-001, A-P-013-XX-002, A-P-031-00-001Rev 01 , A-P-031-01-001Rev 01 , A-P-031-02-001Rev 01 ,A-P-031-03-001Rev 01 ,A-P-031-05-001Rev 01 ,A-P-031-06-001Rev 01 , A-P-031-B1 -001Rev 01 ,A-P-031-RF-001Rev 01 ,AP-053-XX-001Rev 01 , A-P-053-XX-002Rev 01 , A-P-064-XX -001Rev 01 , A-P-064-XX-002 Rev 01 .
 Archaeological Assessment ,Air Quality Assessment , Arboricultural Impact Assessment ,Biodiversity Survey and Report, Circular Economy and Whole Life Carbon Statement Revision 01 and GLA template, Updated Affordable Housing Offer.
 Design and Access Statement (part superseded) by Updated DAS Addendum,
 Internal Daylight and Sunlight Analysis dated 25 August 2022
 DLSL Aird House Presentation , DLSL Contextual Note GIA
 Daylight and Sunlight Report ,Energy Statement , Queensway Parade Economic and Social Value Assessment ,
 Flood Risk Assessment SUDS Strategy Report ,
 Heritage and Visual Assessment(part superseded) ,Noise Impact Assessment ,
 Planning Statement , Structural Method Statement , Structural Report ,Transport Assessment, Ventilation and Extraction Statement Revision 03 ,Utilities Strategy Revision 01

Case Officer: Amanda Coulson

Direct Tel. No. 07866037509

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

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

Reason:

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

2 **Pre Commencement Condition.** Prior to the commencement of any:

- (a) demolition, and/or
- (b) earthworks/piling and/or
- (c) construction

on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

3 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

4 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

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

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

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

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

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

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18AB)

- 5 No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out , including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works has been submitted to and approved by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

The proposed works will be in close proximity to underground sewerage utility infrastructure .Piling has the potential to significantly impact/cause failure to local underground infrastructure.

- 6 No construction shall take place within 5 m of the water main. Information detailing how the developer intends to divert the asset/align the development , so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water .Any construction must be undertaken in accordance with the terms of the approved information .Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works .

Reason:

The proposed works will be in close proximity to underground strategic water main , utility infrastructure.The works has the potential to impact on Thames Water's local underground water utility infrastructure.

- 7 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out , including measures to prevent and minimise the potential for damage to subsurface infrastructure and the programme of works) has been submitted to and approved by the local planning authority .Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

The proposed works will be in close proximity to underground water infrastructure. Piling has the potential to impact on local underground water infrastructure .

- 8 No development shall be occupied until confirmation has been provided that either:

- 1 Capacity exists off site to serve the development, or
2. A development and infrastructure phasing plan has been agreed in writing with the local planning authority in consultation with Thames Water.
Where a development and infrastructure phasing plan is agreed , no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan , or
3. All waste water network upgrades required to accommodate the additional flows from the development have been completed.

Reason:

Network reinforcements may be required to accommodate the proposed development .Any reinforcement works identified will be necessary to avoid sewerage flooding and/or potential pollution incidents.

- 9 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 for the office and the residential buildings . You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Queensway Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 10 You must apply to us for approval of detailed drawings of the following parts of the development -
 - a) new shopfronts at a scale of 1:20 including cross sections , including details of fascia's and canopies
 - b) typical window details of the new office building scale 1:10
 - c) typical window details of the new residential building scale 1:10
 - d) new balconies for the residential flats scale 1:20
 - e) new metal balustrades scale 1:20
 - f) new gates to service yard

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details (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 Queensway Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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

Reason:

To maintain the character of the Queensway Conservation Area as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)

- 12 No demolition of the existing buildings shall take until a Construction Logistics Plan (CLP) to manage all the freight vehicle movements to and from the site has been submitted to and approved by the City Council in consultation with Transport for London in association with the demolition of the existing

buildings and the construction of the new development.
The development shall be carried out in accordance with this approved CLP at all times.

Reason:

To ensure that demolition and construction works do not have an adverse impact on public safety and the transportation networks , and to ensure that the impact is minimised .

- 13 You must use ground and basement retail units for the following uses within Class E

E(a) Display or retail sale of goods, other than hot food
E(b) Sale of food and drink for consumption (mostly) on the premises
E(c) Provision of: E(c)(i) Financial services,
E(c)(ii) Professional services (other than health or medical services), or
E(c)(iii) Other appropriate services in a commercial, business or service locality

No more than 30% of the units shall be used for uses falling within Class E(b)

You must not use it for any other purpose, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it). (C05AC)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 13 and 14 of the City Plan 2019 - 2040 (April 2021). (R05AC)

- 14 The office building hereby approved shall only be used for the following uses within Class E and for no other purpose

E(g)(i) Offices to carry out any operational or administrative functions,
E(g)(ii) Research and development of products or processes.

You must not use it for any other purpose, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it). (C05AC)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 14 of the City Plan 2019 - 2040 (April 2021). (R05AC)

- 15 The roof top terraces of the office building shall only be used between the hours of 0700 and 22.00 hours Monday to Friday other than in the case of an emergency .

Reason:

To protect the environment of people in neighbouring properties and future residents in the development , as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021).

- 16 No amplified or other music shall be played on the office building roof terraces.

Reason:

To protect the environment of people in neighbouring properties and future residents in the development , as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021).

- 17 Self-closing mechanisms must be fitted on the doors of all the retail units at ground floor level before the retail uses commence and shall be retained .The doors must not be left open except in an emergency or for maintenance purposes .
- Reason:
To protect the living conditions of people who may use the property in future as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13DD)
- 18 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark the stores and make them available at all times to everyone using the new development. (C14ED)
- Reason:
To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)
- 19 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 as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24BD)
- 20 Three months prior to the occupation of the commercial units you shall be submit a Servicing and Delivery Management Plan which will be the subject of consultation with the local amenities societies. The development shall be carried out in accordance with this approved Servicing and Delivery Management Plan at all times.
- Reason:
To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)
- 21 Customers shall not be permitted within the Class E premises before 07.00 or after 23.30 each day. (C12AD)
- Reason:
To protect the living conditions of people who may use the property in future as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13DD)
- 22 A post construction BREEAM assessment demonstrating that a minimum target rating of Excellent has been achieved for the commercial uses and ideally should be targeting 'Outstanding ' shall be submitted to and approved by the local planning authority within six months of first occupation The details submitted in the BREEAM assessment shall thereafter be retained .
- Reason:
To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44BD)

- 23 The mitigation measures identified in the Flood Risk Assessment /SUD's Strategy report must be provided prior to occupation, and these shall include blue/green roofs, permeable paving and below ground attenuation .These features must be provided and maintained for the lifetime of the development.
- Reason:
To minimise the impact of the proposed development of surface water flooding and to ensure that the SUD's are provided in accordance with policy 35 in the adopted City Plan and the adopted Environmental Supplementary Planning Document 2022.
- 24 Within three months of first occupation of the office and the residential buildings, a certified Post Construction Review , or other validation process agreed with the local planning authority shall be submitted to the local planning authority to demonstrate that the agreed standards as set out in the Energy Statement has been met in consultation with the GLA .
- Reason:
To ensure satisfactory compliance with the submitted energy strategy and in accordance with Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021).
- 25 The development shall be carried out in accordance with the Circular Economy Statement . A Post Completion Report setting out the predicted and actual performance against all numerical targets and provide details of the Recycling and Waste Reporting form and Bill of materials shall be submitted to and approved by the City Council as local planning authority.
- Reason:
In the interests of sustainable development and to ensure that the development complies with policies xxx
- 26 Details of the electric charging points for the servicing vehicles shall be submitted to and approved by the City Council as local planning authority before the occupation of the commercial uses .The approved electric charging points must be provided and not removed unless agreed to in writing .
- Reason:
To ensure the provision of electric charging points for the servicing vehicles.
- 27 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)
- Reason:
To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)
- 28 Within three months of the occupation of the office building , you must apply to us for approval of a Commercial Travel Plan. The Travel Plan must include details of:
- (a) A comprehensive survey of all users of the building;
 - (b) Details of local resident involvement in the adoption and implementation of the Travel Plan.
 - (c) Targets set in the Plan to reduce car journeys
 - (d) Details of how the Travel Plan will be regularly monitored and amended, if necessary, if targets

identified in the Plan are not being met over a period of 5 years from the date the new school buildings are occupied.

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

Reason:

In the interests of public safety, to avoid blocking the surrounding streets and ensure reduction in car journeys as set out Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R45AC)

- 29 You must provide each cycle parking space and associated facilities for cyclists shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces and associated facilities for cyclist must be retained and the space used for no other purpose. (C22IA)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 30 You must apply to us for approval of a scheme of public art within nine months of the commencement of the development.

You must not start work on the public art until we have approved in writing what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details, or within any extension of time to be agreed in writing by the City Council.

You must maintain the approved public art and keep it on this site. You must not move or remove it. (C37AC)

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out Policy 43(E) of the City Plan 2019 - 2040 (April 2021). (R37AC)

- 31 (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 in writing 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 in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 32 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

- 33 You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in condition(s) 31 and 32 of this permission.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

- 34 The emergency plant and generators hereby approved shall only be used for the purpose of public safety and life critical systems and shall not be used for backup equipment for commercial uses such as Short Term Operating Reserve (STOR). The emergency plant and generators shall be operated at all times in accordance with the following criteria:

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

(2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required in an emergency situation.

(3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays. (C50AC)

Reason:

Emergency energy generation plant is generally noisy, so in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AC)

- 35 The design and structure of the building shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. (C49AA)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49AB)

- 36 The design and structure of the building 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. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

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, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49BB)

- 37 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the IN; use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 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 in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the

permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the IN; use 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 in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, 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 including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:

- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
- (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity. (C47BC)

Reason:

As set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in nearby noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R47BC)

- 38 All kitchen exhaust discharges must be designed internally and discharge at roof level and all kitchen exhaust air will be treated with UV/HEPA /carbon activated filtration in order to mitigate cooking smells .

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 39 The development hereby approved shall achieve an urban greening factor of at least 0.26 and a report confirming this must be submitted to and approved by the City Council within three months of the completion of the development.

Reason:

To ensure carbon emissions have been minimised and to ensure the provision of green infrastructure in accordance with policies 34, 36 and 38 in the adopted City Plan.

- 40 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which

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includes the number, size, species and position of trees and shrubs to the terraces to the office building . You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees that are part of the planting scheme that we approve, or find that they are dying, severely damaged or diseased within three years of planting them, you must replace them with trees of a similar size and species. (C30CC)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Queensway Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R30CE)

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

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43AC)

- 42 Details of bird and bat boxes shall be submitted to and approved by the City Council at least 3 months prior to the occupation of the buildings
The approved boxes must be installed prior to occupation and you must not remove these features

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43AC)

- 43 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown on drawing in the Arboricultural Report . You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2012. You must then carry out the work according to the approved details. (C31AC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 44 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site, namely T2 and T7 . You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details. (C31CC)

Reason:

To protect trees and the character and appearance of the site as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31CD)

- 45 All canopies to the retail units need to maintain 2.6 metres vertical clearance to allow pedestrians safe passage and be at least 1 metre from kerb edge to allow sufficient height from vehicles .

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 46 The development shall not be occupied until a lighting strategy for any external lighting has been submitted and approved by the local planning authority including timings . The development shall be carried out in accordance with the approved lighting strategy.

Reason:

To ensure a satisfactory appearance and to minimise disruption to future and neighbouring residents in accordance with policies 38,39 and 40 in the adopted City Plan.

- 47 You must apply to us for approval of details of a security scheme for the commercial units and the service yard You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work according to the approved details before anyone moves into the building. (C16AC)

Reason:

To reduce the chances of crime without harming the appearance of the building or the character of the Queensway Conservation Area as set out in Policies 38 and 39 of the City Plan 2019-2040 (April 2021). (R16BD)

- 48 You must provide the access for people with disabilities as shown on the approved drawing(s) and as outlined in the Design and Access Statement dated December 2021 and part superseded before you use the building. (C20AB)

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in Policy 38 of the City Plan 2019 - 2040 (April 2021). (R20AD)

- 49 Prior to the occupation of each building , the post-construction tab of the GLA's whole life carbon assessment template should be completed accurately and in its entirety in line with the GLA's Whole Life Carbon Assessment Guidance. The post-construction assessment should provide an update of the information submitted at planning submission stage, including the whole life carbon emission figures for all life-cycle modules based on the actual materials, products and systems used. This should be submitted to the GLA at: ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the guidance. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation of the each building.

Reason:

In the interests of sustainable development and to maximise on-site carbon dioxide savings (Policies SI 2

and SI 3 of the London Plan (2021) and policy 38 in the City Plan (2021-2040) and the Council's adopted Environmental SPD.

- 50 Prior to the occupation of each building, a post-construction monitoring report should be completed in line with the GLA's Circular Economy Statement Guidance.
The post-construction monitoring report shall be submitted to the GLA, currently via email at: circulareconomystatements@london.gov.uk, along with any supporting evidence as per the guidance. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation of each building.

Reason:

In the interests of sustainable waste management and in order to maximise the re-use of materials (Policy SI 7 of the London Plan 2022) policy 38 in the City Plan 2021-2040 and the adopted Environmental SPD.

- 51 During the subsequent design stages, procurement and construction following the grant of planning permission, the applicant shall notify the Local Authority of any substantial changes to the design, procurement or overall circumstances around the delivery of the proposed scheme which will result in more than 50% increase in the Embodied Carbon (A1-A5) 600kgCO₂e/m² and/or Whole Life Carbon (A1-C4) 970kgCO₂e/m² benchmarks.

If such significant increase is expected, the Applicant is requested show mitigation strategies to ensure the carbon footprint of the development is kept within the identified benchmarks, and those mitigation measures shall be implemented.

Reason:

In the interests of sustainable development as set out in policy 38 in the City Plan (2021-2040) and the Council's adopted Environmental SPD.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 **HIGHWAYS LICENSING:**
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 visit our website at www.westminster.gov.uk/guide-temporary-structures.

CONSIDERATE CONSTRUCTORS:

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.

BUILDING REGULATIONS:

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control

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

www.westminster.gov.uk/cil

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

CIL forms are available from the planning on the planning portal:

www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

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

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

- 4 Condition 4 refers to a publication 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018. You can get a copy of this document at www.westminster.gov.uk/contaminated-land. For further advice you can email Public Protection and Licensing at environmentalsciences2@westminster.gov.uk.

- 5 This permission is subject to a Section 106 which covers the following:

- a) Provision of 11 intermediate affordable units prior to the occupation of the market housing, at the on-site at affordability levels to be agreed with the Head of Affordable Housing and Partnerships.
- b) Provision of early and late-stage review mechanisms in accordance with policy H5 of the London Plan and the Mayor's Affordable Housing and Viability SPG.
- c) A financial contribution of £5,546.00 (index linked) towards improvements to play space in the vicinity of the development, on the commencement of development.
- d) Payment of a carbon offset payment of £341 871 (index linked) on the commencement of development.
- e) Submit an Employment and Skills Plan, and payment of a financial contribution of £293,977.00 (index linked) on the commencement of development towards the Westminster Employment Service prior to commencement of development.
- f) Provision of lifetime (25 year) car club membership for each residential flat
- g) Costs of any highways works associated with the development (outside of the scope of the City Council's public realm and highways scheme for Queensway); and including Stopping Up
- h) Improvements to the Lady Samuels Garden prior to occupation of the development, including the feasibility of the keeping the garden in some form during construction and if not feasible to ensure

that safe removal of the existing statue and plaque, their reinstatement and at the applicant's cost

- i) Financial contribution of £20,000 for additional tree planting in the vicinity of the development (index linked and payable on commencement of development) cc
- j) Public art
- k) Provision of S106 agreement monitoring costs.

- 6 With reference to condition 2 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate (cocp@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase.

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

- 7 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: www.westminster.gov.uk/street-naming-numbering. (I54AB)
- 8 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, for example by issuing regular bulletins about site progress.
- 9 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.

- 10 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 email AskHighways@westminster.gov.uk. 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).
- 11 The City Council supports a scheme to provide a free a recruitment service for businesses. Over 90% of people helped into work have been retained for over 6 months by their employing businesses. The scheme uses Work Place Coordinators to match vacancies and candidates. They have helped over 600 Westminster residents into jobs in Westminster businesses across the City. Further details can be found at www.crossriverpartnership.org. The scheme is supported by Westminster City Council, Cross River Partnership, the Crown Estate, New West End Company and Victoria BID.
- 12 The Economy Team at Westminster City Council provide support and guidance to developers and contractors in the creation and delivery of employment & skills plans. The Team will provide guidance on local priorities, drafting of employment & skills plans and implementation of activities to deliver commitments. For further information please contact Soyful Alom, Economy Job Broker (salom@westminster.gov.uk)
- 13 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 14 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please email Jeff Perkins at jperkins@westminster.gov.uk.
- 15 No digging should take place within 5 metres of a High Voltage Cable without contacting National Grid's Plant Protection Team <https://www.beforeyoudig.nationalgrid.com>
- 16 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 17 The approved development is likely to necessitate the removal, re-provision and/or introduction of new street nameplates. The provision of replacement and/or new nameplates is a requirement of Part II, paragraph 8 of the London Building Acts (Amendment) Act 1939. The replacement and/or new nameplates must be installed in accordance with the requirements of the London County Council Street Naming Regulations 1952.

Nameplates should be:

- Fixed within 10 feet of every street corner (excluding the width of the public footway) on both sides of each street and may be placed on part of a building or structure.

- Installed at a height of between 2.5 and 3.5 metres above ground level for best visibility, where installed on a building.
- Repeated at intervals of approximately 200 yards on alternate sides of the street on straight lengths of street without intersections.
- Placed directly opposite the side street at 'T' junctions.
- Displayed at the point of change if the name of a street changes other than at a junction. Both names should be displayed indicating to which parts of the street the names refer.

In accordance with the regulations, and to ensure consistency of street nameplates across the city, they must be supplied and fitted by the council. For further advice, including the supply and fitting cost, and to request the re-provision and/or introduction of new nameplates, you should contact the Highways Inspector responsible for the management of the application site or you can contact Highways Operations: highwaysoperations@westminster.gov.uk. (I54BA)

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

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

- 19 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)

- 20 Conditions control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

- 21 In relation to the green roof condition, you should review the guidance provided by the Greater London Authority on their website prior to finalising the structural design of the development, as additional strengthening is likely to be required to support this feature: www.london.gov.uk/what-we-do/environment/parks-green-spaces-and-biodiversity/urban-greening.

- 22 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

- 23 Condition requires the submission of sound insulation measures and Noise Assessment Report to predict internal noise levels with the proposed residential units. Your assessment should include a BS8223 façade calculation using the glazing and ventilation specification to demonstrate that the required internal noise levels are achievable. (I93AA)

- 24 In respect of Condition 5, please read Thames Water's guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you are considering working above or near to Thames Water pipes or other structures
<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-our-pipes>
- Should you require further information please contact Thames Water .Email developer.services@thameswater.co.uk Phone 0800 009 3921 (Monday to Friday 8 am to 5 pm) or write to Thames Water Developers Services, Clearwater Court, Vastern Road Reading, Berkshire RG1 8DB
- As required under Building regulations Part H Paragraph 2.36, Thames Water requests that the applicant should incorporate , protection to the property to prevent sewerage flooding , by installing a positive pumped device(or equivalent) on the assumption that the sewerage network may surcharge to ground levels during storm conditions . If as part of the basement development there is a proposal to discharge ground water to the public sewer, this will require a Groundwater Risk Management Permit from Thames Water. Any discharge without a Permit is deemed illegal and may result in prosecution under the Water Industry Act 1991 .Thames Water expect the applicant to demonstrate what measures will be undertaken to minimise ground water discharges into the public sewer .Permits enquiries should be directed to Thames Water Risk Management Team 02035779483 or email wwqriskmanagement@thameswater.go.uk. Application forms should be completed online via ww.thameswater.co.uk
- 25 In respect of Condition 6 please contact Thames Water to ensure that your development is in accordance with their agreed working practices as set out in Informative 24 above.
- 26 In respect of Condition 7 please read Thames Water's guidance , details set out in Informative 24 above
- If you are planning to use mains water for the construction purposes. You must let Thames Water know before you start work, to avoid potential fines for improper use. More information and how to apply can be found online at [thameswater.co.uk/building water](http://thameswater.co.uk/building-water).
- 27 Thames Water will aim to provide customers with a minimum pressure of 10m head(approx. 1 bar) and a flow rate of 9 litres/minute at the point it leaves Thames Water pipes .The developer should take this into account of this minimum pressure in the design of the proposed development .
- 28 In respect of Condition 8 , you can request additional information from Thames Water to support the discharge of this condition - thameswater.co.uk/pre-planning
- 29 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 30 In respect of the design of any decorative construction hoarding , you are recommended to consult with the local stakeholders at an early stage, and need to apply for advertisement consent .

- 31 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work.

When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974).

British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work.

An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

- 32 Under the Construction (Design and Management) Regulations 2015, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

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

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

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

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

- 33 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained. Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
- * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;

- * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
- * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
- * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
- * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

34 Working at height remains one of the biggest causes of fatalities and major injuries. You should carefully consider the following.

- * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
- * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
- * Lighting - ensure luminaires can be safely accessed for replacement.
- * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

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

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

- 35 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You can apply online at the following link: www.westminster.gov.uk/trees-and-high-hedges. You may want to discuss this first with our Tree Officers by emailing privatelyownedtrees@westminster.gov.uk.
- 36 This site is inside an 'area of nature deficiency' as set out in Policy 34 of our City Plan 2019-2040 that we adopted in April 2021. So, you should include environmental features that enhance biodiversity, particularly for priority species, when designing the development and any open areas pursuant to the requirements of any relevant conditions attached to this planning permission.
- 37 When you carry out the work, you must avoid taking, damaging or destroying the nest of any wild bird while it is being built or used, and avoid taking or destroying the egg of any wild bird. These would be offences (with certain exceptions) under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. (I81CA)
- 38 Condition 45 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:
- * the order of work on the site, including demolition, site clearance and building work;
 - * who will be responsible for protecting the trees on the site;
 - * plans for inspecting and supervising the tree protection, and how you will report and solve problems;
 - * how you will deal with accidents and emergencies involving trees;

- * planned tree surgery;
- * how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
- * how you will remove existing surfacing, and how any soil stripping will be carried out;
- * how any temporary surfaces will be laid and removed;
- * the surfacing of any temporary access for construction traffic;
- * the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
- * site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
- * how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
- * the place for any bonfires (if necessary);
- * any planned raising or lowering of existing ground levels; and
- * how any roots cut during the work will be treated.

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