

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 nd June 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Lancaster Gate	
Subject of Report	Queens Court, Queensway, London, W2 4QN		
Proposal	Change of use of rear part of Queensway Market to dual/ alternative A1/ A2/ B1/ D1/ D2 use and 5 residential units facing Princes Court, reconfiguration of retail units along Queensway including introduction of Class A1 uses at Nos.23 and 33 (current entrances to Queensway Market) and use of Nos.25 and 41-43 Queensway as Class A3 uses, installation of new shopfronts to Nos.23 to 43 Queensway Erection of infill extension to rear at ground floor level, erection of two new pavilion structures for Class A1 use and associated new hard and soft landscaping on land between Queens Court and Princes Court, installation of green roofs, rooflights and mechanical plant within enclosures to first floor level roofs between projecting rear wings of Queens Court installation of kitchen extract ducts to rear elevations, and associated cycle parking, waste storage, plant and other ancillary alterations ('Application 2').		
Agent	Montague Evans		
On behalf of	Happy Badge Limited		
Registered Number	18/09765/FULL	Date amended/ completed	19.11.2020
Date Application Received	15 November 2018		
Historic Building Grade	Unlisted		
Conservation Area	Queensway		

1. RECOMMENDATION

<p>1. Grant conditional permission, subject to a S106 legal agreement to link Applications 1, 2,3 & 4 together and to secure the following obligations related to this application 2:</p> <p>a) In the event that Application 3 or 4 is implemented, the provision of 8 flats as Intermediate (London Living Rent) Affordable Housing units prior to the occupation of the market flats.</p> <p>b) Early and Late Stage Affordable Housing Reviews in order to secure further affordable housing contributions, should the development become viable in the future</p> <p>c) Lifetime (25 years) Car Club Membership for each of the five residential units</p>

- d) Car and Cycle parking within Q Park Queensway Car Parking on an unallocated basis
 - e) Highways works associated with and required to facilitate the development
 - f) Employment and skills contribution of £TBC index linked and payable on commencement of development.
 - g) Carbon Offset Payment of £126,207 index linked and payable on commencement of 1st of the four linked applications.
 - h) Monitoring costs
2. If the legal agreement has not been completed within 6 weeks from the date of the Committee's resolution, then:
- a) the Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning authorise to determine and issue such a decision under Delegated Powers; however, if not:-
 - b) the Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of benefits that would have been secured; if so the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. SUMMARY

This is one of four applications for four separate sites with respect to development proposals relating to properties at the southern end of Queensway. The proposals are part of a masterplan for the entire estate which seek to regenerate Queensway. The proposed shopfronts are part of the estate strategy for Queensway to seek to provide for a contemporary and consistent approach to their design and scale and the proposed uses are appropriate to the town centre including the introduction of two new retail kiosks and the provision of 5 residential units as part of an affordable housing offer is welcomed.

The development to the rear to create purpose built mechanical plant enclosures with greening are acceptable. Representations of support have been made supporting the proposals on the basis of them upgrading and improving Queensway. In contrast a number of representations of objection, which make up the majority of representations and include Princess Court Residents Association have also been received on a number of grounds including land use and loss of the existing market, amenity, design, highways, and other matters.

Notwithstanding the objections, it is considered that the proposed development is acceptable with appropriate conditions and meets with the relevant City Plan policies. As such a favourable recommendation is given.

4. LOCATION PLAN



5. PHOTOGRAPHS



Queens Court



Car park between Queens Court and Princess Court



Car park between Queens Court and Princess Court

6. CONSULTATIONS

CONSULTATION (Including Re-consultation on revisions including new platform lift, new uses D1 (non-residential institutions), D2 (assembly and leisure), B1 (Office), amendments to retail kiosks, clarification of ventilation ducts, plants around acoustic enclosures within lightwell, green roofs, viability report)

WARD COUNCILLORS FOR LANCASTER GATE

Any response to be reported verbally.

LONDON UNDERGROUND LIMITED

No comment

ROYAL BOROUGH OF KENSINGTON & CHELSEA

No objection.

SOUTH EAST BAYSWATER RESIDENTS' ASSOCIATION

Any response to be reported verbally

BAYSWATER RESIDENTS' ASSOCIATION

Any response to be reported verbally

HIGHWAYS PLANNING TEAM

The linked applications overall do not provide any tangible improvements to the wider pedestrian or highway environment. No specific objection to this application subject to conditions.

WASTE PROJECT OFFICER

Objection, further details required.

ENVIRONMENTAL HEALTH

No objection

DESIGNING OUT CRIME

Any response to be reported verbally

BUILDING CONTROL

Any response to be reported verbally

AFFORDABLE HOUSING SUPPLY MANAGER

Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 507

Total No. of replies: From 42 Addresses including from the Princess Court Residents Association.

No. of objections: 39

No. in support: 3

OBJECTIONS on all or some of the following grounds

Land use

- Will destroy 20 year old Queensway Market and 40 small businesses providing the main income of many families, of whom will lose their main income, and send all those talented and crafted men and women to jobless statues.
- Existing Market is a lively place and unique venue in Central London where it is loved by locals and tourists, has the only mosque on in area it can hold more than 300 people on Friday prayer.
- The market has more than 15 nationalities with deferent languages, and believes, all are working in harmony without one conflict in interest, it is a united nation in its own rights
- Queensway does not need more retail , some are already struggling
- No details of hours of operation of the retail kiosks, seating, or rubbish
- Needs a workable balance between commercial/public wishes and those of existing residents.

Amenity

- Development will overshadow the whole area
- Impact of development on daylight to Mews at rear
- Impact during construction (noise and fifth)
- Pollution from kitchen extract ducts
- Currently have to clean roof, gutter, rooflights from food, rubbish and cigarette /reefer butts that are thrown from existing tenants window and fire escape to Caroline Place Mews
- Any infill development on the block will take daylight from our properties which all have east facing windows.
- Noise and vibration for first floor air conditioning units to Caroline Place Mews residents.
- Impact on views from Caroline Place
- Impact on noise to rear bedroom windows to Caroline Place (already affected by large basement at 21 Caroline Place and the tube
- No new access to Poplar Place should be permitted.
- West facing windows overlooking Poplar Place are proposed for these new units which would infringe the privacy of all houses facing east in this area. These should not be allowed.
- Kitchen extractor fans/ducts to the rear elevation are required which would increase cooking smells and add to noise.
- Offices replace the current market with associated ventilation - presumably more pollution and noise.
- Loss of sunlight to Queensway Road.
- Plan for emergency stairs exiting in Poplar Place by the end of Caroline Place Mews is not acceptable
- Impact of first floor plant and noise disturbance to Caroline Place Mews, Caroline Place, Orme Court Mews
- Air pollution from air conditioning

- Retail kiosks will impact on daylight and sunlight to lower floor of Princes Court
- Retail kiosk will generate smoke/steam/odour
- No need for a cafe
- Noise disturbance from use of kiosk and landscaped area for public use
- Loss of privacy to Princes court
- How will the footpath access to the two entrances and garden to Princes Court be kept clear?
- Use of car park as public space would result in disturbance to Princess Court Flats
- Kiosks bring noise much closer to existing residents with bedrooms at the rear of Caroline Place and Caroline Place Mews
- Music, loudspeakers should not be heard outside of the kiosks and strict licensing conditions should be imposed.
- No noise statements for Queens Court and Princes Court plant and kiosks
- Bayswater Conservation Area is "considerably quieter and built on a more domestic scale
- It is critical that the developers undertake and publish a noise assessment from Caroline Place, Caroline Place Mews and Orme Court Mews. We are the closest residential homes to the plant (apart from the flats in the block itself clearly).
- The plant should be shut down over night.
- There are many unanswered questions in this proposal - the noise, the plant proposed, parking, waste collection, the use of the open space in Princess Court etc.
- What lighting will there be in the area so the kiosk and landscaping
- Impact of air conditioning on climate change
- Plans are not clear about the gap between the wall and the back wall of 1-5 Caroline Place Mews Houses , insulating and noise proofing are needed
- Please give neighbours advance notice regarding removal of the asbestos roof to the rear of Queens Court.

Crime

- Retail kiosks will provide shelter and hide for anti-social or illegal behaviour
- Security is a major concern for Caroline Place residents who back onto Poplar Place, which is already a magnet for drug dealing and prostitution

Design

- Retail kiosk will have an overcrowding and claustrophobic effect on the space between the two blocks of flats.
- First floor roof looks like a jumble of clutter on the roof with rooflights, plant enclosures, green roof kitchen extract fans and the air pollution - all need to be maintained and all unsightly from residential properties to the rear.

Highways and Waste

- Loss of Princes Court Car Park, which is used for commercial purposes, residents, visitors, and deliveries
- Loss of parking, of which there is a shortage in the area
- How will the slope of the car park be addressed?
- How will the Large deliveries and Emergency services (Fire Brigade) be able to

- gain immediate access in the event of a fire.
- How will the inner courtyard car park (8 users) of Princess Court be maintained and collection of black bins.
- There should be no access to Poplar Place from the site
- Concerned about the conflict between the pedestrian use of the area between the two buildings and access to the car parking and rubbish collection, which would require cars/trucks to drive over this area. This would make the area unsafe for less alert/mobile pedestrians and young children.
- No information about waste removal

Building control

- Party wall agreements would be required with Caroline Place Mews
- in the past unauthorised drilling into party walls
- Existing misuse of fire escape of Queens Court
- Impact on safety of Queens Court, the underground tube station, and the whole area.
- Queens Court is not structurally able to support roof extension due to historic leaks and corrosion, humidity from ice rink and vibration from tube
- Existing Queens Court has weak infrastructure having been neglected for years, metal stairs are terrible, electricity cables and plumbing too

Other

- Entire project put forward with no thought about quality of life for existing residents of either Princess court or Queens Court
- The planning application does not address improving infrastructure ,Will lose over 200 businesses in the market, including family business which have been operating for over 18 years.
- Over ambitious and unnecessary scheme servicing to increase income for people who live abroad.
- No confidence in freeholders, haven't done anything for 20 years

SUPPORT

- Completely in favour of a redevelopment of the Queensway Market as it currently is dated and an area of anti-social behaviour, including what looks to me like serious offences (e.g., drug dealing), subject to sufficient lighting and CCTV.
- Queensway needs to change! The current issues around anti-social behaviour is mostly concentrated around the Market and the type of
- people it attracts. The sooner it gets redeveloped the better
- This is a long overdue redevelopment and essential for the aspirations of the area to be met.
- Support this application in the hope that it'll lift Queensway from the slum that it is into the Super Prime league. much needs to be done to improve Queensway in general and the parking space between Queens Court and Princess Court in particular. There is always a bad element here and I feel these proposals will be a vast improvement to this part of Queensway.
- I initially had concerns with regards to the Pavilion structures, mostly with regards to noise and cooking smells.
- I met the developers at a public participation meeting, and they were very helpful in answering questions and concerns I had about the proposals. They assured

me that as these will be classed as A1, use would be limited in terms of food preparation with no extractors and no cooking smells.

- In terms of noise, I'd like further information on operating hours of the Pavilions. This area is like an echo chamber and the drug dealers and other characters already make a racket at night.
- As the current parking lot will become the access point for the new residential units and offices, I can only imagine that the developers will have an incentive to keep this area attractive, clean, and secure. It can only be an improvement on what is currently a horrible, unsafe alleyway.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

7. BACKGROUND INFORMATION

7.1 The Application Site

This site is located on the western side of Queensway, is formed of a number of parts:-

- Queens Court 7-45 Queensway (including Queensway Market) and area between rear wings.
- Queens Court Ground floor rear (part- fronting Princess Court Public car park).
- Queens Court Roof level
- Princess Court Public Car Park 23-43 Queensway

Located on the western side of Queensway, Queens Court (7-45 Queensway) comprises of ground floor retail units to Queensway frontage and the entrance to and Queensway Market itself, together with residential flats above which extend to the rear projecting wings. The land located between Queens Court and Princes Court, known as Princess Court Car Park (23-43 Queensway), is currently operated as a private car park for 21 spaces, with no current used access to Poplar Place located to its rear (gates are locked). It also forms part of the Queensway/Westbourne Grove Major Shopping Centre.

Queens Court, 7-45 Queensway, is a 7-storey (with roof top enclosures) 1930's mansion block (with three projecting wings to the rear). It is designated as an unlisted building of merit within the Queensway Conservation Area Audit and is located within Queensway Conservation Area and adjacent to the Bayswater Conservation Area.

Kensington Gardens (Grade I Registered Park and Royal Parks Conservation Area) lies further south. The Grade II listed Church of Our Lady of Heaven its diagonally north-east from the site on the eastern side of Queensway. Further east lie the Grade II listed terraces of former townhouses which characterise Inverness Terrace.

The ground and basement are in commercial use (Including Queensway Market at ground floor level and the Ice rink at basement level, and the upper floors comprise a number of residential flats. To the west lies the properties on the opposite side of Queensway, to the north of the site is Princess Court (a residential mansion block), currently separated by an open public car park. To the west lies the residential properties on Caroline Place Mews and Poplar Place and Caroline Place, Lombardy

Place and Bark Place and south of the site are properties of Queensway and the rear of properties on Bayswater Road.

7.2 Recent Relevant History

Wider Application Site

Four applications for four separate sites have been submitted collectively on behalf of Happy Badge Limited, Rapport Properties Limited, and Greenfour Properties Limited with respect to development proposals relating to properties at the southern end of Queensway

These four applications, submitted separately for four sites, are covered by a single set of documents which assess the proposals holistically together with a single viability report for the four applications. The proposals are part of a masterplan for the entire estate which seek to regenerate Queensway, the first phase commenced through the rebranding and refurbishment of Queens Ice and Bowl and revisions to other shopfronts.

The four applications collectively encompass the following sites located on both the eastern and western side of Queensway.

Eastern side of Queensway:

- 8-26 Queensway (Consort House- southern)
- 28-34 Queensway (Consort House- northern)
- 36-44 Queensway
- 1-6 Olympia Mews (located to the rear of 32-44 Queensway)

Western side of Queensway

- Queens Court 7-45 Queensway (including Queensway Market) and rear area between wings.
- Queens Court Ground floor rear (part- fronting Princes Court Public car park)
- Queens Court Roof level
- Princes Court Public Car Park 23-43 Queensway

Application 1 8-26 Consort House and 36-44 Queensway- (18/09557/FULL)

Installation of new shopfronts to Nos.8-26 Queensway and Nos.36-44 Queensway, use of ground and mezzanine level shop unit at No.10 for Class A3 use and use of ground and mezzanine level shop unit at No.22 Queensway for Class A1 use

Application 2 Queens Court & Princess Court Open Street Level Car park (18/09765/FULL)

Change of use of rear part of Queensway Market to dual/ alternative A1/ A2/ B1/ D1/ D2 use and 5 residential units facing Princes Court, reconfiguration of retail units along Queensway including introduction of Class A1 uses at Nos.23 and 33 (current entrances to Queensway Market) and use of Nos.25 and 41-43 Queensway as Class A3 uses, installation of new shopfronts to Nos.23 to 43 Queensway, erection of infill extension to rear at ground floor level, erection of two new pavilion structures for Class A1 use and associated new hard and soft landscaping on land between Queens Court and Princes Court, installation of green roofs, rooflights and mechanical plant within enclosures to first floor level roofs between projecting rear wings of Queens Court installation of

kitchen extract ducts to rear elevations, and associated cycle parking, waste storage, plant and other ancillary alterations

Application 3 28 – 34 Queensway & 1-6 Olympia Mews (18/09727/FULL)

Demolition of existing buildings at Nos.28-34 Queensway and redevelopment of site by erection of a six storey, plus basement level, building comprising to provide Class A1 retail floorspace at basement and ground levels and 35 residential flats (Class C3) to the rear at ground level and on the upper floors. Demolition of existing buildings in Olympia Mews and redevelopment of site by erection of a replacement two storey building for use as Class B1 office floorspace

Application 4 Queens Court (Reference: 18/09766/FULL)

Erection of two storey roof extension to Queens Court to provide 26 residential units (Class C3) with associated waste and recycling storage ('Application 4').

8. THE PROPOSAL

The proposed development to this site comprises of the following:-

- Reconfiguration of Retail units along Queensway
- Installation of new shopfronts to 23-43 Queensway
- Retail (Class A1- now Class E)) at 23 and 33 Queensway (current entrances to Queensway Market)
- Restaurant (Class A3- Now Class E) at 35, 41-43 Queensway
- Use of rear part of Queensway Market for flexible dual /alternative use Retail (Class A1), Financial and Professional Services (Class A2), Offices (Class B1), Non -residential institutions (Class D1), Assembly and Leisure (Class D2) (Now All Class E)
- Conversion of part of Queensway Market and ground floor rear infill extension space to five residential units facing Princes Court and Poplar Place (Class C3)
- Erection of two freestanding single storey retail kiosks & associated hard and soft landscaping between Queens Court and Princes Court (currently Princess Court Car park)
- Installation of mechanical plant within purpose built enclosures to rear of Queens Court between the projecting wings and associated green roofs, roof lights
- Installation of Kitchen Extract ducts to rear elevation of Queens Court
- Cycle parking waste, plant, and ancillary alterations

Table 1 :-Queensway Frontage (Ground floor)-

Address	Existing GIA (sqm)	Proposed GIA (sqm)	Change	Hours of Use
19	A3- 40m2	E Retail -40m2	Change to Retail	07.00-midnight
21	A1- 83m2	E -Retail 83m2	No change	07.00-midnight
23	N/A	E- Retail 62m2	New Retail +62m2	07.00-midnight
25	N/A	E- Restaurant 259m2	New Restaurant +259m2	07.00-midnight
27	A1- 51m2	Class E- Restaurant 51m2	Change to Restaurant	07.00-midnight
31	A1- 48m2	Class E-Retail 48m2	No change	07.00-midnight

33	N/A	Class E- Retail 62m2	New Retail + 62m2	07.00-midnight
35	A1 -73m2	Class E- Retail 203m2	Increase in size +130m2	07.00-midnight
37	A1-55m2	Class E- Retail 55m2	No change	07.00-midnight
41-43	A2- 158m2	Class E- Restaurant 158m2	Change to restaurant	07.00-midnight
Total	508m2	1021m2	+513m2	

Table 2 Queensway Market Area (Ground floor rear)

Existing	Proposed Class E	Change	Hours of Use
Temporary Various retail & commercial uses (within new Class E)		Reduction in floorspace but proposed as permanent	07.00-23.00
2567m2	1912m2	-655m2	

Table 3- New pavillions

	Number of units	Use/ Size	New floorspace	Hours of use
Pavillion 1 (Front)	3 units & back of house	Class E- Retail 80m2	+80m2	07.00-23.00
Pavillion 2 (Rear)	3 units	Class E- Retail 79m2	+79m2	07.00-22.00
Total			159m2	

Table 4 :- New Residential- ground floor rear

Unit	Type	Size	Single aspect	External amenity
Unit 1	Studio	40m2	Yes	No
Unit 2	Studio	42m2	Yes	No
Unit 3	Studio	43m2	Yes	No
Unit 4	Studio	40m2	No -dual	No
Unit 5	2 bed	85m2	Yes	No

9. DETAILED CONSIDERATIONS

9.1 Land Use

Commercial use

Change in legislation

Class E (Commercial, Business and Service) of the Use Classes Order 1987 (as amended) was introduced on 1st September 2020. It amalgamates a number of uses that previously fell within Classes A1, A2, A3, B1, D1 and D2; shops, restaurants,

financial and professional services, indoor sport, recreation or fitness, health, or medical services, creche, nursery or day centre principally to visiting members of the public, an office, research and development, or any industrial process that can be carried out in any residential area without detriment to amenity. Under Class E, the use of a building can flip flop back and forth between any of these uses without the need for planning permission, on the basis that it is not development and does not therefore require planning permission.

The existing ground floor currently comprises of various shopping centre uses both to the street frontages and within the Queensway Market to the rear. This proposal would rationalise and reconfigure the shop units and provide retail and restaurant uses fronting Queensway in the traditional way. However, at the rear, what was the Queensway Market, a flexible use of the space is sought for a variety of uses including retail, financial and professional, offices, non-residential institutions and assembly and leisure (Class E).

Also, to the rear at ground floor level, within the north west corner of the building, it is proposed, with the aid of a ground floor infill extension, to create five residential units facing Princes Court and Poplar Place.

The third element to the ground floor is the creation of two pavilion freestanding retail kiosks within what is currently the Princess Court Car park.

Queensway Frontage

The shop units are located within the Queensway/Westbourne Grove Major Shopping Centre, which is the only Major centre in Westminster and designated due to its mix of convenience and comparison retail activity and complimentary town centre uses, Consequently Policy 14 (Town centres, high streets, and the CAZ) of our City Plan applies.

Given the nature of the change of uses proposed there is no significant loss of Retail or significant increase in Restaurant uses within this part of the shopping frontage. The proposed uses are appropriate town centre uses which provide active frontages and serve visiting members of the public and are of appropriate scale, type and format that reflects its designation as a Major centre in accordance with policy 14. In addition, other aspects of the proposal, including new shopfronts is likely to have a positive impact on the shopping frontage. The applicants proposed hours of operation (07.00-midnight) are considered to be appropriate.

Queensway Market Area (Ground floor rear)

The use of the rear area of the market for flexible uses A1/ A2/ B1/ D1/ D2 uses, which now fall within Class E, is appropriate for this Major Shopping Centre location and is supported in principle in accordance with policy 14. However, insufficient information (air quality, transport, activities etc) has been provided with respect to the D1/D2 type uses, as such it is proposed to restrict these uses to office, retail, financial and professional services, and restaurant. Other uses would require planning permission and would be expected to provide sufficient supporting information. The applicant's proposed hours of operation (07.00-23.00) are considered to be appropriate. The loss of the internal market as a format of providing commercial uses is not protected, but the proposal maintains a mix of commercial uses to the rear part of the market as well as introducing

a traditional format to the street frontage and for these reasons the objections are not supported. An objection has also been raised to the loss of a “mosque” from within the market. Officers are not aware of a mosque within the market. Notwithstanding this no planning permission exists for a mosque in the market, which has a temporary use for retail purposes and therefore its loss is not relevant to this application.

New Pavilions

The two new single storey pavilion units are proposed to be located in the area between Queens Court and Princes Court. The open area is currently operated for car parking. The loss of the car parking is uncontentious, given policy 24 (Sustainable transport) which requires development to positively contribute to the reduction of the dominance of private motor vehicles and policy 27 (parking) which actively supports the redevelopment of existing car parks for alternative uses. The pavilions are proposed to be used for retail purposes (Class E) and is considered to enhance and diversify the shopping offer within the Queensway/Westbourne Grove Major Shopping Centre and which is supported in principle under policy 14. Whilst the additional retail has brought about objections, new retail within the shopping frontage accords with our shopping policy.

The other uses within Class E may have different and potentially more harmful amenity, transportation and or air quality impacts than the proposed uses. For example, creche, leisure, gym, and some sport uses (or a combination of these uses) could cause significant harm to the amenity of these nearby residents, in environment, residential amenity and transport and highways terms.

The applicant has not provided any information to demonstrate that the impact of these other uses within Class E would be adequately mitigated in the event of a change of use. Accordingly, a condition is recommended to prevent changes of use within Class E without planning permission. The applicants’ proposed hours of use for the rear kiosk are considered to be too long in this location adjacent to existing and proposed residential properties and a revised operational hours is recommended (08.00- 21.00).

There are a number of objections to the principle of the development which objectors state would result in the loss of over 200 businesses with the market including family businesses and that the development is over ambitious, unnecessary and fails to consider the quality of life of residents of Queens Court and Princess Court. In contrast there are some (albeit much fewer) representations of support on grounds that the market is dated and an area of anti-social behaviour, that the change is needed, and that the development is long overdue to lift Queensway. For the reasons set out in this report the proposed development is considered to be acceptable, subject to the recommended conditions.

It should be noted that the description of development on the draft decision letter has been amended to reflect the uses within Class E which are recommended to be granted permission.

Residential

The provision of five residential units is welcomed in land use terms in accordance with policies 8 and 9 of our City Plan, to optimise the provision of housing to help meet the demand for housing and affordable housing in the City.

Affordable Housing

This is one of four applications for four separate sites with respect to development proposals relating to properties at the southern end of Queensway. A single viability report has been provided by Montague Evans in relation to the collective viability of the proposal under all four applications. In total the development (all four applications) would create 63 residential flats within 4,944m² of floorspace, which consequently triggers the requirement for at least 35% of these new homes to be affordable. This equates to 1,730m² or 22 units.

This has been independently assessed by Turley's on behalf of the City Council. The purpose of this viability review is to test the viability of the proposed development at the site in the current market, taking into account our policy requirements as well as national planning policy and guidance. The advice of the City Council's independent assessment is clear in that the development (all 4 linked applications) cannot viably provide any affordable housing, neither physically nor as a payment in lieu.

Notwithstanding the agreed findings of the independent viability assessment, the applicant is proposing ex gratia, to provide 8 affordable housing units as part of the development (4 linked applications). Without prejudice, 3 affordable housing units (2x1bed and 1x2bed) are proposed within 28-34 Queensway (as part of Application 3) and 5 affordable housing units (4xstudios and 1x2bed) are proposed at rear ground floor level to Queens Court (as part of Application 2). Originally offered as shared ownership and affordable rent respectively, during the course of the application it was considered that all 8 affordable housing would better meet the City Council's affordable housing needs, if provided as London Living Rent affordable housing units and this is now proposed.

The provision of 8 London Living Rents affordable units, 5 of which are provided within this application (Application 2) is welcomed in land use terms in accordance with policies 8 and 9 of our City Plan, to optimise the provision of housing to help meet the demand for housing and affordable housing in the City. The affordable housing is only required in the event that applications 3 and or 4 are implemented, as those applications for residential flats are what triggers the need for affordable housing. As a stand-alone application, application 2 does not trigger affordable housing. As such, if application 3 and or 4 is not implemented then the 5 flats would be market flats.

The provision of on-site affordable housing is proposed to be secured by way of a S106 legal agreement which links all four applications together.

The legal agreement will also secure early and late stage Affordable Housing Reviews to ascertain whether there has been any uplift in value over the scheme's construction period and sale programme. The early stage review will cover against any delays in starting the scheme should the current Covid-19 situation impact the scheme in such a manner or in any other perceived way. This will secure further affordable housing contributions, should the development become viable in the future. On this basis, the proposal satisfies the requirements of policy 9 (Affordable Housing).

Quality of accommodation & Mix of unit sizes

The provision of five flats would comprise 4x studios and 1x2bedroom unit, accessed from Princes Court via a raised walkway above associated bike and refuse storage. The residential units range from 40-85m²(GIA) and all, but the corner unit are single aspect,

facing north or west. No external amenity space is provided. Whilst located beneath existing residential flats within the building, they are otherwise surrounded by commercial uses within the building itself and to the north the proposed new pavilion retail kiosks.

For the aforementioned reasons, the quality of the proposed residential units internally and externally, is not particularly high, but it is considered to be sufficient. They are of satisfactory size, would overall receive sufficient natural light (although one room would fall slightly short of the 1.5% target Average Daylight Factor (ADF) achieving 1.46% ADF and the north facing units would overlook the green roof of one of the retail kiosks. However, given the proximity to commercial uses it is important that the development is designed and operated to protect these residential properties from noise and disturbance. As such conditions are recommended with respect to the operation of the commercial units to mitigate any potential loss of amenity to future occupiers. Furthermore, for these same reasons it is considered that the mix of unit sizes, whilst not achieving 25% family sized units and no more than 10% studio flats as required under policy 10 (Housing for specific groups) is acceptable and would provide much needed housing/affordable housing.

9.2 Townscape and Design

Legislation and Policy assessment

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 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.”*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, policy 39 requires that where development will have a visibly adverse effect upon a conservation area's recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

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, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The application site is within the Queensway Conservation Area and consists of the

ground floor shopfronts of Queen's Court and the open parking court to Princess Court which sits to its north. The application also includes the internal 'Queensway Market', and some minor alterations to the residential frontages facing Princess Court. All shop units are modern and of no significance, and have suffered from extensive and quite erratic shopfront and signage alterations over the past 30+ years. The northern elevations of the building are functional but generally in character with the main building's 'neo-geo' character. The parking court is open in character but again functional and in somewhat neglected.

The application proposes to renew and partially unify the shopfronts and associated parts of Queen's Court, including some rationalisation of unit layouts within, particularly with Queensway Market. This work would include associated alterations to the side return of the shop units onto Princess Court. Externally the proposals also include two new detached pavilions within Princess Court with associated hard landscaping, and alterations to the side elevation facing Princess Court including a new access podium. To the rear two new flues are proposed to be installed onto the inset rear elevations of the building, along with a plant enclosure on each of the flat roofs between the projecting rear wings.

The proposed shopfront designs are considered to be a notable improvement upon the existing, and would help restore some unity and order. Whilst distinctly modern they are based on sound traditional proportions for shopfronts, but with some adaptation to allow for wider doorways. The design is consistent with a number of others approved recently for similar buildings on Queensway, and in particular with those proposed for the applicant's other current applications.

The works to the residential frontages would introduce a new raised podium access to the upper level residential entrances. Whilst this would project from the building, it would be relatively neutral in impact due to the relatively functional character of this side elevation. It would also provide some greater defensibility to the residential units.

The proposed flues to the rear would be set into the corners between projecting wings and are consistent with existing flues to the rear. Whilst they add some clutter to the rear elevation, this is slight and is definably necessary for the proper operation of the applicable businesses below. A condition requiring their painting-in with the rear elevation is recommended.

The plant enclosures proposed to the rear flat roof would be quite large, appearing as long functional metal enclosures between the wings. Whilst large, they would be set sufficiently in between the wings of the building, and low enough to not be prominent from outside of the site. These would be seen from the windows of the building itself, but subject to detail would be sufficiently sized and designed to not harm the character of the site or area.

The proposed new pavilions are significant additions to the area, and would help enliven this courtyard area; their design is modern but respectful in scale and siting and subject to details should be a positive addition to the area.

Subject to these conditions, and being cognisant of relevant local and national policies (namely 38,39,40 of our City Plan), the proposals are considered to preserve and, in

many respects, enhance the character and appearance of the building and conservation area, and may therefore be granted planning permission.

In making this recommendation consideration has been had to the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990, notably Section 72 and the requirements set out in Chapters 12 and 16 of the NPPF.

9.3 Residential Amenity

Physical impact

Ground floor Rear Extension

The proposed ground floor rear infill extension is located to the north west corner of the building and squares the building off at ground floor level. Given the size and location of the proposed extension and relationship with surrounding properties, it is not considered to raise any amenity issues. The closet buildings are the vehicle garages of Poplar Place opposite and the flank of 1 Caroline Place Mews, which forms the “end” of Poplar Place. The proposed windows face onto Poplar Place opposite garages and are not therefore considered to result in any overlooking to residential properties.

The other alterations to the rear, relate to the rear boundary and roof area of the site which abut the rear of Caroline Place Mews. The boundary all closest to the flank of Caroline Place Mews is proposed to be altered to infill its boarded windows and insert fire escape doors. Given the nature of these alterations, they are not considered to raise amenity implications for the occupiers of 1 Caroline Place Mews. It is also proposed to replace the existing first floor roof adjacent to the boundary with the rear of Caroline Place Mews properties, with a new roof of the same height but incorporating roof lights. Subject to these rooflight being fixed shut, this element of the proposal is not considered to raise amenity issues.

Mechanical Plant & enclosure

It is proposed to install a purpose built mechanical plant enclosure at first floor level to rear of Queens Court between each of the projecting wings together with associated green roofs, planters, and roof lights. The plant enclosures are proposed to be 1.8m in height and are centrally located between the wings. They are proposed to be constructed of acoustically attenuated metal louvres. Given the height of the plant enclosures and distance to the existing first floor flats of Queens Court and the rear Caroline Place Mews properties, it is not considered that this element of the proposal would result in any significant loss of light or sense of enclosure to these residential occupiers. The plant enclosures are to be surrounded by free standing planters with soft landscaping and areas of the flat roof at this level is proposed as green roof, with other areas of rooflights. As such the introduction of greening to the building is welcomed. It is considered appropriate and necessary to require a maintenance strategy to be submitted as an approval of details to secure details of irrigation and general maintenance of the green roofs and plants, to ensure that they are maintained in good condition to aid visual amenity and biodiversity. Furthermore, a condition is also recommended to require the roof lights to be fixed shut to prevent noise escape and protect residents from noise disturbance.

Two kitchen extract ducts are proposed to the rear elevation of Queens Court, within the

corner areas of each wing, with one proposed to the face of an existing chimney. Given the dimensions to the ducts and their relationship with windows to flats within Queens Court, it is not considered that the ducts would result in any significant loss of daylight or sunlight or sense of enclosure to existing residents.

Whilst objections have been raised to these mechanical plant aspects of the proposal on environmental grounds (noise, vibration, odour). The City Council's Environmental Health Team are satisfied that the proposal is acceptable and would meet with our standard conditions which are recommended to be imposed to ensure compliance in perpetuity.

Pavillion Retail Kiosks

The two freestanding single storey retail kiosks proposed between Queens Court and Princes Court (currently Princess Court Car park). Given their location and height and relationship to Princess Court, it is not considered that they would result in any significant amenity issues. Whilst it is acknowledged that 4 windows serving 3 ground floor rooms facing the flank of the rear kiosk, would see a reduction in daylight received of between 0.71-0.75 of their former value, where 0.80 is the target, and an increase in sense of enclosure. However, taking into account the impact of the existing car parking use (noise, light and enclosure impact from cars using the car park), it is not considered so significant to warrant withholding permission. As such the objections raised on this ground is not supported by officers. As in the case of other green roofs proposed, the green roof to the kiosks would also be subject to a maintenance strategy to ensure they are kept in good condition to protect the visual amenity they provide.

Whilst objections have been raised to the potential for smoke/steam./odours from the retail kiosks, these units are proposed to be restricted for retail use and the City Council's Environmental Health Team has not raised any such concern and conditions are proposed to control noise from the development including from the retail kiosks as well as the operational management of the kiosks.

Whilst objections have been raised to the development overshadowing the whole area, impact on daylight to the Mews to the rear and views from it and loss of privacy from windows of the 5 new flats. These objections are not supported for the reasons set out above.

Concerns have also been raised with respect to the retail kiosks and the potential for crime and anti-social behaviour. The Designing out Crime Officer has been consulted on the proposals and any response will be reported verbally. Notwithstanding this, the increased activity from the two kiosks, pedestrian access to 5 flats and access to the rear ground floor commercial uses is likely to increase natural surveillance of the area. A lighting strategy is proposed to be secured by condition to strike a balance between illuminating the area and protection of resident's amenities.

Operational impact

Subject to the conditions relating to a restriction on Class E uses, noise, fixed rooflights, hours of operation, operational management plan and servicing management plan the proposed uses are considered to be acceptable in amenity terms. The objections raised on these grounds are therefore not supported by officers.

The plant within the acoustic plant enclosure and the kitchen extract ducts are the subject of a noise report that has been assessed by the City Council's noise team. The City Council's Noise Team have advised that the plant is expected to satisfy our standard noise conditions and consequently satisfy policy 33 (Local environmental Impacts).

9.4 Transportation/Parking

The site's Public Transport Accessibility Level is PTAL 6. This indicates that the site is very well located to benefit from frequent public transport services.

As set out in the land use section of this report, the range of Class E uses within the development are proposed to be restricted for a number of reasons including lack of transport details and this will address Highways Planning concerns with respect to the potential transportation impact of some Class E uses. Furthermore, a condition is recommended to prevent deliveries and retail supermarket to minimise impact on the highway network.

Loss of public car parking

The proposal would result in the loss of 21 car parking spaces which are available for the general public to pay for use. The site is located within a controlled parking zone (CPZ) (B3) which is in operation Monday to Friday 08.30-18.30 and Saturday 08.30-13.30 and the 24 hour Q-Park Queensway is located in close proximity on the opposite side of Queensway. Given the site's location within a CPZ anyone who does drive to the site will be subject to those controls. The impact of the change of use on parking levels will be minimal.

The loss of such 21 public car parking spaces is supported by City Plan policy 24 (Sustainable transport) and 27 (Parking) which supports the reduction of the dominance of the private motor vehicle and the redevelopment of existing car parks for alternative uses. Consequently, the objections raised to the loss of the car park are not supported by officers.

Servicing of site

The only off street servicing associated with the site is the adhoc parking within Princess Court car park. The proposal relies predominately on on-street servicing provision, in a similar fashion to what is occurring now and the area south of the proposed Pavilion building will be used for service vehicle access for the development site. The area is proposed to be adopt a shared surface and is considered to be satisfactory, the concerns raised to the shared space are not supported.

The Queensway street improvement works will include the provision of five new loading bays within the immediate vicinity of the site, which will be available for use between 07.00 and 12noon and 08.00-13.00. A draft servicing management plan has been submitted which sets out the proposed servicing strategy for all 4 linked planning applications. A final detailed Servicing Management Plan is proposed to be secured by condition. The slope of the area is not considered to raise concerns and the objection raised on this ground is not supported.

Retained servicing to Princess Court

This adjacent building is currently serviced via access from Queensway and the open car park which provides a route into this site for car parking and servicing including refuse collection for Princess Court which is undertaken by refuse collection vehicles reversing from Queensway onto the Princess Court access road

A route is to be secured as part of this proposal to enable servicing vehicles to travel from Queensway along the left hand side and rear of the front retail kiosk and into Princess Court, with a part 2-way arrangement at each end. The detailed design and use are proposed to be secured by condition under the SMP, which will address the concerns raised to the continued servicing of Princess Court and prevent conflict of vehicles, pedestrian and buildings.

Car parking for residential units

The 4 linked planning applications which collectively propose 66 flats (5 of which are proposed as part of this application) propose to utilise 31 car parking spaces within Q-Park Queensway, which is in close proximity. This equates to 0.5 spaces per flat over the 4 applications offered on an unallocated basis. This is considered acceptable. Whilst objections have been raised with respect to the impact of the lack of car parking on demand for on street car parking and residents parking permits. The provision of car parking is accepted as striking a balance between encouraging sustainable modes of travel and taking account of existing residents' concerns. As such the provision is considered to be acceptable and objections on this ground are not supported by officers. These are to be secured through a s106 legal agreement along with car club membership and EV charging points.

Cycle Parking

The 4 linked planning application proposed to utilise/provide long stay cycle parking in two locations. An area in front of Princess Court (32 spaces) and within Q car park Queensway (104 spaces). Short stay cycle parking is proposed to utilise the 68 public cycle stands within the footway public realm. With respect to this application, 16 cycle parking spaces are proposed within the open area between the two retail kiosks with unrestricted use. Details are to be secured through conditions and a S106 legal agreement.

Waste and Recycling

A waste collection strategy has been submitted. It is disappointing that full and acceptable details have not been provided to date. As such, further details are to be required by condition.

Waste collection for Princess Court would continue to be via vehicles reversing into the site and refuse brought to the vehicle.

Changes to highway

The proposed changes to the Princess Court access include the removal of the existing car parking on Princess Court and the construction of two Pavilion buildings for retail use. Therefore, the changes to the access include the removal of the existing junction and the replacement of footway.

Pedestrian Access

The new shop units that replace the Queensway Market entrance will be accessed from Queensway. The rear of the old market, proposed for flexible use will be accessed from the side of Queens Court via the new public realm area as is access to the 5 new flats to the rear. The two kiosks will have independent access. No access is proposed to or from Poplar Place.

9.5 Economic Considerations

Refer to viability section of report.

9.6 Access

See transport section of report.

9.7 Other UDP/Westminster Policy Considerations

Energy

The applicant has submitted a single energy statement covering the 4 linked planning applications for a mix of redevelopment, new extensions and structures and refurbishment for mixed use, in accordance with the energy hierarchy, Lean (use less energy), Clean (supply energy efficiently) and Green (use renewable energy).

Whist collectively the proposed development is not Net Zero Carbon, it provides a regulated carbon dioxide saving of 40% site wide through the following key measures:

- Optimisation of Building Fabric
- Gas fired combined heat and power plant
- Photovoltaics
- Air Source Heat Pumps

The 1,366.89 tonnes of carbon shortfall (from the non-domestic part of the development is proposed to be met through a financial contribution.

Biodiversity

The inclusion of green roofs and planters will go some-way to providing a net gain in biodiversity on site in accordance with Policy 34.

Building Control

Concerns have been raised with respect to structural party wall and other related matters, however these are not relevant to the determination of this application. Separate Building Regulations approval will be required for the proposed development.

9.8 Westminster City Plan

The City Plan 2019 - 2040 was adopted at Full Council on 21 April 2021. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(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.

9.9 Neighbourhood Plans

Not applicable

9.10 London Plan

This application raises no strategic issues.

9.11 National Policy/Guidance Considerations

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2019 unless stated otherwise.

9.12 Planning Obligations

Heads of Terms

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

To link Applications 1, 2,3 & 4 together and to secure the following obligations related to this application 2:

- a) In the event that Application 3 or 4 is implemented, the provision of 8 flats as Intermediate (London Living Rent) Affordable Housing units prior to the occupation of the market flats.
- b) Early and Late Stage Affordable Housing Reviews in order to secure further affordable housing contributions, should the development become viable in the future
- c) Lifetime (25 years) Car Club Membership for each of the five residential units
- d) Car and Cycle parking within Q Park Queensway Car Parking on an unallocated basis
- e) Highways works associated with and required to facilitate the development
- f) Employment and skills contribution of £TBC index linked and payable on commencement of development.
- g) Carbon Offset Payment of £TBC index linked and payable on commencement of development.
- h) Monitoring costs

Community Infrastructure Levy

The estimated CIL payment is :

- Westminster Cil £46,287
- Mayoral Cil £29,055

9.13 Environmental Impact Assessment

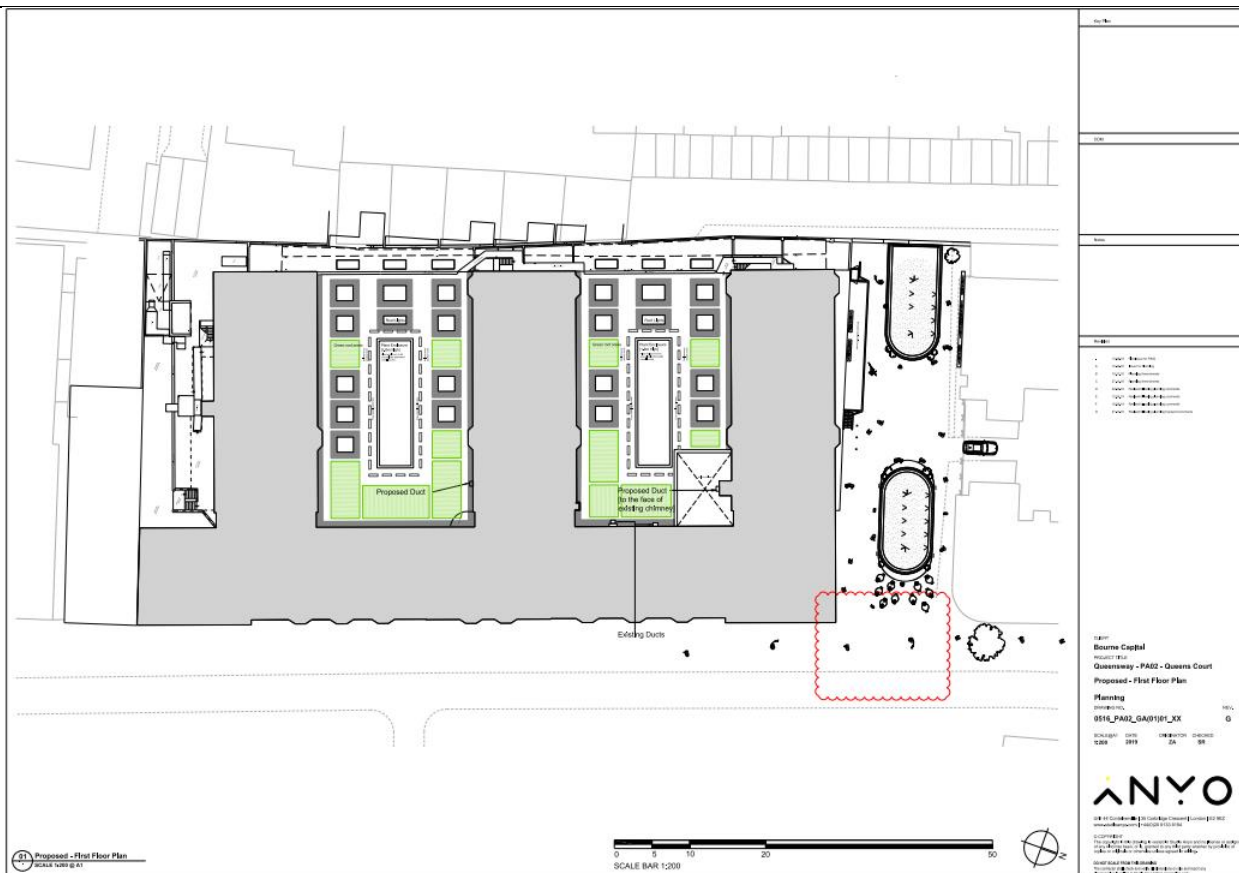
Not relevant to application of this scale.

9.14 Other Issues

None

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT, PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk









BEING MINDFUL OF RESIDENTS CONCERNS WHEN CARRYING OUT THE DESIGN

The plant enclosures have been designed to specifically deal with noise criteria and to ensure that any noise that is caused by the plant is attenuated so that any noise is not audible at the nearest windows.

The plant enclosures have also been designed to limit their impact visually. We have worked hard to reduce their height to the point that the height is only 1.5m. In addition to this we are proposing to deliver a considerable greening strategy on the roofs to further reduce the impact of the plant enclosures but also to provide a meaningful benefit to the residents of Queens Court.



DRAFT DECISION LETTER

Address: Queens Court, Queensway, London, W2 4QN

Proposal: Change of use of rear part of Queensway Market to Retail, Financial and Professional services, Office and Restaurant (within Class E) use and 5 residential units facing Princes Court, reconfiguration of retail units along Queensway including introduction of Retail uses at Nos.23 and 33 (current entrances to Queensway Market) and use of Nos.25 and 41-43 Queensway as Restaurant uses, installation of new shopfronts to Nos.23 to 43 Queensway 23-43, erection of infill extension to rear at ground floor level, erection of two new pavilion structures for Retail use and associated new hard and soft landscaping on land between Queens Court and Princes Court, installation of green roofs, rooflights and mechanical plant within enclosures to first floor level roofs between projecting rear wings of Queens Court installation of kitchen extract ducts to rear elevations, and associated cycle parking, waste storage, plant and other ancillary alterations ('Application 2').

Reference: 18/09765/FULL

Plan Nos: 0516_PA02_GA(00)01_EX Rev A; 0516_PA02_GA(01)01_EX Rev A; 0516_PA02_GA(BA)01_EX; 0516_PA02_GE(EA)01_EX Rev C; 0516_PA02_GE(NO)01_EX Rev B; 0516_PA02_GE(SO)01_EX; 0516_PA02_GE(WE)01_EX Rev B., , 0516_PA02_GA(00)01_XX Rev E; 0516_PA02_GA(01)01_XX Rev G; 0516_PA02_GA(BA)01_XX., , 0516_PA02_GE(EA)01_XX Rev C; 0516_PA02_GE(NO)01_XX Rev D: 0516_PA02_GE(NO)02_XX Rev B: 0516_PA02_GE(SO)01_XX Rev B: 0516_PA02_GE(WE)01_XX Rev D., , 0516_PA02_GS(AA)01_XX Rev A: 0516_PA02_GS(BB)01_XX Rev A: 0516_PA02_GS(CC)01_XX: 0516_PA02_GS(DD)01_XX Rev A.
Linked Reports:, WSP Air Quality Assessment , Studio Anyo Existing and proposed Area Schedules, Ventilation and Extract Statement , Waldrums Daylight and Sunlight Report, Chapman BDSP Sustainable Drainage Strategy and Energy Statement , Steven Levrant Heritage, Townscape and Visual Impact Assessment, CSG Acoustics Residential Noise Assessment, Plant Noise Report, Affordable Housing Noise Assessment., Montague Evans Planning Statement and Red line plans and viability Statement, , Four Communications Statement of Community Involvement , WSP Transport Statement and Addendum Note and waste Management Strategy.

Case Officer: Sarah Whitnall

Direct Tel. No. 020 7641
07866036375

Recommended Condition(s) and Reason(s)

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

on this decision letter.

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , o between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturday; and , o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and , onot at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

- 3 a. You must only use the rear ground floor commercial area or part of for Office, Financial and Professional Services, Retail, Restaurant use. , b. You must only use the ground floor shop units fronting Queensway or part of them for Office, Financial and Professional services, Retail, Restaurant use. , c. You must only use the front kiosk or part of the kiosk for retail use., d. You must only use the rear kiosk or part of the kiosk for retail use., , You must not use them for any other purpose, including for any other use within Class E, Part A, Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any equivalent class in any order that may replace it) unless agreed by us in writing.

Reason:

To protect neighbouring residents from noise nuisance, avoid blocking surrounding streets, to ensure that sustainable transport modes are used, to prevent sensitive air quality receptors from occupying the site or uses that would have a significant adverse effect on air quality, as set out in S24, S29, S31, S32, S41 and S42 of Westminster's City Plan (November 2016) and TRANS 1, TRANS 2, TRANS 3, TRANS 15, ENV 5, ENV 6 and TACE 10 of our Unitary Development Plan that we adopted in January 2007.

- 4 a. Customers of the ground floor rear commercial area shall not be permitted within the premises before 07.00 or after 23.00 daily. , b. Customers of the ground floor shop units fronting Queensway shall not be permitted within the premises before 07.00 or after midnight daily., c. Customers of the Front Retail kiosk shall not be permitted within the premises before 07.00 or after 23.00 daily., d. Customers of the Rear Retail kiosk shall not be permitted within the premises before 08.00 or after 21.00 daily.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and of our

Unitary Development Plan that we adopted in January 2007. (R12AC)

- 5 (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 draft Noise Technical Guidance Note (November 2019), 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)

- 6 The plant/machinery hereby permitted shall not be operated except between 07.00 hours and 23.00 hours daily. (C46CA)

Reason:

To safeguard the amenity of occupiers of noise sensitive receptors and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) the draft Noise Technical Guidance Note (November 2019). (R46CC)

- 7 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/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:

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)

- 8 A. Prior to the use of the ground floor rear commercial area you must apply to us for approval of an operational management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the use/s until we have approved in writing what you have sent us. You must then carry out the measures included in the approved management plan at all times that use/s are operational. , , B. Prior to the use of the ground floor shop units fronting Queensway you must apply to us for approval of an operational management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the use/s until we have approved in writing what you have sent us. You must then carry out the measures included in the approved management plan at all times that use/s are operational. , The Operational Management Plan must include details of staff and capacity, arrival and departure processes, hours of operation and length of stay., , C. Prior to the use of the Front Retail kiosk you must apply to us for approval of an operational management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the use/s until we have approved in writing what you have sent us. You must then carry out the measures included in the approved management plan at all times that use/s are operational. , The Operational Management Plan must include details of staff and capacity, arrival and departure processes, hours of operation and length of stay., , D. Prior to the use of the Rear Retail kiosk you must apply to us for approval of an operational management plan

to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the use/s until we have approved in writing what you have sent us. You must then carry out the measures included in the approved management plan at all times that use/s are operational. , The Operational Management Plan must include details of staff and capacity, arrival and departure processes, hours of operation and length of stay.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 9 A. Prior to the use of the ground floor rear commercial area you must apply to us for approval of a servicing management which provides details of the servicing process including servicing hours., , B. Prior to the use of the ground floor shop units fronting Queensway you must apply to us for approval of a servicing management which provides details of the servicing process including servicing hours., , C. Prior to the use of the Front Retail kiosk you must apply to us for approval of a servicing management which provides details of the servicing process including servicing hours., , D. Prior to the use of the Rear Retail kiosk you must apply to us for approval of a servicing management which provides details of the servicing process including servicing hours., , E. Prior to construction of the kiosks you must apply to us for approval of a servicing management plan which details the access and route, service process and servicing hours for the servicing vehicles attending Princess Court., , You must then continue to operate the uses in accordance with the approved Servicing Management Plan/s at all times unless otherwise agreed by us in writing.

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)

- 10 The glass that you put in the rooflights to the rear flat roof/s must not be clear glass, and you must fix them permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have given our written approval for the sample. You must then install the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 11 Prior to the use of mechanical plant you must apply to us for approval of details of the green roof and soft landscaping and a management plan to show how you will maintain the green roof and soft landscaping. , , The details and management plan shall include, but not be limited to, the following measures:-, , a. Details of hard and soft landscaping scheme which includes the number, size, species and position of, shrubs and

herbaceous plants in planters., b. Details of green roof construction method, layout, species and maintenance regime., c. Hours of cleaning, tidying and maintenance) unless used for emergency/escape access purposes., d. Maintenance and irrigation strategy , e. Timeframe for installation and planting prior to use plant and their maintenance in perpetuity , , ,

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

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

Reason:

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

- 13 You must apply to us for approval of further information (as set out below) about the following parts of the development: (a). New shopfronts to Queen's Court (overall elevations and sections at 1:20, plus details at 1:10)., (b). Alterations to residential entrances (overall elevations and sections at 1:20, plus details at 1:10)., (c). New pavilions to Princess Court (overall elevations and sections at 1:20, plus details at 1:10)., (d). New hard landscaping materials and design to Princess Court (overall plans at 1:50, plus written and photograph materials specification)., (e). Detailed design and finishes of plant enclosures (detailed plans, elevations and sections, plus product and finish specifications)., 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)

- 14 You must finish and thereafter maintain the new flues in a colour which matches the prevailing colour of the applicable parts of the rear elevation.

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)

- 15 Prior to the occupation of the Retail kiosks, an internal and external lighting strategy (including details of height and appearance and level and extent of illumination and light

spillage) for the retail kiosks and the general area between Queens Court and Princess Court (previously the open car park) shall be submitted for approval and thereafter implemented and maintained in perpetuity.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 16 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 development. (C14ED)

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)

- 17 No deliveries or supermarket shall operate from the retail or restaurant uses.

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)

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 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to , , Linking Applications 1, 2,3 & 4 together and to secure the following obligations related to this application 2:, , a) In the event that Application 3 or 4 is implemented, the provision of 8 flats as Intermediate (London Living Rent) Affordable Housing units prior to the occupation of the

market flats. , , b) Early and Late Stage Affordable Housing Reviews in order to secure further affordable housing contributions, should the development become viable in the future, , c) Lifetime (25 years) Car Club Membership for each of the five residential units, , d) Car and Cycle parking within Q Park Queensway Car Parking on an unallocated basis, , e) Highways works associated with and required to facilitate the development, , f) Employment and skills contribution of £TBC index linked and payable on commencement of development., , g) Carbon Offset Payment of £126,207 index linked and payable on commencement of 1st of the four linked applications. , , h) Monitoring costs, , (I55AA)

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