

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 19 June 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	21 Knightsbridge, London, SW1X 7QB,		
Proposal	Use of part basement and part ground floor as a mixed-use restaurant with outdoor shisha smoking area (sui generis). Use of part basement for ancillary storage space and removal of five car parking spaces at basement level. Extension of existing plant area at first floor roof level and installation of a full height kitchen extract duct to the rear elevation. Alterations to the ground floor elevation including replacing windows and installation of awnings, installation of new decking to the ground floor frontage to accommodate exterior seating and balustrade, provision of two DDA lifts at front ground floor level, replacement and refurbishment of planters and installation of two condenser units within a basement lightwell area on the front elevation.		
Agent	Mr Nicholas Short		
On behalf of	Mr Housman Aslan		
Registered Number	17/07713/FULL	Date amended/ completed	7 September 2017
Date Application Received	29 August 2017		
Historic Building Grade	Unlisted		
Conservation Area	Belgravia		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

21 Knightsbridge is located on the south side of Knightsbridge and comprises a vacant bank at ground floor level, offices at first to sixth floor and two residential flats at seventh floor level. There is residential and commercial parking in the basement. To the rear at first floor level is a flat roof area and area of mechanical plant which backs onto the residential properties in Grosvenor Crescent Mews. The building is not listed but is located within the Belgravia Conservation Area.

Permission is sought for the use of part basement and part ground floor as a mixed-use restaurant with outdoor shisha smoking area (sui generis); and use of part basement for ancillary storage space. The plans show the removal of five commercial car parking spaces at basement level. The

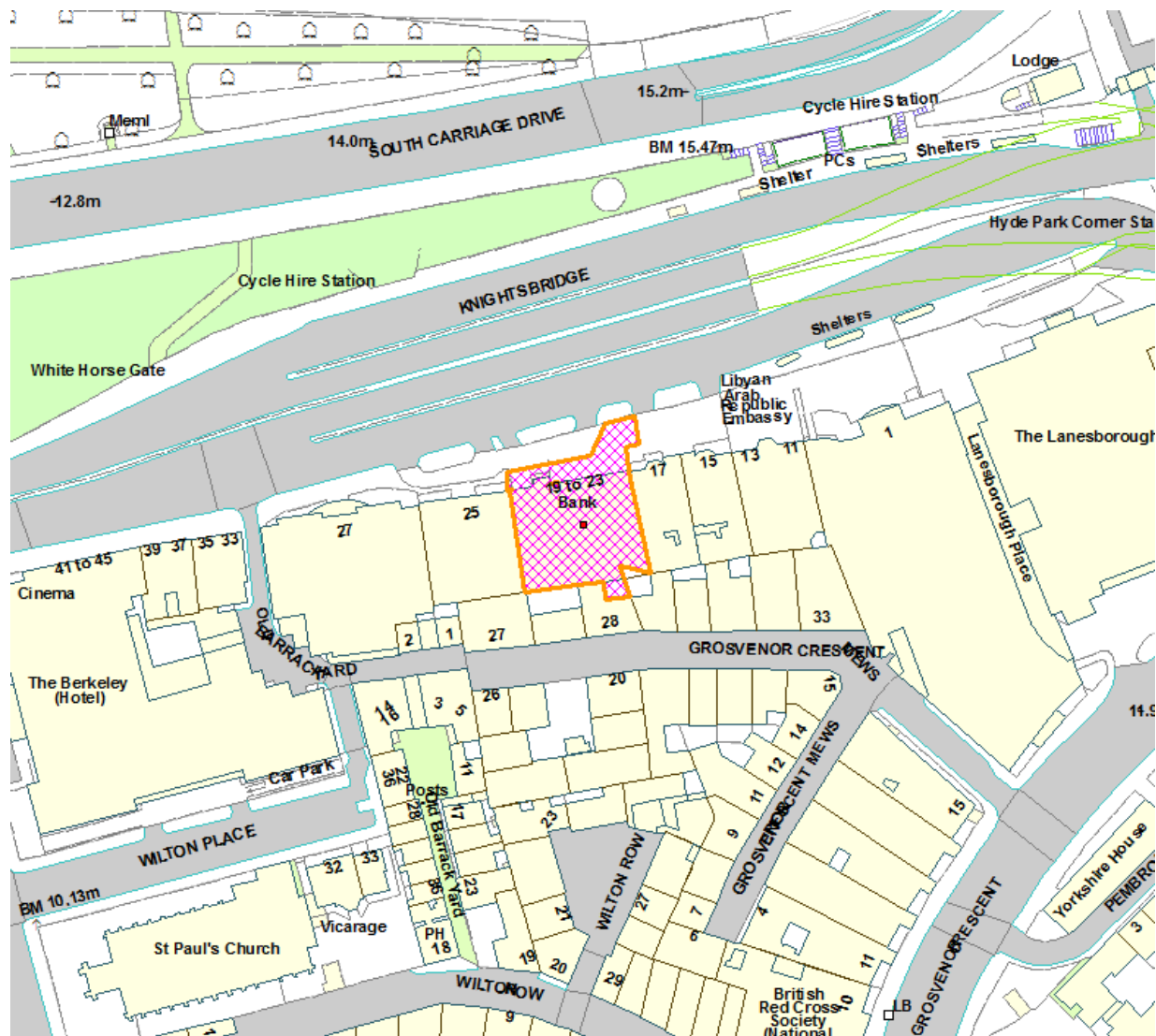
existing plant area is to be extended at first floor roof level and a full height kitchen extract duct is proposed to the rear elevation. Alterations to the front of the building include decking for outdoor seating, provision of two lifts and installation of two condenser units within the basement lightwell.

The key issues in this case are:

- *The impact on the proposals on the amenity of the office and residential occupiers of the building.
- * The impact of the proposals upon the appearance of the Belgravia Conservation Area.

The proposals are considered to comply with the Council's policies in relation to amenity, design and highways as set out in the Unitary Development Plan (UDP), Westminster's City Plan (City Plan) and the City Council's strategy 'Reducing the Harm of Shisha: Towards a Strategy for Westminster (February 2017). The application is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

KNIGHTSBRIDGE ASSOCIATION:

Broadly supportive of application. Only major concern is the noise effect on neighbouring residential properties and light pollution on adjacent properties.

KNIGHTSBRIDGE NEIGHBOURHOOD FORUM:

No response.

TRANSPORT FOR LONDON:

Raise no concerns.

HIGHWAYS PLANNING:

No objection to works to forecourt area but object to internal ducting which is sited above a car parking space within the car park area at basement level.

ENVIRONMENTAL HEALTH:

No objection.

DESIGNING OUT CRIME OFFICER:

No response received.

METROPOLITAN POLICE:

Objection.

- proposed planters provide little protection if subjected to a Vehicle As Weapon (VAW) attack.
- recommend the installation of Hostile Vehicle Mitigation (HVM).
- recommend laminated glass (toughened outer) as a minimum for the facade of the building.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 66

Total No. of replies: 5

No. of objections: 5

No. in support: 0

Design

The works are not in keeping with other properties and not aesthetically pleasing.

Amenity

The proposal does not fit in with general standing of the office building.

The use of outside area as a 'shisha' bar not suitable with respect to type of clients the current occupiers of the building cater to.

Impact of smoking, noise and anti-social behaviour associated with shisha premises.

Smoking facilities are already provided at the Wellesley Hotel which has two cigar terraces.

Highways

The pavement is already congested with cars and people and the proposal would encourage more traffic for both pedestrians and taxis/cars.

Reduction in basement/car parking spaces and objection to any loss of cycle spaces.

Use of front area for outdoor seating would cause additional congestion.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is located within a terrace of properties from Nos. 1 to 27. The Lanesborough Hotel is located at No. 1, The Wellesley at Nos. 11-13, the Libyan Embassy at No. 15-17, offices at Nos. 21 to 27, the terrace is separated by Old Barracks Yard and from Nos. 33 to 45 are commercial units at ground floor level including a cafe and retail unit at No. 33 and 37 and the Berkeley Hotel which fronts both Wilton Place and Knightsbridge.

21 Knightsbridge is located on the south side of Knightsbridge and comprises a vacant bank at ground floor level, offices at first to sixth floor and two residential flats at seventh floor level. There is residential and commercial parking in the basement. To the rear at first floor level is a flat roof area and area of mechanical plant which backs onto the residential properties in Grosvenor Crescent Mews. The building is not listed but is located within the Belgravia Conservation Area.

The application site is unlisted but is located within the Belgravia Conservation Area and Core Central Activities Zone (CAZ). No. 15 is Grade II listed.

6.2 Recent Relevant History

17/08815/ADFULL

Details of sound insulation and construction logistics plan pursuant to Conditions 13 and 17 of planning permission dated 6 April 2016 (RN:15/11995).

Application Permitted 28 November 2017

17/08076/ADFULL

Details of hours of operation and supplementary acoustic report pursuant to condition 5 and 7 of planning permission dated 6 April 2016 (RN:15/11995).

Application Permitted 7 December 2017

15/11995/FULL

Use of the ground floor for restaurant use (Class A3) and part basement for ancillary storage space and removal of five car parking spaces at basement level. Extension of existing plant area at first floor roof level and installation of a full height kitchen extract duct to the rear elevation.

Application Permitted 6 April 2016

15/03508/FULL

Replacement of glazing to front and rear facade, reconfiguration of the basement parking area to provide eight car parking spaces, 16 bicycle spaces and six motorcycle parking spaces and replacement plant at basement level and rear first floor level.

Application Permitted 4 August 2015

7. THE PROPOSAL

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Bank (Class A2)	450	0	0
Restaurant and outdoor shisha smoking area (Sui generis)	0	486	486
Total	450	486	+36

Permission was previously granted in 2016 for the use of the ground floor for restaurant use (Class A3) and part basement for ancillary storage space including the removal of five commercial car parking spaces and the erection of a kitchen extract duct. This permission is extant.

The current proposal is reapplying for works already approved under the 2016 scheme but is also seeking to use the previously approved Class A3 restaurant as a mixed-use restaurant with outdoor shisha smoking area (sui generis). Other new works not proposed in 2016 include a new shopfront, installation of decking, exterior seating, provision of two DDA lifts and installation of two condenser units within the front basement lightwell.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of Class A2

Part of the basement and ground floor of the application site was previously occupied by a bank (Class A2). The loss of the bank was accepted in 2016 with the previous permission for a restaurant. Given that circumstances have not materially changed and the 2016 permission is still extant the loss of the bank is again considered acceptable.

Restaurant and shisha in principle is currently vacant, but was previously occupied as a bank (Class A2). Policy SS5 of the UDP aims to protect and enhance the attraction of the West End International Centre and other parts of the CAZ and the CAZ Frontages, as shopping and entertainment destinations, as well as attractive places in which to live, visit, and work, and to encourage a balanced mix of appropriate street-level activities, whilst maintaining and safeguarding their residential communities.

Planning permission was granted in 2016 for the use of the basement and ground floor for restaurant use (Class A3) (15/11995/FULL). Therefore the loss of the Class A2 use has previously been accepted. The premises would effectively continue to operate as a restaurant but would introduce an outdoor seating area on the existing private forecourt, which would be used for dining purposes but include shisha smoking. It is this aspect which would change the approved restaurant use from a Class A3 use to a sui generis use. There is no policy to protect the loss of restaurant (Class A3) floorspace and the principle of the proposed use in this location is considered acceptable.

Restaurant and shisha (Sui generis)

The Class A3 restaurant approved in 2016 has a floorspace of 450sqm GIA. The size of the restaurant does not change as part of the current scheme, however, the introduction of the shisha terrace onto Knightsbridge would provide an additional 36sqm. The proposed restaurant and shisha is to be operated by Karamna Al Khaleej a Dubai based restaurant brand providing Middle Eastern cuisine. Despite the provision of an outdoor seating area the capacity of the restaurant will be reduced from 200 covers as approved to 90 covers (inclusive of the outdoor seating area). The outdoor seating area would accommodate 12 tables and 24 chairs. The ground floor will accommodate the majority of customer seating together with the kitchen and servery. The basement provides the new plant room and reconfigured parking area. The works to the basement area are as per the approved 2016 scheme.

The principle of a restaurant has already been established in this location by the 2016 permission. Given that the restaurant element of the scheme is the similar to that previously approved it is again considered acceptable in principle. The key issue is whether introduction of a shisha element is considered acceptable.

The applicant has advised that the opening hours for the restaurant element would be the same as permitted in the 2016 scheme, namely 1000 to 2330 hours Monday to Saturday and from 1000 to 2230 hours on Sundays, Public Holidays and Bank Holidays. The shisha, which will operate only from the outdoor seating area, will have different opening hours, namely 1800 to 2330 hours Monday to Saturday and from 1800 to 2230 hours on Sundays, Public Holidays and Bank Holidays.

The City Council has introduced its strategy 'Reducing the Harm of Shisha: Towards a Strategy for Westminster' (February 2017) and in relation to planning the regulation of such an activity when used in conjunction with a commercial use, in this instance the proposed restaurant.

Knightsbridge is a busy thoroughfare and is characterised by a mix of commercial uses including a hotel, offices and embassy. Shisha smoking is synonymous with the wider middle eastern community and is an authentic element of their customers' experience. As such, it is considered that the introduction of shisha to be served within the external seating area associated with the proposed Middle Eastern cuisine restaurant is an authentic part of the customer's overall experience. The shisha will only be for customers who have had a full sit down meal and will be restricted to the external seating area only. There is a dedicated area within the ground floor area for the preparation of the shisha, which provides direct access to the outdoor seating area. It is

recommended that an operational management plan is secured by condition to control this element of the proposal.

The officer occupiers of the building have objected to the proposed shisha as they consider that it is out of keeping with the general standing of the office building and that employees should have a right to a healthy workplace and not be subjected to second hand smoke. Concern is also raised that the proposed use would create noise and anti-social behaviour.

In response to these concerns the applicant has now agreed to restrict shisha smoking until after 18:00 hours only which is towards the end of normal office hours. In this instance however given the open nature of the forecourt at the front of the building and the location of the site on a busy main road it is not considered that the impact on the office or residential occupiers of the building from noise, odour and fumes will be so severe as to justify a refusal. It is important to note that the outside seating area could be used for normal smoking purposes in any case and if the premises are found to be causing nuisance from noise and fumes, the council can serve a notice under the Environmental Protection Act 1990. There is no fixed level to constitute nuisance, but it must seriously affect an individual's use or enjoyment of their property for a period of time and be a frequent problem. Two fabric awnings have been approved to the front elevation which may also direct smoke away from the upper floors of the premises. It is also recommended that the operational management plan to be secured by condition includes details of a phone number that the office or residential occupiers can use in case of problems.

8.2 Townscape and Design

The building dates from 1963 and is located on a busy stretch of the Knightsbridge frontage which has a mixed character and is lined with a number of large scale modern buildings. However, immediately adjoining the application site to the east is Nos. 15-17 Knightsbridge, which dates from 1870 and is Grade II listed.

The main design considerations in assessing the proposals are the impact on the townscape, character and appearance of the conservation area and the impact on the setting of the adjoining listed buildings and views from the park opposite.

External seating area

The proposed decked seating area has been revised to ensure that it does not extend beyond the existing planter or in front of the listed building at Nos. 15-17. This will enable the remainder of the forecourt area to be used for its original purpose. The use of clear glazing around the perimeter of the decking is considered acceptable given the modern nature of the building.

Alterations to the front facade

The application originally proposed an openable shopfront to the ground floor elevation. However the design has since been amended with glazed panels and black aluminium frames to match the upper floors of the building. A new canopy is proposed which is acceptable in design terms and two new retractable awnings have been approved

across the raised seating area immediately in front of the building. The proposed disabled access lifts are not considered contentious in design terms. The two air conditioning units within the front lightwell area concealed behind the existing planter, they are not visible from the wider public realm and in design terms are considered an acceptable location.

An objection has been received from No. 27 and the office occupiers within No. 21 on the grounds that the design changes set out above are not in keeping with other properties and not aesthetically pleasing. However following the submission of revised drawings to reduce the size of the decking and to remove the openable shopfront the proposals are considered acceptable in design and conservation area terms. In addition similar proposals have also been granted to the Wellesley Hotel at Nos. 11-13.

8.3 Residential Amenity

The nearest residential properties are located to the rear of the site in Grosvenor Crescent Mews and two residential flats at seventh floor within the application site. The full height extract duct and mechanical plant to the rear first floor flat roof area has already been approved under the 2016 scheme and no changes are proposed to these works as part of the proposed scheme. Environmental Health has raised no objection to the kitchen duct or the air conditioning units in noise terms subject to our standard noise conditions.

The applicant has provided details of how the restaurant at ground floor level and its rear wall with the properties in Grosvenor Crescent Mews will be insulated to reduce noise passing between them. These details are considered acceptable to Environmental Health.

8.4 Transportation/Parking

Car Parking

The site benefits from off street servicing and is within a Controlled Parking Zone. The site has a good level of public transport accessibility. It is therefore accepted that the proposal is unlikely to have a significant impact on on-street car parking in the area. The loss of the existing commercial car park is acceptable and compliant with TRANS21.

Four car parking spaces are to be retained and in consultation with officers the applicant has agreed to retain two car parking spaces for the residential flats. It is recommended that the

The Highways Planning Manager has raised no objection to the proposed works to the forecourt area. However a concern has been raised about ducting which is shown to be sited above a car parking space at basement level. An area of existing plant was present above the existing car parking spaces within the basement parking area and under the 2016 scheme new mechanical plant was also located within this area. Further to the comments raised by the Highways Planning Manager, the applicant has provided an updated plan confirming that the mechanical plant would not interfere with

the parking space. The objections to the loss of car parking are noted however the council's adopted parking policies do not seek to protect commercial parking.

The submitted basement plan shows the provision of 16 cycle spaces and motorbike spaces. The provision of cycle spaces is above the recommended standard and it is recommended these are secured by condition.

Servicing

The largest regular vehicle expected to be associated with the development in this location would be a refuse collection vehicle. Off-street servicing is provided for the development and for the majority of service vehicles which will visit the site. This will service this property in a similar fashion to the existing use and nearby properties.

8.5 Economic Considerations

The proposed restaurant would create additional jobs and provide additional revenue to the local economy. The applicant has stated that 24 full time staff and 16 part time staff would be employed.

8.6 Access

New disabled lifts are proposed to facilitate ambient access into the restaurant and outdoor seating area.

8.7 Other UDP/Westminster Policy Considerations

Not applicable.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application.

8.11 Environmental Impact Assessment

Not applicable.

8.12 Other Issues

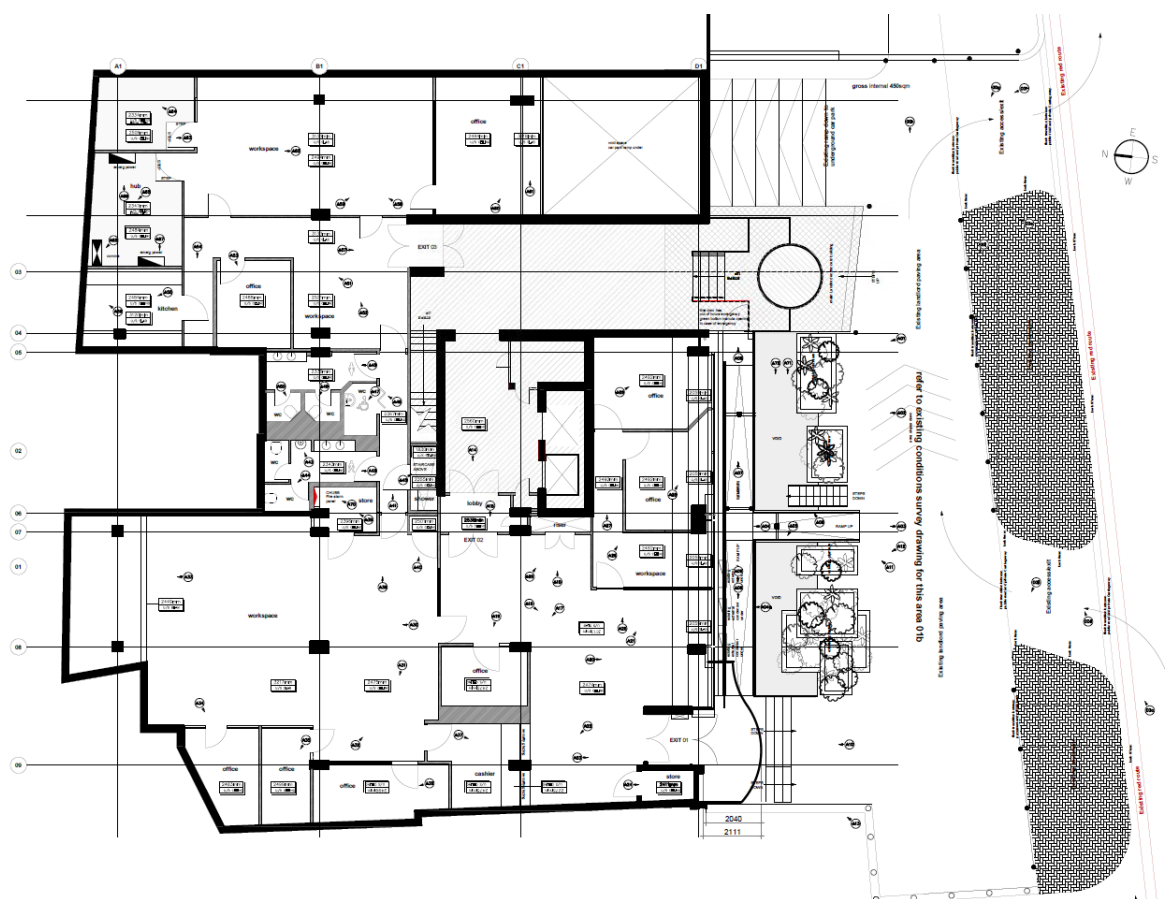
Crime and security

The Metropolitan Police have provided advice on security measures and recommend the installation of Hostile Vehicle Mitigation measures tested to a specific standard and toughened laminated glass. The security advice from the police is noted however it is not considered reasonable to require this level of protection for private external seating. To a restaurant and shisha. However an informative is added so that the applicant is aware of this advice should they wish to take it into account when designing their outdoor seating.

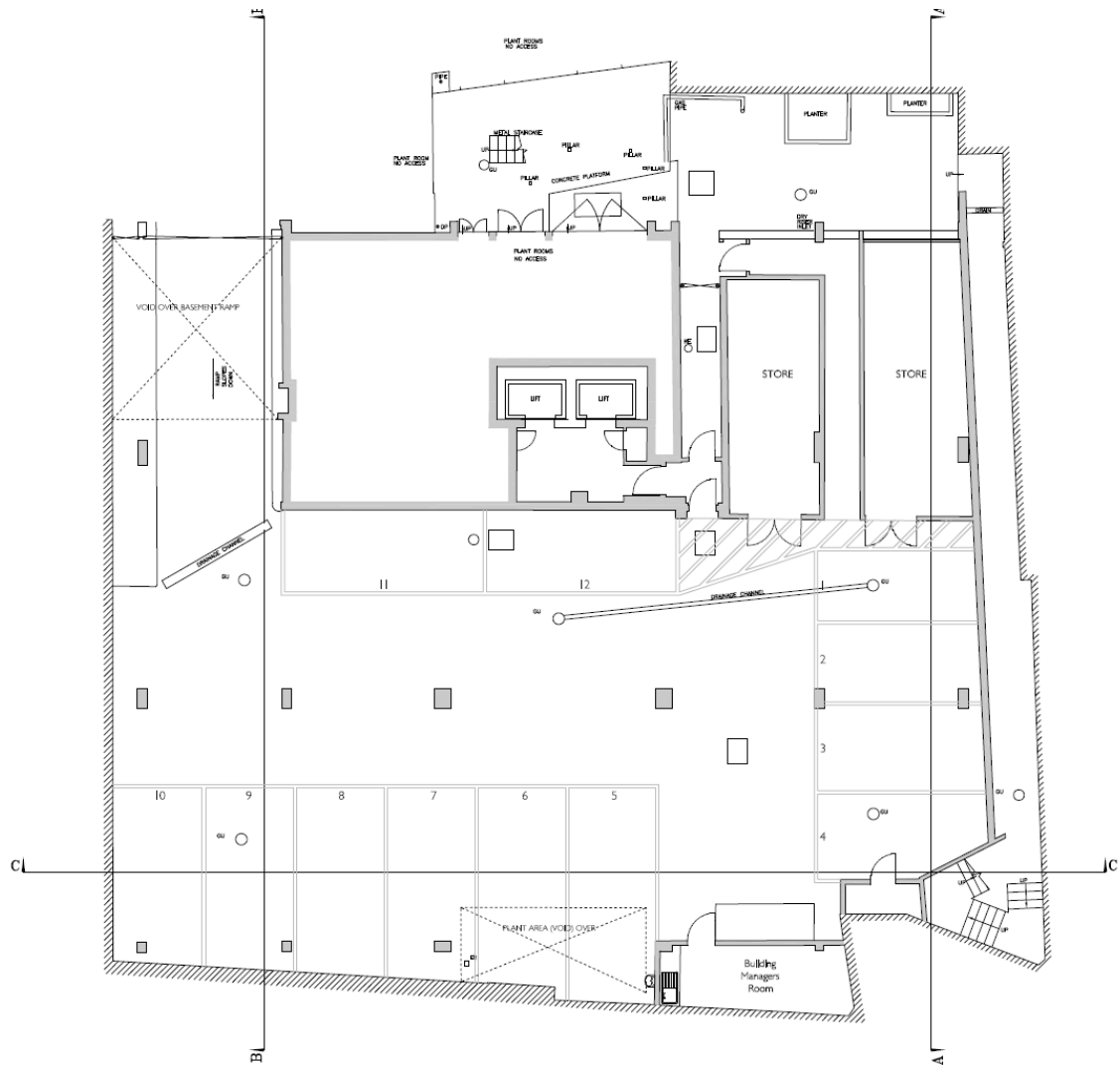
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT MMASON@WESTMINSTER.GOV.UK

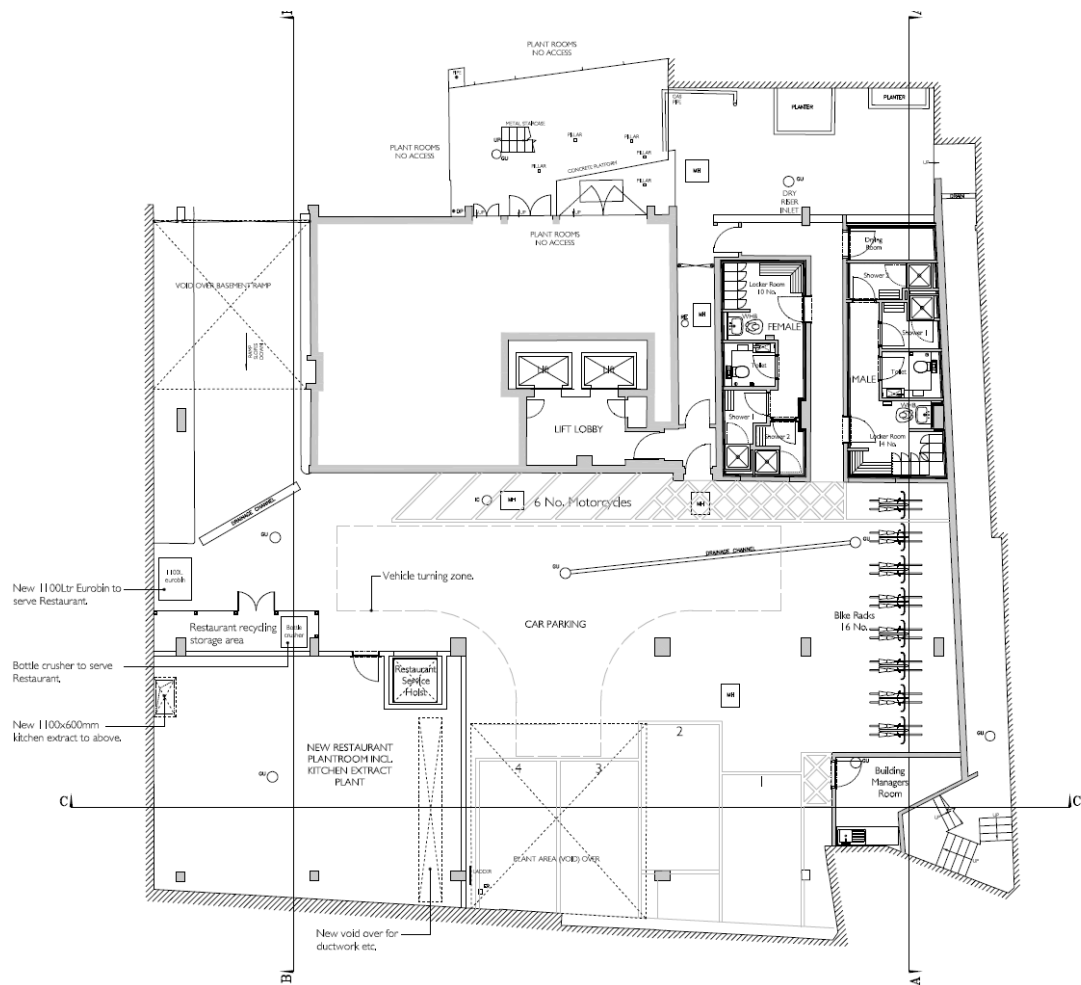
Existing ground floor plan



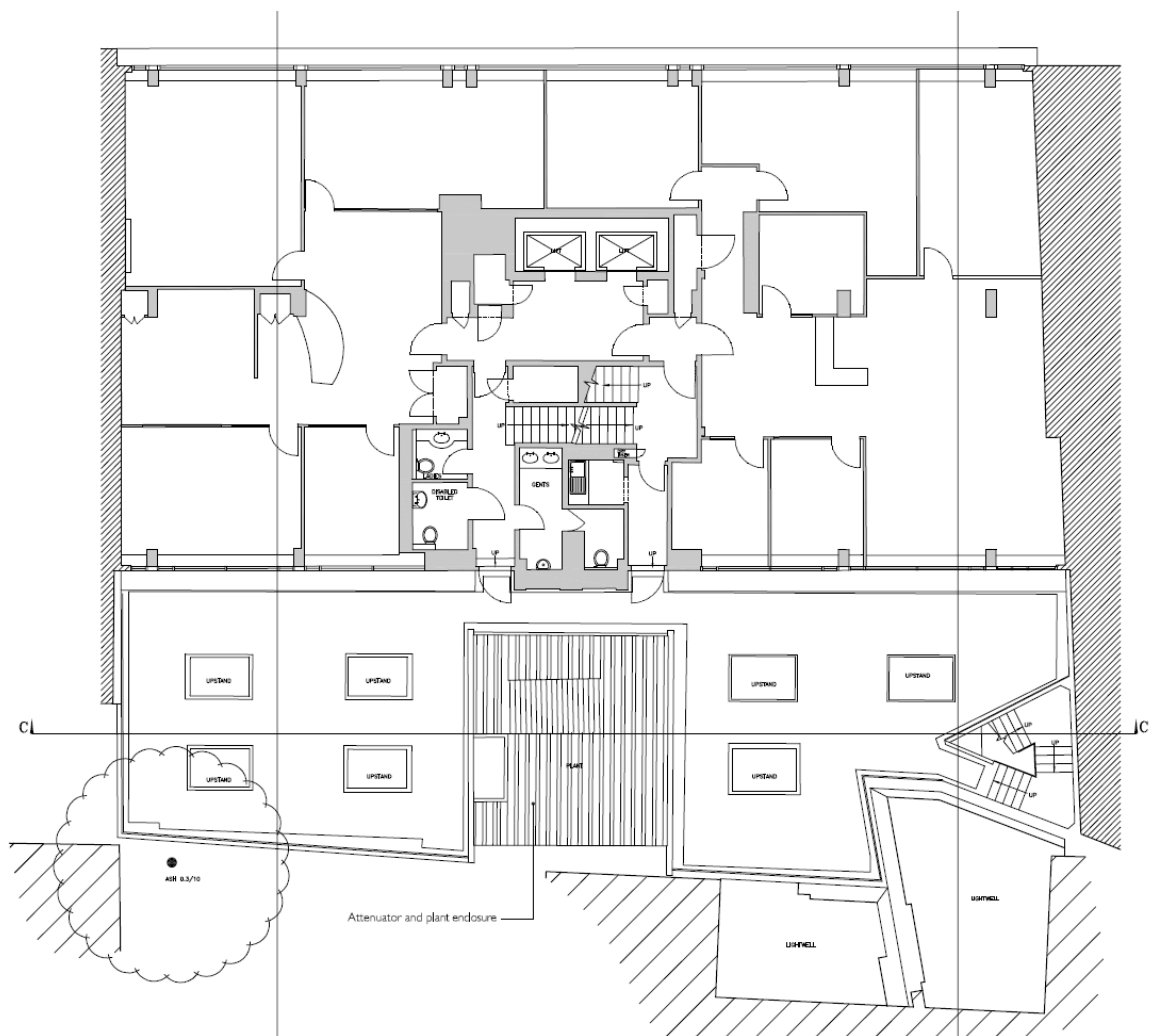




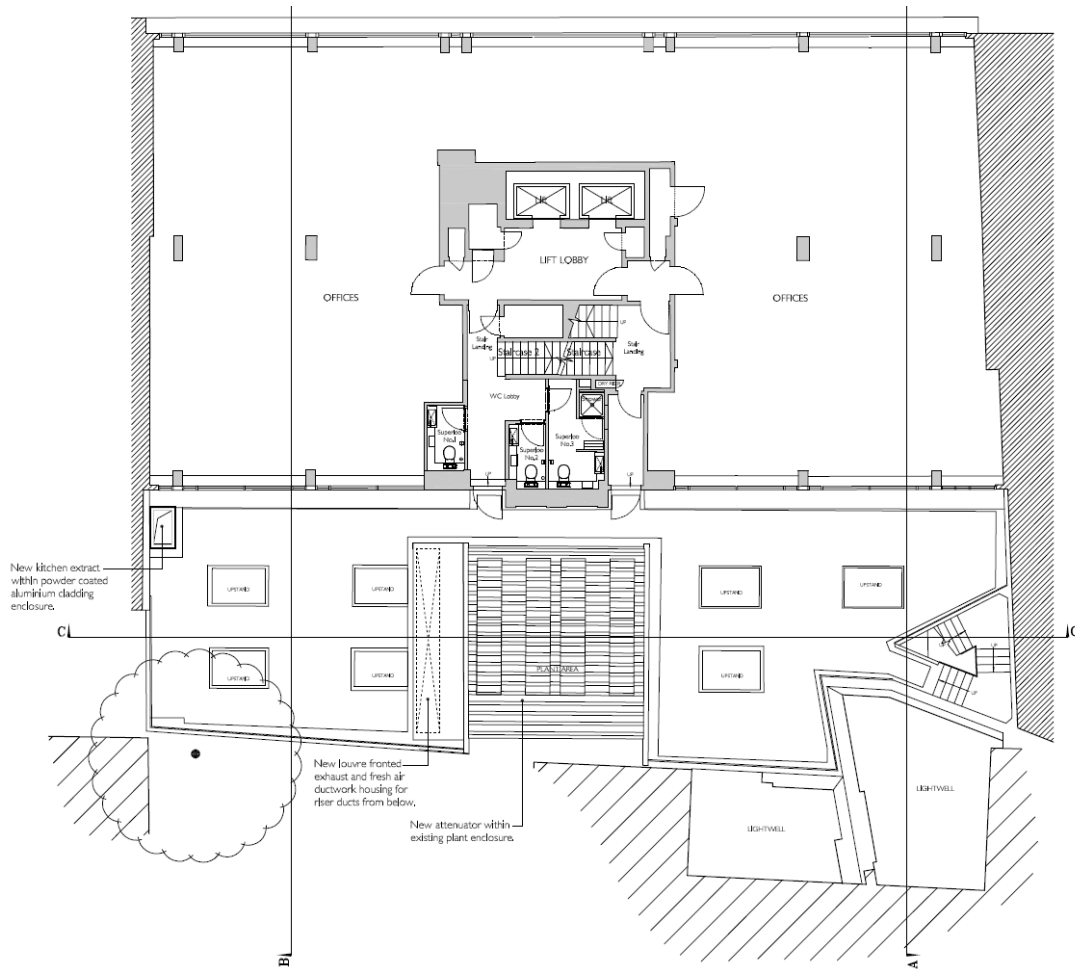
Existing basement plan



Proposed basement plan



Existing first floor plan

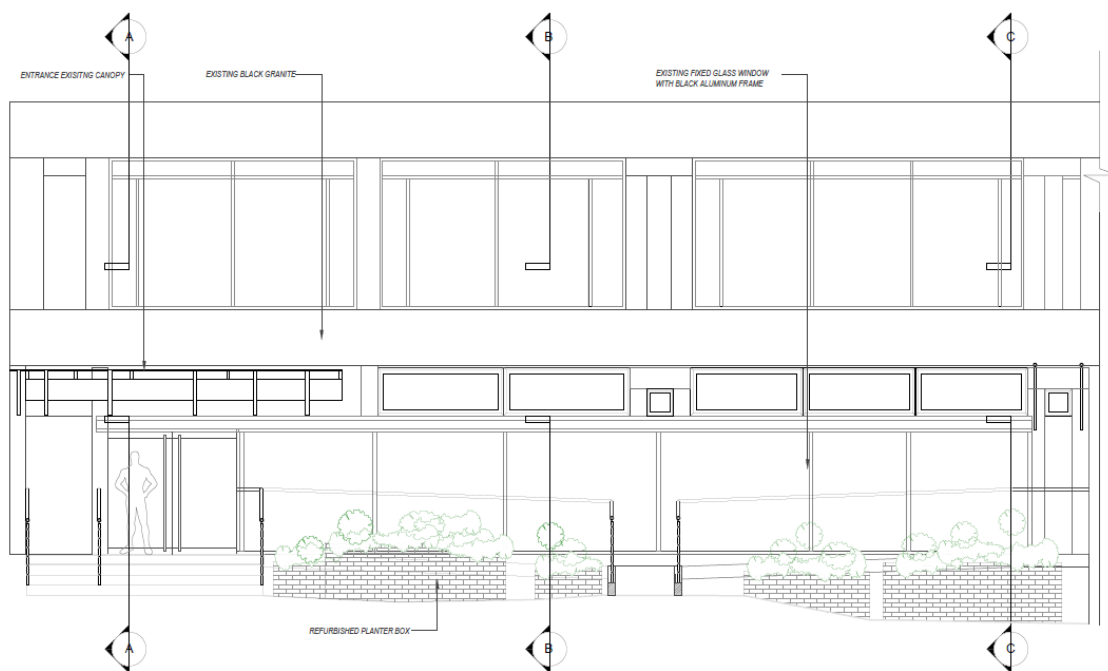


Proposed first floor plan

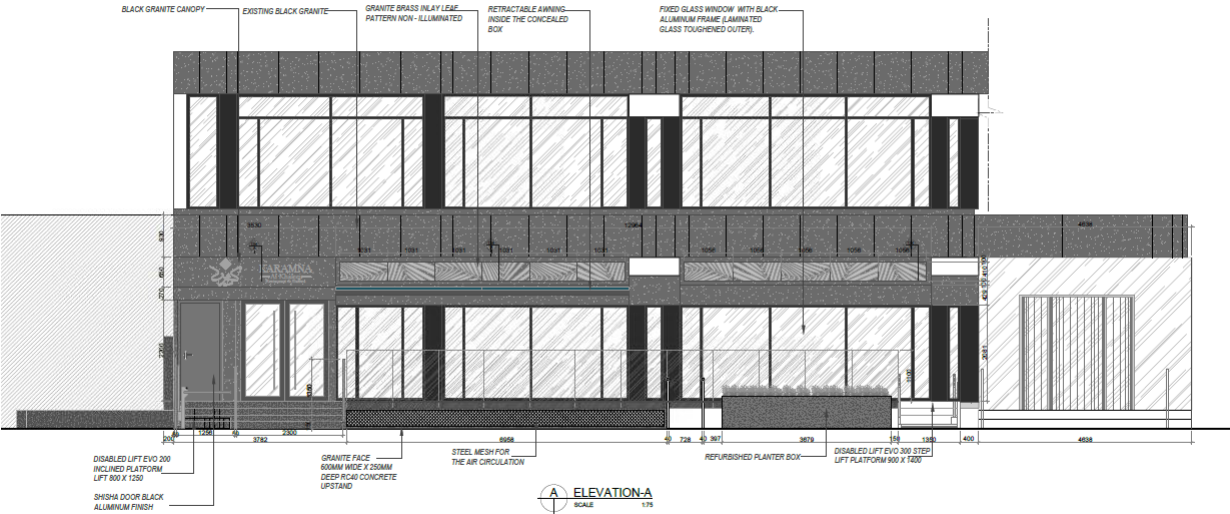


Existing rear elevation





Existing front elevation



Proposed front elevation

DRAFT DECISION LETTER

Address: 21 Knightsbridge, London, SW1X 7QB,

Proposal: Use of part basement and part ground floor as a mixed-use restaurant with outdoor shisha smoking area (sui generis). Use of part basement for ancillary storage space and removal of five car parking spaces at basement level. Extension of existing plant area at first floor roof level and installation of a full height kitchen extract duct to the rear elevation. Alterations to the ground floor elevation including replacing windows and installation of awnings, installation of new decking to the ground floor frontage to accommodate exterior seating and balustrade, provision of two DDA lifts at front ground floor level, replacement and refurbishment of planters and installation of two condenser units within a basement lightwell area on the front elevation.

Reference: 17/07713/FULL

Plan Nos: Site location plan, E(-)01 Rev. C, E(-)02 Rev. B, E(-)03 Rev. C, E(-)04 Rev. B, E(-)05 Rev. B, E(-)06 Rev. C, E(-)09 Rev. B, L(re)01 Rev.C, L(re)03 Rev. B, L(re) Rev. 04, L(re) Rev. 05, L(re)06 Rev. A, L(re)09 Rev. A, DET/07/54 Rev. 0, DET-11/58 Rev. 00, ARC-15/23 Rev. 00, ARC-01/23 Rev. 00, ARC- 16-23 Rev. 01, ARC-17/23 Rev. 01, DET-09/58 Rev. 00, DET-22/58 Rev. 01, DET-06/58 Rev. 00, DET-15/58 Rev. 01, DET-16/58 Rev. 01, DET-17/58 Rev. 01, DET-04/58 Rev. 01, DET-05/58 Rev. 01, ARC-02/23 Rev. 02, DET-08/58 Rev. 00, DET-13/58 Rev. 02, DET-14/58 Rev. 02, DET-12/58 Rev. 02, DET-18/58 Rev. 01, DET-19/58 Rev. 01, DET-20/58 Rev. 01, DET-03/12 Rev. 0, DET-04/12 Rev. 0, DET-05/12 Rev. 0, DET-07/54 Rev. 00, 220.1.08, EVO 300 Step Lift Platform 900 x 1400, EVO 200 Inclined Platform Lift 800 x 1250, 220.1 01, 220.1 12, 220.1 13, Proposed service lift cut sheet (DET-03/12 Rev.0), Letter dated 28/9/2017 prepared by QT Acoustics Ltd, Metal Stud Partition system type- GypLyner IWL prepared by Gyproc Saint-Gobain, Assessment of Sound Insulation to Adjoining Properties at Karamna Restaurant dated October 2017 (Ref: Qt11452-SI Revision 001) prepared by QT Acoustics Ltd, Noise Impact Assessment Issue Date - September 2017 (Ref: Qt11452 Rev. 002 prepared by Qt Acoustics Ltd and Noise Impact Assessment Issue Date September 2017 (Ref: Qt11452 Rev. 002) prepared by Qt Acoustics and Existing site photographs.

Case Officer: Zulekha Hosenally

Direct Tel. No. 020 7641 2511

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

- 4 You must not put planters, tubs, furniture or other obstructions on the forecourt. (C26QA)

Reason:

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

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

terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) A schedule of all plant and equipment that formed part of this application;; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;; (c) Manufacturer specifications of sound emissions in octave or third octave detail;; (d) The location of most affected noise sensitive receptor location and the most affected window of it;; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

- 6 The plant/machinery hereby permitted shall not be operated except between 10.00 to 23.30 hours Monday to Saturday and 10.00 to 22.30 hours daily Sundays, Public and Bank Holidays.

Reason:

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

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

Reason:

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

- 8 You must install the mitigation measures recommended in section 7.2 of the Noise Impact Assessment Issue Date September 2017 (Ref: Qt11452 Rev. 002) prepared by Qt Acoustics prior to the operation of the mechanical plant hereby approved. You must then maintain the mitigation measures for as long as the mechanical plant remains in place.

Reason:

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

- 9 You must install the full height extract duct as shown on drawing L(re)09 Rev. A prior to operation of the mixed-use restaurant with outdoor shisha smoking area (sui generis) hereby approved. The duct must be retained for as long as the use hereby approved remains in operation.

Reason:

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

- 10 You must install the acoustic wall to the rear ground and basement wall as shown on drawings 220.1 12 and 220.1 13 and in accordance with the details contained in the letter dated 28/9/2017 prepared by QT Acoustics Ltd, Metal Stud Partition system type- GypLyner IWL prepared by Gyproc Saint-Gobain and Assessment of Sound Insulation to Adjoining Properties at Karamna Restaurant dated October 2017 (Ref: Qt11452-SI Revision I) prepared by QT Acoustics Ltd prior to the use of the mixed-use restaurant with outdoor shisha smoking area (sui generis). You must retain the acoustic wall for as long as the mixed-use restaurant with outdoor shisha smoking area (sui generis) is operational.

Reason:

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

2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 11 Customers shall not be permitted within the part basement and part ground floor as a mixed-use restaurant with outdoor shisha smoking area (sui generis) before 1000 or after 2330 hours Monday to Saturday, and before 1000 or after 2230 hours on Sundays, Public Holidays and Bank Holidays. .

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 12 You must not allow more than 90 customers in total into the part basement and part ground floor area mixed-use restaurant including the outdoor shisha smoking area (sui generis) at any one time.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 13 You must only serve the shisha to customers taking a sit down meal within the outdoor shisha smoking area (sui generis) between 1800 to 2330 hours Monday to Saturday and between 1800 to 2230 hours on Sundays, Public Holidays and Bank Holidays.

Reason:

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

- 14 You must provide no more than 12 tables and 24 chairs within the outdoor shisha smoking area as shown on drawing ARC-02/23 Rev. 02.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 15 No delivery service for food and drink is to operate from the premises in connection with the use hereby approved, even as an ancillary part of the mixed-use restaurant with outdoor shisha smoking area (sui generis).

Reason:

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

- 16 You must apply to us for approval of a servicing management plan for the mixed-use restaurant with outdoor shisha smoking area (sui generis). You must not start the use until we have approved what you have sent us. Thereafter you must carry out the work according to the approved plan.

Reason:

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

- 17 You must apply to us for approval of an operational management plan for the mixed-use restaurant with outdoor shisha smoking area (sui generis). You must not start the use until we have approved what you have sent us. Thereafter you must carry out the use according to the approved plan.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

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

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 19 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number L(re)01 Rev. C. You must clearly mark them and make them available at all times to everyone using the part basement and part ground floor as a mixed-use restaurant with outdoor shisha smoking area (sui generis). (C14FB)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 20 You must provide at least one parking space for each of the residential flats in the development. The parking spaces reserved for residents must be clearly identified. (C22CA)

Reason:

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

- 21 You must not use the first floor flat roof area in connection with the part basement and part ground floor as a mixed-use restaurant with outdoor shisha smoking area (sui generis) hereby approved. You can however use the first floor flat roof to escape in an emergency. (C21CA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 22 You must ensure that any mechanical plant and associated duct work located over the car manoeuvring and parking areas maintains a minimum of 2.1m clearance above the parking areas.

Reason:

To make sure that the parking bay will be available for all types of vehicles for which it has been designed and to avoid blocking the car park area and surrounding streets as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23BB)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Westminster's City Plan: Strategic Policies Consolidated Draft Version incorporating Basement Revision, Mixed Use Revision, Regulation 19 and Main Modifications dated June 2016, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The lettering on the canopy has 'deemed' consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. This means that you do not need to apply for planning

permission for the canopy. However, if you want to light up the lettering by spotlight or other means, you will need to apply for 'express' consent under the advertisement regulations. And if you remove the lettering, the canopy will require planning permission. (I43AA)

- 3 Conditions 5, 6 and 7 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)
- 4 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 5 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 6 You may need separate licensing approval for the basement and ground floor of the premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)
- 7 You must make sure that any other activities taking place in the class A3 (restaurant or café) premises, such as small amounts of takeaway sales or small bar areas, are so minor that they do not alter the main use as a restaurant or café. If the scale of one or more of these extra activities is more substantial than this, it is likely that a material (significant) change of use (from class A3 to a mix of uses) will have taken place, which will need a new planning permission. (I61BA)
- 8 You are advised that no goods are to be left on the highway for servicing purposes.
- 9 The lettering on the canopy has 'deemed' consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. This means that you do not need to apply for planning permission for the canopy. However, if you want to light up the lettering by spotlight or other means, you will need to apply for 'express' consent under the advertisement regulations. And if you remove the lettering, the canopy will require planning permission. (I43AA)
- 10 The Metropolitan Police have advised that in order to protect the building and public in the seated areas the installation of Hostile Vehicle Mitigation (HVM) products successfully tested to ISO IWA 14 - 1:2013 (BSI PAS 68) is recommended. Installation of this equipment should be carried out in accordance with IWA 14 - 2:2013 (BSI PAS 69); guidance for the selection, installation and use of vehicle barriers. You are advised that should such installations materially impact on the external appearance of the building then a further application for planning permission may be required.

Item No.
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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.

BACKGROUND PAPERS - 21 Knightsbridge, London, SW1X 7QB, 17/07713/FULL

1. Application form
2. Response from Metropolitan Police Service (for Licensing), dated 26 October 2017
3. Response from Plant And Equipment, dated 20 October 2017
4. Response from Plant And Equipment, dated 4 April 2018
5. Response from Knightsbridge Association, dated 22 October 2017
6. Response from Plant And Equipment, dated 27 October 2017
7. Response from Transport For London - Borough Planning, dated 23 October 2017
8. Letter from occupier of 21 Knightsbridge, 4th Floor East, dated 11 April 2018
9. Letter from occupier of 21 Knightsbridge, 21 Knightsbridge, dated 5 April 2018
10. Letter from occupier of 27 Knightsbridge, London, dated 13 October 2017
11. Letter from occupier of 110 Ramillies Road, London, dated 5 April 2018
12. Letter from occupier of 21 Knightsbridge, London, dated 5 April 2018