

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 2 April 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward involved St James's	
Subject of Report	40-42 William IV Street, London, WC2N 4DD		
Proposal	Use of part ground and basement floors as drinking establishment (Class A4).		
Agent	Rolfe Judd Planning		
On behalf of	Shaftesbury Covent Garden Ltd		
Registered Number	18/03910/FULL	Date amended/ completed	11 May 2018
Date Application Received	11 May 2018		
Historic Building Grade	Unlisted		
Conservation Area	Trafalgar Square		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

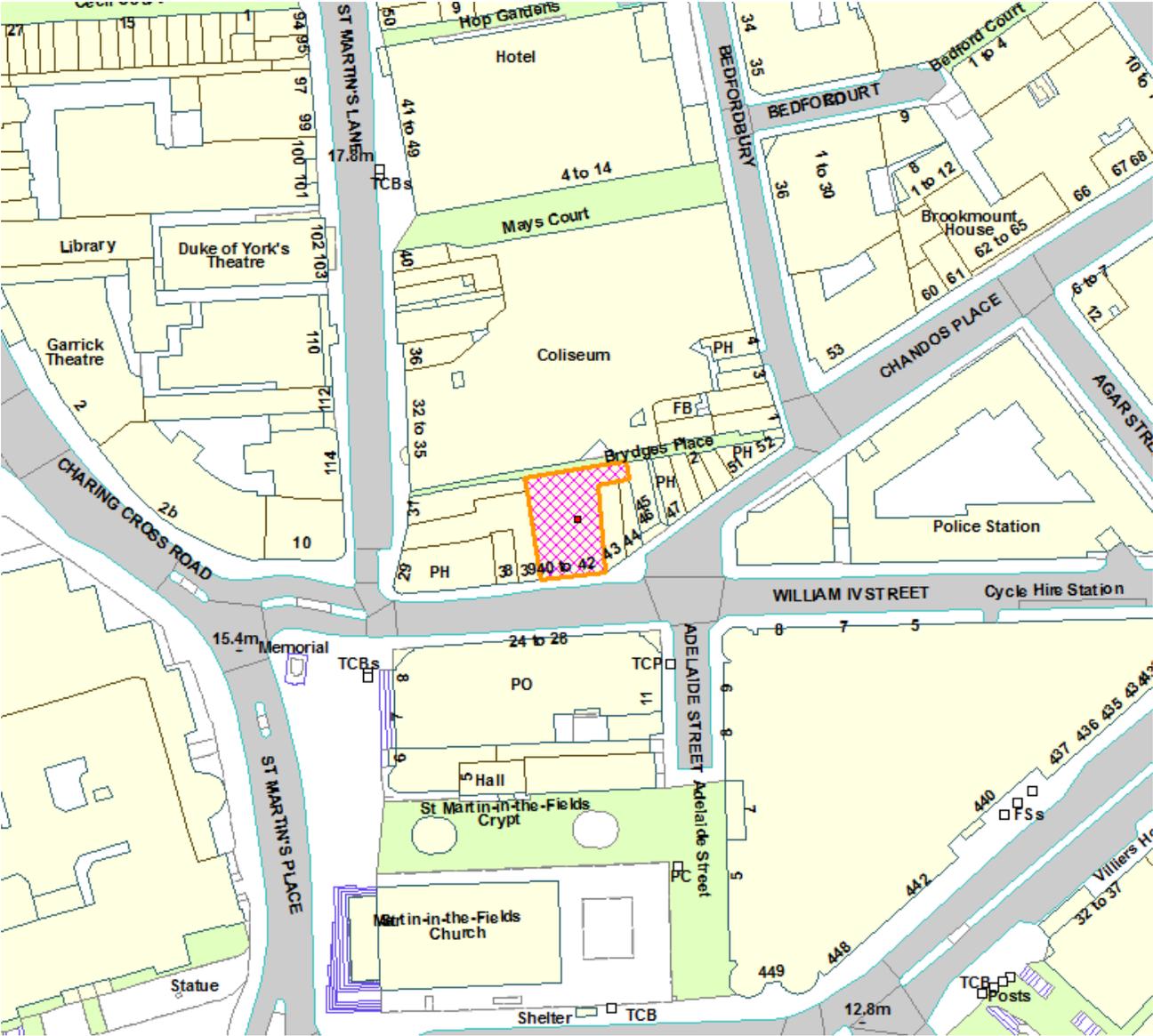
40-42 William IV Street is an unlisted building of merit comprising seven storeys located within the Trafalgar Square Conservation Area, Core Central Activities Zone and the West End Stress Area. Permission is sought for a change of use at part ground and basement levels from restaurant (Class A3) to drinking establishment (Class A4).

The key issues in this case is:

- *The impact of the proposals on neighbouring residential amenity;
- *The impact of the proposals on the character and function of the area

The proposed development is considered acceptable in land use, design and amenity terms and would accord with policies within National Planning Policy Framework (2019), The London Plan (2016), The Draft New London Plan, The Mayor's draft "Culture and the Night Time Economy" Supplementary Planning Guidance (2017), Westminster's City Plan (2016) and Unitary Development Plan (2007). As such, it is recommended that conditional planning permission is granted.

LOCATION PLAN



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3. PHOTOGRAPHS



Photograph from William IV Street

4. CONSULTATIONS

COVENT GARDEN COMMUNITY ASSOCIATION:

12/06/2018

- Objection to A4 use at this location (including dual use).
- The applicant states the unit has a long-standing use of A4, however the unit has not had A4 permission for more than six years and there is now a higher density of adjacent residential units.
- There is already a high number of bars in the immediate area, with noisy and disruptive customers crowding outside. The proposals would add to this cumulative effect.
- To protect the amenity of local residents, any permitted use must specify that meals must be served (not drinks only).

12/11/2018

- Continues to object and support the views of local residents.
- The association does not feel that the changes make to the application will alleviate their concerns.

COVENT GARDEN AREA TRUST:

- Any response to be reported verbally.

METROPOLITAN POLICE (DESIGNING OUT CRIME OFFICE)

- No objection subject to a condition is recommended to ensure that prior to occupation a "Secure by Design" accreditation is obtained for the building.

HIGHWAYS PLANNING MANAGER:

- No objection.
- The proposal is unlikely to have a significant impact on on-street car parking in the area.
- The proposed use is not expected to generate a significant increase in servicing trips over that which could be generated by the existing use.
- Conditions requiring cycle parking and waste storage recommended.

PROJECT OFFICER (WASTE):

- No objection
- A condition is recommended requiring a revised plan indicating proposals for the storage of residual waste, food waste and recyclable materials.

ENVIRONMENTAL HEALTH

- No objection subject to conditions recommended relating to internal transfer of noise, noise limiter and external noise nuisance.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 30

No. of objections: 5

Objections have been received from and on behalf of the residents/leaseholders of 40-42 William IV Street raising some or all of the following grounds:

LAND USE

- The proposals are within the West End Stress Area, where harm is being caused, and loss sustained to residential amenity. The proposals would add to the cumulative impact and current A4 Saturation in the area.
- The Council encourages restaurant use where customers are seated and served and where the impact on residential amenity is generally low.
- The proposals are not in accordance with City Plan Policy S24 and UDP Policies TACE 9 and 10.
- The addition of another pub in the area would create a strip of pubs and would reduce diversity in the area.
- The basement area has never been used by customers for any purpose and has been used as a kitchen/storage. The planning history also suggests that the premises has never had permission to be a bar.

AMENITY

- Strongly object the use of the building as a bar/drinking establishment as the previous bar use was disruptive to adjacent residents in terms of late night noise/early morning noise, cigarette smoke and anti-social behaviour.
- The building was not designed for the purpose of a drinking establishment and lacks sound insulation. In the past the sound and vibrations of large gatherings, music and revelling has travelled up through the building. It is believed that noise travels through the building via ducting within the east elevation and the quadrangle void.
- Numerous complaints relating to noise the current extraction system have been made to the Council (RN: DP/PET17/64470/4) but no action was taken as the restaurant had closed. Any additional plant associated with the use could exacerbate existing extraction noise problems. The proposal does not address any noise problem which currently exist, in violation of conditions laid down by previous permissions (RN: 10/08381/FULL, 09/05395/FULL, 02/00772/FULL)
- Existing waste collection arrangements already cause disturbance to nearby residents, as they involve the transference of glass bottles to recycling lorries late at night. This would be intensified with the change of use. It would be helpful if bottle collections were conducted outside the normal hours of sleep.
- Any new A4 drinking establishment would potentially increase the capacity of the premises, with consequent public nuisance and crime and disorder implications.
- Patrons of the pub would congregate outside to smoke/drink, causing noise disturbance.

HIGHWAYS

- Deliveries have been made as early as 3am until around 10am, early deliveries were often left in the pavement, blocking it and fire exits. Parking restrictions are regularly ignored by delivery drivers, having two businesses operating would

double the number of bin collections if they use different companies to collect their waste.

OTHER

- If there are two businesses with machinery causing noise it will be extremely difficult to identify the one business creating the problem.
- The window cleaners employed by the last tenant used metal ladders and created a lot of noise at around 05:00 hours, a condition should be imposed to protect “normal hours of sleep”.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5. BACKGROUND INFORMATION

5.1 The Application Site

40-42 William IV Street is an unlisted building of merit comprising seven storeys located within the Trafalgar Square Conservation Area, Core Central Activities Zone and the West End Stress Area. The basement, ground and first floors were last used as a restaurant (Class A3), operated by “Les Deux Salons”, and are currently vacant. The upper floors of the building are in residential use as flats.

5.2 Recent Relevant History

In March 1993, planning permission was granted for use of basement, ground and first floors for Class A3 purposes (Food & Drink) or Class A2 purposes (Financial & Professional Services) remainder of the building for continuing office use (RN: 92/03629/FULL).

In May 1995, planning permission was granted for the conversion of four floors of offices and one attic into 3 flats & 2 maisonettes, provision of a new entrance canopy & provision of new windows at front and rear roof level (RN:95/00572/FULL). In November 1995, the permission was amended to include alterations to the rear roof to provide terrace, alterations to rear windows and relocation of extract duct (RN: 95/06988/FULL).

In March 2002, permission was granted for the installation of acoustically-lagged ductwork to central lightwell at second floor level (to extract air from the bar rooflight and vent it out to Brydges Place) and two additional condensers on the flat roof over third floor level (RN: 02/00772/FULL). This application was associated with a bar (‘Pitcher and Piano’) on basement, ground and first floor levels.

In January 2011, permission was granted for the retention and reconfiguration of 11 air conditioning units and four refrigeration units to the rear flat roof at third floor level with associated screening. Retention of alterations to front elevation at ground floor level including external lighting (RN: 10/08381/FULL). This application was associated with the most recent occupant of the unit “Les Deux Salons” (Class A3).

In May 2017, following complaints from nearby residents the Council commenced an enforcement investigation into a potential breach of condition relating to the plant machinery. A Planning Enforcement Inspector subsequently visited the property and

found that the restaurant had stopped trading and there was no evidence of a breach of planning Control at that time. Accordingly, the planning enforcement file was closed.

6. THE PROPOSAL

The proposals involve a change of use at part ground and basement levels from restaurant (Class A3) to drinking Establishment (Class A4). The entrance to the drinking establishment would be via an existing entrance on William IV Street. Internally, it is proposed to install a stair from ground to basement levels. No external changes are proposed.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Restaurant (Class A3)	334	0	-334
Drinking Establishment (Class A4)	0	334	+334
Total	334	334	0

7. DETAILED CONSIDERATIONS

7.1 Land Use

NPPF (2019)

The NPPF states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

The London Plan (2016)

London Plan Policy 4.6 states that boroughs and other stakeholders should support the continued success of London's diverse range of arts cultural, professional sporting and entertainment enterprises and the cultural, social and economic benefits that they offer to its residents, workers and visitors.

The Mayor encourages a supportive approach to planning these diverse night time activities in appropriate locations. LDFs should recognise and address the opportunities and challenges posted by the strategically important clusters of night time activities in appropriate locations. The plan states that the strategic cluster in Covent Garden/ Soho, which the applicant site is located in, makes a particular contribution to London's world city offer as well as meeting Londoner's needs.

Draft New London Plan

The current 2016 London Plan is still the adopted Development Plan, but the Draft New London Plan is a material consideration in planning decisions. The significance given to it is a matter for the decision maker, but it gains more weight as it moves through the

process to adoption. The Draft New London Plan has undergone initial public consultation and is expected to soon undergo an Examination in Public.

Policy HC6 B. (Supporting the night-time economy) states that boroughs should: 1) promote the night-time economy, where appropriate, particularly in the Central Activities Zone, strategic areas of night-time activity, town centres, and where public transport such as the Night Tube and Night Buses are available... 4) address the cumulative impact of high concentrations of licensed premises and their impact on anti-social behaviour, noise pollution, health and wellbeing and other impacts for residents, and seek ways to diversify and manage these areas.

Policy HC7 A. (Protecting Public Houses) states that boroughs should: 2) support proposals for new public houses to stimulate town centre regeneration, cultural quarters, the night-time economy and mixed-use development, where appropriate.

Mayor of London's draft "Culture and the Night Time Economy": Supplementary Planning Guidance (April 2017)

The SPG states that the Mayor, boroughs and other agencies should recognise, improve and manage the country's largest concentration of night-time activities in Soho/Covent Garden and that boroughs should develop sensitive mixed use policies to ensure that housing does not compromise CAZ strategic functions.

Westminster's City Plan (2016) and Unitary Development Plan (2007)

City Plan Policy S6 (Core Central Activities Zone) of Westminster's City Plan (2016) states that the Core CAZ is an appropriate location for a range of commercial and cultural uses and complementary residential use. Within the West End Stress Area, new entertainment uses will only be allowed where the council considers that they are small-scale, low-impact and they will not result in an increased concentration of late-night uses.

City Plan Policy S24 states that new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area.

Objectors state that there is already a high number of pubs in the immediate vicinity and the addition of another drinking establishment would reduce the areas diversity of uses.

Policy SS5 of our UDP aims to encourage a balanced mix of appropriate street-level activities, whilst maintaining and safeguarding their residential communities.

Policy SS5(C) states that proposals for non-A1 uses must not:

1. Lead to, or add to, a concentration of three or more consecutive non-A1 uses.
2. Cause or intensify an existing overconcentration of A3 and entertainment uses in a street or area.

The drinking establishment would add an additional unit to an existing concentration of three or more consecutive non-A1 uses on the street. However, the ground and basement have a lawful entertainment use and there would be no increase in floorspace,

with a substantial amount of A3 retained at ground and first floor levels (546sqm). It is considered that the proposals would not be detrimental to the balance of street-level activities in the area and would not intensify an existing overconcentration of entertainment uses.

The proposed A4 floorspace is 334 sqm and given the application site is within the West End Stress Area and as such UDP Policy TACE 10 is relevant in assessing the proposals. The policy aims to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the city, while acknowledging that they provide services to people living in, working in and visiting the City and contribute to its role as an entertainment centre of national and international importance. The policy states that permission will be granted for such proposals only in exceptional circumstances. Para 8.95 states that the exceptional circumstances taken into account may include:

- a) a general reduction in adverse effects on residential amenity and local environmental quality when compared with the existing activity on site:
- b) the retention of a use which has a long-standing association with the area, or makes a major contribution to its character or function.

In relation to part a), objections have been received from residents on the upper floors of the application site and from the Covent Garden Community Association on amenity grounds, with objectors stating that the premises has previously caused disruption in terms of late night/ early morning noise, cigarette smoke, anti-social behaviour and highlighting the potential for an A4 to increase disruption and add to cumulative impact in the stress area.

The existing restaurant use does not have any planning controls which relate to its operation such as hours or number of covers. In response to these objections the applicant has provided a Draft Operational Management Plan which sets out guidelines that any future tenant will be required to follow. These include:

- The bar will be open to customers between 12:00 – 23:30 hours Monday to Thursday, 12:00 – 00:00 Friday to Saturday and 12:00 to 22:00 on Sunday.
- There will be no external drinking allowed;
- Notices will be prominently displayed at exists requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
- At the close of business each day the premises are open for the purpose of the licence the licensee shall ensure that the pavement from the building line to the kerb edge immediately outside the premises, including the gutter/channel at its' junction with the kerb edge, is swept and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
- The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction to the public highway;

Conditions are recommended to ensure that the drinking establishment is operated in accordance with the submitted management plan and that prior to occupation a "Secure

by Design” accreditation is obtained for the building as recommended by the Designing Out Crime Officer.

Objectors also state they have made numerous complaints relating to noise nuisance emanating from the existing extraction system associated with the A3 restaurant use and that the proposals do not address this problem. Concern is raised that the proposals could further exacerbate existing noise from plant machinery and lead to noise transfer through the building to the residential flats above.

The proposals do not include the installation of plant machinery. Despite this, the applicant has provided an indicative ventilation strategy plus Environmental Noise Survey and Plant Noise Assessment Report which demonstrates that, if plant machinery is required it should be capable of meeting the Council’s the Council's standard noise and vibration conditions. The installation of plant machinery would need to be subject to a further application. The A3 premises is currently vacant and the existing plant and machinery in connection with that operation is not in use, however if this situation changes and results in nuisance, the Council’s Enforcement Team can take action.

In terms of internal noise transfer, the proposed drinking establishment would be separated from the residential flats above by the ground and first floors. Environmental Health have raised no objections on noise nuisance grounds, subject to a condition requiring a noise limiter to be fitted to any musical amplification system and the Council’s standard conditions to prevent internal noise transfer.

Objections have also been received relating to disturbance from servicing, particularly late at night and when bottles are being collected. The applicant has confirmed that servicing will take place on William IV Street where the bar entrance is located. The proposed use is not expected to generate a significant increase in servicing trips over that which could be generated by the existing A3 Use. To ensure that late-night disturbance to residents is minimised, a condition is recommended to ensure that no servicing will take place between 23:00 and 08:00 hours daily.

It is considered that subject to the recommended conditions, including an additional condition to prevent primary cooking on the premises, the proposed A4 use within the basement would not result in unacceptable adverse effects on residential amenity and local environmental quality when compared with the existing situation.

In relation to part b) the applicant states that the site has been vacant for over a year, despite extensive national/international marketing, and that dividing the unit and returning it to Class A4 use would make the building more attractive to potential occupiers. William IV Street is part of a distinct and diverse district, characterized by specialist shops and night-time activities. It is considered that the proposals would support a strategic area of night-time activity of international/national significance and would be in keeping with the established character and function of the area. Accordingly, the proposals are considered to be in accordance with the NPPF, The London Plan, The Draft New London Plan, The Mayor’s draft “Culture and the Night Time Economy” Supplementary Planning Guidance, the City Plan and the UDP.

7.2 Townscape and Design

No external alterations are proposed.

7.3 Residential Amenity

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment of surrounding properties. Given that no external alterations are proposed, there would be no implications in terms of light, privacy, sense of enclosure or overlooking over the existing arrangement.

Noise and disturbance is addressed in section 8.1 of this report. Subject to conditions, the proposals are considered to be in line with policies S29 and ENV13.

7.4 Transportation/Parking

No car parking is proposed. However, the site is within a Controlled Parking Zone and has a good level of public transport accessibility. It is therefore considered that a unit of this size is unlikely to have a significant impact on on-street car parking in the area.

No details of cycle parking have been provided. A condition is recommended to ensure that cycle parking is provided in accordance with London Plan standards.

Servicing is addressed in section 8.1 of this report.

7.5 Economic Considerations

No economic considerations are applicable for a development of this size

7.6 Access

Access would be from an existing entrance on William the IV Street. It is proposed to install a staircase from ground to basement level. The applicant has confirmed that would be wide enough to accept a platform/ stair lift should it be required by a future tenant or to comply with the Building Regulations.

7.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

A condition has been attached to ensure that the applicant must submit details of how waste is going to be stored on the site and how materials for recycling will be stored separately.

7.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being considered and the draft plan will

be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

7.9 Neighbourhood Plans

Not applicable.

7.10 London Plan

Addressed in Section 8.1 of this report.

7.11 National Policy/Guidance Considerations

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

7.12 Planning Obligations

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

This development does not generate a Mayor CIL or WCC CIL Payment.

7.13 Environmental Impact Assessment

The application is of insufficient scale to trigger the requirement of an EIA.

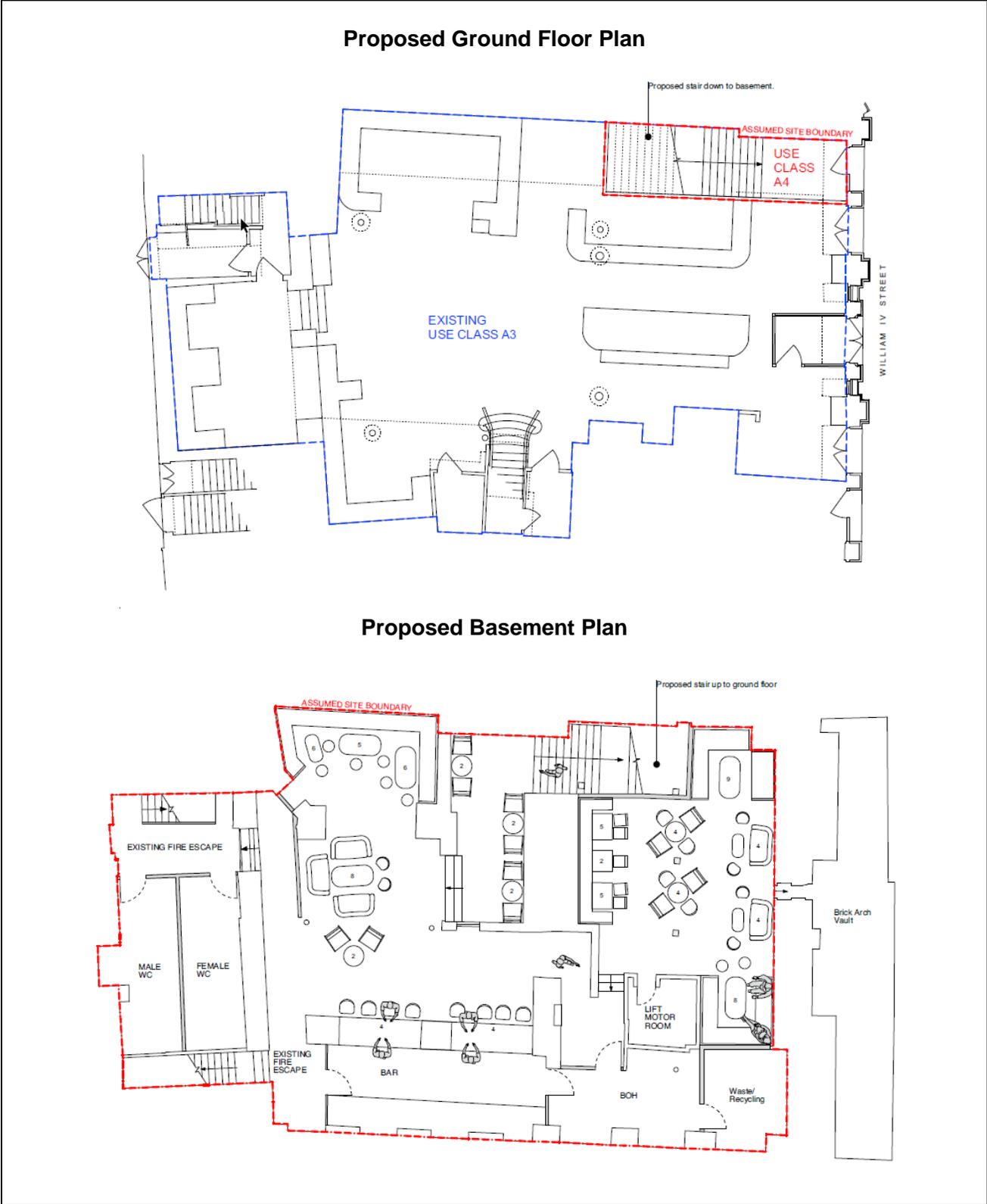
7.14 Other Issues

Not applicable.

(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: VINCENT NALLY BY EMAIL AT vnally@westminster.gov.uk

8. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 40-42 William IV Street, London, WC2N 4DD,
Proposal: Use of part ground and basement floors as drinking establishment (Class A4).
Reference: 18/03910/FULL
Plan Nos: 000; 101 Rev. D; 102 Rev. D; 201.

For Information:

Cover Letter dated 11 May 2018; Design and Access Statement dated May 2018; 25992/PNA1.Rev 1 dated 18 October 2018; Supplementary Planning Note dated February 2019; 103 Rev. D; 104 Rev. D; 105 Rev. D; 106 Rev. D; 107 Rev. D; 108 Rev. D.

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

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

Reason:

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

- 3 Customers shall not be permitted within the drinking establishment premises before 12:00 hours or after 23:30 hours Monday to Thursday, before 12:00 hours or after 00:00 hours Friday to Saturday and before 12:00 hours or after 22:00 hours on a Sunday.

Reason:

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

- 4 All servicing must take place between 08:00 and 23:00 on Monday to Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

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)

- 5 You must carry out the measures included in your Draft Operational Management Plan dated March 2019 at all times that the drinking establishment is in use, unless a revised Operational Management Plan is submitted for approval by the City Council. The approved Operational Management Statement must thereafter be followed by the occupants for the life of the development.

Reason:

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

- 6 You must not allow more than 90 customers into the property at any one time. (C05HA)

Reason:

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

- 7 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night., , For music noise, the indices of Leq and LFmax in the octave bands 31.5 Hz, 63 Hz and 125 Hz shall be at least 10 dB below the existing background noise level measured in terms of L90,5mins (31.5Hz, 63Hz, 125Hz) inside the neighbouring premises.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 8 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the drinking establishment use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the drinking establishment use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) The location of most affected noise sensitive receptor location and the most affected window of it;; (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;; (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;; (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;; (f) The proposed maximum noise level to be emitted by the activity.

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. (R47AB)

- 9 You must not use the drinking establishment (Class A4) until you have sent us details of the noise limiter fitted to the musical amplification system and we have approved these details in writing. The device must be commissioned to ensure emitted music noise is acceptable when assessed within neighbouring residential properties, so that it complies with the noise criteria set out in condition 9 and 10 of this permission. You must not make any adjustments to the device unless we approve this in writing. Any loudspeakers in the drinking establishment shall be wall or floor mounted only, and all must incorporate appropriate anti-vibration supports to prevent transmission of music through the building structure.

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. (R47AB)

- 10 Prior to occupation a "Secured by Design" accreditation shall be obtained for the drinking establishment and thereafter all features are to be permanently retained.

Reason:

To reduce the chances of crime without harming the appearance of the building as set out in S29 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R16AC)

- 11 You must apply to us for approval of details of how waste is going to be stored on the site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the drinking establishment. You must not use the waste store for any other purpose. (C14CD)

Reason:

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

- 12 You must apply to us for approval of details of secure cycle storage for the drinking establishment use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

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

- 13 There shall be no primary cooking on site such that you must not cook raw or fresh food on the Class A4 premises.

Reason:

The plans do not include any kitchen extractor equipment. For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan (November 2016) and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 HIGHWAYS LICENSING:, Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560., , CONSIDERATE CONSTRUCTORS:, You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk., , BUILDING REGULATIONS:, You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>
- 3 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 4 In relation to condition 10, you must seek the advice of the Metropolitan Police Service Designing out Crime Officers (DOCOs) to achieve accreditation. The services of MPS DOCOs

are available free of charge and can be contacted via docomailbox.nw@met.police.uk or 02087333465.

- 5 In relation to condition 11, you should refer to the City Council Recycling and Waste Storage Requirements, sections 2.3.1 and 3.1.
- 6 In relation to condition 13, you must not cook food in any way which is likely to cause a nuisance by smell. You must not, for example, grill, fry, toast, braise, boil, bake, hot smoke or roast food. However, you can reheat food by microwave or convection oven as long as this does not require extractor equipment., , Any application to remove or vary the condition must submit details of extraction which shall consist only of either a 'full height' system or in limited circumstances where all cooking equipment is electric only an 'approved recirculation' scheme (any extraction scheme proposing 'low-level' external discharge to get rid of cooking fumes will not be accepted as being suitable as per Westminster Environmental Health requirements for new premises wishing to provide an extensive hot food operation).

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.