

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	Development Site At 8 To 26 And 36 To 44, Queensway, London		
Proposal	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 1').		
Agent	Mr Graham Allison		
On behalf of	Greenfour Ltd and Rapport Ltd		
Registered Number	18/09557/FULL	Date amended/ completed	19.11.2020
Date Application Received	9 November 2018		
Historic Building Grade	Unlisted		
Conservation Area	Queensway		

1. RECOMMENDATION

1. Grant conditional permission, subject to a S106 legal agreement to link Applications 1, 2,3 & 4 together and to secure the following obligations:-.

a) 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.

2. 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 consistency approach to their design and scale and the proposed uses are appropriate to the town centre.

Whilst a representation of objection has been made to ongoing simultaneous work along Queensway, this is not a valid planning consideration. As the proposal accords with the relevant City Plan policies a favourable recommendation is made.

3. LOCATION PLAN



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4. PHOTOGRAPHS



8 To 26 Queensway



36 To 44 Queensway

5. CONSULTATIONS

ORIGINAL CONSULTATION

WARD COUNCILLORS FOR LANCASTER GATE

Any response to be reported verbally.

LONDON UNDERGROUND LIMITED

No comment.

ROYAL BOROUGH OF KENSINGTON & CHELSEA

No objection.

HIGHWAYS PLANNING TEAM - CITY HIGHWAYS

The linked applications overall do not provide any tangible improvements to the wider pedestrian or highway environment. With respect to this the servicing to the rear of consort house should be retained.

WASTE PROJECT OFFICER

No objection, subject to condition.

ENVIRONMENTAL HEALTH

Objection, further information required with respect to plant noise, acoustic barriers.
kitchen extract ducting

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 393

Total No. of replies: 1

No. of objections: 1

No. in support: 0

Objection due to the upheaval and unacceptable number of simultaneous work being carried out in the vicinity. Unacceptable and sweeping changes made to the area and in particular this part of Queensway.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

RECONSULTATION

WARD COUNCILLORS FOR LANCASTER GATE

Any response to be reported verbally.

LONDON UNDERGROUND LIMITED

No comment.

ROYAL BOROUGH OF KENSINGTON & CHELSEA

No objection.

HIGHWAYS PLANNING TEAM - CITY HIGHWAYS

Any response to be reported verbally

WASTE PROJECT OFFICER

No objection, subject to condition.

ENVIRONMENTAL HEALTH

No objection, subject to standard conditions to control noise and vibration

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally

BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 393

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION**6.1 The Application Site**

This site is located on the eastern side of Queensway, is formed of two parts:-

- 8-26 Queensway (Consort House- southern)
- 36-44 Queensway

The ground floor of 8-24 Queensway is in shop uses with access to the residential flats within Consort House (upper floors) from the ground floor of 26Queensway. The ground floor of 36-44 Queensway is also in shop uses. Noneof the buildings are listed and all fall within the Queensway Conservation Area.

The site is bound to the south by 6 Queensway and Bayswater Road beyond, where a large mixed-use redevelopment is currently under construction. Between the two part site above is the vehicular access road to the rear of the site, which also provides access to Queensway underground Car park, and also between the two part site is 28-34 Queensway, also in ground floor shop use. North of the site, adjacent to No.44 is Our Lady Queen of Heaven Church, a grade listed building.

To the north lies access to the Queensway carpark behind and below the site, via an access road located adjacent to the Consort House entrance reception. The site comprises part of the Queensway/Westbourne Grove Major Shopping Centre and Queensway and Bayswater Stress Area (8.4)

6.2 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 carpark)
- 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 23-43, 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

7. THE PROPOSAL

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

- Installation of shopfronts to 36-44 Queensway.
- Installation of new shopfronts to 8-24 Queensway (the Consort house entrance does not form part of the proposals)
- Use of 10 Queensway (ground and mezzanine) for Restaurant Class A3 use (currently A1) to be amalgamated with and used as a single larger unit with the existing restaurant (Class A3) at 8 Queensway.
- Use of unit 22 (ground and mezzanine) for Retail (Class A1) (currently mixed-use A1/A3).
- An existing horizontal kitchen ventilation extract duct to the rear of Consort House (8-16), is proposed to be powder coated to match the brickwork.

NB/ It is noted that some of the proposed shopfronts have already been installed.

8. DETAILED CONSIDERATIONS

8.1 Land 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.

Land use assessment

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.

Nos.8 and 10 Queensway are around 85m² in floorspace each and in use as restaurant and Retail respectively. Their amalgamation would provide a single restaurant use of 170m², utilising the existing kitchen extract duct to the premises, and the loss of an existing Retail use. The proposal also involves the change of use of 22 Queensway (84m²) from mixed retail/restaurant to Retail). Given the nature of the change of uses proposed there should be no significant loss of Retail or significant increase in Restaurant uses within this part of the shopping frontage. Both 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 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 or in relation to their potential impact on the major shopping frontage which should be a use which attracts visiting members of the public. Accordingly, a condition is recommended to prevent changes of use within Class E without planning permission.

8.2 Townscape and Design

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

follows:

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

Section 66 of the same Act requires that *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Section 72 of the 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.”*

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 consists of two rows of ground floor shop units set within two very different buildings: 8-26 is Consort House, a brutalist block of shops, flats and offices designed by Owen Luder and dating from the 1970s; and 40-44, a row of more traditional shop units fronting three 19th century former townhouses. Consort House, despite its aggressive character and significant visual impact on the wider traditional character of the area, is considered to have some architectural merit in its own right. All shop units in both building groups are modern and of no significance, and have suffered from extensive and quite erratic shopfront and signage alterations over the past 30+ years.

It is proposed to renew and partially unify the shopfronts and associated parts of the host buildings, including some rationalisation of unit sizes within.

The proposed new shopfronts are contemporary in design, with full height glazing within painted metal frame and surround, and parapet and columns in blue glazed tile laid to pattern. A consistent signage zone below the parapet is integral to the design. The proposed new shop fronts form part of the applicant's estate strategy for Queensway to seek to provide for a contemporary and consistency approach to their design and scale.

The proposed designs are considered to be a notable improvement upon the existing, and would help restore some unity and order, in particular to Consort House. The overtly designed blue tile cladding proposed to the projecting balcony fascia above the shopfronts is a bold change, but one which would be worn well by the very robust design of the overall building. A trial panel of this cladding has been prepared on-site and seen by officers. The shopfront alterations proposed to nos. 40-44 are less well detailed, but are also considered to represent an enhancement of the group, alongside the recently completed works to nos. 36 and 38.

Further detailing of both sets of shopfronts is required through condition. Subject to these conditions, and being cognisant of relevant local and national policies (namely Policies 38, 39 & 40), 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.

8.3 Residential Amenity

The closest residential properties are located above the proposed shop units and form part of Consort House. They already sit above existing restaurant and retail uses within this part of the district shopping centre. The changes to the kitchen extract satisfy environmental health. Therefore, subject to conditions to control plant, operational hours of use and to prevent other uses within the new Class E (which have the potential to cause a loss of amenity) without the approval of the Local Planning Authority, the proposal is considered to be acceptable in amenity terms in accordance with Policy 7 and 33.

8.4 Transportation/Parking

Whilst the Highways Planning Manager has raised concern as to the potential loss of the rear servicing area located to Consort House, this is not explicitly proposed under this proposal. The units would continue to service the site as they currently do, whether that is off street from the rear or from on-street. As such, notwithstanding Highways Planning objection, this is not considered to be a reason to withhold permission. The units are to be restricted for restaurant and retail uses only and this addresses the issue of lack of details of transportation implications of other Class E uses. A condition is recommended to prevent deliveries in order to minimise the potential impact on the highway.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

As existing

8.7 Other UDP/Westminster Policy Considerations

None

8.8 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.

8.9 Neighbourhood Plans

Not applicable to this location

8.10 London Plan

This application raises no strategic issues.

8.11 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.

8.12 Planning Obligations

This application is linked to Applications 2,3,4 (as set out in the history section of the report)

Cil payment and Planning obligations are not relevant in the determination of this application. But are relevant to the wider applications 1-4.

8.13 Environmental Impact Assessment

Not relevant.

Item No.
1

8.14 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
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KEY DRAWINGS

STUDIOANYO 2019

Bourne Capital | Queensway

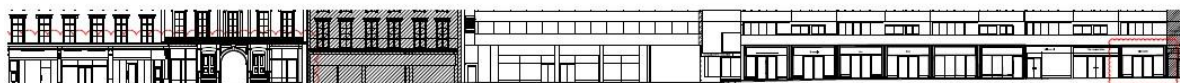
page | 19

7.1 36-44 QUEENSWAY - RETAIL

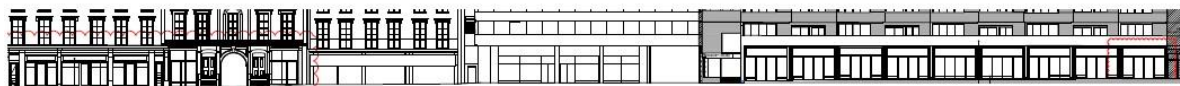
Existing and Proposed Streetscape - East Side



Existing Shopfronts | East Side of Queensway



Existing Shopfronts | East Side of Queensway



Proposed Shopfronts | East Side of Queensway

Studio 21, Monohaus | 143 Mare Street | London | E8 3PW

www.studioanyo.com

7.1 36-44 QUEENSWAY - RETAIL

Design



Typical Detailed Elevation

9. KEY DRAWINGS



DRAFT DECISION LETTER

Address: Development Site At 8 To 26 And 36 To 44, Queensway, London,

Proposal: 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 1').

Reference: 18/09557/FULL

Plan Nos: 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.
0516_PA01_GA(00)01_EX Rev D; 0516_PA01_GA(00)02_EX RevA;
0516_PA01_GA(BA)01_EX; 0516_PA01_GA(BA)02_EX;
0516_PA01_GA(MZ)01_EX RevB; 0516_PA01_GE(00)01_EX RevC;
0516_PA01_GE(WE)02_EX REv B; 0516_PA01_GE(EA)01_EX Rev A;
0516_PA01_GE(EA)02_EX. , , 0516_PA01_GA(00)01_XX Rev E;
0516_PA01_GA(00)02_XX RevB; 0516_PA01_GA(BA)01_XX;
0516_PA01_GA(BA)01_XX;0516_PA01_GA(MZ)01_XX Rev C., ,
0516_PA01_GE(00)01_XX Rev C; 0516_PA01_GE(00)02_XX Rev A;
0516_PA01_GE(EA)02_XX; 0516_PA01_GE(WE)02_XX Rev B;
0516_PA01_GE(WE)03_XX., , 0516_PA01_GS(AA)01_XX;
0516_PA01_GS(AA)02_XX Rev A; 0516_PA01_GS(EE)01_XX

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

- 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 Queensway Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 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 Nos.8-26 (overall elevations and sections at 1:20, plus details at 1:10)., (b). New shopfronts to Nos.40-44 (overall elevations and sections at 1:20, plus details at 1:10)., 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.,

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)

- 5 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 ground floor units. (C14ED)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

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

- 7 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)

- 8 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R48AB)

- 9 You must only use the premises or part of the premises annotated for retail use and restaurant use (as annotated on the drawings) for those uses. 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 otherwise agreed in writing by us.

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, policies 7, 25, 28, 29, 32, 33, 38, 39, 40 of the City Plan 2019 - 2040 (April 2021).

- 10 Customers shall not be permitted within the Retail or Restaurant premises before 07.00 or after Midnight each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 11 All servicing must take place between 07.00 and 23.00 on Monday to Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 12 No deliveries 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 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 You must register your food business with the Council, please use the following link:

www.westminster.gov.uk/registration-food-business. Please email the Environmental Health Consultation Team (Regulatory Support Team 2) at ehconsultationteam@westminster.gov.uk for advice on meeting our standards on ventilation and other equipment. Under environmental health legislation we may ask you to carry out other work if your business causes noise, smells or other types of nuisance.

- 3 You may need separate licensing approval for 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)
- 4 Under the Construction (Design and Management) Regulations 2015, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
 - , * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
 - , * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.
 - , * Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.
 - , * It is now possible for local authorities to prosecute any of the relevant parties with respect to non-compliance with the CDM Regulations after the completion of a building project, particularly if such non-compliance has resulted in a death or major injury.
- 5 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained., Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
 - , * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
 - , * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
 - , * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
 - , * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
 - , * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
- 6 Working at height remains one of the biggest causes of fatalities and major injuries. You should carefully consider the following.
 - , * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
 - , * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
 - , * Lighting - ensure luminaires can be safely accessed for replacement.
 - , * Roof plant - provide safe access including walkways and roof

edge protection where necessary (but these may need further planning permission)., More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/toolbox/height.htm, , Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 7 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 8 It is a legal requirement to ensure that every enclosed workplace is ventilated by a sufficient quantity of fresh or purified air. Where this ventilation is provided by mechanical means the regulations require those mechanical ventilation systems to be maintained (including appropriate cleaning) in efficient working order. , B&ES Guide to Good Practice - TR19 Internal Cleanliness of Ventilation systems is a guidance document which can be used for new build, upgrade and maintenance of ventilation systems. Particular attention should be given to; , Section 2 - New ductwork system cleanliness , Section 3 - Design and access to the internal surfaces of the ventilation system , Section 7 - Specific considerations for kitchen extract systems. (This section deals specifically with access to the internal surfaces to the kitchen extract system, cleaning methods and frequency of cleaning). , Where access hatches or panels are required in order to meet the above requirements, these must be incorporated into the design of the ducting and any associated screening or cladding.
- 9 It is recommended that the existing ducting arrangements are upgraded to account for an intensification of the use of the premises and any proposed changes to the cooking type.

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.