

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 20th February 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Bayswater	
<b>Subject of Report</b>	<b>40 Porchester Road, London, W2 6ES,</b>		
<b>Proposal</b>	Extension to front elevation at ground and first floor, re-cladding of building at ground and first floor and changes to the elevations in association with the change of use at first floor level from ancillary public house accommodation (Class A4) to a self contained residential unit (Class C3).		
<b>Agent</b>	Charlotte Orrell		
<b>On behalf of</b>	N/A		
<b>Registered Number</b>	17/04344/FULL	<b>Date amended/ completed</b>	5 June 2017
<b>Date Application Received</b>	17 May 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Bayswater		

## 1. RECOMMENDATION

Grant conditional permission

## 2. SUMMARY

The application site is the Daniel Gooch Public House at No. 40 Porchester Road which forms part of the Colonnades development. The site is not listed and lies within the Bayswater Conservation area, is a non-core frontage Porchester Road Local Centre and is within the Queensway/Bayswater Stress Area. The pub has been closed for approximately 18 months.

Permission is sought for a change of use at first floor level from ancillary pub accommodation to a residential unit, an extension to the front of the building, re-cladding and front elevation changes to the pub.

There have been no neighbour objections to the application and one letter of support on the grounds the works would visually improve the area. The South East Bayswater Residents Association have objected to the application on land use and design grounds

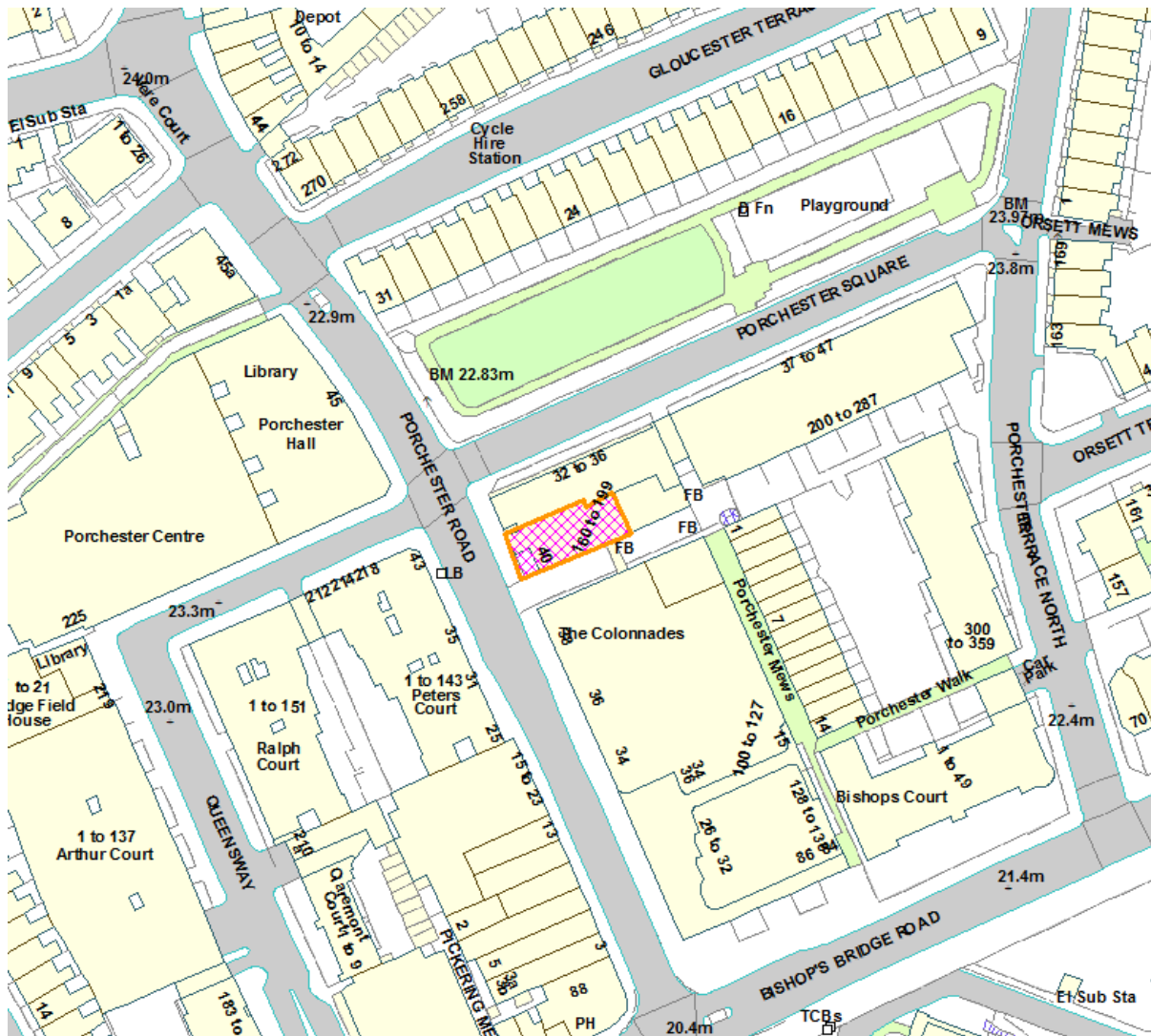
The key issues in this case are:

- The impact of the loss of ancillary accommodation on the viability of the public house;

- The impact of the proposals upon the character and appearance of the Bayswater Conservation Area.

The proposal is considered acceptable as it is not considered the loss of the ancillary accommodation at this site would result in harm long term viability of the premises. The proposed external alterations are considered to comply with City Council design and conservation policies as set out in the City Plan (adopted November 2016) and the Unitary Development Plan (UDP), adopted January 2007.

### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS

Front of the Daniel Gooch pub, side elevation of the Colonades and windows to the first floor accommodation



View of the Daniel Gooch pub from the south, standing on Porchester Road



## 5. CONSULTATIONS

### WARD COUNCILLORS FOR BAYSWATER:

Any response to be reported verbally.

### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Objection on design grounds to the cladding on the Porchester Road elevation, the loss of ancillary accommodation to the pub, detailed design of windows to ground floor, safety of pedestrians, opening hours of pub, use to be restricted to A4.

### CLEANSING MANAGER:

No objection.

### THE HIGHWAYS PLANNING MANAGER:

No objection.

### DESIGNING OUT CRIME:

No response received.

### ENVIRONMENTAL HEALTH:

The works could be acceptable subject to a condition to secure the recommended sound insulation and noise limiter.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 86

Total No. of replies: 1

No. in support: 1

One letter of support on the grounds that the building is currently unattractive and the proposed is an improvement and will modernise the facade.

### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application property is on the corner of Porchester Road and an access road providing service access to Waitrose. The site is not listed but is within the Bayswater Conservation area, is a non-core frontage in the Porchester Road Local Centre and is within the Queensway/Bayswater Stress Area

The site forms part of the Collonades development dating from the late 20th century and is therefore a modern contribution to the area. The existing public house has a recessed entrance from street to the ground floor, to the north of the main entrance there is a side

entrance for the ancillary accommodation which can also be accessed from the back of house areas of the ground floor.

The site has been vacant for approximately 2 years and during a site visit it was evident that both the ground and first floors were in a poor state of repair.

## 6.2 Recent Relevant History

There is no relevant planning history.

## 7. THE PROPOSAL

Planning permission is sought for the change of use at first floor level from ancillary pub accommodation to a one, three bedroom residential unit, extensions at ground and first floor levels to the Porchester Road elevation, new metal cladding on the Colonnades between the Daniel Gooch Pub and Porchester Square and alterations to the entrance and facade of the pub at ground floor level.

The proposed residential accommodation is 149 sqm GIA. The pub retains approximately 346 sqm GIA including space for plant and back of house operations. There is a minor reduction in overall floorspace of the pub (currently used as a plant room at first level) which is to be incorporated into a double height area in the centre of the building, designed to improve the quality/ accommodation of the pub.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
A4 Drinking establishment	532.5	346	-186
C3 Residential	0	149.5	+149.5
Total	532.5	495.5	- 36.5

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Loss of Pub Accommodation:

The existing sites lawful use is as an A4 drinking establishment at ground basement level with the first floor previously in use as ancillary residential accommodation, historically occupied by the manager/staff of the pub. The proposal seeks the change of use of the first floor to create a separate self-contained 3 bedroom flat with no access to the pub below, an extension to the front of the property facing the street, the reconfiguration of the existing ground floor and mezzanine levels which will maintain A4 use. The site has been vacant for in excess of 2 years.

Paragraph 69 of the National Planning Policy Framework ("NPPF") advises that planning decisions should aim to achieve places which promote opportunities for meetings between members of the community who might not otherwise come into contact with each other. Paragraph 70 of the NPPF also advises that planning decisions should "guard against the unnecessary loss of valued facilities and services, particularly where

this would reduce the community's ability to meet its day-to-day needs". The NPPF expressly refers to public houses as community facilities.

Policy 4.8 of The London Plan states, inter alia, that policies should be developed "to prevent the loss of retail and related facilities that provide essential convenience and specialist shopping or valued local community assets, including public houses". This is based on the Mayor of London's "recognition of the important role that London's public houses can play in the social fabric of communities and recent research highlights the rapid rate of closures over the past decade and the factors behind these. To address these concerns, where there is sufficient evidence of need, community asset value and viability in pub use, boroughs are encouraged to bring forward policies to retain, manage and enhance public houses" (paragraph 4.48A).

Policy HC7 of the first draft of the new London Plan (consultation closes March 2018) ("the Draft London Plan") also guards against the loss of public houses and ancillary spaces. However, the draft London Plan has only recently been released and has not been subject to a complete consultation exercise at the time of writing. Accordingly, and having regard to paragraph 216 of the NPPF, the Draft London Plan is given little weight at this particular stage.

The Mayor of London's "Town Centres: Supplementary Planning Guidance" (adopted July 2014) advises that policies to protect public houses should include consideration of the viability of the public house, history of vacancy, the prospect for achieving reuse at prevailing market values and whether it has been marketed effectively for re-use.

Policy SS7 of the UDP states that at first floor level in locations outside of a core frontage in a local centre that permission for non-A1 uses may be permitted if the proposal would not harm the vitality or viability, or character or function of the parade frontage or centre, have a detrimental effect on the environment or residential amenity, unacceptably intensify an existing use or concentration of uses or jeopardise the long term A1 use of the ground floor. Further SS7 para 7.95 recognises that local pubs, provide valuable services which need to be located near to residential areas.

Previously at the site the ancillary accommodation to first floor has been used for the manager/staff of the pub. Under the current proposal the pub would be retained as a "lock up" pub that does not provide accommodation for staff/manager. The applicant has submitted details on "market conditions" to justify the loss of the ancillary accommodation and support the future viability of the ground floor pub. The evidence provided, is in the form of lease agreements completed for premises for "lock up" pubs within the London.

The applicant contends that this demonstrates that demand in the London area is healthy, the applicant has also stated that the accommodation at first floor level was not an income generator and offered no draw/attraction to customers and as such the site would be able to operate without ancillary living accommodation without a reduction in the services offered at the site.

Loss of these ancillary spaces has the potential to affect the long term viability of this public house by depriving it of revenue generating spaces, preventing publicans from living on-site and having to pay market rent elsewhere, and by restrictions placed on the

premises licence resulting from amenity complaints from residents in the student accommodation created. The potential impact on the long term viability of public houses through conversion of these spaces has also been recognised by Inspectors at appeal.

Given the central location of the pub and the proximity to housing and transport links which would either allow staff to live nearby or easily travel to and from the site, it is not considered the loss of ancillary accommodation at first floor level would harm the viability and vitality or function and character of the site, which would retain the use class as A4, or the Porchester Road Local Centre frontage.

As noted in the land use table above, a minor amount of internal floorspace is lost to create a 'feature' double height space to improve the quality of the pub accommodation. This loss is so minor not considered to harm the viability of the site.

Accordingly, and in the absence of any evidence to the contrary, the loss of internal pub floor space and this ancillary accommodation is unlikely to harm the long term wellbeing of this public house and would therefore be consistent with the above policies, subject to the conditions as listed in the draft decision and subject to any futures tenant's compliance with the signage strategy that has been submitted.

**Proposed Residential Accommodation:**

The provision of residential accommodation is supported by policies H3 of the UDP and S14 of the Westminster City Plan. The proposed flat would exceed the Nationally Described Space Standard for a three bedroom, six person flat. All habitable rooms also have windows to provide natural light and ventilation.

The Environmental Health Officer has assessed the application and the sound insulation report carried out by Holtz Acoustic dated the 18th September. The report details the expected noise levels from the ground floor pub and provides details of the recommended proposed insulation measures to limit the impact of noise for residents in the new flat above.

The Environmental Health Officer has stated that were the operators of the premises licence to agree to:

- Carry out works as recommended in the acoustic report by Holtz Acoustics, ref HA2017075; and
- All amplified music, including any permitted under the Live Music Act 2012 exemptions, to be provided only under the control of an electronic sound limiter with frequency control.

The applicant has stated that they do not yet have a tenant for the ground floor A4 unit and therefore are unable to get agreement from the licence operator. The applicant has therefore agreed to pre-occupation conditions to ensure that the advice provided in the acoustic report by Holtz Acoustics, ref HA2017075 and the sound limiter are installed prior to the occupation of the ground floor and basement site.

The Environmental Health Officer is satisfied that with the appropriate conditions to secure sound proofing as recommended in parts 7 and 8 of the acoustic report Ref: HA2017075 and a noise limiter the level of noise would be in accordance with WHO guidelines and the proposals are therefore acceptable.



The Environmental Health Officer has also raised concerns regarding the internal ventilation on the grounds that the windows of the property will likely be closed due to external noise. The Environmental Health Officer has stated that alternative ventilation to allow 4 air changes per hour should be provided. A condition has been added to the permission to secure further details of the ventilation strategy.

The works are considered to be in accordance with H3, SS7 and ENV 6 of the UDP and S14, S21 and S29 of the City Plan and therefore acceptable on land use grounds.

## 8.2 Townscape and Design

In considering the proposals in design terms the relevant policies are DES 1, DES 5 and DES 9 of the UDP as well as S25 and S28 of the City Plan. Also worthy of note is the Bayswater Conservation Area Audit.

The application property forms part of a development dating from the late 20th century and is therefore a modern contribution to the area. The existing public house has a recessed entrance from street with a small window on the part of the front elevation which fronts the street. The section of the building to which this application relates is faced in brown painted bricks in a soldier bond, between cream brick piers. It is proposed to clad the front and part of the side elevation with metal cladding, with the brickwork on the side elevation being painted a colour to match the cladding. A stall riser is to be introduced in stone and the windows at first floor will be rescaled to be full height and the width of a metal panel. The entrance to the public house at ground floor level will remain recessed underneath the first floor extension, which will make the front elevation at this level flush. Additionally, it will allow for the creation of a terrace at first floor level which will be concealed behind a perforated panel.

UDP policy DES 5 seeks to ensure alterations and extensions are of the highest standards of design. It specifically states that permission will generally be granted for alterations and extensions where they do not visually dominate, are in scale with the host building, are of a design that reflects the style of the host building and use materials consistent with the area.

With regards to the extension at first floor level, given that it will be within the built envelope of the host building, being flush with the front and side elevations and incorporated into the design of the property as a whole, it is considered to accord with the aims of DES 5. The extension will reflect the host building and therefore will have a limited impact on the character and appearance of the building and its wider setting within the conservation area.

In considering the external alterations proposed, the introduction of a cladding system which will replace the existing cladding is not considered to be contentious in design terms. The host building is a modern addition to the setting and therefore currently does not relate to the materiality of the wider area; consequently, whilst metal cladding is not characteristic in the wider setting it will be seen in relation to the modern building and therefore is considered to be acceptable.

The local amenity society have raised an objection to the application on the grounds that the windows do not match those on the building above and the new fenestration at ground floor level is too large. They also consider a gate should be present in front of the recessed entrance to the pub.

Whilst the scale and design of the fenestration does depart from the existing building, the application site is distinguished from the upper levels by its materiality and form. In this respect the alterations to the fenestration is not considered to be so out of keeping as to harm the appearance of the building as the lower levels will be interpreted separately from the upper levels when considered with the alterations as a whole. The colour of the window frames can be controlled by condition. Whilst the lack of a gate or balustrade is noted it is considered to recess is defensible space by the change in ground levels and the small number of steps down from the pavement level.

The entrance to the public house and residential floor are proposed to be redesigned to feature a fully glazed frontage to the pub and a shallow recess to the residential access. Part C of UDP policy DES 5 relates to alterations to shopfronts or premises open to the general public. It specifically states that permission will be granted where they satisfactorily relate to the design of the upper parts of the building. The entrance to the public house will have a fully glazed fixed pane and a set of glazed double doors. This design is considered to accord with the aesthetic for the building as a whole as well as the shopping area of the Colonnades development to the south of the site on Porchester Road. Therefore, the design is considered to be in accordance with the policy.

An area for signage in relation to the pub has been shown in the form of a sign to the recessed entrance wall; the glazed pub entrance and a small projecting sign at ground floor fascia level underneath the proposed external first floor courtyard. These areas are acceptable in principle and it is expected that when a new tenant occupies the pub, that they will adhere to these locations, although an advertisement consent application is likely to be required.

The proposal is considered to be acceptable in design terms, having a limited impact on the character and appearance of the conservation area.

### **8.3 Residential Amenity**

ENV 13 of the UDP and S29 of the City Plan seek to protect residential amenity, ENV 13 specifically seeks to protect against an increased sense of enclosure, loss of daylight/sunlight or loss of privacy.

The scheme proposes a change of use from ancillary residential accommodation at first floor level to self-contained residential unit. As the proposed living space is largely already in place subject to a small extension at the front of the property and the creation of an internal courtyard, there are no considered to be any amenity implications of the use of a new residential unit.

The extension to the front elevation at ground and first floor will not result in unacceptable increases in overlooking, sense of enclosure or loss of daylight/sunlight for any of the neighbouring properties and it is not considered that the small courtyard at

first floor level will generate noise levels greater than the street noise that is existing in the area.

The proposals are acceptable in amenity terms and accord with policy.

#### **8.4 Transportation/Parking**

The proposed scheme does not represent an increase in the amount of residential units or a loss of parking and therefore is in accordance with TRANS 23. Cycle storage at ground floor level in an area that is both safe and accessible, therefor in accordance with the requirements of the London Plan. The works do not raise and transportation or parking issues.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.6 Access**

There is currently no level access to the site and the proposals, whilst modifying the entrance and access still provides stepped access. The applicant was asked during the course of the application to consider level access however given the level changes between the pavement and the internal pub accommodation, this is not possible. Whilst regrettable, it is not considered that the application can be refused on this basis.

#### **8.7 Other UDP/Westminster Policy Considerations**

The City Council's cleansing manager has no objection to the revised waste storage details submitted during the course of the application.

#### **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.

The estimated CIL payment is: Westminster City Council CIL £59,800 and London Mayoral CIL £7,475

#### **8.11 Environmental Impact Assessment**

Not applicable in a scheme of this size.

## 8.12 Other Issues

The local resident's association has commented that restrictions on the hours of use of the pub are imposed and that no patrons of the pub should be allowed to smoke on the pavement outside the pub. It is also requested that the City Council restrict the use of the pub so that it cannot become a restaurant or retail unit. Given the proposals are for a new residential unit, extensions and a cladding scheme, it is not considered reasonable to impose any conditions on the existing authorised use of the pub.

## 9. BACKGROUND PAPERS

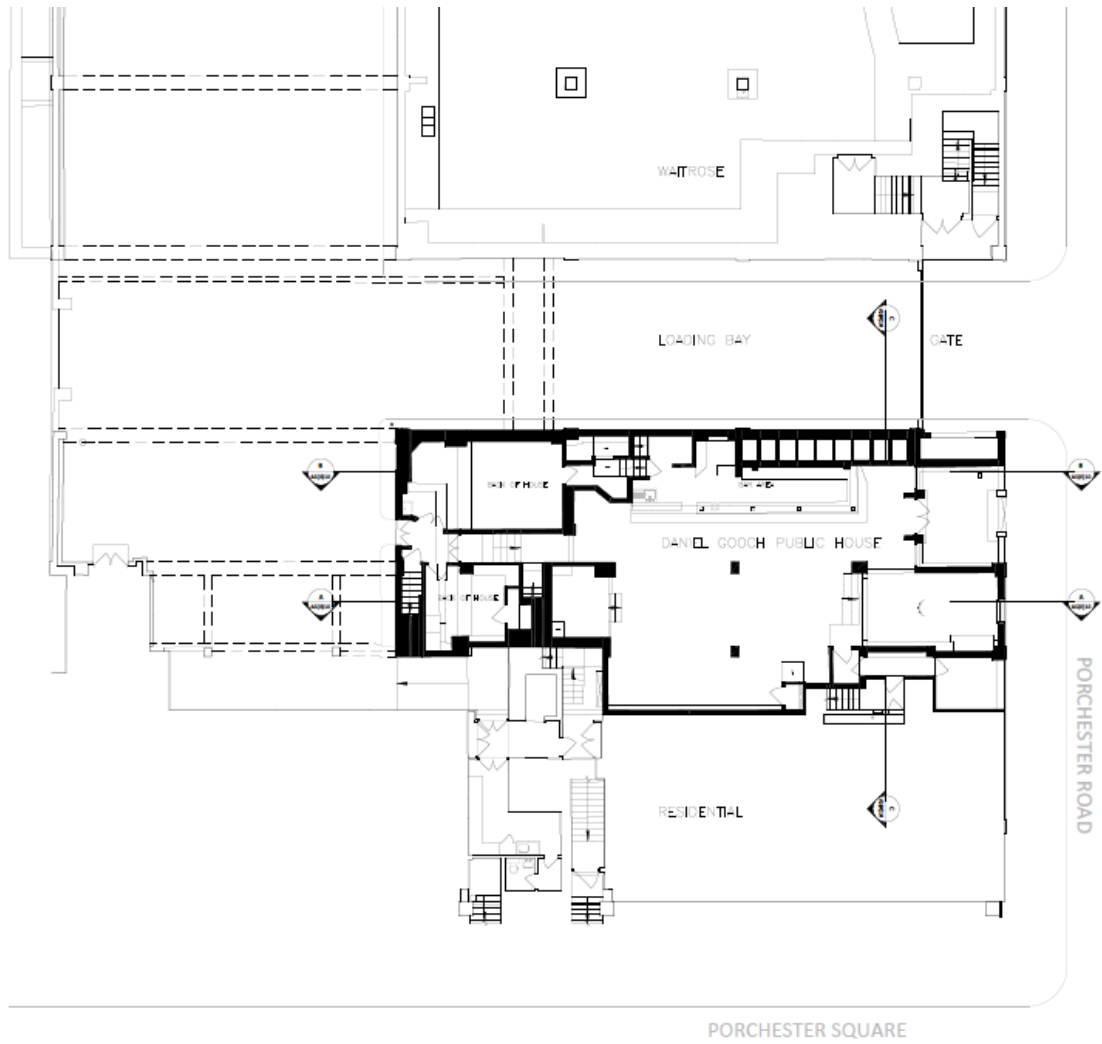
1. Application form
2. Letter from South East Bayswater Residents Association dated 25 June 2017.
3. Memorandum from Cleansing Manager dated 31 July 2017.
4. Memorandum from Highways Planning Manager dated 25 July 2017.
5. Memorandum from Environmental Health dated 3 November 2017.
6. Letter from occupier of 39 Reading House, Bayswater, dated 3 January 2018

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

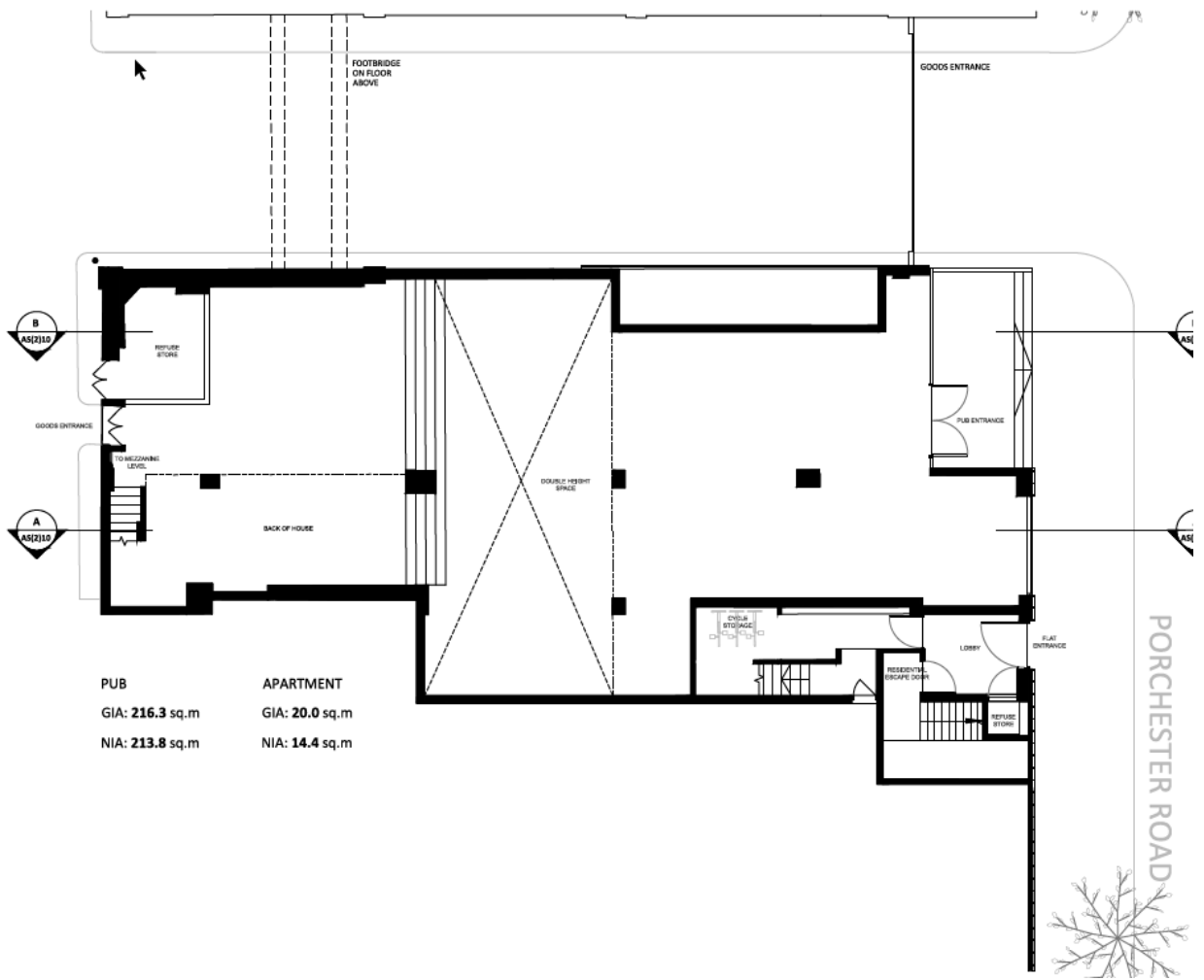
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT [kdavies1@westminster.gov.uk](mailto:kdavies1@westminster.gov.uk).

10. KEY DRAWINGS

Existing Ground Floor Plan

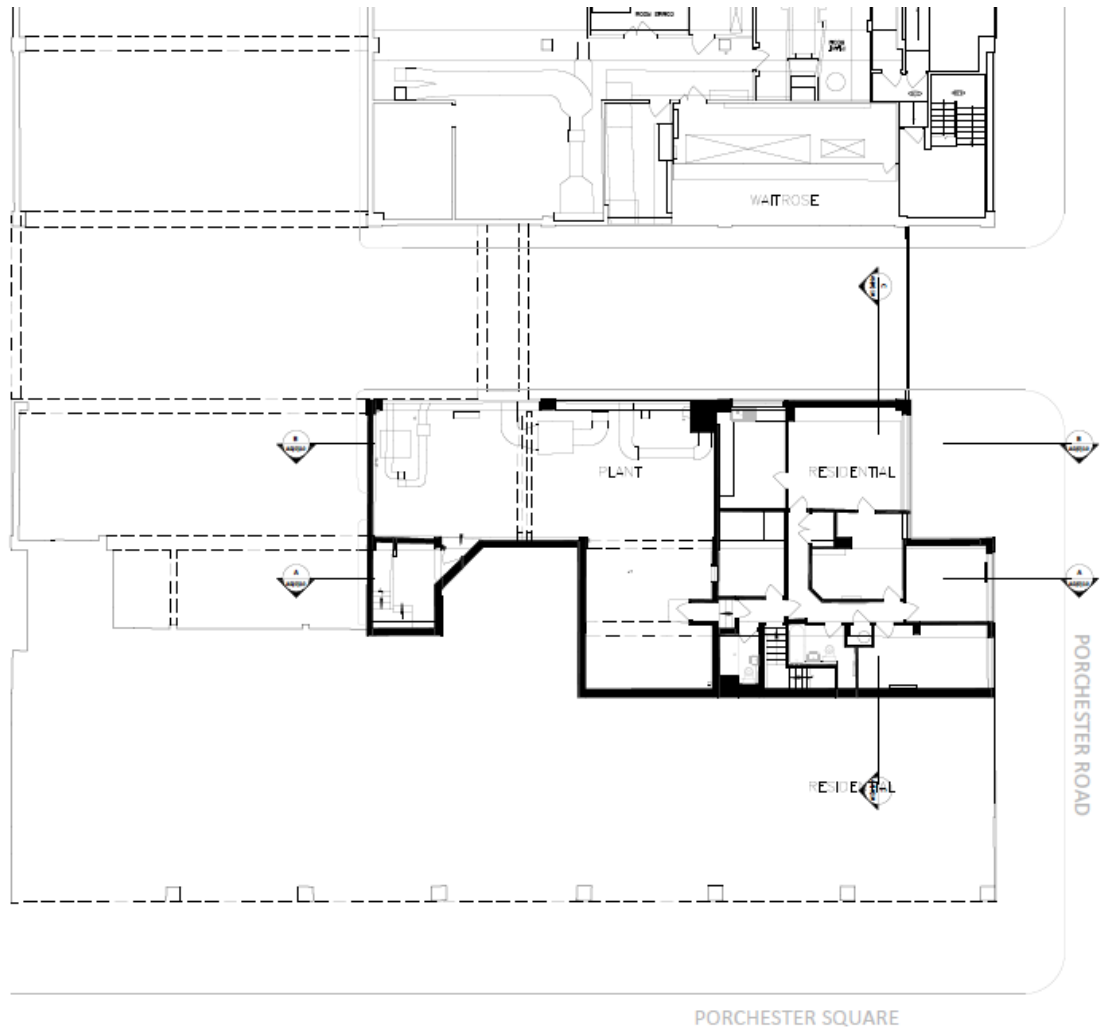


### Proposed Ground Floor Plan

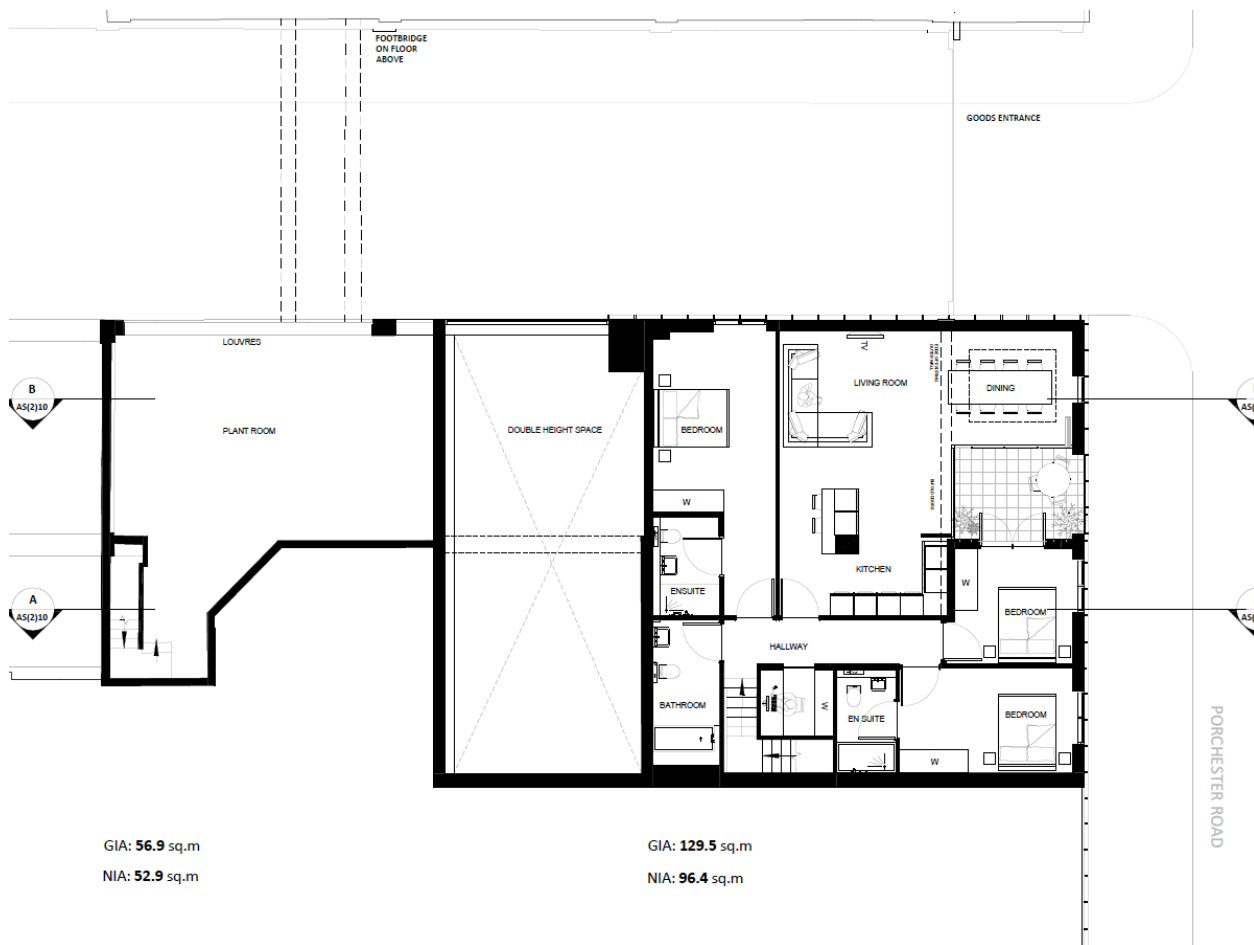


<b>PUB</b>	<b>APARTMENT</b>
GIA: 216.3 sq.m	GIA: 20.0 sq.m
NIA: 213.8 sq.m	NIA: 14.4 sq.m

Existing First Floor Plan

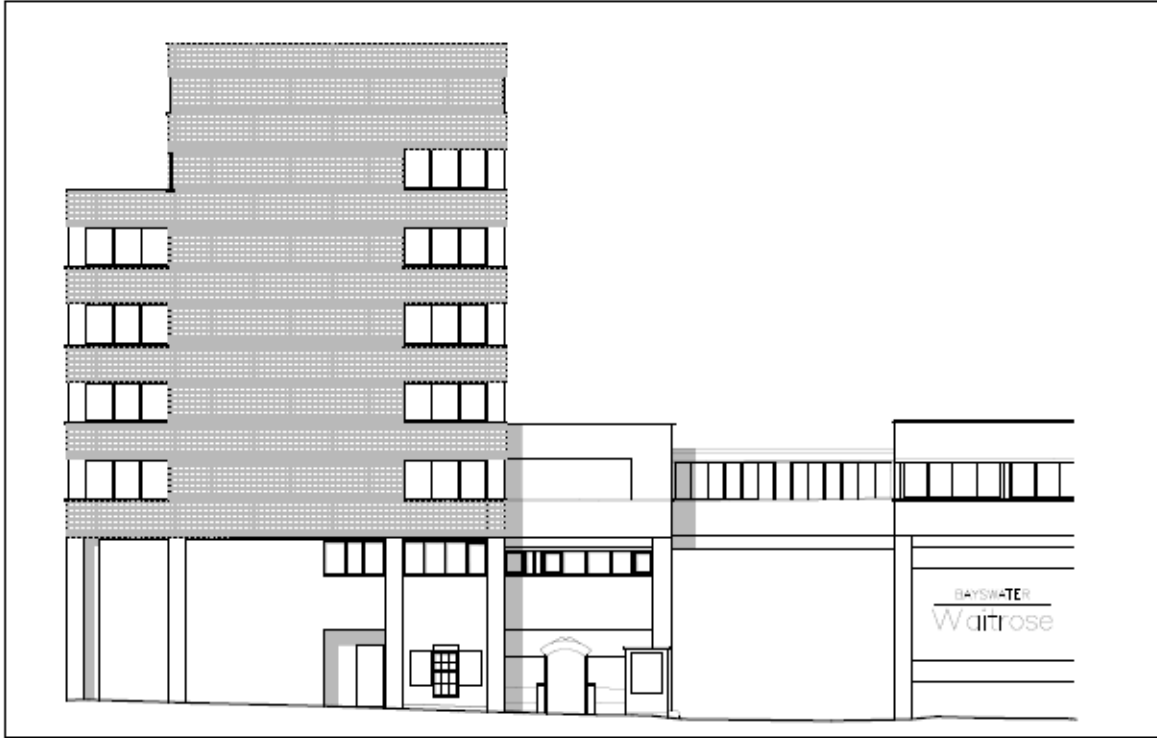


### Proposed First Floor Plan



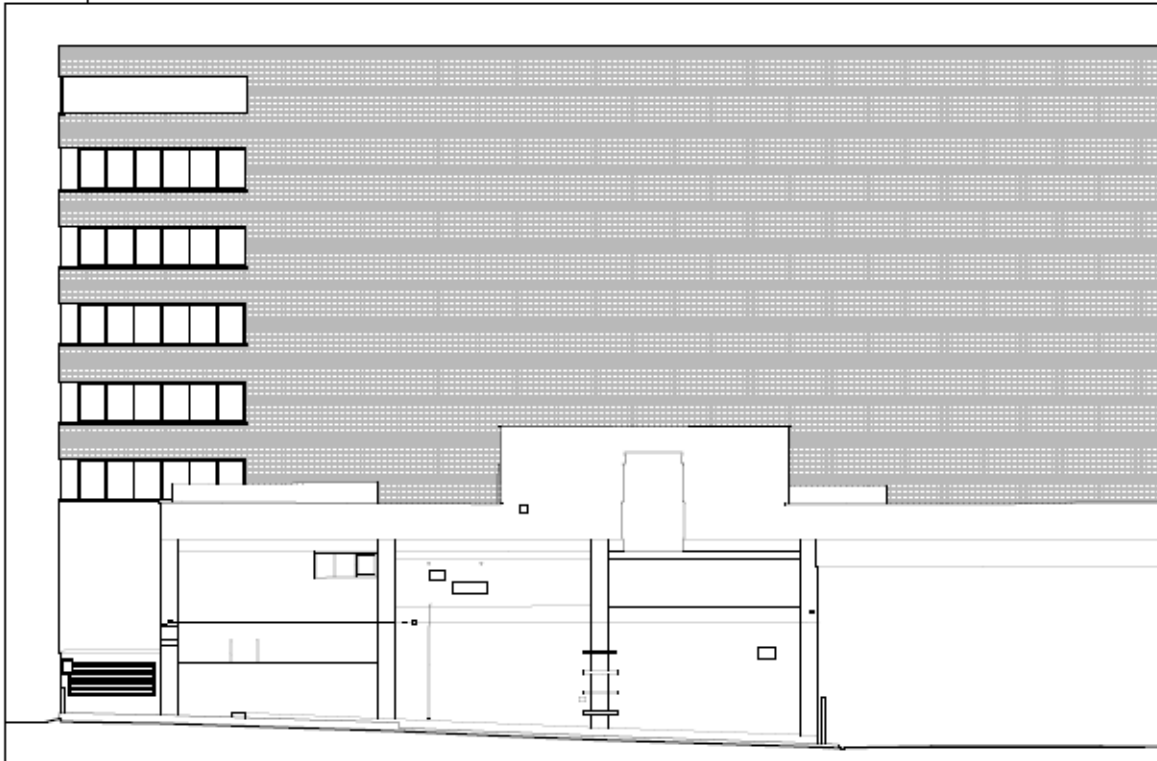


Existing Elevations



02 EXISTING ELEVATION A-A

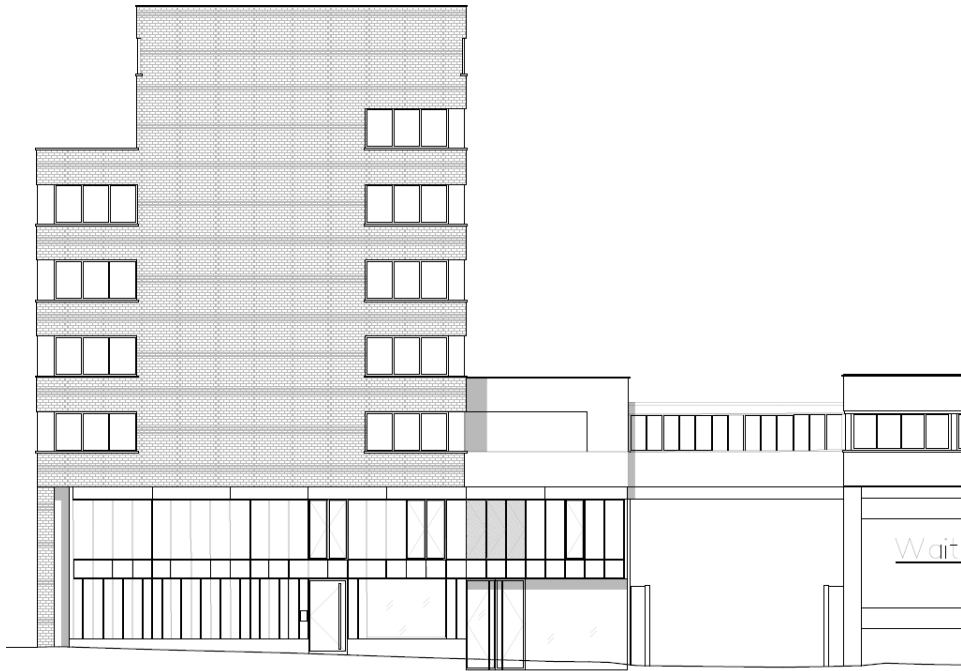
Scale: 1:100 PORTRAIT ROAD



03 EXISTING ELEVATION B-B

Scale: 1:100 THROUGH SERVICE YARD

Proposed Elevations



Proposed Visual (for information only)



**DRAFT DECISION LETTER**

**Address:** 40 Porchester Road, London, W2 6ES,

**Proposal:** Extension to front elevation at ground and first floor, re-cladding of building at ground and first floor and changes to the elevations in association with the change of use at first floor level from ancillary public house accommodation (Class A4) to a self contained residential unit (Class C3).

**Reference:** 17/04344/FULL

**Plan Nos:** AP(0)01, AE(0)10, AE(2)10, AE(2)11, AP(0)10, AE(0)11, AE(0)12, AP(0)13, AP(2)10 Rev A, AP(2)11, AP(2)12 Rev A, AP(2)13, AS(0)10, AS(0)11, AS(2)10, Sound Insulation Report dated 18th September, Noise levels deceleration dated 9th November; Signage Strategy drawing dated Jan'18.

**Case Officer:** Max Jones

**Direct Tel. No.** 020 7641 1861

**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 You must apply to us for approval of details of the facing materials you will use, including the metal cladding colour, the colour of paint for the brickwork and elevations and roof plans annotated to show

where the materials are to be located. 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 using the approved materials. (C26BC)

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 Bayswater 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 attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building facing the street unless they are shown on drawings we have approved. (C26MA)

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 Bayswater 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)

- 5 You must apply to us for approval of detailed drawings of the following parts of the development – wall mounted lights. 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 detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater 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)

- 6 Notwithstanding details shown on the approved drawings the frames to the windows hereby permitted shall be painted to match the colour of the metal cladding.

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 Bayswater 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)

- 7 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75)

16 hour day-time nor 0.26 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 Prior to occupation of the residential accommodation you must provide details to demonstrate the works recommended within parts 7 and 8 of the acoustic report by Holts Acoustic Ref: HA2017075 between the residential accommodation and the A4 unit at ground floor and basement level have been carried out. Such details must include the installation of an appropriate sound limiter to any musical amplification system in the A4 unit at ground floor and basement level set at a level as specified in section 9 of the acoustic report by Holts Acoustic Ref: HA2017075.

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and in of our Unitary Development Plan that we adopted in January 2007. (R19AC)

- 9 Prior to the occupation of the residential accommodation you must submit to the city council for approval details of a ventilation strategy with external windows closed that prevents overheating in the residential accommodation.

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and in of our Unitary Development Plan that we adopted in January 2007. (R19AC)

- 10 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the IN; use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the IN; use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved 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 L A90, 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:**

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 nearby 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 You must provide the waste store shown on drawing AP(2)10 RevA, AP(2)12 RevA before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the flat. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

**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 hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

**Reason:**

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

**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, 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 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. (I35AA)
- 3 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 4 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil), , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, , Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk), , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

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.