

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 7 February 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	Paddington Central, Bishop's Bridge Road, London, W2 6BA,		
Proposal	Use of part ground floor and part basement of 4 Kingdom Street as shop (Class A1) and/or financial and professional services (Class A2) and/or restaurant and cafe (Class A3) and/or drinking establishment (Class A4) and/or business (Class B1) and/or a nursery/art gallery (Class D1) and/or assembly or leisure (Class D2).		
Agent	Mr Graham Timms		
On behalf of	CBRE		
Registered Number	16/11058/FULL	Date amended/ completed	22 November 2016
Date Application Received	18 November 2016		
Historic Building Grade	Unlisted		
Conservation Area	No		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

No 4 Kingdom Street is a new office building which is nearing completion. It is an unlisted building located outside of a conservation area and the Central Activities Zone (CAZ), but is within the North Westminster Economic Development Area (NWEDA) and the Paddington Opportunity Area.

Permission is sought for the flexible alternative use of part of the ground (podium) and basement floors as a mix of any of the following uses: A1; A2; A3; A4; B1; D1 (limited to a nursery or art gallery); and D2. No external alterations are proposed.

The key issues are:

- * the acceptability of the mix of uses in land use terms;
- * the impact of the proposed uses on the amenities of neighbouring occupiers;
- * the impact of the proposed uses on the highway network.

4. PHOTOGRAPHS

Front elevation from Kingdom Street

23 Jan 2017, 14:39:02



5. CONSULTATIONS

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

Any response to be reported verbally.

CLEANSING:

No objection subject to waste facilities provided as shown on plan.

HIGHWAYS PLANNING:

No objection.

ENVIRONMENTAL HEALTH:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 176

Total No. of replies: Any responses to be reported verbally.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site is located within Paddington Central, a mixed commercial and residential development, which is outside of a conservation area and the CAZ, but is located within the North Westminster Economic Development Area (NWEDA) and the Paddington Opportunity Area.

No 4 Kingdom Street is a new building, which is nearing completion and yet to be occupied. The use of the building as permitted, is as offices (Class B1).

6.2 Recent Relevant History

This scheme of development has been undertaken further to approval of reserved matters on 12th January 2010 (Ref 09/08353/RESMAT). The description of development was as follows:

'Reserved matters approval in relation to the last two buildings at 4 and 5 Kingdom Street pursuant to Condition A.1(a),(b),(c) in part relating to the layout, siting means of vehicular and pedestrian access, parking, detailed design and external appearance and the surface treatment of any part of the site not covered by buildings or formally landscaped areas and Condition M.1 (disabled access) attached the outline planning permission dated 23 May 2000 (as amended by 09/08354/FULL), for one 13 storey office building plus plant room and one 10 storey office building plus plant room.'

This reserved matters approval was granted further to an original outline planning permission dated 23rd May 2000 (Ref 97/06935/OUT) for:

'Redevelopment to provide a mix of uses; namely offices, 210 residential units, local shopping and studio/ light industrial units in buildings between 7 and 13 storeys in height. Creation of new access off Bishops Bridge Road and new egress ramp, provision of basement car parking and ancillary office accommodation. New footpaths and pedestrian links including a new footbridge across the canal'

This scheme of development at 4 Kingdom Street (along with that for 5 Kingdom Street, at which work has yet to commence aside from site enabling works) was also the subject of two applications for non-material amendments. These were agreed on 6th June 2014 (Ref 14/05019/NMA) and 7th November 2014 (Ref 14/11007/NMA) and allowed minor alterations to the buildings including alterations to entrance ways.

7. THE PROPOSAL

Planning permission is sought for the flexible use of two separate areas at the eastern and western end of 4 Kingdom Street at ground (podium) floor level (either side of the main office entrance) and also an area at the western end of the building at basement level (podium -1 level).

The internal layout, degree of subdivision and end user(s) has yet to be confirmed. A range of uses are proposed to provide flexibility in marketing the space. The proposed uses for the whole space are shops (Class A1), Financial and Professional Services (Class A2), Restaurants/Cafes (Class A3), Drinking Establishments (Class A4), Offices (Class B1), Non-Residential Institutions (Class D1) or Assembly and Leisure (Class D2). No external alterations are proposed.

8. DETAILED CONSIDERATIONS

8.1 Land Use

No 4 Kingdom Street is approaching completion, and is currently an approved office building (Class B1). The proposed changes of use would result in part of the ground and basement having a mixed flexible use.

Table 1: Floorspace figures:

	Existing & Proposed (GEA)
Part ground	836sqm
Part basement	637sqm
Total	1473sqm

Policy S3 within the City Plan relates to the Paddington Opportunity Area, which this site is located within. It states that the 'provision of a range and mix of uses across the Opportunity Area including'...'other uses to support the economic and social regeneration of the area, including retail, social and community facilities, entertainment and arts/cultural uses. Where appropriate, other town centre uses should provide active frontages at ground floor level.'

Policy S12 of the City Plan states that development should contribute to increasing economic activity within the area, or provide local services or improving the quality and tenure mix of housing.

As the proposals will result in a range and mix of uses at part ground and basement levels, the proposals are considered to be in accordance with these policies.

Due to the range of uses proposed the following sections of this report will assess the impact of each the proposed uses in turn.

8.1.1 Loss of office B1 use

There are currently no adopted or saved policies which protect against a change of use from office to uses other than residential, the principle of the loss of B1 floorspace is therefore considered acceptable. Policy S20 of the City Plan states that 'losses of office to other commercial or social and community uses are acceptable as they likewise contribute to the commercial activity in the area.'

8.1.2 Shops and Financial and Professional Services A1/A2 uses

Land Use:

Policy S21 of the City Plan states that new retail floorspace will be directed to the designated Shopping Centres.

Policy SS10 of the UDP states that proposals for retail development outside District or Local centres will not be permitted if they would cause demonstrable harm to the vitality or viability of existing centres.

The nearest centres are the Praed Street District Centre and the Church Street / Edgware Road District Centres. There are also other shops and services located within the development itself, however these are all currently located around the sunken amphitheatre at Sheldon Square and along the canal. These are however mostly food and beverage providers, as well as a Sainsbury's supermarket.

Given the relatively closed nature of the Paddington Central development, the majority of users of any new shop are likely to come from within the development itself. Given this, it is considered that should a retail use occupy either part of or the whole proposed site, it would not result in demonstrable harm to the viability of adjacent District Centres.

Amenity:

It is not considered that the use of the premises as either an A1 or A2 use would give rise to significant adverse impacts on the amenity of adjoining occupiers above what the existing use as an office would have caused in relation to general comings and goings and is therefore considered acceptable.

The main impact of a large shop would be from servicing vehicles, should the unit be used as something such as a supermarket or a furniture shop. A condition is therefore recommended to ensure all servicing takes place below Kingdom Street level so that it does not cause any disturbance to adjacent occupiers.

8.1.3 Restaurants, Cafés and Drinking Establishments, Assembly and Leisure A3/A4/D2 uses

Land Use:

The proposals have the potential to provide 1473sqm of either A3/A4/D2 floorspace across the two floors. Any new entertainment uses over 500m2 must be assessed against Policy TACE 10 which states that such uses are only permissible in 'exceptional circumstances'. Policy S24 within Westminster's City Plan is also relevant and states that new large scale, late night entertainment uses of over 500m2 will not generally be appropriate within Westminster. The UDP includes a schedule of what exceptional circumstances may constitute:

- a) a general reduction in adverse effects on residential amenity and local environmental quality when compared with the existing activity on the 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;
- c) the retention of a valued Central London activity which is of national or international importance;
- d) proposals which are shown to be necessary to improve health and safety standards, or access for disabled people;
- e) the provision of restaurants and cafés on the second floor and above in Oxford Street, Regent Street and Piccadilly;
- f) in the Paddington and the North West Westminster Special Policy Area, the achievement of regeneration benefits.

Part (f) is relevant given the location of the site within the Paddington Opportunity Area. The question is therefore do the proposals achieve 'regeneration benefits'? It could be argued that such a use would bring benefits in the form of alternative uses to this part of Paddington Central, which does not currently have any entertainment uses, however as the building is new, whether this could be classified as 'regeneration' is questionable. It is therefore not considered that the proposals would strictly satisfy any of these criteria.

It must be noted, however, that Policy TACE 10 was adopted prior to the publication of the National Planning Policy Framework (NPPF). Although the policy still holds weight as a saved policy, the NPPF has impacted on the assessment of larger entertainment uses because it is no longer sufficient for the City Council to argue that a use would not satisfy any of the policy criteria.

Permission was refused on 10 July 2012 for an extension to a new restaurant at 34 Grosvenor Square as it was contrary to Policies TACE 10 and the then draft Policy CS23 of the Core Strategy (now adopted policy S24 of the City Plan). The decision was appealed (Ref APP/A/12/2183693). The Inspector determined to grant permission as it was not considered that the proposed use would result in material harm to the living conditions of adjacent occupiers. He concluded that the absence of proven harm qualified as an exceptional circumstance.

Such decisions are material considerations and the Council must therefore identify the specific harm that would be caused if it were to refuse an application and explain why it would be contrary to sustainable development objectives.

In economic terms the proposed use would result in the loss of B1 office floorspace but new jobs would be created to compensate this impact.

In environmental terms the building has existing ventilation ducting to serve a restaurant use, venting at roof level (discussed below). Dedicated servicing and waste facilities are provided (discussed in Section 8.4) and there is no reason to presume that, with suitable management procedures in place, the new use would result in littering or pollution of the public realm.

It is accepted that there would be a degree of impact on the social realm. A3 / A4 and D2 uses are likely to result in some increased vehicle movements from deliveries in the morning and increased pedestrian movements in the evening, which contrasts with typical patterns of the existing office use. Unless the additional movements would result in 'significant adverse impacts on health and quality of life' as set out in paragraph 123 of the NPPF, it is not considered that the proposed uses would result in significant social harm that would be contrary to the overarching principle of the NPPF to promote sustainable development.

Given the location of the site, set away from residential occupiers, and within the Paddington Opportunity Area, it is considered that an exception circumstance could be argued in this instance. However the provision of a single unit of almost triple the size of that allowed by policy is considered excessive and beyond what could reasonably be justified in line with conditions TACE10 and S24 (which seek to restrict to 500sqm). A condition is therefore recommended for the submission of a plan, prior to commencement of development, to show the size and layout of any proposed A3/A4 unit/s, which should not take up the whole floor area. The applicant has confirmed that any such unit would be limited to either the western and eastern unit at ground floor level, plus the basement floor area.

The applicant has stated that a drinking establishment (A4) unit would not be provided without the provision of a restaurant (A3) with a maximum of 60% of the floorspace being A4. While the 60% A4 floorspace is noted, it is considered that a more acceptable mix would be a 60/40 split with the majority being A3 rather than A4 in order to protect the environment of the development. This is to be secured by condition.

Amenity:

Policies S29 and S32 within the City Plan relate to residential amenity and noise and are therefore applicable. UDP Policy ENV 6 also relates to noise pollution and requires design features and operational measures to minimise and contain noise from developments, to protect noise sensitive properties. Policy ENV7 specifically relates to noise and vibration from mechanical plant, setting out noise standards for different parts of Westminster. In relation to the proposed entertainment uses, TACE 8, 9 and 10 are also applicable, within which paragraph 8.83 states that when assessing the potential adverse impacts of a proposal, matters to be taken into account will include the gross floorspace, capacity, type of use proposed, the opening hours, the provision of effective measures to prevent smells, noise and vibration disturbance, proximity to residential uses, the existing level of night time activity and the number of existing and proposed entertainment uses in the vicinity and their opening hours.

External noise and general disturbance:

The proposed uses are likely to result in increased noise from vehicles, staff, and general disturbance from visitors arriving and departing from the site throughout the day and into the evening.

In order to mitigate against potential noise disturbance in relation to the proposed A3/A4 uses, an Operational Management Strategy has been submitted. This sets out how the restaurant/bar would operate including details of staff management, security, servicing, capacity and opening hours.

As the final operator or use of the development is currently unknown, an additional condition is recommended for the submission of a new operational management plan with details of how the selected operator will manage the unit. The information contained within the plan will vary depending on the proposed use, however is likely to include details such as servicing, opening hours, capacity, staff and visitor management, security etc.

Visitors arriving at the site by foot would arrive at the front entrance on Kingdom Street. Given the existing commercial nature of this frontage, and the location set away from residential windows, it is not considered that customers will have a significant negative impact on residential amenity at the actual site, however patrons are most likely to access the site from the east, where there are residential occupiers and is therefore a consideration.

The applicant has requested opening times of 07:00 – 00:00 daily. As customers are likely to walk past the residential occupiers, and given the use and occupier of the unit has not been defined, it is not considered that a later terminating hour than 23:00 could be justified. A condition is therefore recommended to limit the opening hours for any of the proposed uses to match those stated above in order to protect residential amenity from patrons coming and going to the site.

Vehicles:

While there may be an increase in servicing vehicles associated with the proposed uses, this would be undertaken from the dedicated servicing areas which are accessed on the lower levels. In relation to taxis, while these can use Kingdom Street, it is not considered that these will give rise to a significant loss of amenity given the existing hotel opposite and the existing commercial use of the building. A condition is recommended to ensure that servicing is not undertaken at Kingdom Street level as is undertaken from the dedicated servicing areas at sub-podium level to ensure it does not cause harm to the local environment.

Cooking ventilation:

The proposals include the use of existing ventilation ducting, which terminates at roof and sub-podium level. The applicants have suggested that as there is no nearby residential accommodation, the use of low level extracts for the sub-podium level is acceptable.

Due to the negative impacts of low level extracts on the public realm and its associated nuisance, Westminster does not allow low level extract systems except in exceptional circumstances. It is not considered that sufficient information has been provided to demonstrate such an exceptional circumstance, such as details of how cooking smells would be filtered, however this is not surprising given that the use or operator is yet to be

determined. In addition as the applicant has confirmed that the ground floor has access to existing ventilation at roof level, it is unclear as to why cooking can either not be undertaken at this level, or the basement level be modified in order to link up to the roof level ventilation system.

As full details of the ventilation system have not been provided with the application, a condition is recommended for these details to be submitted prior to any primary cooking being undertaken on the site to ensure that ventilation is at roof level and there is no negative impact on the local environment.

8.1.4 Non-residential Institutions D1 use

The applicant has confirmed that the only likely D1 uses who may take occupation of the site would be a nursery or an art gallery. A condition is recommended to limit the D1 use to these two uses.

Children's nursery

Policy S3 of the City Plan encourages the provision of uses to support the economic and social regeneration of the area including social and community facilities. Furthermore, Policy SOC 1 of the UDP seeks generally to encourage community uses on appropriate sites and in new developments. UDP Policy SOC 2 specifically relates to childcare facilities and seeks to encourage their provision in appropriate locations. In particular, such facilities should ideally be located at ground floor level, with outdoor playspace, and should be fully accessible. While the D1 floorspace is to be at basement level, with appropriate access from the ground floor, the proposal is considered to broadly satisfy these expectations, and in these circumstances is considered to be acceptable in land use terms.

With regard to potential nuisance to neighbours, it is considered that noise would generally be contained within the unit. No objections have been received to the proposal. Subject to the provision of an Operational Management Plan, to include details such as opening hours, access, visitor management, buggy storage etc., the proposed use is not considered to be harmful in amenity terms.

Art Gallery:

An art gallery would function in a similar fashion to an A1/A2 premises. Subject to the submission of an Operational Management Plan, which would need to include details such as opening hours, servicing etc., such a use is considered to be acceptable.

8.2 Townscape and Design

No external alterations are proposed. The applicants note that should permission be granted, separate applications will be made for any alterations at ground floor level and signage.

8.3 Amenity

The nearest residential properties are located at Westbourne Terrace Road to the North West and at Sheldon Square to the East, no objections have been received to the proposed uses from these occupiers. The impact of the various uses on the local environment and these occupiers has been addressed within section 8.1 of this report.

8.4 Transportation/Cleansing

Paddington Central has dedicated service roads and servicing bays located on the lower levels of the development. These service roads are privately owned and managed as part of the estate and are not readily accessible to the general public as they are solely for the servicing of the buildings across the site. Given the managed environment no objection has been raised by the Highways Planning Manager in relation to the proposed uses.

In order to ensure that the development does not give rise to any harm to the surrounding street network, a condition is recommended to ensure that all servicing is undertaken from within the Paddington Central servicing areas at sub podium level. A further condition is recommended for the submission of an Operational Management Strategy for the use/uses that are subsequently chosen to occupy the site.

The Highways Planning Manager has commented that no car or cycle parking is specifically provided for the new uses, however it is noted that the development does include parking for both cars and bicycles at basement level. Given that the development as a whole is privately managed, no objection has been raised, with any requirements for car and cycle parking, will need to be provided as required, depending on which use is implemented. As the land is not public highway, Westminster's consent would not be required for such works.

8.5 Economic Considerations

Any economic benefits of the proposed changes of use are welcomed.

8.6 Access

Access to the site is to remain as existing, with pedestrians/ taxis arriving on Kingdom Street, and servicing taking place from the dedicated serving roads at basement level.

8.7 Other UDP/Westminster Policy Considerations

Cleansing:

The Operational Management Plans for each use shall include details of waste storage for the relevant use.

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.

No CIL payment is required for this scheme.

8.11 Environmental Impact Assessment (EIA)

This application is of insufficient scale to require the submission of an EIA.

8.12 Other Issues

None

8.13 Conclusions

While such a wide variety of uses would not usually be considered acceptable due to the number and range of potential occupiers, given the location of the site within the Paddington Opportunity Area, and within a privately managed estate, it is considered that subject to the conditions as outlined within this report and on the draft decision letter, an exceptional circumstance can be argued in this instance.

The application is therefore recommended for approval.

9. BACKGROUND PAPERS

1. Application form
2. Memorandum from Cleansing dated 6 December 2016
3. Memorandum from Highways Planning dated 13 December 2016

(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.

DRAFT DECISION LETTER

Address: Paddington Central, Bishop's Bridge Road, London, W2 6BA

Proposal: Use of part ground floor and part basement of 4 Kingdom Street as shop (Class A1) and/or financial and professional services (Class A2) and/or restaurant and cafe (Class A3) and/or drinking establishment (Class A4) and/or business (Class B1) and/or a nursery/art gallery (Class D1) and/or assembly or leisure (Class D2).

Plan Nos: 600_0_100; 600_07_102 P3; 600_07_500 P3; 600_07_520 P3; 600_07_521 P3; 600_09_203 P1; Operational Management Strategy; Waste storage provision review by 17 November 2016; email dated 3 January 2017 from CBRE; Letter dated 18 January 2016 from CBRE.

Case Officer: Rupert Handley

Direct Tel. No. 020 7641 2497

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 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 All servicing shall take place from sub-podium level (below Kingdom Street).

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S29, S42 of Westminster's City Plan (November 2016) and ENV 6, ENV 13, STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 3 Customers shall not be permitted within the ground or basement premises before 07:00 or after 23:00 hours daily.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 8/9/10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 4 Before any A1, A2, A3, A4, D1 (gallery / children's nursery) or D2 use is commenced, you must provide an operational management plan for the relevant proposed use to us for our written approval. The plan must include the following:

- a) A floorplan to show the location and layout of the use;

- b) Customer opening hours (no greater than those stated in condition 4);
- c) Capacity;
- d) How the use will be serviced;
- e) How the use will be operated;
- f) Visitor management, such as: queuing, crowd control etc.;
- g) Security arrangements;
- h) Access and egress arrangements;
- i) Waste and recyclable Storage.

The use must then operate in accordance with the approved management plan. Thereafter, any subsequent material change of use (to any other use hereby approved) will require the submission of a revised operational management plan prior to the new use commencing. The use must then operate in accordance with the approved plan.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S24, S29, S32, S44, S42 of Westminster's City Plan (November 2016) and TACE8/9/10, ENV 6, ENV12, STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 5 The development shall only be carried out in accordance with the following:

- a) Only one of the ground floor units can be used for A3 and/or A4 purposes and any A4 use shall not occupy more than 40% of the floorspace (ground and basement).
- b) Any D1 (children's nursery or gallery) / D2 use shall be limited to basement level, except for suitable access arrangements from ground floor level.

Reason:

To make sure that the uses will not cause nuisance for people in the area. This is as set out in S24, S29, S32 and S34 of Westminster's City Plan (November 2016) and SOC 1 (B), SS8, TACE 8/9/10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 6 You must not play live or recorded music that can be heard outside of the site.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 8/9/10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 7 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be

representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

- 8 You must not use any part of the site for the cooking of raw or fresh food until you have applied to us for approval of detailed drawings of the design and location of the whole ventilation system and any associated equipment, which must terminate at roof level. You must then carry out the work according to the approved details. You must not change it without our permission.

Reason:

To protect the environment of people in neighbouring properties as set out in ENV 5, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 9 You must only use the part of the property we have approved for D1 as a children's nursery or an art gallery. You must not use it for any other purposes, including any within Class D1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it). (C05BB)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

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 or visit www.ccscheme.org.uk.
- 4 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)

- 5 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the podium and sub-podium floor can change between the A1, A2, A3, A4, D1 (children's nursery or art gallery only), D2, B1 uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)