

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 21 February 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	Development Site At, Kingdom Street, London, W2 6AE,		
Proposal	<p>Application 1: Temporary use of cleared site at 5 Kingdom Street for two year period as restaurants (Class A3) and bar (Class A4) and erection of a temporary two storey building, with temporary access arrangements from Kingdom Street and Westbourne Bridge Road.</p> <p>Application 2: Display of 2 non-illuminated hoarding signs measuring 2.4m x 55m, 1 internally illuminated sign measuring 1.5m x 5m, 1 internally illuminated sign measuring at 1.2m x 4m, and 1 internally illuminated sign measuring 0.5m x 2m.</p>		
Agent	Mr A Kindred		
On behalf of	British Land		
Registered Numbers	16/12331/FULL & 16/12332/ADV	Date amended/ completed	29 December 2016
Date Application Received	29 December 2016		
Historic Building Grade	Unlisted		
Conservation Area	No		

1. RECOMMENDATION

1. Grant conditional permission for a temporary period of 1 year.
2. Grant conditional advertisement consent.

2. SUMMARY

The site is a currently vacant development site at 5 Kingdom Street, which is characterised by a large concrete slab, set a storey below the level of Kingdom Street. The site is 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 use of the site as a new 'pop up' bar and restaurant for a temporary period of 2 years. The development will be set over two levels, with a new bar erected at Kingdom Street

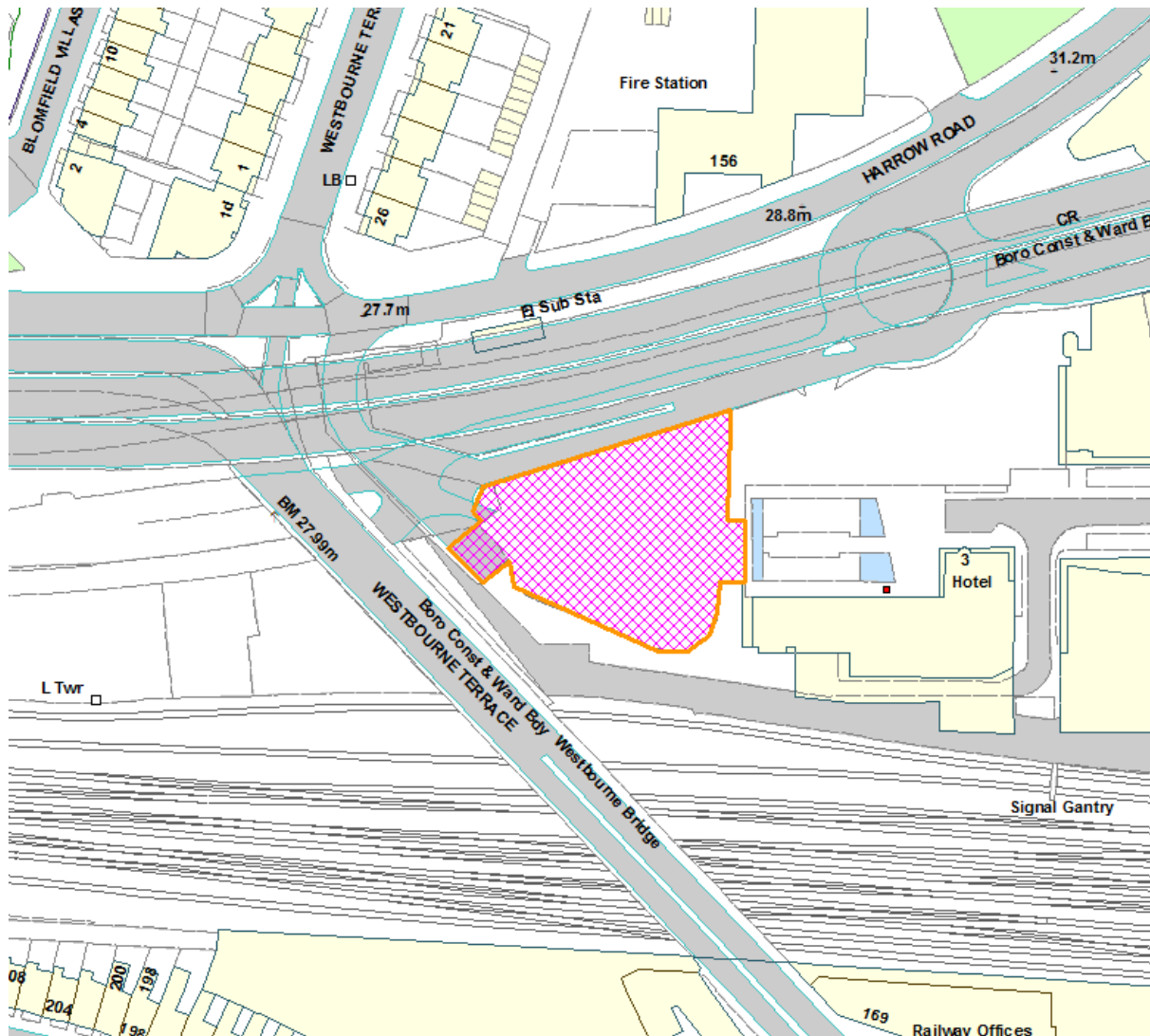
(podium) level and the erection of a number of food kiosks, bar and seating area under a large pergola at lower level (podium-1). A new walkway is also proposed which will provide a new access route from Kingdom Street to the Harrow Road, which lies to the north on the other side of the Westway.

The key issues are:

- * the acceptability of the use in land use terms;
- * the impact of the proposed use on the amenities of neighbouring occupiers;
- * the impact of the proposals on the character of the area; and
- * the impact of the proposed use on the highway network.

Subject to conditions, the proposed use is considered to comply with the Council's policies in relation to land use, amenity and highways as set out in Westminster's City Plan and the Unitary Development Plan (UDP) and the application is accordingly recommended for approval for a temporary period of 1 year.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View from Kingdom Street (looking west)



View from under the Westway (looking east)

5. CONSULTATIONS

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

NORTH PADDINGTON SOCIETY

Any response to be reported verbally.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

Support the temporary use. Comment that there should be a clear and enforceable plan to ensure that the Harrow Road is not blocked with taxis picking up and dropping off. There are a number of matters that will be considered by licensing.

LONDON UNDERGROUND LIMITED

No comment.

TRANSPORT FOR LONDON – BOROUGH PLANNING:

No objection subject to a Construction Logistics Plan (CLP) and a Delivery Servicing Plan (DSP) being secured by condition. Cycle parking proposed should be secured by condition and any increase would be welcomed.

Following additional comments provided by the applicant, TfL are happy with the proposals but maintain their stance in relation to cycle parking.

CROSSRAIL SAFEGUARDING:

No comment, however recommend an informative should any significant excavations be proposed.

NETWORK RAIL:

No objection, however comment that Crossrail should be consulted. The following comments are also raised:

- The applicant must provide a trespass proof fence adjacent to the trainline.
- Surface water should not be discharged onto Network Rail land.
- Safety precautions should be implemented to ensure that the safe operation of the railway is not jeopardised.
- All access roads to the railway shall be maintained.
- It is recommended all buildings are set 2m away from the boundary fence to allow the construction of any future maintenance work without requiring access onto Network Rail land.
- Excavation / earthworks must be designed so that no interfere with Network Rail.
- Proposals must not interfere with signals in the area.
- Design of buildings must not affect operation of the railway.
- No planting shall be planted closer than 1.5 times their mature height to the boundary fence.
- No scaffolding should over sail the railway
- No lighting shall interfere with the signalling apparatus or train drivers
- Safety barriers should be provided where new roads or parking areas are located adjacent to the railway.

DESIGNING OUT CRIME OFFICER:

Request for additional details in relation to the security measures for the site.

ENVIRONMENTAL HEALTH:

No objection raised.

CLEANSING:

Request for amended plans to show the storage capacity of waste storage, include details of cooking oil waste storage and for the labelling of waste storage.

HIGHWAYS PLANNING:

No objection, however request condition in relation to cycle parking. Comments are also made in relation to the proposed site access, with particular concerns in the use of the Harrow Road entrance to the site. A condition is recommended for the impact of the use to be reassessed after 6 months, to see if further controls are required.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 1082

Total No. of replies: 4

No. of objections: 2

No. in support: 2

The four representations raise some or all of the following issues:

Amenity:

- Noise and light pollution.
- Request for vehicles to be fitted with 'white noise' systems.

Highways:

- Increased parking stress in locality.
- Query as to where cycle parking will be provided.

Other:

- Increased litter.
- Increased anti-social behaviour.
- Inconsistencies within the documentation.
- Query in relation to the toilet signs.
- Request for pollution and air quality improvements given location adjacent to busy road.
- Request for greater provision of recycling and reuse of materials.
- Request for free space for local community and education groups.

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.

The development site at no. 5 Kingdom Street is currently a large area of concrete being used by construction vehicles for adjacent developments on Kingdom Street, which are nearing completion.

6.2 Recent Relevant History

The site has an extant consent 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 5 Kingdom Street is yet to commence aside from site enabling works in relation to the 'crossrail box'.

7. THE PROPOSAL

Planning permission (application 1) and advertisement consent (application 2) is sought for the erection of a temporary structure at the western end of Kingdom Street on the existing crossrail box, which appears as a large concrete slab located a floor below the current level of Kingdom Street. The development site is known as 5 Kingdom Street, which is a development scheme for a new office building which is yet to be implemented.

The proposals comprise the erection of hoardings around the site, which will include advertisements, with the main display being located at the end of Kingdom Street, which will be the main entrance to the site. Adjacent to the new entrance, a new walkway is proposed featuring seating and viewing areas, will run along the north side of the site providing a new pedestrian access route from Kingdom Street to the Harrow Road.

At Kingdom Street level a platform is to be erected behind the new entrance hoarding, which will act as a welcome area with a bar and coffee shop. This will provide access down to the main podium-1 level which will have a number of food kiosks, a bar and seating under a large pergola structure. The pergola will have a retractable roof. The podium-1 level will also be surrounded by hoardings, with an emergency escape route at the western side of the site. Permission is sought for a temporary period of two years.

2017	Start	Finish
Build	17th April 2017	16th May 2017
Summer Season 2017	17th May 2017	1st October 2017
Re-dress/Closed	2nd October 2017	18th October 2017
Winter Season 2017	19th October 2017	23rd December 2017
2018		
Re-dress/Close	24th December 2017	25th April 2018
Summer Season 2018	26th April 2018	30th September 2018
Re-dress/Closed	1st October 2018	17th October 2018
Winter Season 2018	18th October 2018	23rd December 2018

8. DETAILED CONSIDERATIONS

8.1 Land Use

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 new use to the area the proposals are considered to be in accordance with these policies.

The proposals provide a mix of c. 1450sqm of A3/A4 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'? As the proposed use is only for a temporary basis, it is not considered that this can be argued.

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 use of a vacant site, albeit for a temporary benefit, which is welcomed.

In environmental terms no details of ventilation have been provided for the new kiosk style restaurants, which will ventilate directly to open atmosphere, however given the temporary nature of the proposals and as the site is set away from adjacent buildings Environmental Health has not raised objection to the proposals.

It is accepted that there would be a degree of impact on the social realm. A3/A4 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 vacant site. 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.

The applicant has also put forward a number of reasons which they consider the proposal justify an exceptional circumstance, namely:

1. The proposals make a positive use of the space in accordance with the NPPF and ENV3 of the UDP, which encourages the use of previously developed land.
2. A new access from Westbourne Street to Kingdom Street is proposed, consistent with S12 of the City Plan which identifies issues of poor accessibility and connectivity around the Harrow Road.
3. The proposals will encourage local employment.
4. TACE10 predates the publication of City Plan, which identifies Paddington Opportunity Area as one that supports entertainment uses.
5. The site is not located in close proximity to neighbouring residents, therefore there is an absence of material harm.

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 and permission for a temporary period should be granted.

The impacts of the proposals in terms of the amenity of adjacent occupiers is discussed in section 8.3 of this report.

8.2 Townscape and Design

Two applications have been submitted, Application 1 for the works associated with the creation of the new restaurant/bar offering and Application 2 for Advertisement Consent for hoarding and signage associated with the new use. Both applications will be considered together here.

The existing site is currently screened off on all sides by a hoarding. It is proposed to replace these hoardings with new decorative hoardings, which include internally illuminated signage. The main entrance to the site is from the western end of Kingdom Street, which is to feature a large festive exploded sign, green walls and signage which reads 'Pergola Paddington'. Additional signage is proposed to the western side, which will lead via a walkway along the northern side of the site, to the main Kingdom Street entrance. The north and south elevations are also to be hoarded, with the south elevation having a solid base and a clear Perspex top section. The north hoarding is to be hipped to provide some coverage to seating and directional lighting to the new walkway.

The main signage located at the end of Kingdom Street is bright and vibrant in order to provide a focal point and way finding for people approaching from the east. This approach is acceptable in this context, given the commercial nature of this end of Paddington Central, and given the location of the site outside of a conservation area.

Internally within the site the structures will be screened by the aforementioned hoardings. The main feature will be a Pergola structure at podium-1 level, which features a retractable roof. None of the structures (with the exception of the main entrance sign) rise above the level of the surrounding hoardings and are therefore considered to have a limited impact on the townscape and are therefore considered acceptable on a temporary basis.

It is noted that the advertisement application seeks for a three year consent (application 2), however as detailed in section 8.3 below, a 1 year period is considered sensible to tie the proposals with the main planning application, which will also provide the added benefit of allowing the impact of the signage to be reassessed after the year has lapsed. Subject to this the proposals are considered acceptable in design and townscape terms.

8.3 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, S24 and TACE 10 are applicable, within which paragraph 8.83 of the UDP 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.

8.3.1 *External noise and general disturbance:*

The proposed use is 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 Statement has been submitted. This sets out how the use would operate including details of event noise and music, staff management, security, servicing, capacity and opening hours.

While the pergola does have a roof which covers most of the site, this is retractable and has open sides. The supporting information confirms that the seated capacity of the venue is 650, with a further 200 people standing, therefore with a total capacity of 850 people. There are residential occupiers located to the south on the other side of the railway, to the north on the other side of the Westway, and to the east at the other end of Kingdom Street at Sheldon Square. While these residential occupiers are located some distance away, given the size of the site and the potential number of patrons, the impact of the use both from people within the site and from people coming and going to the venue is a significant consideration.

The applicant has requested the following opening hours:

Midday – 23:30 Monday to Thursday;
Midday – 00:30 Friday and Saturday;
Midday – 22:30 Sundays and Bank Holidays

They also propose for the Kingdom Street level bar to be open Monday to Friday from 07:00 – midday to serve coffee and tea only.

Permission has recently been granted at No 4 Kingdom Street at committee for the use of the podium and ground floor levels as various uses including A3/A4. As customers are likely to walk past the residential occupiers, it was not considered that a later terminating hour than 23:00 could be justified. Members supported this view. Given the number of patrons and the open nature of this site, the impact in relation to noise is even more important here. Given that the use is not established, it is not considered that a terminating hour later than 23:00 Monday to Saturday could be justified. A condition is therefore recommended to limit the opening hours to 23:00 Monday to Saturday and 22:30 on Sundays and Bank Holidays. In addition, while a 2 year consent has been applied for, in order to ensure that the use is not causing undue harm to the amenities of surrounding occupiers, it is recommended that permission is only granted for a one year period so that the true impact of the proposed use can be reassessed following a fresh round of consultation should the applicant wish to apply for a further year.

The Operational Statement also confirms that music is to be played at the development site. To ensure that the surrounding residents amenity is not affected by noise, the applicant states that maximum noise levels will be set by an independent sound engineer in discussion with Westminster to prevent noise disturbance. Similar controls are in effect around Sheldon Square where noise is limited from the temporary screening events, however in that instance this was secured by a license. As no license is currently approved for this use, a condition is recommended for the submission of details of how the sound levels will be limited to protect residential amenity, to match those of the license, prior to the occupation of the site.

8.3.2 *Vehicles:*

While there may be an increase in servicing vehicles associated with the proposed uses, this would be undertaken from the dedicated servicing road which runs up the side of the site. One objection has been received requesting that servicing and construction vehicles are fitted with 'white noise' reverse warning sound (rather than the standard beeping noise). Given the location of the site, adjacent to the Westway and the open railway, and given that the area is already used for servicing of Kingdom Street, it is not considered that such a condition could be justified.

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.

8.3.3 *Light*

Concern has been raised by residents in relation to light pollution, particularly during the night up to 1am. The main external lighting is located at the entrance to the site at the end of Kingdom Street, which is flanked by a hotel and a commercial building, the remaining hoardings do not include lighting. No flashing lighting is proposed. While it is noted that there will be some increase in lighting within the site, there are currently no controls on light levels from the existing building site. In addition given the distance from the nearest neighbouring properties, and subject to the limiting of the opening hours to 23:00, it is not considered that the impact in terms of light would be so significant as to cause undue harm to surrounding occupiers as to justify refusal.

8.4 **Transportation/Cleansing**

Paddington Central has dedicated service roads and servicing bays located on the lower levels of the development as well as immediately adjacent to the site. The Highways Planning Manager has therefore not raised objection on these grounds. He has however commented that while the proposed new link to the Harrow Road is welcomed, there are concerns that the use would increase trip rates. Particular concern is raised in relation to increased departures from the Westbourne Bridge end of the site, therefore it is recommended that measures are put in place to reduce the use of this entrance and it is recommended that a review should be undertaken after 6 months so the impact of the use can be reassessed. It should be noted that there is already a vehicular and pedestrian access route to Kingdom Street from the Harrow Road, the proposals will however provide a more prominent pedestrian route.

The Westbourne Bridge side of the site is not proposed to be used for entrance and egress to the new entertainment use, with anyone entering Paddington Central from this side either using the existing route to the south of the site under the hotel, or via the new pedestrian route over the north side of the site. The Operational Strategy confirms that the main entrance will be on Kingdom Street a condition is recommended to secure this, subject to it being amended to include further details in relation to how guests departing from the site will be managed, particularly to ensure that people who wish to use a taxi being directed towards existing taxi ranks at Paddington. It is not considered that a condition for a reassessment of the impact of the new access route after 6 months could be justified, given that it is recommended that permission is only granted for a temporary period of one year and given that access is already possible from this route.

In relation to parking, the applicants have confirmed within the Operational Statement that no visitor parking is provided and that the majority of visitors will arrive via public transport. Given the location of the site adjacent to Paddington Station, this is accepted. Any people arriving by car will need to find a parking space within the vicinity in line with existing restrictions, it would not be possible to restrict where people park.

Transport for London and a local resident have raised a query in relation to cycle parking provision. A plan has been provided within the Operations Document which shows the provision of 9 short stay spaces and 2 long stay spaces. The Highways Planning manager has recommended a condition to secure this which is considered acceptable.

8.5 Economic Considerations

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

8.6 Access

The additional access route through the site from Kingdom Street to the Harrow Road is discussed elsewhere within this report, namely section 8.4.

8.7 Other UDP/Westminster Policy Considerations

The Cleansing Manager has requested revised plans in relation to the storage capacity of waste, the location of cooking oil and for bins to be suitable marked. A condition is recommended to secure this.

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

Based on the applicants figures of 353sqm (covered areas) a Community Infrastructure Levy payment of £52,950 is required.

8.11 Environmental Impact Assessment (EIA)

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

8.12 Other Issues

Plant equipment:

Given that the proposals include the provision of ventilation equipment for the restaurant kiosks Westminster's standard noise and vibration conditions are recommended to ensure that noise from such units does not cause a nuisance.

Crime and security:

The Designing Out Crime Officer has requested further details such as CCTV, smoking areas and security staff provision. Details in relation to security are included within the Operational Strategy, which is recommended to be secured by condition.

Other:

Network Rail has raised multiple comments in relation to operation of the site and the impact on the adjacent railway. The proposed use is set away from the boundary shared by the railway by the existing service road, which runs along the south side of the site. There is an existing safety fence which runs around the perimeter of the site and the new hoarding sits on the northern side of the service road. The new walkway is set on the northern side of the site well away from the railway. No lighting is proposed on the hoarding along this frontage. As such it is not considered that the proposed works will give rise to a negative impact on the operation of the railway to justify refusal.

9. BACKGROUND PAPERS

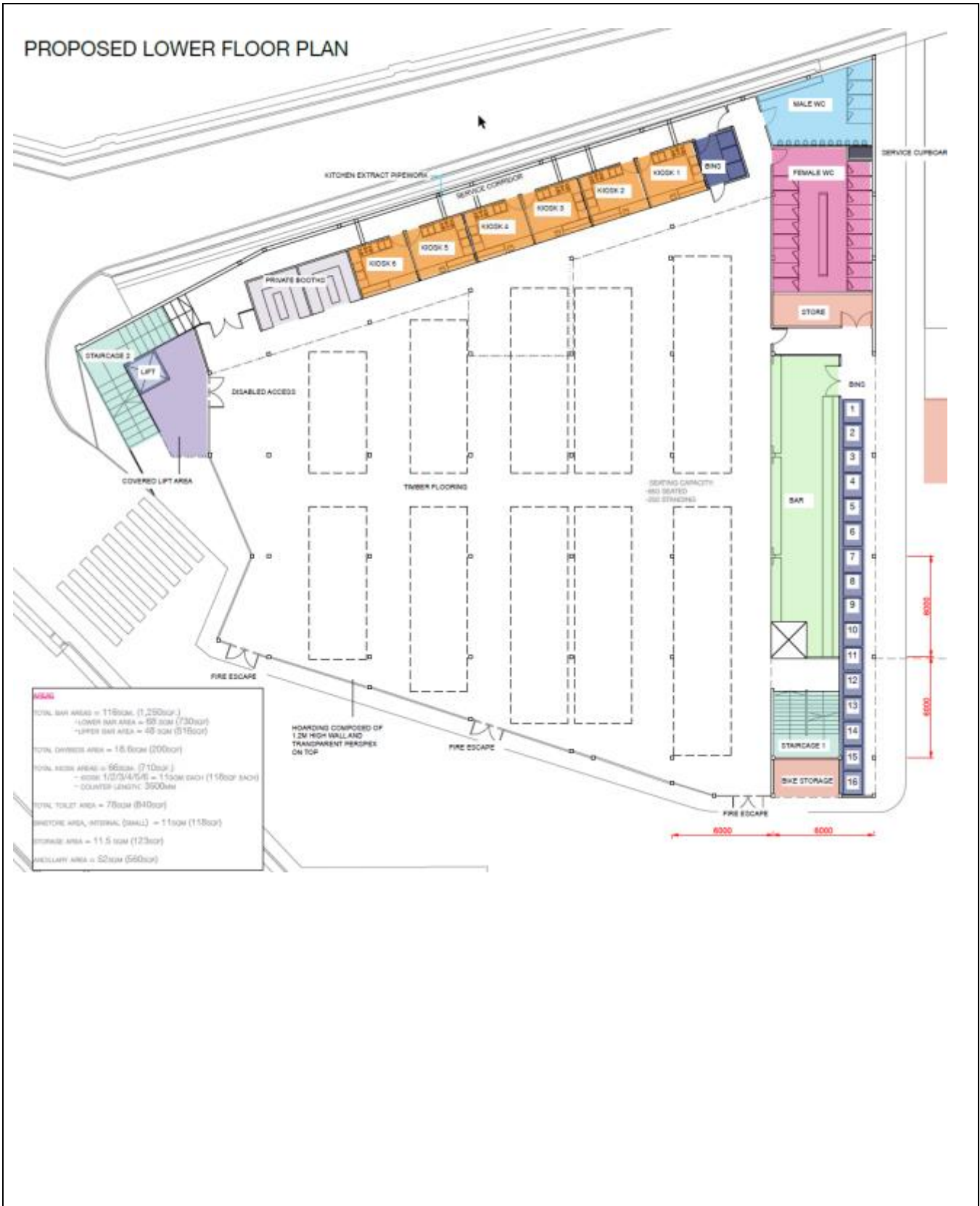
1. Application form
2. Operational Statement
3. Letter from Paddington Waterways & Maida Vale Society dated 24 January 2017
4. Letter from London Underground dated 25 January 2017
5. Emails from TfL Borough Planning, dated 3 and 8 February 2017
6. Email from Network Rail, dated 6 February 2017
7. Emails from Crossrail safeguarding, dated 31 January and 9 February 2017

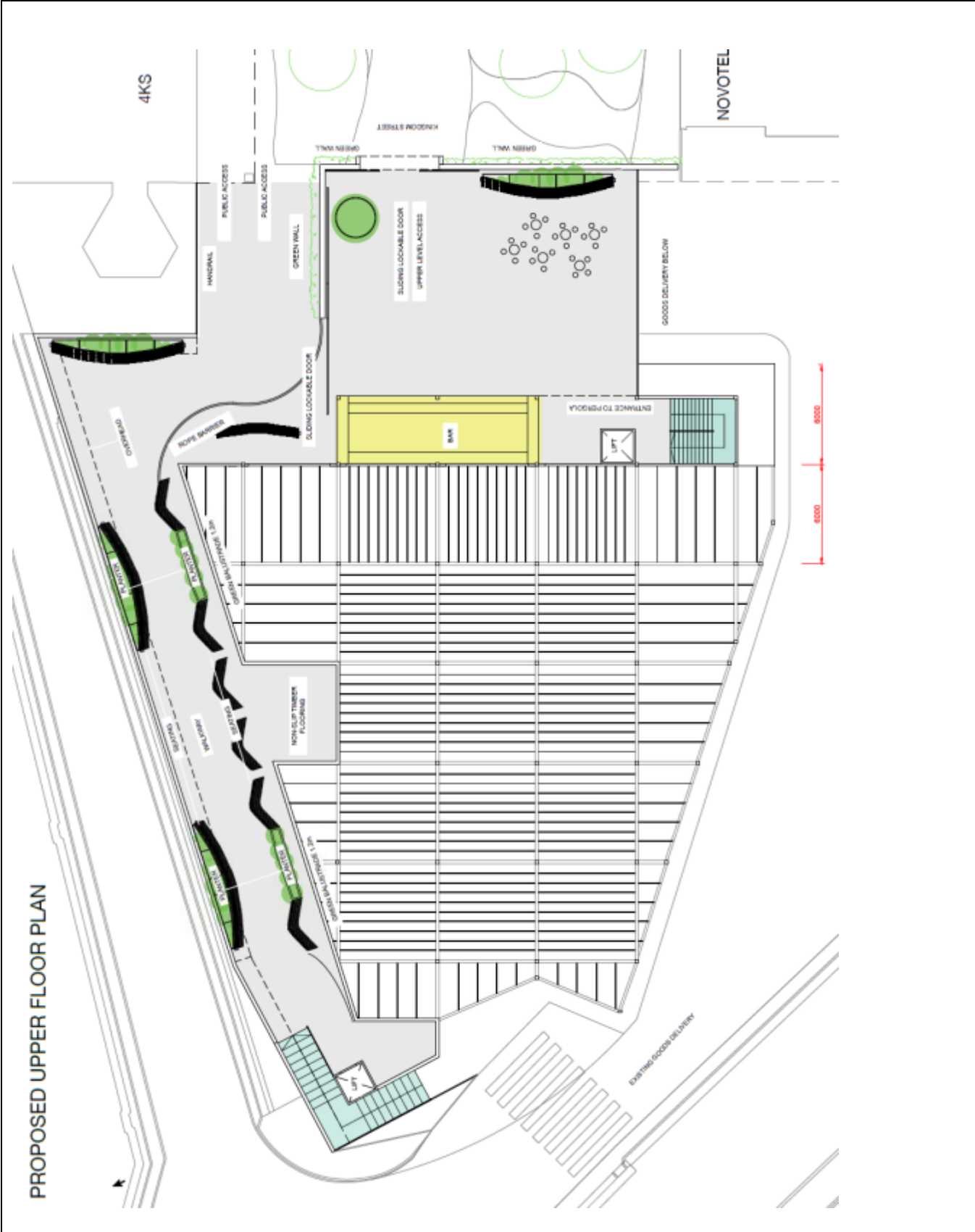
8. Email from Designing Out Crime Officer, dated 11 January 2017
9. Email from Environmental Health, dated 2 February 2017
10. Memorandum from Cleansing, dated 18 January 2017
11. Memorandum from Highways Planning, dated 1 February 2017
12. Letter from occupier of 16A Westbourne Terrace Road, London, dated 28 January 2017
13. Letter from occupier of 10 Westbourne Court, Orsett Terrace, dated 22 January 2017
14. Letter from occupier of 176, Gloucester Terrace, dated 14 January 2017
15. Letter from occupier of 89 Westbourne Court, dated 1 February 2017

(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: RUPERT HANDLEY BY EMAIL AT RHANDLEY@WESTMINSTER.GOV.UK.

10. KEY DRAWINGS





PROPOSED UPPER FLOOR PLAN



DRAFT DECISION LETTER

- Address:** Development Site At, Kingdom Street, London, W2 6AE
- Proposal:** Temporary use of cleared site at 5 Kingdom Street as restaurants (Class A3) and bar (Class A4) and erection of a temporary two storey building, with temporary access arrangements from Kingdom Street and Westbourne Bridge Road.
- Plan Nos:** 98 B; 100 A; 101 A; 150 D; 151 E; 152 D; Existing 201 C; Proposed 201 C; Existing 202 C; Proposed 202 C; Operations Document; Design Document; Operational Strategy; letter from CBRE dated 30 December 2016.
- Case Officer:** Rupert Handley **Direct Tel. No.** 020 7641 2497

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

- 1 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)

- 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 With the exception of the new walkway (as shown on drawing 151 E), customers shall not be permitted within the site before 07:00 or after 23:00 hours Monday to Friday and before 07:00 or after 22:30 on Sundays and Bank Holidays.

Reason:

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

- 4 Before the use is commenced, you must provide an updated Operational Strategy to include the following details:

- i) how guests departing from the site will be managed;
- ii) sound monitoring and limiting.

The use must then operate in accordance with the approved strategy.

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 TACE 10, ENV 6, ENV 12, STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 5 You must not sell any take-away food or drink on the premises, even as an ancillary part of the Class A3 use. (C05CB)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

- 6 You must not allow more than 850 customers onto the site at any one time. (C05HA)

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 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 7 All servicing shall take place from within Paddington Central and not from the highway.

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.

- 8 You must apply to us for approval of details of how waste is going to be stored on the 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 what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the site. (C14EC)

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)

- 9 You must provide each cycle parking space shown in the Operations Document prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

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

- 10 (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.

- 11 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.

- 12 The A3/A4 use allowed by this permission can continue until 31 December 2017. After that the land must return to its previous condition and use. (C03AA)

Reason:

So that we can assess the effect of the use and make sure it meets TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R03CB)

- 13 The doors on the lower floor plan (150 D) to the south and west frontages shall be fixed shut, however can be used in the event of an emergency.

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 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

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 In relation to condition 4, the updated Operational Strategy should include details of how people who wish to use a taxi will be managed and directed. In relation to the noise, you are advised to look into the licensing application for the temporary screening events at Sheldon Square for details.

DRAFT DECISION LETTER

Address: Development Site At, Kingdom Street, London, W2 6AE

Proposal: Display of 2 non-illuminated hoarding signs measuring 2.4m x 55m, 1 internally illuminated sign measuring 1.5m x 5m, 1 internally illuminated sign measuring at 1.2m x 4m, and 1 internally illuminated sign measuring 0.5m x 2m. All for a temporary period of 3 years between 1 May 2017 and 1 May 2020.

Plan Nos: 98 B; 100 A; 101 A; 150 D; 151 E; 152 D; Existing 201 C; Proposed 201 C; Existing 202 C; Proposed 202 C; Operations Document; Design Document; Operational Strategy; letter from CBRE dated 30 December 2016.

Case Officer: Rupert Handley

Direct Tel. No. 020 7641 2497

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

- 1 The hoarding can stand from 21 February 2017 to 31 December 2017. You must then remove it without delay. (C04CA)

Reason:

The hoarding is temporary, so under DES 8 of our Unitary Development Plan that we adopted in January 2007, we can only approve it for a limited period. (R04BB)