

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 12 March 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved West End	
Subject of Report	9 Holles Street, London, W1G 0BN,		
Proposal	Use of the part ground, first and second floor as a food court (sui generis) comprising elements of restaurant, bar and hot food takeaway, use of part ground floor as a gym (Class D2), external alterations at second floor level to include a retractable roof, installation of plant at roof level and associated works.		
Agent	DP9		
On behalf of	Try Market Halls Oxford Street Limited		
Registered Number	18/03075/FULL	Date amended/ completed	16 May 2018
Date Application Received	16 April 2018		
Historic Building Grade	Unlisted		
Conservation Area	Outside of conservation area		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site is located to the north and western part of the former British Home Stores (BHS) on Oxford Street, and it has been vacant since August 2016. The application site has its own access from Holles Street and comprises ground, first and second floors. Permission is sought to use the part ground, first and second floors as a food court, which would comprises elements of restaurant, bar and hot food takeaway (sui generis). It is also proposed to use part of the ground floor as a gym. External alterations are proposed at second floor level where a retractable roof will be installed. Plant and other machinery is proposed at roof level.

The key issues for consideration are:

- The loss of retail floorspace;
- The impact of the proposed use on the character and function of the area and the impact on residential amenity.

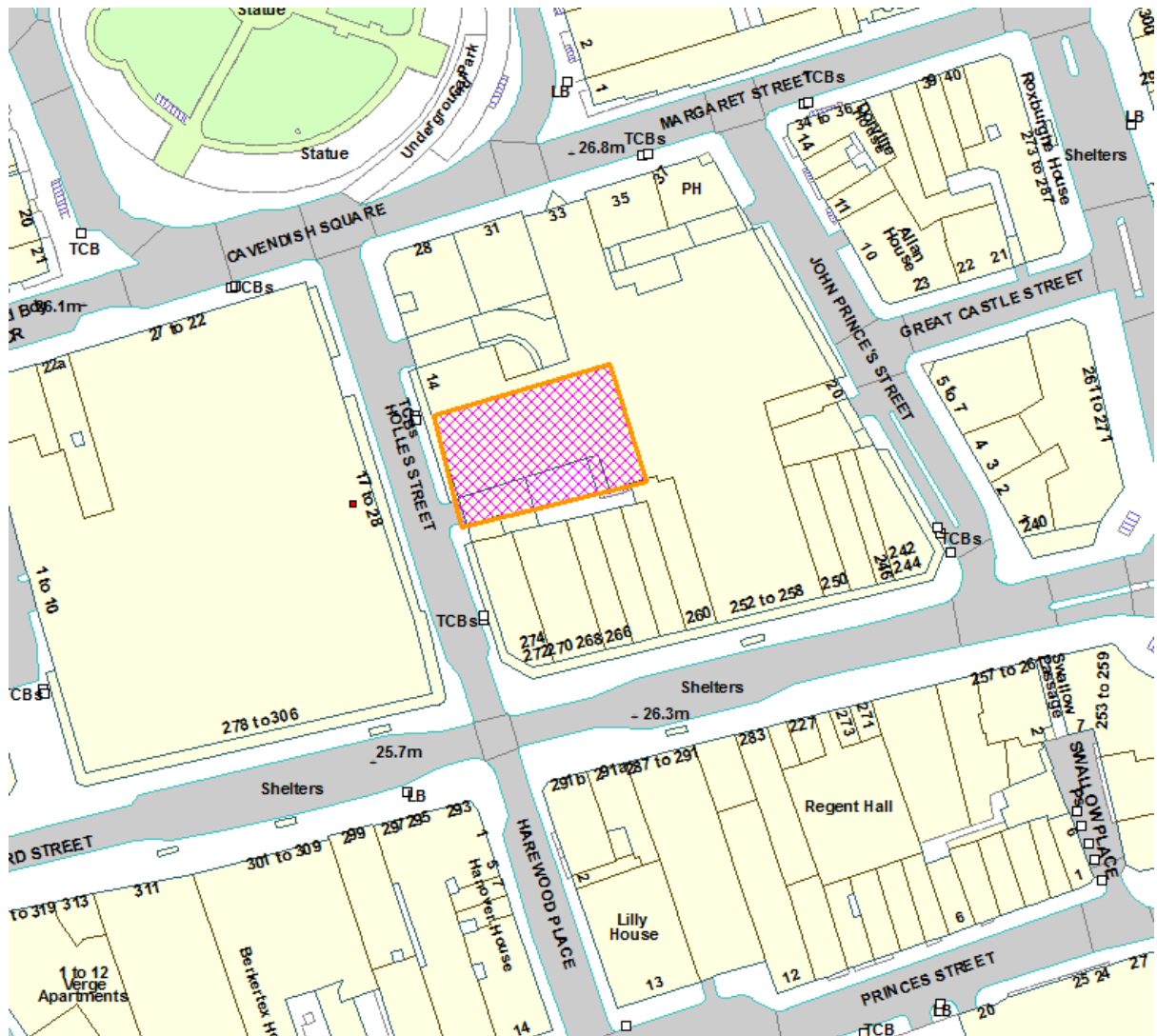
The proposed use is would be appropriate for this location within the Core Central Activities Zone (Core CAZ), providing that no other policy considerations apply. In normal circumstances existing

retail floorspace in this location would be protected. However, it is considered that there are special circumstances in this case to justify the change of use, which include being set back from the primary frontage and the provision of a complementary use that would support the shopping function.

A further consideration is that the City Council's has recently adopted the Oxford Street District Plan which indicates that planning policies may be relaxed to achieve a better mix of uses whilst policies may also provide a more positive approach to the evening and night time economy.

The proposal is considered acceptable in land use and design grounds and is considered to be in line with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan) and is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Application site October 2015



Application site February 2019



5. CONSULTATIONS

THE MARYLEBONE ASSOCIATION

Support the application, subject to controls over servicing.

HIGHWAYS PLANNING - DEVELOPMENT PLANNING

No objection.

WASTE PROJECT OFFICER

No objection.

ENVIRONMENTAL HEALTH

No objection.

DESIGNING OUT CRIME OFFICER

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 83

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is located between Oxford Street and Cavendish Square and comprises ground, first and second floors. This unit formed part of the old BHS store which closed in August 2016. The unit is no longer connected to the retail units fronting Oxford Street and is now considered to be a separate planning unit. The unit benefits from its own entrance, which used to be the western entrance to BHS. There is existing servicing entrances from John Prince's Street and Holles Street.

The site is located within the Core CAZ and the West End Special Retail Policy Area (WESRPA). Being part of the former BHS store, it is still technically part of the Primary Frontage of the WESRPA as designated in the City Plan and the primary shopping frontage (West End International Shopping Frontage) as designated in the UDP.

The site is not within a conservation area, but fronts onto Harley Street Conservation area to the west and north.

6.2 Recent Relevant History

Part of the former BHS site which fronts onto John Princes Street has already been granted planning permission for dual alternative use of the ground floor, first and second floor as a mini-golf leisure facility with associated restaurant and bar (sui generis). It

should be noted that this consent was granted on the grounds that this part of the BHS site had been granted permission in 1986 to be changed from B1 office space to ancillary retail space for BHS, and was used as café/restaurant space.

7. THE PROPOSAL

Permission is sought for the use of the part ground floor, the whole of the first and second floors as a food/market hall. This will comprise elements of restaurant, bar and hot food takeaway (sui generis). The rest of the ground floor will be used as gym (Class D2).

The market hall will be operated by Try Market Halls, who have two other food courts in London, one in Fulham and one in Victoria. The Victoria market hall was granted consent in May 2018 and opened in autumn 2018. The concept for the market hall is to provide separate kitchens for restaurant operators, with customer seating. All the crockery, dishwashing, refuse stores and servicing for the restaurants is centralised and run by the market hall, so there are no additional costs for the restaurants. There are also central bar areas.

The proposed market hall will be accessed via the existing entrance on Holles Street, and this will be shared with the separate gym use. There will be stair and lift access to the upper floors and it is also proposed to install secure lockers at ground floor for customers to store their shopping. At first floor level, there will be ten individual kitchens, with customer seating for 727. Two bar areas are proposed, with a private dining room and the centralised back of house facilities (refuse stores, dishwashing etc). The second floor level will include two bar areas and customer seating for 345 (total of 1072). External alterations are proposed at second floor level which will include a retractable roof to allow for a semi-external dining area, part of this area will be utilised as a smoking area.

There is an existing plant deck at roof level, which currently houses the redundant BHS plant, this will be removed and new equipment will be installed, the plant deck will be enlarged to cover the majority of the roof. The extract ducts for the kitchens will also extract within the plant deck.

1. Land use table.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Retail	3435	0	-3435
Restaurant/bar/hot food takeaway	0	2808	+2808
Gym	0	627	+627
Total	3435	3435	0

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of retail floorspace

The application site was once connected to the retail frontage on Oxford Street, as part of the BHS store. Once BHS vacated the premises, the unit was split into smaller units, therefore the unit on Holles Street, which is subject to this application, does not have a frontage on Oxford Street.

The proposal would result in the loss of 3435sqm of retail floorspace, had the site still been connected to the retail frontage on Oxford Street, it would have been considered to be part of the Primary Frontage (Oxford Street) of the WESPRA in the City Plan and also of the West End International Shopping Frontage in the UDP, which were both designated when the application site was part of BHS.

Under City Plan policy S7, there should be a provision of retail along the Primary Shopping Frontages at least at basement, ground and first floor levels. UDP Policy SS3 states planning permission will not, except in the most exceptional circumstances, be granted for a change of use from retail use at basement, ground and first floor level in the West End International Shopping Frontage. City Plan policy S21 universally protects A1 retail shopping floorspace.

As a result of the separation of the BHS unit, it is considered that the application site does not have an Oxford Street frontage, therefore it should not be considered as being on the Primary Frontage, therefore UDP Policy SS3 does not apply to this site. However, this does not overcome Policy S21 which protects all retail floorspace throughout the city where it is considered that the retail floorspace is not viable.

The City Council has also just adopted (25 February 2019) the Oxford Street District – Place Strategy and Delivery Plan which seeks to improve the Oxford Street district and revitalise the area. The document recognises the competition traditional retailers are experiencing from online retailers and the changing retail environment across the UK. The document discusses the need for a greater range of activities and mix of uses within the area to provide ‘destinations’ for people besides traditional retail stores. With regards to café/restaurants and other uses it states, ‘it will encourage new clusters of café and restaurant uses to animate street activity one block back from Oxford Street’.

The existing unit has a relatively small shopfront, which was historically used as a secondary entrance/exit to the previous BHS store. As a result of the small frontage any retail passing trade on Holles Street is likely to be limited. This argument could be used for the proposed use, but it is considered that it will provide complementary uses (market hall and gym) which will attract shoppers/worker etc. The proposed use will add to the shopping experience, which is key to the survival of Oxford Street (and other shopping streets) and maintain its international reputation as a shopping destination. The market hall in particular will increase dwell time allowing shoppers to rest and recharge. The market hall will also provide a more positive approach to the evening and night time economy in the area.

On this basis, it is considered that an exception to Policy S21 can be made and the loss of retail floorspace is acceptable.

Introduction of a market hall

The proposed food court comprises 2808sqm, with the main usable space at first and second floor level, there is customer seating for 1072 and the premises will be open from 07.30 until midnight, seven days a week.

City Plan Policy S6 accepts that, in principle, entertainment uses are appropriate for the Core CAZ. The proposal is for a 'large-sized' entertainment use and UDP Policy TACE10 applies, which requires the City Council to consider carefully the potential impact on residential amenity and environmental quality, taking into account the cumulative impact with other nearby entertainment uses, and the effect on the character and function of the area. City Plan Policy S24 states that new large scale late night entertainment uses over 500sqm will not generally be appropriate within Westminster.

The nearest residential to the site is on the 20th floor 33 Cavendish Square, which is located in the tower adjacent to the application site. The proposals seek to provide an informal dining experience with up to ten kitchens within the site serving customers seated within a central eating area, with bar areas across first and second floor level.

As set out above, the nearest residential is located within the 20th floor of 33 Cavendish Square. It is unlikely that the proposed use would have a negative impact on this residential property, bearing in mind its distance away from the application site and considering the location just off Oxford Street. The hours of operation (07.30 – midnight) are in line with the core hours set out in the UDP, which will be secured by condition.

The retractable roof will allow for part of the second floor level to be open to the elements, it is not considered necessary to ensure that the roof is closed earlier than the proposed hours of operation due to the limited residential in the area.

A draft Operational Management Plan (OMP) has been submitted with the application, but as the proposals have evolved since its original submitted, a condition securing an updated OMP is recommended. It is considered that subject to conditions the proposed restaurant/bar floorspace is in line with policy.

It is considered that this location off Oxford Street with limited residential properties in the vicinity, offers an opportunity to provide a complementary use, which would be beneficial to the shopping frontage.

Introduction of a gym

Part of the ground floor will be used as a gym, the gym will use the same entrance as the market hall, but will be operated independently from the market hall. City Plan policy S34 states that new social and community facilities will be encouraged throughout Westminster.

The likely operator for the gym use is 1Rebel, who have a number of studios in London, including one in Victoria (Nova development). They run a series of high intensity classes to music, rather than being a traditional gym. The proposed hours of operation for the gym is 06.00 – 22.00, considering the busy location off Oxford Street, with limited residential, the proposed gym and hours are considered acceptable.

8.2 Townscape and Design

9 Holles Street is a large 20th century, unlisted building and is located outside of a conservation area on the east side of Holles Street. The boundary of the Harley Street conservation area is located immediately opposite the proposal site. The main design implications of the proposals involve the enlargement of an existing plant enclosure and remodelling of the second floor front elevation, incorporating a fully retractable roof and front wall. A section of the existing front wall structure is to be removed at second floor level to accommodate a new glazed structure with a slightly pitched roof. The walls and roof of the glazed structure are to be fully retractable and create a void at high level when open.

The existing building is not considered to be of significant design merit and the principle of altering the façade is considered uncontentious in principle. The proposed glazed retractable element will be an eye catching feature within the streetscape. Given that this is a 20th century building which already incorporates large expanses of horizontal glazing, the proposal to create this retractable, glazed feature is considered appropriate for a building of this style and character.

Permission is also sought for the enlargement of an existing plant enclosure which is located on the flat roof at third floor level. The enclosure is to be extended rearwards, which will not be visible from street level and can only be seen from within the building itself. This extension to the plant enclosure is considered uncontentious in design terms.

The proposals are therefore considered acceptable in design terms and will preserve the setting of the nearby conservation area. The application is compliant with DES 5 of the Council's UDP and is therefore recommended for approval.

8.3 Residential Amenity

There are existing windows at second floor level, which overlook the upper levels of the retail floors in John Lewis, it is not considered that the increased opening will have an adverse impact on the existing mutual overlooking that already exists between the properties.

8.4 Transportation/Parking

There are two existing servicing points for the site, one via Holles Street (to the south of the site) and from Cavendish Square. The proposed use will be serviced by the existing off-street bays. This is welcomed and is consistent with City Plan policy S42 and UDP policy TRANS20. The applicant has indicated that they will operate a consolidated approach to servicing for food. This approach is welcomed.

The applicants have not stated whether there will be a delivery service operating from the site. However, it is not considered that a delivery service from this premises is acceptable, due to the impact this is likely to have on pedestrians, noise etc. A condition is recommended to prevent the use from having a food delivery service.

The required cycle parking is not indicated on the proposed plans and its provision is secured by condition.

8.5 Economic Considerations

Any economic benefits generated by the proposal are welcomed.

8.6 Access

Level access is provided at street level, and this leads to either stair or lift access to the upper floors.

8.7 Other UDP/Westminster Policy Considerations

Noise

The proposed semi external area created by the retractable roof would be over part of the second floor seating area, and would only be open in good weather. The retractable roof would allow some of the seating (40 covers) to be open to the elements. The site is located off Oxford Street, with traffic being the main contributor to the noise levels. It is not considered that the noise generated by customers at this level will increase the existing noise levels in the area. It is unlikely that the use of the semi external area will have an adverse impact on the nearest residential property, by virtue of it being located at 20th floor level.

Plant

There is an existing plant deck at roof level which currently houses the redundant BHS plant. The plant deck is proposed to be enlarged to cover more of the existing roof, the redundant plant will be removed and new plant installed. The extract ventilation for the kitchens will extract within the plant deck, the required extract ducts will utilise the existing internal ventilation risers. An acoustic report has been submitted, which indicates that the plant will comply with the City Council's standard noise conditions, as the plant has not been selected a supplementary acoustic report is secured by condition.

The extract duct will vent at roof level, which in this part of the block is at third floor level, part of the block includes 33 Cavendish Square which has 18 floors above the third floor roof. As the extracts will vent at third floor level, (which is roof level of the application site), it technically discharges at low level when compared to the tower. However, it is considered that due to the distance to the nearest residential any smells etc would disperse into the surrounding atmosphere and therefore not have a detrimental impact on the nearest residential property. Detailed drawings of the full ventilation system are required, and these will be secured by condition. Environmental Health have no objection to the proposals.

Refuse /Recycling

The proposed waste/recycling provision is considered acceptable. This is located at first floor level adjacent to the rear service corridors, with access to a shared goods lift. This will be brought down via the existing lift to the John Princes Street service yard. This provision at first floor level is secured by condition.

No details have been submitted relating to the waste/recycling storage for the gym use and a condition is recommended requested further details.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 London Plan

This application raises no strategic issues.

8.10 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.

8.11 Planning Obligations

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

8.12 Environmental Impact Assessment

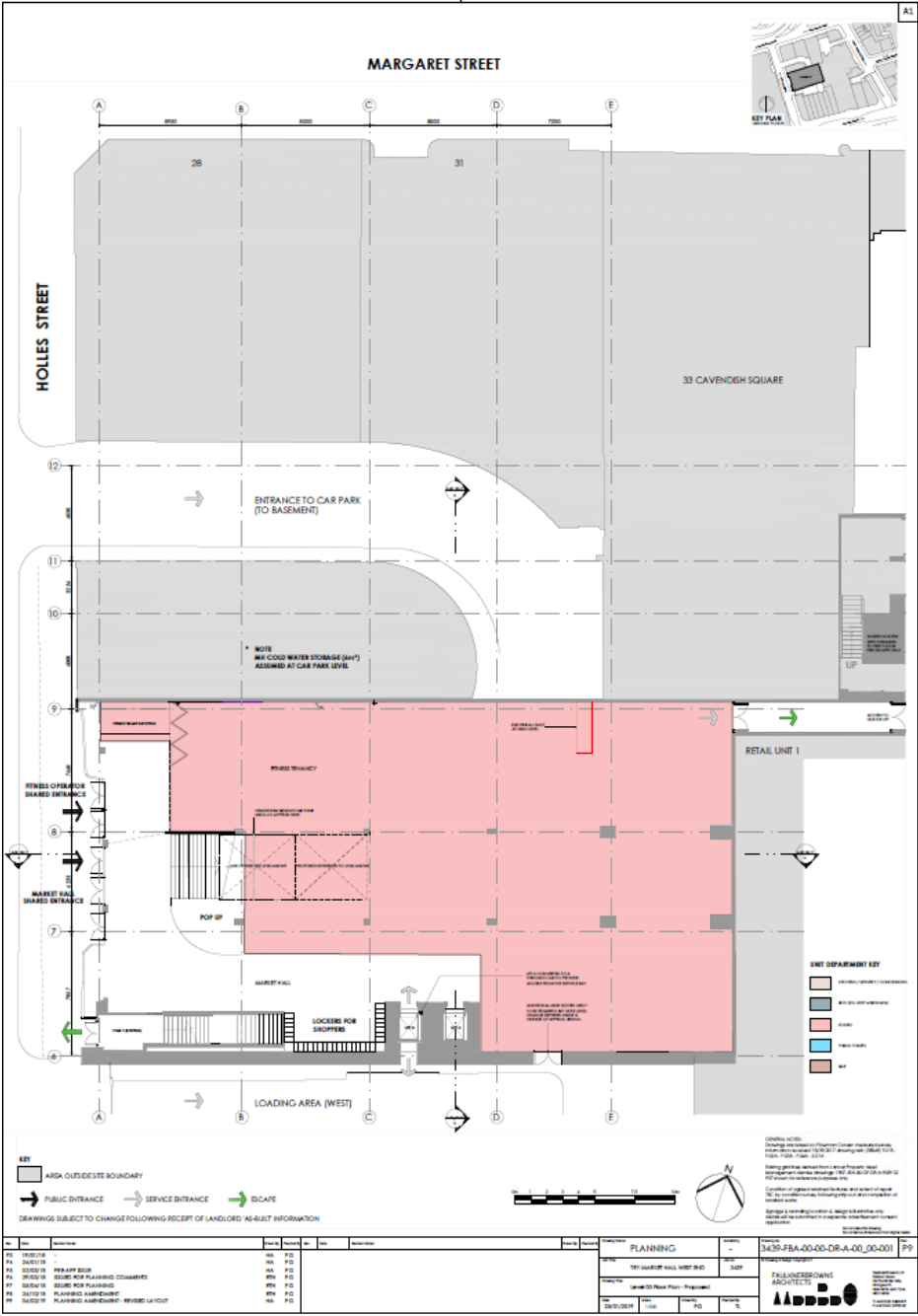
An Environmental Impact Assessment is not required for an application of this size.

(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: HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk

9. KEY DRAWINGS

Proposed ground floor



[illegible]

[illegible]

DRAFT DECISION LETTER

Address: 9 Holles Street, London, W1G 0BN,

Proposal: Use of the part ground, first and second floor as a food court (sui generis) comprising elements of restaurant, bar and hot food takeaway, use of part ground floor as a gym (Class D2), external alterations at second floor level to include a retractable roof, installation of plant at roof level and associated works.

Reference: 18/03075/FULL

Plan Nos: 3439-FBA-00-00-DR-A-00_00-001 P9, 3439-FBA-00-00-DR-A-00_00-101 P9, 3439-FBA-00-02-DR-A-00_00-201 P9, Delivery and Servicing Management Plan dated April 2018

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.
- You must carry out piling, excavation and demolition work only:
- o between 08.00 and 18.00 Monday to Friday; and
 - o not at all on Saturdays, Sundays, bank holidays and public holidays. Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

- 3 All new work to the outside of the building must match existing original work in terms of the

choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 4 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 5 (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. (R46AB)

- 6 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. (R48AA)

- 7 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 5 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

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. (R51AB)

- 8 You must not allow more than 1072 customers into the food court/market hall 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)

- 9 Customers shall not be permitted within the food court/market hall before 07.30 or after midnight each day. Customers should not be permitted within the gym before 06.00 or after 22.00 each day. (C12AD)

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 TACE10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 10 The food court containing elements of restaurant, bar and hot food takeaway can only be carried out in accordance with the layout shown on the following drawing numbers: 3439-FBA-00-00-DR-A-00_00-001 P9, 3439-FBA-00-00-DR-A-00_00-101 P9, 3439-FBA-00-02-DR-A-00_00-201 P9.

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)

- 11 You must apply to us for approval of a management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the food court, comprising elements of restaurant, bar and hot food takeaway until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the food court, comprising elements of restaurant, bar and hot food takeaway is in use. (C05JB)

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)

- 12 You must provide the waste store shown on drawing 3439-FBA-00-00-DR-A-00_00-101 P9 before anyone moves into the food court. You must clearly mark it and make it available at all times to everyone using the food court. 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)

- 13 No goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall be accepted or despatched if unloaded or loaded on the public highway. You may accept or despatch such goods only if they are unloaded or loaded within the curtilage of the building. (C23BA)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 14 You must provide detailed drawings (plans and section/elevation) showing the full height kitchen extract duct (s). These details must be provided before the food court comprising restaurant, bar and hot food takeaway use commences and the approved duct(s) shall be installed and thereafter be permanently retained for as long as the food court comprising restaurant, bar and hot food takeaway is in use.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 15 You must not operate a delivery service from the premises even as an ancillary part of the use.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

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

Reason:

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

- 17 You must carry out the measures included in your servicing management plan dated April 2018 at all times that the food court is in use. (C05KA)

Reason:

To make sure that the service bay will be available for all types of vehicles for which it has been designed, to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23BB)

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

Reason:

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

- 19 The design of the separating structures should be such that all noise generated by the proposed new development (including noise from general operations, gym equipment, internal plant and equipment, amplified sound and music etc) in terms of LAeq,5mins should be demonstrated to be 10dB below the existing background noise level measured in terms of LA90,5 mins inside existing residential dwellings. The background noise level used in the assessment should be representative of the most sensitive times (quietest) at which the new development is in operation (and generating noise). For music noise; the indices of Leq and LFmax in the octave bands 31.5 Hz, 63 Hz and 125hz should also be demonstrated to be 10dB below the existing background noise level measured in terms of L90,5mins (31.5Hz, 63Hz, 125Hz) inside the existing residential dwellings.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

Informative(s)

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You must get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 for the following advertisements: fascia signs. (I04AA)
- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)
- 4 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point. If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)
- 5 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 6 The term 'clearly mark' in condition 12 means marked by a permanent wall notice or floor markings, or both. (I88AA)

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.