

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 2 July 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	Army Reserve Centre, 52 - 56 Davies Street, London, W1K 5HR		
Proposal	Use of 56 Davies Street as immersive theatre space and ancillary uses (sui generis) for a period of 36 months.		
Agent	Gerald Eve LLP		
On behalf of	Grosvenor West End Properties and Hartshorn - Hook Productions		
Registered Number	19/02978/FULL	Date amended/ completed	17 April 2019
Date Application Received	17 April 2019		
Historic Building Grade	No		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission for a temporary period of 36 months.

2. SUMMARY

The application site comprises the entirety of 56 Davies Street, an unlisted building located within the Mayfair Conservation Area and the Core Central Activities Zone (Core CAZ). 52-56 Davies Mews was occupied by the Territorial Army Reserve Centre and Rifles Club, a *Sui Generis* use comprising several military-related activities. The three buildings have been vacant since March 2018 when the F (Rifles) Company relocated to Hammersmith and the Rifles Officer's London Club relocated to 127 Piccadilly.

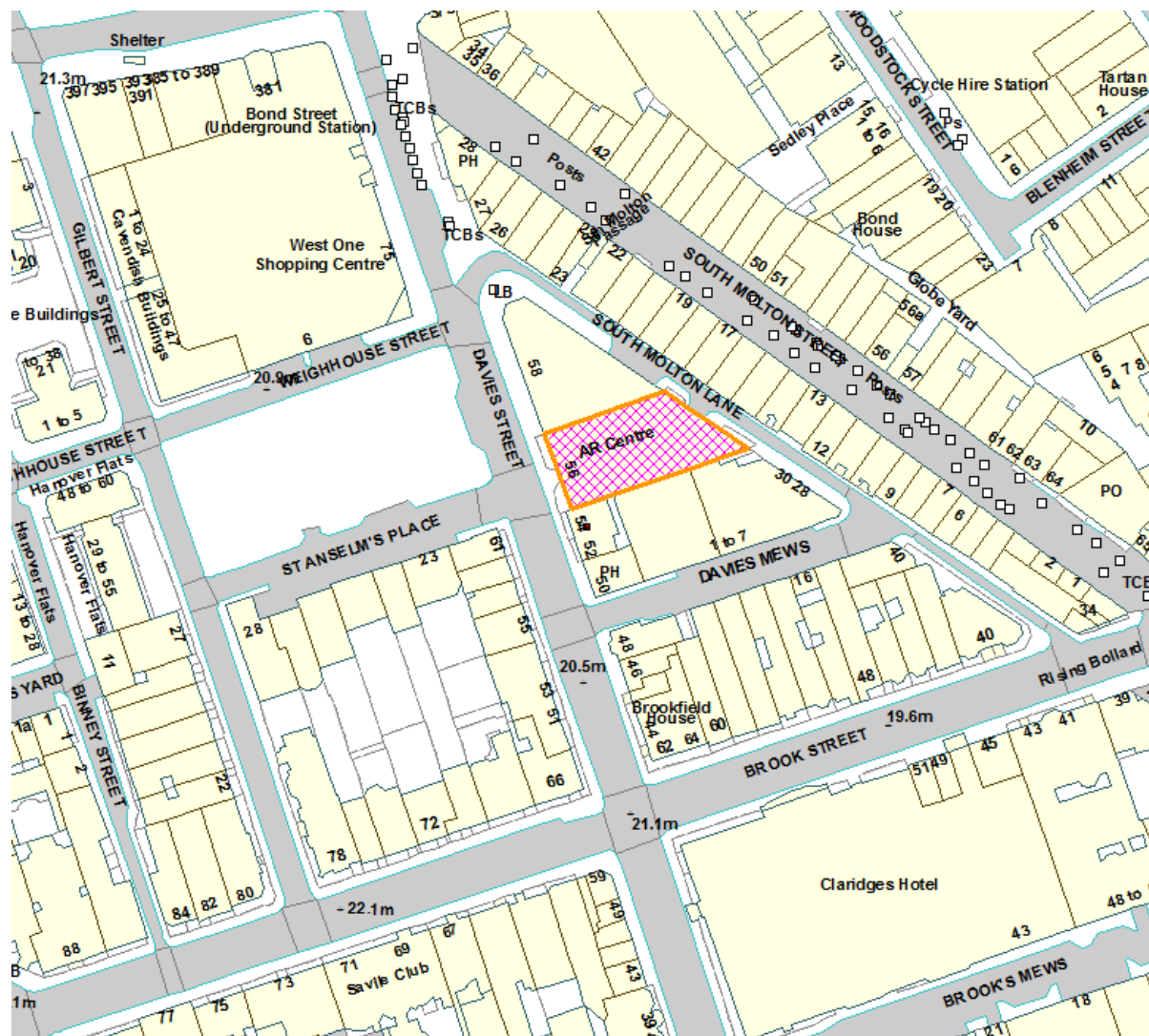
The applicant seeks permission to use the building as an 'immersive theatre' (also a *Sui Generis* use) that will be able to accommodate two theatres with staggered evening opening times and potential for afternoon matinees. The theatre over basement and ground floor levels will accommodate an audience of up to 350 and will be accessed from the rear on South Molton Lane. The theatre over first and second floors will be accessed from Davies Street and will accommodate an audience of up to 200. Temporary permission is sought for a period of 36 months. No external alterations are proposed.

The key issues for consideration are:

- Whether the proposed immersive theatre is acceptable in terms of its impact upon the character and function of the area, upon the amenity of local residents and South Molton Lane is an acceptable access / egress point for up to 350 customers.

The proposal is considered acceptable in land use and amenity terms, complying with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). For these reasons it is recommended that conditional permission is granted for a temporary period of 36 months.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation (Davies Street)



Rear elevation (South Molton Lane)



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally.

MAYFAIR RESIDENTS GROUP

Any response to be reported verbally.

HIGHWAYS PLANNING

No objection in principle but:

- Request that adherence to the submitted Operational Management Plan be secured by condition to ensure theatre attendees do not queue on the public highway.
- Requests that a condition be imposed securing cycle parking provision for staff and theatre attendees.

WASTE PROJECT OFFICER

No objection subject to a condition securing details of waste and recyclable material.

METROPOLITAN POLICE

No objection in principle and advice given to the applicant on measures to reduce crime opportunities.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 122

Total No. of replies: 1

No. of objections: 1

No. in support: 0

Whilst not objecting to the principle of the proposed use, concerns raised in respect to the suitability from a safety perspective of South Molton Lane being used as an access and egress point for up to 350 audience members. Queries also raised regarding the impact on the cleanliness of South Molton Lane, how the garage will operate, the arrangement and hours of rubbish collections and the proposed hours of operation.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site comprises the entirety of 56 Davies Street over basement, ground and three upper floors. The building is unlisted and located within the Mayfair Conservation Area and the Core CAZ. The site is not located within a 'stress area'.

The floorspace that is the subject of this application formed part of the former Territorial Army Reserve Centre and Rifles Club (*Sui Generis*) that occupied 52, 54 and 56 Davies Street between c.1890 and March 2018. The three buildings have been vacant since the

F (Rifles) Company relocated to Hammersmith and the Rifles Officer's London Club relocated to 127 Piccadilly. 52 and 54 Davies Street are unaffected by the proposal. The main entrance to the site is from Davies Street. To the rear is a garage that provides vehicular access to South Molton Lane.

A Certificate of Immunity from listing was issued by the Secretary of State on 30 August 2016, guaranteeing that 56 Davies Street will not be added to the list for a period of five years from the date of issue.

The application site is surrounded by listed buildings. 58 Davies Street (occupied by Gray's Antiques) is located to the north. 50 Davies Street (The Running Horse Public House), 52 Davies Street, 54 Davies Street and 1-7 Davies Mews and 28-20 South Molton Lane are all located to the south. 14-21 South Molton Lane are located to the east of the site on the opposite side of South Molton Lane. All, but 17 South Molton Street which is Grade II* listed, are Grade II listed.

Records indicate that the nearest residential properties are eight flats within 5 Davies Mews, a third floor flat within 21 South Molton Street, a flat on the upper floors of 24 South Molton Street, a flat on the upper floors of 13 South Molton Street, 3 x flats on the upper floors of 26 South Molton Street and 11 x flats within 59 Davies Street.

Once complete, to the west of the application site will be Bond Street West Crossrail Station with over-station development that will provide office floorspace. Public realm improvements at the junction of Weighhouse Street, Davies Street and South Molton Lane associated with the new station are currently anticipated to be complete by the end of 2019 and are likely to result in a wider pavement on the east side of Davies Street in front of the application site.

Design principles for public realm works at the junction of Oxford Street, South Molton Street and Davies Street are set out within the Oxford Street District Place Strategy and Delivery Plan (25 February 2019) but no firm plan for this area has currently been worked up. The focus, however, will be on the creation of a public realm area north of Weighhouse Street to the intersection with Oxford Street, with timed restrictions for vehicular traffic.

Given the above public realm and traffic changes, it is clear that the area surrounding the site will undergo considerable change during the 36-month period sought in this application and South Molton Lane will be reopened to vehicular traffic.

To the north-west of the site is Bond Street Underground Station. The site is location within an Area of Surface Interest under the Crossrail Safeguarding Direction (2008).

6.2 Recent Relevant History

19/00733/FULL

Use of part basement, ground, first, part second and part third floors of 56 Davies Street as event space (sui generis) for a temporary period of 36 months.

Permitted – 23 April 2019.

7. THE PROPOSAL

It is proposed to use the building as an immersive theatre space with ancillary uses such as a bar and dining facilities. No external alterations are proposed.

Rather than a traditional theatre where there is a clear separation between the audience and the production, immersive theatre features multiple rooms within the show, allowing audience members to move around within the production, experiencing different scenes and interacting with the actors.

The building has two large double-height spaces; the ground floor garage at ground floor level and the former drill hall at first floor level. It is anticipated that two separate theatre productions would be able to take place simultaneously within the building (albeit with staggered start times – 19.00 and 19.30), with one production taking place over ground and basement floors levels and the other over first and second floor levels. Flexibility is sought in terms of the operating hours in order to accommodate evening performance, matinees and children's productions, with the following hours of operation sought:

- 10.00 – 23.30 (Monday to Saturday)
- 10.00 – 23.00 (Sunday).

The immersive theatre at basement and ground floor level is proposed to be accessed from the existing garage entrance on South Molton Lane and have an audience capacity of a maximum of 350. The immersive theatre at first and second floor levels is proposed to be accessed from Davies Street and have an audience capacity of a maximum of 200.

Cognisant of the residential properties on South Molton Street that have windows facing on South Molton Lane, the applicant has agreed that any audience members leaving the premises between 23.00 and 23.30 will exit via Davies Street.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Regiment headquarters, army reserve centre and drill hall (<i>Sui Generis</i>)	2,321	0	-2,321
Event space (<i>Sui Generis</i>)	0	2,321	+2,321
Total	2,321	2,321	0

It is estimated that around 95% of tickets will be sold in advance, with some sold on the door.

A bar for each production will open 45 minutes before the production starts, a 20 minutes interval will then take place when the bar opens again, and then the bar will open for a final time for around 30 minutes after the close of the production. The bar will not be accessible to persons without a ticket.

Some cooking is proposed on site. Due to the presence of a full height extract duct, primary cooking is proposed within the third-floor kitchen, whilst 'plating up' and reheating will take place within the basement kitchen.

Servicing and deliveries for each event are proposed to take place within the ground floor garage space between 08.00 and 10.00 (Monday to Friday) and between 10.00 and 12.00 (Saturday and Sunday). During show changeovers, additional deliveries may take place between 08.00 and 21.00.

The main differences between the current proposal and that granted permission on 23 April 2019 are as follows:

- An immersive theatre is now proposed rather than an event space.
- The entirety of the building is now sought (2,321 sq.m GIA) whereas the event space omitting some of the basement, second and third floor in the approved scheme (1,811 sq.m GIA).
- The maximum capacity is proposed to be increased from 500 to 550 guests.
- Primary cooking is now proposed (but restricted to the third-floor kitchen).
- Whereas the events space would have primarily used Davies Street for access and egress, 350 out of the maximum capacity of 550 will now use South Molton Lane.
- Children productions and matinees are now proposed and therefore there will be additional activity during the daytime.

8. DETAILED CONSIDERATIONS

8.1 Land Use and Amenity

The lawful use of 52-56 Davies Street is as a variety of military-related uses. The F (Rifles) Company Reserve regiment had control of the three buildings which contain a large drill hall at first floor level, a large garage accessed from the rear on South Molton Lane, an armoury, a firing range, stores, a mess hall and ancillary meeting rooms. It is understood that activities revolved around the organisation of the regiment, including military training, drills, equipment storage and administrative desk work and meetings.

The committee report in respect to the approved event space argued that, whilst this long-standing military use housed in a prominent building could conceivably be international and / or national importance and therefore protected by City Plan Policy S27, equally so could the proposed event use. Upon reflection, however, officers verbally reported at committee that neither the existing nor proposed use of the building are considered to be of international and / or national importance and therefore the existing use of the building is not protected by City Plan Policy S27. There is therefore no objection to the loss of the existing lawful use of the building.

This part of Mayfair is mixed use in character, comprising primarily commercial offices and retailers, although there are some residential properties. City Plan Policies S6, S18 and S22 and UDP Policy TACE 5 stated that new arts and cultural uses, tourist attractions and commercial development will be acceptable within the Core CAZ, subject to the use being compatible with the character and function of the area, not resulting in

an adverse impact on residential amenity, and there being no adverse environmental or traffic effects.

The proposed immersive theatre use promotes Westminster's World City functions through attracting visitors and economic activity to this highly accessible and prominent part of the Core CAZ, in accordance with City Plan Policies S1, S6 and S18.

The commercial nature of the site, its central location and the reasonable operating hours proposed, means that, subject to the use operating in accordance with the submitted Operating Schedule (which includes a requirement that security staff are present at all times) and subject to patrons leaving after 23.00 via Davies Street, the use is considered acceptable as it would be neither harmful to the character and function of the area or to residential amenity.

8.2 Townscape and Design

No external alterations are proposed to the building and therefore the character and appearance of the Mayfair Conservation Area will be preserved.

8.3 Transportation/Parking

Highways Planning has no in-principle objection to the proposal, considering that it is unlikely to have a significant impact upon the public highway through trip generation. Indeed, the site is highway accessible and eminently suitable for uses that attract high visitor numbers.

To ensure compliance with City Plan Policy S42, it is recommended that a condition be imposed requiring any servicing to take place within the application site from the garage accessed from South Molton Lane. It is also recommended that the on-site cycle parking provision that is recommended to be secured by condition.

The busy nature of the pavement on the east side of Davies Street due to the ongoing works connected with the Bond Street West Crossrail Station, the increased number of pedestrians expected in the area when the Elizabeth Line opens and the narrow pavements on South Molton Lane, means that any queuing on the public highway is not considered to be acceptable. A condition is recommended securing the submission for the City Council's approval of a Crowd Management Scheme prior to the commencement of the interactive theatre use. Space within the building should be set aside to allow visitors to wait inside the building before being processed rather than having to queue on the public highway and cause an obstruction to members of the public.

Whilst the concerns of a local resident on the highway safety grounds due to the poor quality of the public realm on South Molton Lane are noted, it is not considered that this warrants refusing permission.

8.4 Economic Considerations

The proposed interactive theatre is likely to generate additional visitors to the City and could support economic activity within the Core CAZ, in accordance with City Plan Policy S18.

8.5 Access

The entrance to one of the theatres fronts Davies Street and has three steps leading up to the main entrance. There no level access for wheelchair users to this entrance. The theatre accessed from South Molton Lane does, however, benefit from level access and the applicant is committed to providing DDA accessible WCs and an accessible bar stocking a full service inside the ground floor main performance space.

Had the permission sought been permanent, suitable alterations to the building would have been sought to ensure level access throughout was achieved. However, given the temporary nature of the permission, it is considered that this would impose an unreasonable burden upon the applicant. Furthermore, one theatre space will be fully accessible. On balance, this is considered to be acceptable.

8.6 Other UDP/Westminster Policy Considerations

Noise

In order to ensure that noise from the production within the rear ground floor garage does not cause disturbance to residents to the rear, the applicant states that at an internal structure will be erected around the garage door entrance to prevent sound escaping. This structure will be hinged so that it can be moved out of the way for deliveries. Subject to a condition preventing noise outbreak from breaching acceptable levels, it is not expected that residents will be disturbed during performances.

Plant

No new plant is proposed. As set out above, the third-floor kitchen is proposing to utilise an existing full-height extract duct which will ensure that cooking odours are adequately dispersed. A condition is recommended to be imposed ensuring that noise from this plant adheres to the relevant criterion within UDP Policy ENV 7.

Refuse / Recycling

Provision for on-site storage of waste and recyclable material is shown on the proposed drawing and no objection is raised from the City Council's Projects Officer (Waste).

8.7 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, the draft plan has been revised and formal consultation is now being carried out 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.

8.8 Neighbourhood Plans

The examiner's report on the Mayfair Neighbourhood Plan was published on 11 June 2019 with recommendations. The City Council intends to accept all these recommendations and proceed to a local referendum. The publication of the examiner's report means that the Mayfair Neighbourhood Plan is now a material consideration for making planning decisions in the area. However, it will not have full development plan weight until the referendum process has been properly completed.

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.

No pre-commencement conditions are proposed.

8.11 Planning Obligations

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

No additional floorspace is proposed and therefore no Mayoral or Westminster CIL liability is generated.

8.12 Environmental Impact Assessment

The proposal will not have a significant environmental impact and therefore was not accompanied by an Environmental Statement.

8.13 Other Issues

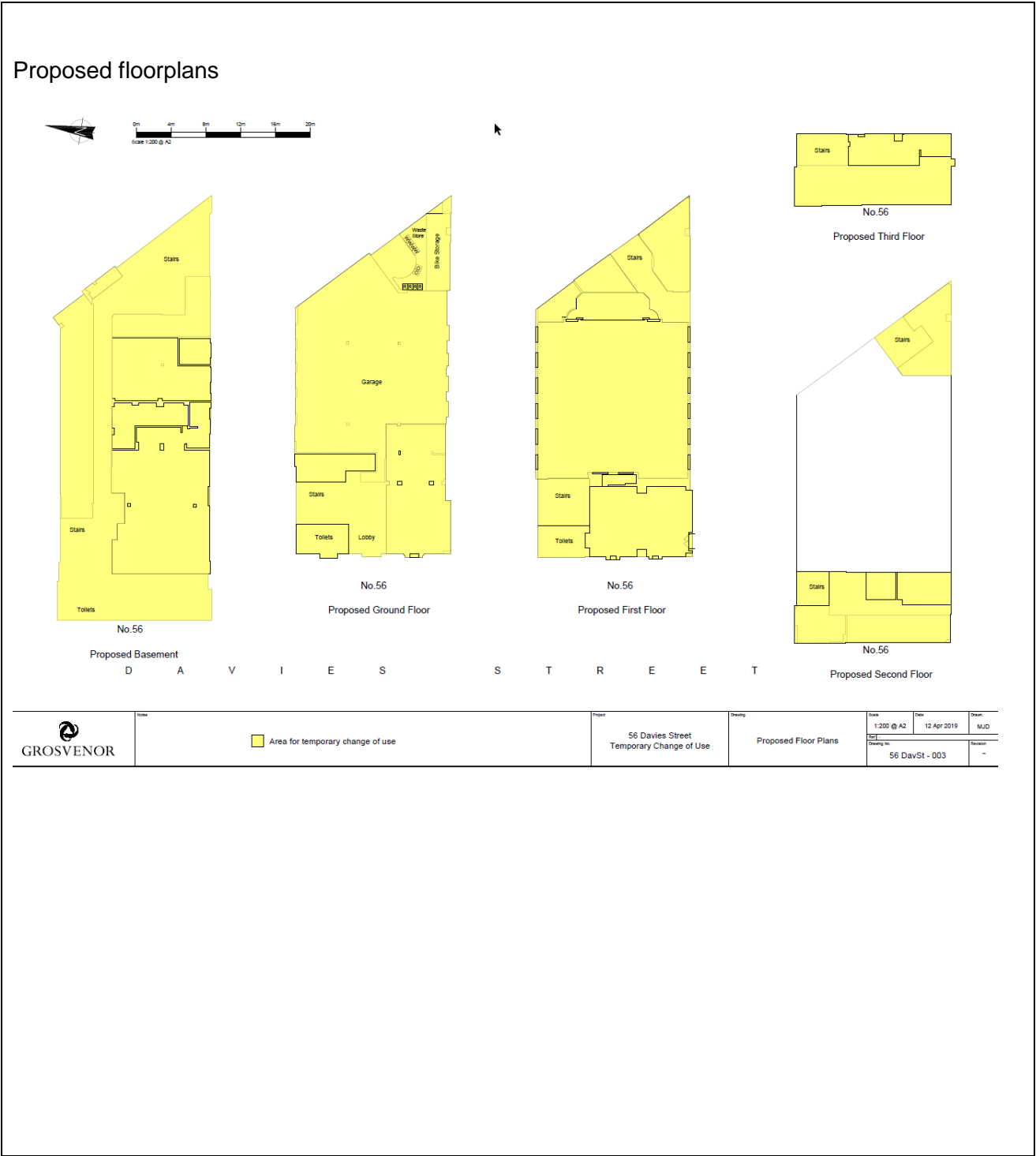
Crime and security

Detailed advice has been provided to the applicant by the Metropolitan Police on how to reduce opportunities for crime and disorder in association with the proposed theatre. An informative is recommended advising the applicant to implement the Metropolitan Police's recommendations.

(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: MICHAEL WALTON BY EMAIL AT mwalton@westminster.gov.uk

9. KEY DRAWINGS



DRAFT DECISION LETTER

Address: Army Reserve Centre, 52 - 56 Davies Street, London, W1K 5HR

Proposal: Use of 56 Davies Street as immersive theatre space and ancillary uses (sui generis) for a period of 36 months.

Plan Nos: 56 DavSt-003.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

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 Prior to commencement of the immersive theatre hereby approved, you must provide the separate stores for waste and materials for recycling shown on drawing number 56 DavSt-003. You must clearly mark them and make them available at all times to everyone using the event space.

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)

- 3 With the exception of collecting rubbish, no goods (including fuel) that are delivered or collected by vehicles arriving at or leaving the building must be accepted or sent out if they are unloaded or loaded on the public road. You may accept or send out such goods only if they are unloaded or loaded within the boundary of the site. (C23CB)

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)

- 4 You must provide each of the 22 cycle parking spaces shown on the approved drawings prior to commencement of the immersive theatre use hereby approved. Thereafter the cycle spaces must be retained and the space used for no 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)

- 5 Staff (excluding cleaning staff) shall not be permitted within the premises before 08.00 or after 00.00 daily.

No loading or unloading shall be take place other than between 08.00 and 10.00 (Monday to Friday) and between 10.00 and 12.00 (Saturday and Sunday). During show change-overs, additional deliveries may take place between 08.00 and 21.00 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 5 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 6 The immersive theatre use allowed by this permission can continue until 2 July 2022. After that the part of the building we have approved for immersive theatre must return to its previous use. (C03BA)

Reason:

At the request of the applicant.

- 7 Other than within the third floor kitchen, there shall be no primary cooking on site such that you must not cook raw or fresh food on the premises.

Reason:

The only acceptable kitchen extract serves the third floor kitchen. For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan (November 2016) and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

- 8 Details of a Crowd Management Scheme shall be submitted to and approved by the City Council prior to the commencement of the immersive theatre use hereby approved. The use shall then be carried out in accordance with the approved details at all times.

Reason:

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

- 9 You must apply to us for approval of arrangements showing how you will give people with disabilities access to the site from South Molton Lane. You must not commence the immersive theatre use hereby approved until we have approved what you have sent us. You must then provide the approved access arrangements at all times.

Reason:

To make sure that there is reasonable access for people with disabilities, and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan (November 2016) and H 8 and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20BC)

- 10 The maximum audience capacity of the immersive theatre hereby approved shall be 550.

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

- 11 The immersive theatre use hereby approved shall be operated in accordance with the Operating Schedule (dated 8 April 2019) hereby approved. This is with the exception of the requirements of any conditions to this permission.

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

- 12 Attendees of events shall only be permitted within the premises between the following hours:

- 10.00 - 23.30 (Monday to Saturday)
- 10.00 - 23.00 (Sunday).

Any audience member leaving the site after 23.00 shall leave via the Davies Street exit only.

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 5 of our Unitary Development Plan that we adopted in January 2007.

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

(2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity

within the immersive theatre use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
- (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity.

Reason:

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 (UDP), 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. (R47AB)

- 14 (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)

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 may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 4 This permission does not allow any work which would change the outside appearance of the property. (I18AA)
- 5 Under Condition 7, other than within the third-floor kitchen, you must not cook food in any way which is likely to cause a nuisance by smell. You must not, for example, grill, fry, toast, braise, boil, bake, hot smoke or roast food. However, you can reheat food by microwave or convection oven as long as this does not require extractor equipment.

Any application to remove or vary the condition must submit details of extraction which shall consist only of either a 'full height' system or in limited circumstances where all cooking equipment is electric only an 'approved recirculation' scheme (any extraction scheme proposing 'low-level' external discharge to get rid of cooking fumes will not be accepted as being suitable as per Westminster Environmental Health requirements for new premises wishing to provide an extensive hot food operation).

- 6 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

Item No.
8

- 7 One or more of the uses we have approved are referred to as being 'sui generis'. This means that the use or uses are not in any particular class. Any future plans to materially (significantly) change the use that we have approved will need planning permission. (I78AA)

- 8 For the purpose of Condition 8, due to the construction of the Bond Street West Crossrail Station and the narrow pavements on South Molton Lane, it is imperative that visitors do not queue outside of the premises. Further consideration should be given to how visitors can be processed within the building in order to ensure that there is no obstruction to the free movement of pedestrians outside the site.

- 9 You have received detailed advice from the Metropolitan Police in respect to crime and security measures and best practice that should be incorporated within the immersive theatre. This advice should be followed.

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.