

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved St James's	
Subject of Report	6 Catherine Street, London, WC2B 5JY		
Proposal	Use of basement and ground floor as flexible arts centre (sui generis) and installation of extract ducts to ground floor rear roof.		
Agent	Ian blacker		
On behalf of	Ian Blacker		
Registered Number	21/07866/FULL	Date amended/ completed	17 November 2021
Date Application Received	17 November 2021		
Historic Building Grade	Unlisted		
Conservation Area	Covent Garden		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

6 Catherine Street is an unlisted building, located adjacent to and connected internally to the newly refurbished Theatre Royal Drury Lane, which is Grade I listed. Vinegar Yard sits in between and was recently covered as part of the theatre's recent refurbishment and turned into an informal food and drink space for the Theatre, now known as 'The Garden'. The basement and ground floors of No. 6 formed part of the application for the refurbishment works to the Theatre and was to be used as a restaurant, however this has remained vacant.

Permission is now sought for the use of the basement and ground floors of No. 6 as an arts centre, to be known as 'the Garden Shed'. It is proposed to provide a fully flexible space for a wide range of arts based activities, including rehearsals, live performances, recorded music, films and the hosting of arts related events and exhibitions. External alterations are limited to the installation of two low level extract ducts on the rear ground floor flat roof.

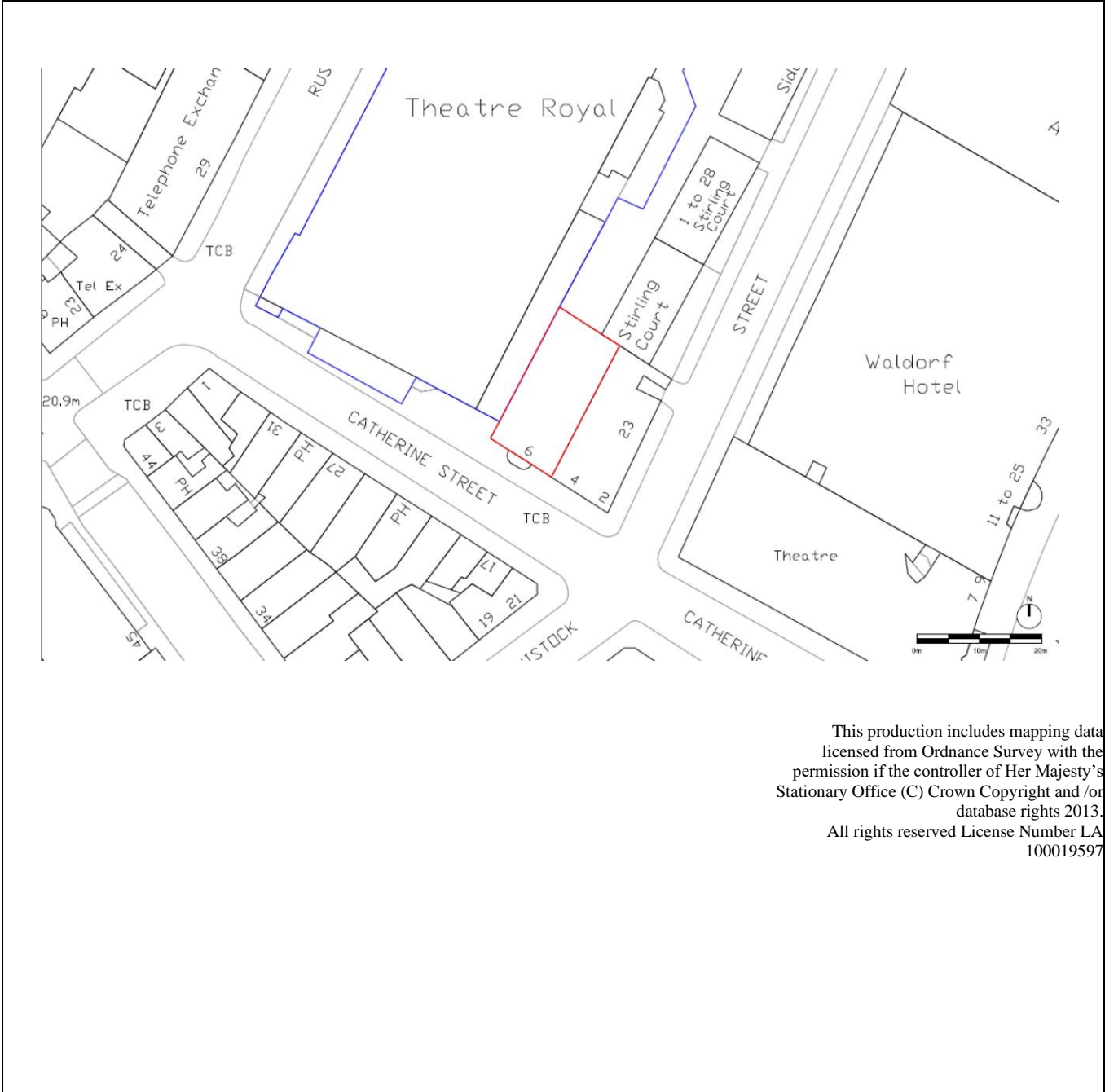
The key issue for consideration are:

- The impact of the proposals on the character and appearance of the building, Covent Garden Conservation Area and setting of the Grade I listed Theatre.

- The land use implications of the proposal and its impact on the amenity of surrounding residents.

The introduction of a new arts centre will complement the Theatre Royal and be compatible with the character and function of Covent Garden and the West End Strategic Cultural Area and is therefore considered acceptable in principle. With the imposition of conditions, the proposals are considered acceptable in land use, amenity and design terms, in accordance with the policies set out in Westminster's City Plan 2019-2040 (April 2021).

LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013. All rights reserved License Number LA 100019597

3. PHOTOGRAPHS



4. CONSULTATIONS

THEATRES TRUST

Welcome the proposal. The proposed venue will add to the diversity of performance spaces within the West End, facilitating a range of small-scale and intimate performances alongside events, functions and exhibitions within a 120-seat studio space. It can also host additional rehearsal space, something for which there is clear need. To the basement level will be a further smaller flexible space. There is strong policy basis to support the proposed change of use.

New entrances between 'The Garden' and this venue will help reinforce the relationship between the respective venues and add to the flexibility in terms of how they can be used to supplement each other. Alterations are relatively minor and do not impact on the wider setting and significance of Theatre Royal Drury Lane.

Both venues are accessible, the accessible WC at basement level will need to be Part M compliant.

COVENT GARDEN COMMUNITY ASSOCIATION

This is already a very busy area with the theatre attracting crowds to the area and pedicabs touting for business with loud music from their 'vehicles'. An added maximum occupancy of 380 people in the proposed space and up to midnight will cause disruption to an already very busy area. The space is likely to be used for functions and entertaining which will be disruptive to residents. With a 9am start time it will also bring visitors to the area at a much earlier hour than is usual in Covent Garden. It will also need set up and set down for arts related events, cannot see where this will take place. These activities usually take place at night and are very noisy.

Concern about the disruption caused to the residents, many long term and already suffering from the many changes in the area in terms of people and noise (Covid times excepting) – the proposed venue will only add to this.

Should the application be deemed acceptable request following conditions are attached:

- During a busy event, guests use the two exits (Drury Lane and Catherine Street) to lessen the load on Catherine Street and there are door supervisors to facilitate this.
- Queuing at evening times is not acceptable and all events must be ticket.
- No noise to emanate from the building due to close residential neighbours.
- Standing and smoking must not be allowed outside in Catherine Street.
- Pedicabs must not be allowed to linger and must be moved on by door staff.
- Hours of use restricted from 9am – 10.30pm Monday to Thursday and 9am to – 11pm Friday and Saturday and 10am – 9pm on Sundays.
- Deliveries and servicing should not take place outside the hours of 8am and 8pm on weekdays, 9am – 8pm Saturdays and 10am – 6pm Sundays

COVENT GARDEN AREA TRUST

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

No objection.

WASTE PROJECT OFFICER

No objection.

ENVIRONMENTAL HEALTH

No objection, subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 70

No. of objections: 2

Two residents from Stirling Court to the rear have raised objections on the following grounds:

Landuse/Amenity

- There are no details concerning how the premises will be properly insulated from the transmission of airborne and impact sound.
- No acoustic insulation has been provided to the walls and doors that separates the performance space and the residential courtyard to the rear.
- Noise break-out has not been properly addressed, especially through the roof cowl.
- It is not clear whether food is to be served which may create odour nuisance.
- The vents will be releasing exhaust fumes directly into the enclosed garden area to the residential flats to the rear which is heavily used.
- Object to the proposed time limits, the centre should stop all activity that could disturb residents at 11.00pm at the latest.

Design

- The proposed roof cowl will project at least 1m above the parapet wall that separates the property with the residential courtyard to the rear which will be a bulky protrusion and unsightly.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

5. BACKGROUND INFORMATION**5.1 The Application Site**

The property is an unlisted, Edwardian building on the eastern side of Catherine Street. It lies adjacent to and is connected to the newly refurbished Theatre Royal Drury Lane, which is Grade I listed. Vinegar Yard sits in between 6 Catherine Street and the Theatre Royal, which provides front and back of house exit routes from the Theatre onto Catherine Street and Drury Lane. It was recently covered as part of the theatre's recent refurbishment and turned into an informal food and drink space for the Theatre, now known as 'The Garden'.

The basement and ground floors of 6 Catherine Street formed part of the application for the refurbishment works to the Theatre Royal and was to be used as a restaurant. The physical works for a restaurant use have been carried out, however, no restaurant has

occupied the premises and it remains vacant. LW theatres are the tenants and operators of the Theatre Royal, together with 'The Garden' (Vinegar Yard) and the basement and ground floors of 6 Catherine Street. The upper floors are in office use, occupied by the Really Useful (Theatre) Group.

The site lies within the Covent Garden Conservation Area, Central Activities Zone (CAZ), the West End Retail and Leisure Special Policy Area (WERLSPA) and the West End Strategic Cultural Area.

5.2 Recent Relevant History

6 Catherine Street

Planning permission was granted for the demolition of the existing and erection of new mansard roof extension; installation of air conditioning plant in yard at rear ground floor level; replacement of windows, entrance screens and doors to create new ground floor entrance; all in connection with continued office use (class B1) on 18 July 2017.

6 Catherine Street and Theatre Royal Drury Lane

Planning permission and listed building consent were granted for use of the ground floor and basement of No. 6 Catherine Street as a restaurant (use class A3), together with associated elevational changes at ground floor level (No. 6 Catherine Street); creation of a new opening between no. 6 Catherine Street and Vinegar Yard; enclosure of the rear part of Vinegar Yard; demolition of a redundant generator shed in Vinegar Yard; installation of exterior plant equipment on the Theatre Royal Drury Lane and Vinegar Yard; and the creation of a publicly-accessible terrace on the Theatre Royal at the corner of Russell Street and Catherine Street. Internal works to the front of house, auditorium, stage area and back of house of the Theatre Royal on 12 December 2017.

A non-material amendment application was granted for amendments to planning permission dated 12 December 2017 (RN: 17/08082), namely, for replacement of one sash window on Russell Street elevation and amendments to the internal Vinegar Yard elevation on 26 September 2018.

Further permissions and listed building consents have subsequently been granted to make minor amendments to the 12 December 2017 permission and consent.

6. THE PROPOSAL

Planning permission is sought for the use of the basement and ground floors of 6 Catherine Street as a flexible arts centre (sui generis), to be known as 'the Garden Shed' which will be operated by LW Theatres and linked internally to 'The Garden', an informal food and drink space in Vinegar Yard and the Theatre Royal.

The Garden Shed is proposed to create a new and unique fully flexible arts space for a wide range of arts based activities, including live performances (comedy, plays, spoken word, dance and music); recorded music and films; hosting of arts related events including book launches, readings, exhibitions and arts displays; and a rehearsal space

for the development of new musicals and plays. It will include a small ancillary bar, dressing rooms and toilets.

	Existing GIA (sqm)	Proposed GIA (sqm)
Restaurant (vacant)	Vacant 404sq	0
Arts Centre (Sui generis)	0	404sqm
Total	404sqm	404sqm

7. DETAILED CONSIDERATIONS

7.1 Land Use/Amenity

Policy context

The importance of arts and performance spaces to London and Westminster's role as an entertainment centre of national and international importance is acknowledged in the policies of both the London Plan and Westminster's City Plan 2019-2040. The policies aim to promote, protect and enhance London's cultural and creative industries, particularly in the West End, which make a major contribution to London's world city status.

Policy 2 of Westminster's City Plan 2019 – 2040 (April 2021) relates to the WERLSPA and aims to provide an improved retail and leisure experience that responds to innovation and change in the sector, and a diverse evening and night-time economy and enhanced cultural offer.

Policy 14 relates to town centres, high streets and the CAZ. Part C. 2. States that the WERLSPA will provide a wide mix of commercial uses that support the West End's role as a retail, employment and cultural hub, and as a centre for the visitor, evening and night-time economy.

Policy 15B relates to arts and cultural uses and states that all existing arts and cultural uses and uses of cultural significance will be protected and proposals for enhancement will be supported in principle. Proposals for new arts and cultural uses will be supported in: 1. Strategic Cultural Areas when they complement the existing cultural offer; and 2. the town centre hierarchy; and 3. commercial areas of the CAZ.

Consideration

The applicant states that they seek to create a new fully flexible arts centre to contribute to the revitalisation and long-term viability of the Theatre Royal; as well as support the vitality and viability of Covent Garden, theatreland and the West End generally.

Covent Garden is characterised by cultural uses and is located within the West End Strategic Cultural Area (SCA) which has one of the largest clusters of cultural and entertainment uses in the country. The introduction of a new arts centre will complement the Theatre Royal and be compatible with the character and function of Covent Garden and the WESCA and is therefore considered acceptable in principle.

The ground floor is proposed to be the primary space with a small ancillary bar and will be configured according to the requirements of each individual event (stage, cabaret

tables, standing, gallery or displays) with capacity for 120 seated or 250 standing. The basement will contain a smaller secondary performance space with capacity for up to 80 standing and the provision of dressing rooms, toilets, back of house and plant room.

There are residential occupiers in the neighbouring building (23 Tavistock Street/2-4 Catherine Street), opposite and within the residential blocks of Stirling and Siddons Court, Tavistock Street to the rear. Objections have been raised from CGCA and two residents within Stirling Court on the grounds that the proposal will result in increased noise disturbance to residents, particularly from noise outbreak from the internal activities, and to the proposed opening hours.

The maximum capacity is proposed to be 330 (standing) with opening hours of between 9.00 – 0000 daily. The hours of opening are broadly similar to that consented for the restaurant use for the site (0800-0000 Monday to Saturday 23.30 Sundays) and are therefore considered appropriate. The applicant has submitted an Operational Management Plan which sets out their operating procedures in terms of security, accessibility, public access, servicing, deliveries and maintenance and it is recommended that this is secured by condition.

The applicant has submitted a Noise Assessment in support of their application. This has assessed the potential noise impact of the proposed use to inform their acoustic design of the interior. Acoustic measures are proposed internally, including an acoustic lobby to the ground floor entrance, acoustic treatment to perimeter walls, floors and ceilings; secondary glazing to the Catherine Street elevation and upgrading of the existing skylights, in order to minimise potential noise and vibration from the internal activities through the fabric of the building. The Council's Environmental Health officer is satisfied that with the acoustic measures proposed the use will not result in any significant noise outbreak to the detriment of residents.

Accordingly, it is considered that with appropriate conditions, the scale of the proposed arts centre will not be detrimental to surrounding resident's amenity and is acceptable in this central area of Westminster.

7.2 Townscape and Design

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'in the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, City Plan policy requires development will preserve or enhance the character and appearance of Westminster's conservation areas and features that contribute positively to the significance of conservation areas and their settings will be conserved and opportunities taken to enhance conservation areas and their settings, wherever possible.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where

the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

External alterations are limited to the installation of two low level extract ducts/cowls on the rear ground floor flat roof. They will have limited visibility in private views from Stirling Court to the rear and will not have a significant visual impact on the wider conservation area or setting of the listed Theatre. A condition is recommended that the ducts be painted black.

As such the proposals are considered acceptable in design and conservation terms, mindful of policies 38, 39 and 40 of the City Plan and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Building and Conservation Area) Act 1990.

7.3 Residential Amenity

The proposal will not impact on neighbouring residents in terms of light, privacy or enclosure.

7.4 Transportation/Parking

The site has a PTAL rating of 6b which means that there are excellent public transport facilities in the area. Cycle parking is provided in the Theatre Royal for employees. The applicant states that deliveries will take place using existing servicing vehicles to the Theatre which are brought into the venue via the Drury lane entrance into Vinegar Yard. The Council's Highways Planning Manager raises no objection to the application.

7.5 Economic Considerations

No economic considerations are applicable for a development of this size.

7.6 Access

Level access is proposed through The Garden, Vinegar Yard which will be linked internally to the Garden Shed. Wheelchair access to the basement rehearsal space will be made available when booking for the rehearsal space, via a lift accessible through a separate door on Catherine Street. Accessible toilet facilities are proposed at ground and basement level.

7.7 Other UDP/Westminster Policy Considerations

Noise/plant

Acoustic dampers are proposed to the air extract and intake vents to the rear ground floor level. Environmental Health Noise Team raise no objection, subject to a condition

requiring post installation noise monitoring to ensure compliance with the Council's standard noise condition.

No primary cooking is proposed as part of the arts centre and it is recommended that this be secured by condition to prevent any odour nuisance.

Refuse /Recycling

Waste and recycling are proposed to be managed in conjunction with Theatre Royal. Waste will be stored at the Drury Lane end of Vinegar Yard. The Council's Waste Project officer raises no objection.

7.8 Westminster City Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

7.9 Neighbourhood Plans

None relevant.

7.10 London Plan

This application raises no strategic issues.

7.11 National Policy/Guidance Considerations

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2019 unless stated otherwise.

7.12 Planning Obligations

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

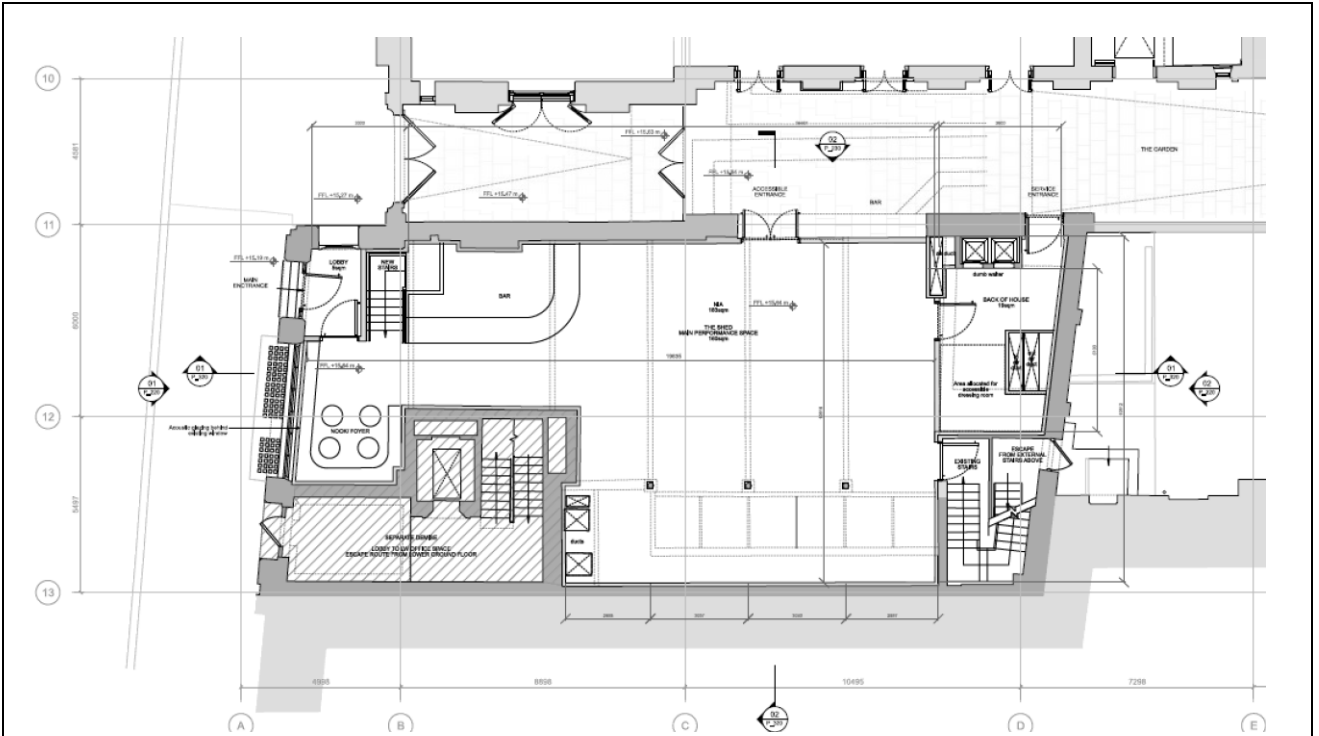
7.13 Environmental Impact Assessment

The proposal is not of a scale that requires an Environmental Impact Assessment.

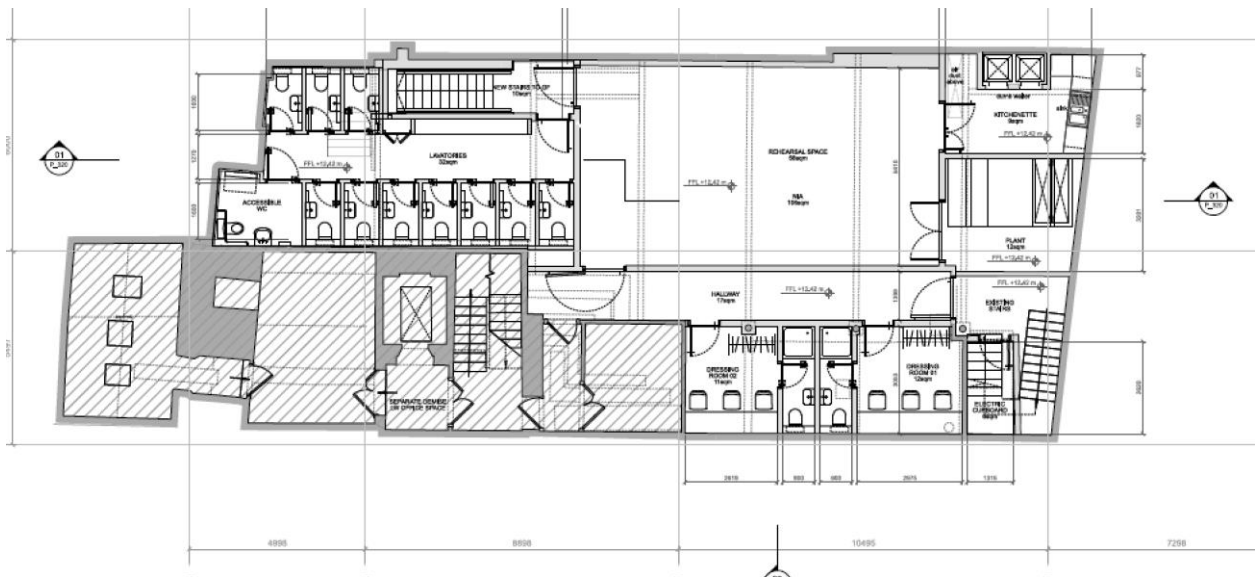
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JULIA ASGHAR BY EMAIL AT jasghar@westminster.gov.uk

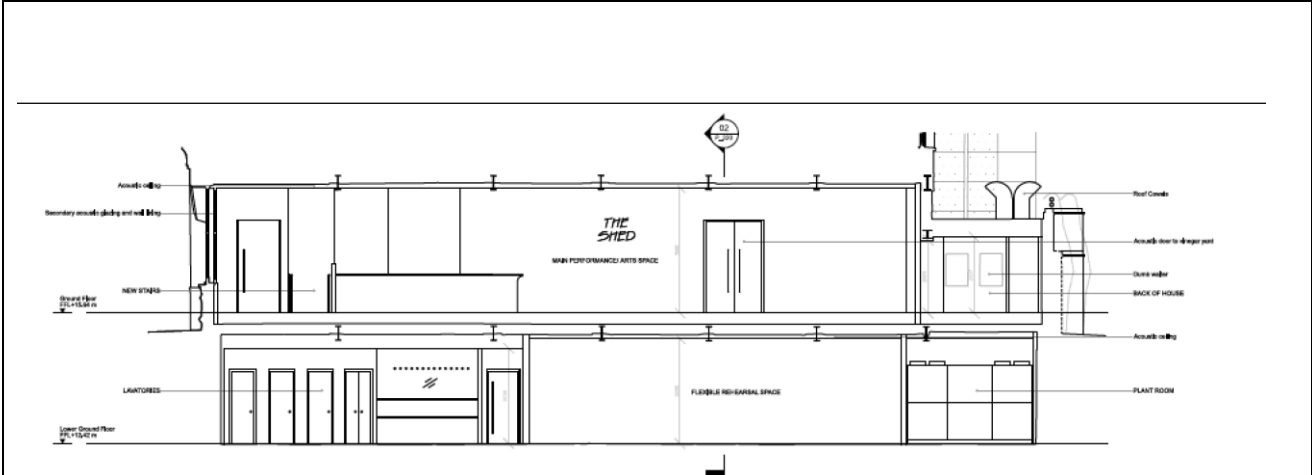
8. KEY DRAWINGS



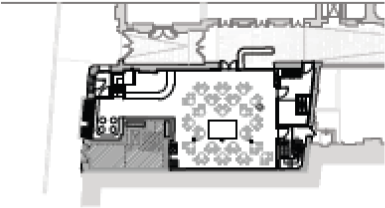
Proposed ground floor



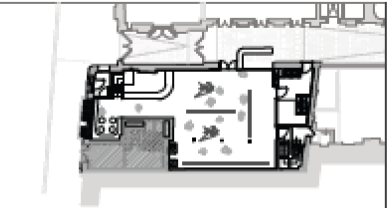
Proposed basement



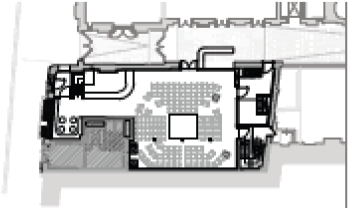
Proposed section



Cabaret Seating, 23 tables 44 guests



Art Gallery, Visitor numbers managed at doors upon entry



Thrust theatre seating, 105 guests

Illustrative layouts

DRAFT DECISION LETTER

Address: 6 Catherine Street, London, WC2B 5JY

Proposal: Use of basement and ground floor as flexible arts centre (sui generis) and installation of extract ducts to ground floor rear roof.

Reference: 21/07866/FULL

Plan Nos: 21022_P00_001/P00; 21022_P00_002/P00; 21022_P00_110/P00; 21022_P00_111/P00; 21022_P00_112/P00; 21022_P00_120/P00; 21022_P00_121/P00; 21022_P00_122/P00; 21022_P00_210/P00; 21022_P00_220/P00; 21022_P00_230/P00; 21022_P00_310/P00; 21022_P00_320/P00; and 21022_150/P00. Design and Access Statement (Allford Hall Monaghan Morris Architects) dated 9 November 2021; Acoustic Survey (Ian Sharland Ltd) dated 4 November 2021; Operational Management Plan (LW Theatres) Version 2 dated November 2021.

Case Officer: Julia Asghar

Direct Tel. No. 020 7641
07866037964

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 , onot 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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 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 this part of the Covent Garden Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 You must finish the ductwork in black. You must then keep it that colour. (C26FA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 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 in writing 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 in writing 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 written 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 LA90, 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. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R48AB)

- 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 and 6 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

- 8 (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 arts centre 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 in writing 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 arts centre 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 in writing 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 written 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. (C47AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R47AC)

- 9 The design and structure of the building shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at

night. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R49BB)

- 10 Customers shall not be permitted within the flexible arts centre (sui generis) before 0900 or after 0000 (midnight) each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 11 You must carry out the measures included in your management plan dated November 2021 (Version 2) at all times that the Arts Centre is in use. (C05KA)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 12 There shall be no primary cooking on site such that you must not cook raw or fresh food on the premises.

Reason:

We do not have enough information to decide whether it would be possible to provide extractor equipment that would deal properly with cooking smells and look suitable. This is as set out in Policies 7, 33, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R05DD)

- 13 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 21022_150/P00 prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the arts centre. (C14FC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 Environmental Sciences by email to environmentalsciences2@westminster.gov.uk if you have any queries about your obligations under the Control of Pollution Act 1974 or the Environmental Protection Act 1990.
- 4 The City Council supports a scheme to provide a free a recruitment service for businesses. Over 90% of people helped into work have been retained for over 6 months by their employing businesses. The scheme uses Work Place Coordinators to match vacancies and candidates. They have helped over 600 Westminster residents into jobs in Westminster businesses across the City. Further details can be found at www.crossriverpartnership.org. The scheme is supported by Westminster City Council, Cross River Partnership, the Crown Estate, New West End Company and Victoria BID.
- 5 You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/planning-building-and-environmental-regulations/building-control.
- 6 Under condition 12 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.