

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 18 October 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved St James's	
Subject of Report	Trocadero, 40-48 Shaftesbury Avenue, London, W1D 7EA		
Proposal	Use of ground floor as public house with music and entertainment (Sui Generis).		
Agent	Pegasus Group		
On behalf of	Coyote Ugly London Ltd		
Registered Number	22/03928/FULL	Date amended/ completed	16 June 2022
Date Application Received	16 June 2022		
Historic Building Grade	Unlisted		
Conservation Area	Soho		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY & KEY CONSIDERATIONS

The application involves the use of the ground floor of one of the units within the Trocadero complex as a public house. The intended operator is Coyote Ugly saloon who intend to provide an American-style bar and restaurant, with recorded and live music and other entertainment (a Sui Generis use).

The key considerations in this case are:

- The acceptability of the proposal in land use terms
- The impact on the amenity of neighbouring occupiers.

For the reasons set out in the report, it is considered that the proposal, with conditions, is acceptable in land use, amenity and highways terms and neighbouring occupiers would not be unduly harmed. As such, the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

SOHO SOCIETY

Raise no objection to use within Class E, but object to the use as a public house (Sui Generis). Believe that the application would add to the concentration of alcohol-based premises rather than adding to 'diversity' within the local area. WCC's March 2020 Cumulative Impact Assessment (Licensing policy) states: "The West End Cumulative Impact Zone has been identified because the cumulative effect of the concentration of late night and drink led premises and/or night cafés has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses... The urban infrastructure cannot sustain any further growth in licensed premises that provide a significant risk of a variety of harmful outcomes."

Concur with the Metropolitan Police who have regarded the increase in capacity at this venue as a serious issue. Do not believe that there would be any benefit to the local community from the application, but there will be a loss of residential amenity if police resources in the area have an additional burden to carry. If, despite this, the council is minded to grant permission, we object to the hours proposed and ask that permission be granted for core hours only in order to partially alleviate the concerns raised above.

CROSSRAIL

No comment.

ENVIRONMENTAL SCIENCES

No objections raised.

HIGHWAYS PLANNING MANAGER

No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 93

Total No. of replies: 1

One letter of objection raising the following concerns:

- * the proposed pub will add significant noise both emanating from the site and particularly from the proposed queue on Shaftesbury Avenue.
- * the anticipated licensing conditions with regard to noise limitation do not align with theatre operating hours
- * the proposed queuing system will pressure pedestrian traffic in the area.
- * potential for increased anti-social behaviour in the queues and immediate area
- * request that conditions are included for a noise assessment for the proposed queue; to ensure that no noise emanating from the queue or inside the premises can be heard at the site boundaries of the Apollo and Lyric Theatres (both during the construction phase and once operational); and a detailed assessment of the footfall and foreseen impact on

pedestrian access in the immediate vicinity.

* Request that during the construction phase that liaison is undertaken to ensure that no noisy works are carried out at performance or rehearsal times

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

None undertaken.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London 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 Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 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.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The site comprises part of the ground floor of the Trocadero complex, which originally provided the entrance into Cineworld and two retail units (Nos. 17 and 30). The site is now occupied as one retail unit (Unit 30) as a sweet, snacks and souvenir shop.

The complex itself contains a large mix of uses including retail, restaurants and cafes at ground level, and a night club at basement level. The majority of the complex has been converted to a 740-bedroom hotel with a roof level restaurant and bar, The Skybar.

This application is located within the Central Activities Zone, the West End and Leisure Special Policy Area (WERLSPA), the Strategic Cultural Area: West End and the Soho Conservation Area. This part of the Trocadero is not listed and the nearest listed building is the Apollo and Lyric Theatres, both of which are on the other side of Shaftesbury Avenue.

The area is characterised by ground floor commercial uses. Records indicate that there are very few residential properties within the vicinity of the site. The closest are those above the St James Tavern at 45 Great Windmill street, on the opposite side of Shaftesbury Avenue. There are also flats on Rupert Street.

7.2 Recent Relevant History

Planning permission granted 28 December 2020 for the use of part ground floor on the Shaftesbury Avenue frontage as a restaurant (Class A3) and installation of an extract duct at roof level.

Premises license granted for Coyote Ugly on 18 August 2022 (22/05496/LIPN).

8. THE PROPOSAL

This proposal seeks planning permission for a Sui Generis use to accommodate a pub with music and entertainment. This is to allow the unit to be occupied by Coyote Ugly Saloon. The premises will operate as an American-style bar and restaurant, with recorded and live music and karaoke style entertainment. Food will be served all day including breakfast until early morning. Music and live acts will take place every evening (between 5pm and 3am).

The proposals also include a merchandise store selling a selection of branded Coyote Ugly themed merchandise. This part of the site would be accessed via a second set of doors onto Shaftesbury Avenue however, it would operate as an ancillary part of the pub use. A further access provides means of escape.

The proposed opening hours are from 08:00 to 03:00 daily with a maximum capacity of 350.

The proposals seek only the change of use of the unit, an extract duct will run internally discharging at roof level. An internal lobby is proposed to incorporate any queuing to the premises.

9. DETAILED CONSIDERATIONS

9.1 Land Use

Land Use Overview

London Plan Policy SD4 concerns the CAZ and seeks to promote unique international, national and London-wide roles of the CAZ, based on an agglomeration and rich mix of strategic functions and local uses. The policy also states that "the unique concentration

and diversity of cultural, arts, entertainment, night-time economy and tourism functions should be promoted and enhanced".

Policy HC6 of the London Plan requires boroughs to develop a vision for the night-time economy, supporting its growth and diversification and requires local development plans to promote the night-time economy, where appropriate, particularly in the Central Activities Zone, strategic areas of night-time activity, (which includes the West End) and town centres where public transport such as the Night Tube and Night Buses are available in order to build on the Mayor's vision for London as a 24-hour City. The policy encourages the diversification of the range of night-time activities, including extending the opening hours of existing daytime facilities and seeks the protection and support of evening and night-time cultural venues such as pubs, night clubs, theatres, cinemas, music and other arts venues. However, the policy also requires the boroughs to take account of the cumulative impact of high concentrations of licensed premises on anti-social behaviour, noise pollution, health and wellbeing and other issues for residents and nearby uses and to seek ways to diversify and manage these areas.

The site lies within the CAZ and the WERLSPA (the West End Retail and Leisure Special Policy Area). City Plan Policy S1.A (Westminster's spatial strategy) seeks to ensure that Westminster will continue to 'grow, thrive and inspire at the heart of London as a world city'. Policy 1 acknowledges the need to balance the competing functions of the Central Activities Zone (CAZ), including those as a retail and leisure destination and home to residential neighbourhoods.

City Plan Policy 2 recognises that the intensification of the WERLSPA will deliver certain priorities, including an improved retail and leisure experience that responds to innovation and change in the sector, along with a diverse evening and night-time economy and enhanced cultural offer. The supporting text (paragraphs 2.7, 2.9 and 2.10) anticipate that the WERLSPA will absorb much of Westminster's future commercial growth, including the development of retail, food and drink uses and entertainment uses; will protect and support the arts, culture and entertainment offer for residents, workers, and visitors and diversify the food and beverage offer whilst, at the same time, minimising negative impacts on residential neighbourhoods. The West End is recognised as home to the largest evening and night-time economy in the UK, supporting as a wealth of cultural uses, pubs, bars, restaurants, nightclubs, cinemas, theatres and other leisure uses.

City Plan Policy 14 concerns town centres, high streets and the CAZ, with their intensification supported in principle for main town centre uses. Uses that provide active frontages will be required at ground floor level, with the WERLSPA to provide a wide mix of commercial uses that support the West End's role as a cultural hub and centre for visitor, evening and night-time economy. Policy 14 goes on to state that town centre uses will be supported in principle through the CAZ with a commercial or mixed-use character, having regard to existing mix of land uses. The supporting text (paragraph 14.5, 14.6 and 14.7) acknowledges that, to ensure their long-term sustainability, town centres will need to provide a mix of commercial uses to create an environment which encourages customers to shop, access services, and spend leisure time, whilst also supporting their role as major employment hubs and visitor destinations., "...town centre uses such as pubs and drinking establishments, exhibition spaces, cultural and leisure uses, can all help support the future success of these key clusters of commercial

activity...”.

City Plan Policy 16 (A) of the City Plan states that proposals for food and drink and entertainment uses will be of a type and size appropriate to their location. The over-concentration of those uses will be further prevented where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the town centre. Applications for entertainment uses will need to demonstrate wider benefits for the local community, where appropriate. The definition of entertainment uses within the City Plan glossary includes uses predominantly, or partly used for entertainment purposes including live music venues and other sui generis uses e.g. nightclubs, casinos and amusement arcades.

Related policies

To ensure that any detrimental impacts on existing users of an area are avoided, City Plan policy 7 requires new development to be neighbourly by protecting, and where appropriate enhancing local environmental quality and protecting and positively responding to local character and the historic environment. In considering development proposals, the Council will take a balanced approach that considers the specific site location and context as well as the merits of the proposals including the consideration of the wider benefits of a scheme against impacts on the surrounding area.

The Plan recognises that factors such as polluted air, excessive smells, poor waste management, noise and strong vibrations are examples of environmental impacts that have an adverse impact on quality of life and health and well-being. Development must prevent unacceptable environmental impacts on existing and new users of building or its neighbours. It confirms that the Council will place the burden on the applicant to ensure mitigation measures are included to safeguard future local amenity and to ensure that development does not cause existing nearby uses from having to curtail their activities.

Policy 33 of the City Plan requires that development proposals do not have an adverse impact upon the amenity and local environment of existing and future residents and development to prevent the adverse effects of noise and vibration with particular attention to minimising noise impacts and preventing noise intrusion to residential developments and sensitive uses; minimising noise from plant machinery and internal activities and minimising noise from servicing and deliveries.

Loss of Retail Accommodation

The lawful use of the ground and lower ground floor is for retail purposes and is currently occupied as a souvenir, snacks and drinks shop. Policy 14 (B) requires that uses that provide active frontages and serve visiting members of the public will be required at the ground floor throughout the town centre hierarchy.

Given the proposed use retains access to visiting members of the public at ground floor level, the proposed public house use is acceptable.

Proposed use and impact on amenity

The proposed use accords with the principle of the aforementioned policies subject to

the impacts of the new entertainment use in terms of scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts, and provided that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area.

The Soho Society raise strong objections to the principle of a public house use and believe that the proposal would add to the concentration of alcohol-based premises within the local area. The supporting text to Policy 16 does state that “the cumulative impact of multiple food, drink and entertainment uses in a particular area can have a negative impact on the functioning and use of an area and can negatively impact residential amenity. We will therefore prevent the over-concentration of these uses and require proposals to make sure any negative impacts are managed (applying the Agent of Change principle).”

It is acknowledged that the proposed pub would be adjacent to Bar Rumba at 36 Shaftesbury Avenue, beneath the Skybar rooftop bar and restaurant, and within close proximity to Fratelli La Bufala restaurant at 40 Shaftesbury Avenue, the Rainforest Café at 20-24, a number of pubs and restaurants on Rupert Street and Great Windmill Street and numerous late-night entertainment venues within the wider Soho area.

However, this part of Shaftesbury Avenue is still mixed in character. The site lies adjacent to a retail unit, and this part of Shaftesbury Avenue also contains the Crystal Maze Experience and the Picturehouse cinema. Immediately opposite the site are the Lyric, Apollo and Gielgud Theatres and, given that there are no nearby residential properties, it is not considered that an additional entertainment use would result in an unacceptable concentration of entertainment uses such that it would harm residential amenity. Planning permission was also granted in December 2020 for the use of the premises as a restaurant, and therefore the principle of an entertainment use has already been established. That permission remains extant.

The Soho Society also refer to fact that the proposal lies within the West End Cumulative Impact Zone, as set out within the City Council’s Cumulative Impact Assessment which has been produced as an approach to licence applications. However, Planning and Licensing are distinct and separate regulatory regimes, each with its own specific statutory considerations and policy considerations. Whilst the November 2016 City Plan had a specific policy relating to the West End Stress Area, the current City Plan does not.

The applicant has indicated that operational measures would be introduced to minimise disruption and noise disturbance including the employment of door staff, provision of CCTV and measures to limit background noise levels. The ground floor plan has also been amended to introduce an internal lobby to accommodate any queueing. Whilst objections have been received to the potential for patrons to queue in the street, this is considered unlikely given this proposed arrangement. A fully worked up operational management plan, to secure these measures, would be secured by condition.

The opening hours of the proposed public house use are 08:00 to 03:00 daily. These hours are significantly later than the extant restaurant permission which has a terminal hour of 00:30. The licensing sub-committee has however recently granted a New Premises Licence under the Licensing Act 2003 which enables the premises to operate

until 03:30 daily.

There are a number of other licensed establishments in the vicinity including Bar Rumba which has licensed opening hours of 09:00 till 06:00 Monday to Saturday and 09:00 till 03:30 on Sundays; The Windmill nightclub to the north at 17-19 Great Windmill Street has licensing opening hours of 09:00 till 05:30 Monday to Saturday and 09:00 till 03:00 on Sunday; and The Piccadilly Institute operates with licensed opening hours of 07:00 till 03:00 Monday to Saturday and 07:00 till 01:00 on Sundays.

Objections to the application have also been received from Nimax Theatres on the grounds of noise disturbance, both from operational noise, and noise from queuing. With regard to queuing, the application has been amended to provide a larger internal lobby to accommodate any queuing. In relation to internal noise, and in acknowledgement that the proposed use would have more intense activity on site than the extant restaurant permission, the applicant submitted a noise assessment detailing mitigating measures to control/contain noise on site. The report proposes a number of mitigating measures including high acoustic performance ceilings and wall linings between the new pub and the hotel rooms above and the use of laminated toughened glass for the shopfront glazing to minimise noise breakout. Environmental Health have reviewed the submitted information and have raised no objection subject to the requirement for conditions requiring compliance with internal noise conditions to ensure that noise break out does not adversely affect nearby residents. In addition, the premises license includes conditions relating to the provision of a noise limiter; a requirement for all windows and external doors to be kept closed after (21:00) hours, or at any time when regulated entertainment takes place; the location of loud speakers; a condition that prevents noise generated on the premises which give rises to nuisance; a requirement for notices to be displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly; and a limitation to a maximum of 10 patrons allowed to temporarily leave the premises, for example for smoking.

Given that there are no nearby residential properties with the exception of the flat located above the St James Tavern on the opposite site of Shaftesbury Avenue approximately 60m from the entrance, it is not considered the proposal will materially impact local residential amenity.

9.2 Environment & Sustainability

This application is for a change of use only and does not raise any additional energy/sustainability issues.

Odour

The proposed public house would be served by a extract duct running internally through existing risers terminating at roof level. The application has been supported by an acoustic report that assesses noise break out from the potential noise impacts of the proposed roof level plant. The nearest affected sensitive windows are those in the Lyric Theatre on the opposite side of Shaftesbury Avenue and the residential windows within the flats on Rupert Street. Background noise levels have been provided to demonstrate that noise from the duct will be compliant with the City Council requirements and this has

been considered acceptable by Environmental Health. Conditions are proposed in relation to the noise and vibration levels from the plant.

9.3 Biodiversity & Greening

Not relevant in the determination of the application.

9.4 Townscape, Design & Heritage Impact

No material external alterations are proposed.

9.5 Residential Amenity

The local environmental impacts are detailed within both Section 9.1 of this report.

9.6 Transportation, Accessibility & Servicing

Highway Impact

The impact upon the local highway network of the proposed public house compared to the existing restaurant use are not considered to be materially different. Servicing is proposed to take place via the servicing yard on Rupert Street and this will be secured by condition

The original submission relied on a designated area for queuing outside the main entrance. Objections to this were received from Nimax Theatres on the grounds that this would pressure pedestrian traffic in the area. The Highways Planning Manager considers that the omission of proposals for formalised queuing on Shaftesbury Avenue, and the proposals to create an enlarged lobby which can accommodate 30 people, ameliorates the potential for localised congestion, including on the footway and that the revised proposals are therefore acceptable in terms of City Plan policy 28 which seeks to ensure developments does not adversely impact on available space for the free flow of pedestrian traffic.

The provision of cycle parking spaces for staff is to be secured by condition.

There is sufficient space within the basement for the storage of waste and recyclable materials. The details may be secure by condition.

9.7 Economy including Employment & Skills

The West End has been particularly hard hit by the pandemic and there is a need for businesses within the Central Activities Area to be supported at this time to enable their post pandemic recovery. The proposed development will contribute to the recovery of the West End in accordance with Policies 1 and 13 in the City Plan 2019-2040 by employing 50 members of staff and in indirect employment opportunities, through the employment of artists, stewards, sounds and lighting specialists for specific events.

9.8 Other Considerations

Nimax Theatres have commented on the potential for the use to result in increased anti-social behaviour from external queuing. The application has been amended such that queuing will take place internally and the applicant has also confirmed that doormen will be in place daily and the approved license for the premises includes stipulations on CCTV requirements and relevant security staffing levels.

The Soho Societies reference to objections by the Metropolitan Police relates to the objections from the Police to the licensing application.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

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

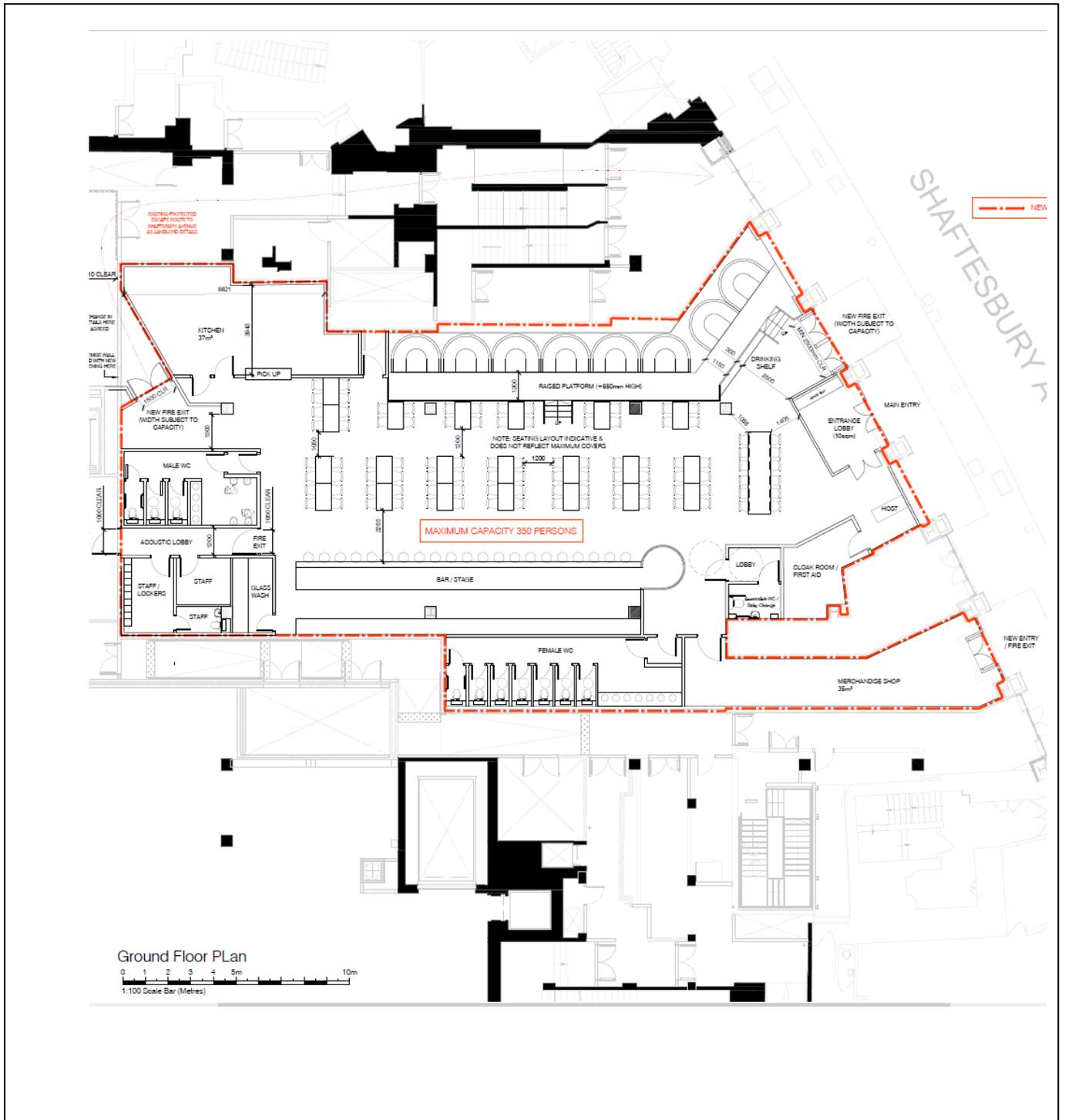
10. Conclusion

The impact upon residential amenity, the character of Soho and upon local environmental quality of the proposed pub is considered to be very similar to the existing use of the site as a restaurant. Subject to conditions, the proposed change of use is considered to be compliant with the policies within the adopted development plan.

(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: MIKE WALTON BY EMAIL AT MWALTON@WESTMINSTER.GOV.UK

11. KEY DRAWINGS



DRAFT DECISION LETTER

Address: Trocadero, 40-48 Shaftesbury Avenue, London, W1D 7EA,
Proposal: Use of ground floor as public house with music and entertainment (Sui Generis).
Reference: 22/03928/FULL
Plan Nos: 4941/01/C, Acoustic report reference: 220514-R001 dated 15th June 2022

Case Officer: Jo Palmer

Direct Tel. No. 020 7641
07866040238

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 (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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), 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)

- 3 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:

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 Environmental Supplementary Planning Document (February 2022). (R48AB)

- 4 The design and structure of the development 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.

For any music noise; the indices of Leq and LFMax in the octave bands 31.5 Hz, 63 Hz

and 125 Hz should be at least 10 dB below the existing background noise level measured in terms of L90,5mins (31.5Hz, 63Hz, 125Hz) inside the neighbouring premises. For music noise where access to relevant habitable spaces is unavailable; the design of the separating structures should be such that the received music noise level in the habitable spaces, with music playing, should be demonstrated through calculation to not exceed a rating of NR20 (Leq, day time), NR15 (Leq, night time) and NR30 (LFMax, night time).

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 Environmental Supplementary Planning Document (February 2022), 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)

- 5 You must not allow more than 350 customers into the property 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 Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 6 Customers shall not be permitted within the public house premises before 08:00 or after 03:00 each day. (C12AD)

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)

- 7 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 8 You must apply to us for approval of an operational management plan to show how you will prevent customers who are either arriving or leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the public house use until we have approved in writing what you have sent us. You must then carry out the measures included in the approved management plan at all times that the public house is in use. (C05JC)

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)

- 9 There shall be no primary cooking on site such that you must not cook raw or fresh food on the premises, until details of how cooking fumes will be discharged have been submitted to and been approved by us. The ventilation must run internally within the building terminating at roof level. The approved ventilation system thereafter be retained whilst any primary cooking takes place on the premises.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022).

- 10 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the restaurant. (C14EC)

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)

- 11 You must apply to us for approval of details of secure cycle storage for the public house use. You must not start any work on this part of the development until we have approved in writing what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to everyone using the building. You must not use the cycle storage for any other purpose. (C22HA)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 12 You must provide the entrance lobby shown on the approved ground floor plan prior to the commencement of the public house use hereby approved. The doors fitted to this lobby shall be self-closing doors and you must not leave these doors open except in an emergency or to carry out maintenance. This lobby shall be retained in situ for the life of the development.

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)

- 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 Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

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 The whole of the City of Westminster is a Smoke Control Area under the Clean Air Act 1993. Thus premises cannot emit smoke unless burning an 'authorized fuel' or using 'exempt appliances'. Further information can be found at the following government website: <https://www.gov.uk/smoke-control-area-rules>

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.