

18 October 2021

VIA PLANNING PORTAL

The Savills logo consists of the word "savills" in a red, lowercase, sans-serif font, positioned on a yellow rectangular background.

Development Planning
Westminster City Hall
PO Box 732
Redhill
London
RH1 9FL

Joshua Price
E: joshua.price@savills.com
DL: +44 (0) 29 2036 8900

2 Kingsway
Cardiff, CF10 3FD
T: +44 (0) 29 2036 8900
savills.com

Dear Sir/Madam,

APPLICATION TO DISCHARGE CONDITION 9 ATTACHED TO PLANNING PERMISSION REF. 21/01860/FULL

7-9 QUEENSWAY, LONDON, W2 4QJ

PLANNING PORTAL REF. PP- 10075763

On behalf of Pret A Manger (Europe) Limited ("Pret"), Savills is instructed to submit an application to discharge Condition 9 attached to planning permission ref. 21/01860/FULL, relating to a Post Mitigation Acoustic Report ("technical note") at 7-9 Queensway, London, W2 4QJ.

Accordingly, please find enclosed:

- Application form;
- Site Location Plan; and
- Post Acoustic Mitigation Technical Note (ref. KR06943 1.2) prepared by KR Associates ("KRA").

A payment for £116.00 will be made directly to WCC via the Planning Portal to cover the application fee.

Background

Full planning permission was granted in October 2016 for the use of the basement and ground floors at 7-11 Queensway (site including southern end of Queens Court) as two Class A1 retail units at ground floor level and a Class D2 gym at basement level, installation of new shopfronts and entrance doors and associated alterations at ground floor level (ref. 16/01450/FULL).

Condition 14 was partially discharged in respect of the gym use in March 2017 (ref. 16/1227/ADFULL). In March 2020, it was brought to Pret's attention that condition 14 had not been discharged in respect of the retail unit to which they occupy. Subsequently, Pret submitted an application to partially discharge the remainder of condition 14 in respect of the retail use on 3 April 2020 (ref. 20/02322/ADFULL).

Following this application and subsequent noise surveys, additional noise mitigation measures were required. However, it was established between KRA and Westminster City Council's ("WCC") Environmental Health Officer that the wording of condition 14 was poor and did not meet the tests identified for conditions as set out in paragraph 55 of the National Planning Policy Framework (February 2020) ("NPPF") in that it is neither precise or enforceable. Furthermore, it was agreed with the Planning Officer that the noise report would be amended to reflect the survey findings and discussions with the EHO. This latest report set out that the proposed additional noise mitigation measures would ensure the retail unit is compliant with the intended requirements of condition 14.

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

Savills (UK) Limited. Chartered Surveyors. Regulated by RICS. A subsidiary of Savills plc. Registered in England No. 2605138.
Registered office: 33 Margaret Street, London, W1G 0JD



In December 2020, Officers at WCC reversed their preference to regularise this matter via a discharge of condition application and instead requested the application to be withdrawn and a retrospective full application be submitted for the retention of the retail use. The partial discharge of condition application (ref. 20/02322/ADFULL) was withdrawn on 17 December 2020 and the full retrospective application for the 'retention of ground floor retail use (Class E)' was submitted on 23 March 2021 (ref. 21/01860/FULL).

This application follows the approval of the retrospective application 21/01860/FULL on 12 July 2021. Attached to the decision notice is condition 9, the wording of which states:

"Post Mitigation Acoustic Report

A. You must and within 10 weeks from the date of this permission implement recommendations in Section 8 of the Technical note / acoustic report (KR Associates version 1.1 -27th October 2020) in full, which for the avoidance of doubt includes the following mitigation measures:

- Upgrading corner bulkhead and cable entry point (Section 8.1)*
- Installing fixed seating and carpet with acoustic underlay (section 8.2)*
- Installing absorption within the two seating areas (section 8.3)*

B. You must and within 14 weeks of the date of this permission, submit to us a post completion acoustic report for approval, which shall include the following information:

- Specific mitigation measures that have been implemented including specifications for materials that have been used.*
- Measurements and calculations (source to receiver) to demonstrate that the noise criteria in conditions 7 and 8 have been met.*
- The report should demonstrate that existing residents within the same building or in adjoining buildings will not be affected by noise and vibration from the development.*

The development must thereafter maintain the above mitigation measures and operate within the agreed noise criteria, unless otherwise agreed in writing by us.

This is unless significant and appropriate justification is provided for alternative timeframes and these have been agreed as exceptional circumstances by the City Council and agreed prior to the expiry of the timeframes set out in this condition.

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 Noise Technical Guidance Note (November 2019), so that the noise of the 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)."

Condition 9 (Post Mitigation Acoustic Report)

As per the wording of condition 9, a post mitigation acoustic report is required to be submitted and approved by WCC. Accordingly, this application seeks to discharge condition 9 and includes details relating to the post mitigation works carried out at the shop and confirmation of compliance through the accompanying technical note (ref. KR06943 1.2) prepared by KRA.

The delegated report of the retrospective permission (ref. 21/01860/FULL) noted:

"Given the nature of the use for retail, it is considered that the use in principle should not cause any significant impact on residents located directly above the site and in the vicinity. The nature and house of servicing as set out above are to be conditioned to 07.00-23:30 Monday to Sunday and this remains appropriate within the Major Shopping Centre.

The key issue is the impact on the internal activity on the residents who live directly above the shop unit. A Noise Report (ref. KR06740 version 1.1) dated 27 October 2020 has been submitted in support of the proposal. The Report sets out the findings of the noise surveys undertaken at the site and incorporates the proposed mitigation requirements agreed in principle following discussions between KRA and the City Council's Environmental Health Officer to achieve appropriate internal noise measures to the residential unit above.

In summary, the Report sets out proposed mitigation measures in the form of:

Treating the cable entry at the front of the store.

Introducing more fixed seating.

Replacing areas of the wooden floor with carpet with an acoustic underlay; and

Installing absorption panels in the two of the seating areas.

As the use has already begun the applicants have indicated that the mitigation works would be undertaken and completed within 6 months (based on COVID -19 pandemic and associated contractor lead in times. The City Council's Environmental Health Officer has confirmed that the proposed works are acceptable and therefore subject to conditions including ensuring the mitigation measures are carried out in their entirety the proposal is considered to be acceptable in amenity terms. Given the retrospective nature of the application and the importance of protecting residents' amenities whilst balancing the needs of commercial operators, 6 months is considered to be too long and a shorter period for compliance is recommended by officers".

A review of the Council's requirements for noise as per the City Plan policies identified the following:

"Policy S32 Noise

The council will work to reduce noise pollution and its impacts and protect Noise Sensitive Receptors from noise by:

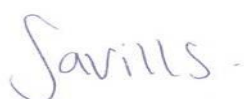
- Requiring development to minimise and contain noise and vibration;*
- Ensuring development provides an acceptable noise and vibration climate for occupants and is designed to minimise exposure to vibration and external noise sources; and*
- Securing improvements to Westminster's sound environment, including protecting open spaces of particular value for their relative tranquillity".*

The Post Acoustic Mitigation Technical Note (ref. KR06943 1.2) which accompanies this application ensures compliance with the relevant policy position and satisfies the details required by condition 9. It can therefore be concluded that the information provided as part of this application meets the requirements of the condition and as such, full justification is given for the discharge of condition 9.

I look forward to receiving confirmation that the application has been registered and validated in due course. I would welcome the opportunity to discuss the details of the application with the appointed Case Officer at the earliest opportunity.

Should you require any further information, please do not hesitate to contact me.

Yours faithfully,



Joshua Price
Senior Planner

Enc. As above