

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 20 June 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	53 Great Titchfield Street, London, W1W 7PT		
Proposal	Use of ground floor and basement as a restaurant (Class A3), installation of full height extract duct and a wall mounted condenser unit at rear basement level, installation of kitchen supply inlet, toilet extract and general extract at ground and first floor levels on the rear facade together with associated external alterations.		
Agent	Caulmert Ltd		
On behalf of	Mr Peter Meadows		
Registered Number	17/02844/FULL	Date amended/ completed	31 March 2017
Date Application Received	31 March 2017		
Historic Building Grade	Unlisted		
Conservation Area	East Marylebone		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The application site a four storey plus basement unlisted building within the East Marylebone Conservation Area and the Great Titchfield Street Local Shopping Centre. The basement and ground floors' lawful use is as a wholesale showroom (Sui Generis) and the upper floors are in medical (Class D1) use.

Permission is sought for the use of the basement and ground floors to be used for restaurant purposes (Class A3). A full height extract duct is proposed and this will be in a lightwell to the rear of the property and terminates at roof level. A single wall mounted cooling condenser will also be located within the rear lightwell at basement level and inlet and extract vents will be located on the rear facade at ground and first floor levels. The rest of the building will remain in medical use. The key issues for consideration are:

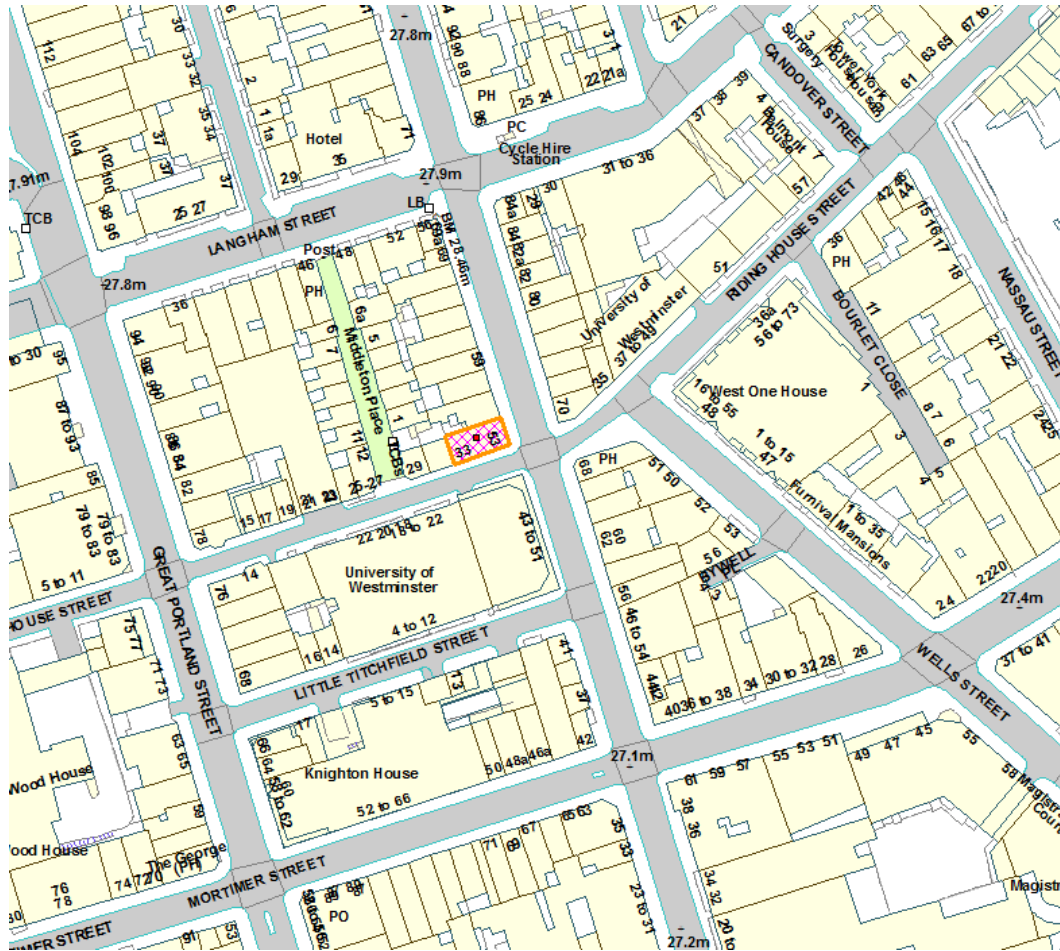
- The impact of the external alterations on the character and appearance of the East Marylebone Area;
- The impact of the proposed plant on residential amenity; and

- The acceptability of the proposed restaurant in this location from a land use and amenity perspective

The proposal is considered acceptable in land use, amenity, design and conservation grounds and complies with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan and is therefore recommended for approval.

3. LOCATION PLAN

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4. PHOTOGRAPHS

Street view of 53 Great Titchfield Street



Rear courtyard where extract duct is proposed to be located



5. CONSULTATIONS

FITZROVIA NEIGHBOURHOOD ASSOCIATION

Object of the following ground:

- Noise.
- Odour.
- Visual impact of extract vent.
- Cumulative impact of entertainment uses.

HIGHWAYS

No objection subject to conditions.

CLEANSING

No objection subject to conditions.

ENVIRONMENTAL HEALTH

No objection subject to condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 58

Total No. of replies: 2

No. of objections: 2

Objections on the following grounds:

- Potential of additional waste blocking fire access.
- Noise from plant, internal activity and from customers on the street.
- Odour.
- Unsuitable as a night time use.

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is situated on the northwest corner of the Great Titchfield Street/ Ridding House Street junction and comprises basement, ground and three upper storeys.

The application site is an unlisted building located within the East Marylebone Conservation Area and the Great Titchfield Street Local Centre.

The site is located outside of the Core Central Activities Zone (Core CAZ) (but inside the wider CAZ) and is located outside of a stress area.

Great Titchfield Street is characterised by a range and mix of commercial uses, including retail, restaurants, showrooms and public houses at ground floor level with residential and office uses on the upper floors.

The basement and ground floor which the application relates equate to a 140 m² GIA, the lawful use of this floorspace is as a wholesale showroom (*Sui Generis*).

6.2 Recent Relevant History

99/02196/FULL

Use of the ground floor for (Class A1) retail purposes.

Refused – 7 May 1999 on the ground that the proposal would have resulted in the loss of wholesale showroom accommodation.

Appeal dismissed 14 March 2000.

07/09942/FULL

Continued use of the first floor as dental surgery (Class D1).

Permitted – 13 May 2008.

7. THE PROPOSAL

Permission is sought for the use of the basement and ground floors for a restaurant (Class A3) purposes totalling 140 m² GIA.

The restaurant will be able to accommodate 66 covers at full capacity. The proposed operating hours are 08:30 - 23:30 Monday to Friday and 09:00 to 23:00 Saturday and Sunday.

It is proposed that an extract duct clad in a brick GRP will be routed externally along the outside face of the existing rear projection and will terminate one metre above roof level. It is also proposed to install a single wall mounted cooling condenser within the lightwell at rear basement level and as well as a kitchen supply inlet, toilet extract and general extract at rear ground and first floor level.

The application has been amended during the course of its consideration to:

- Omit the air conditioning condensing units located with the rear light well (a coldroom condensing unit remains);
- Reduce the size of the extract duct;
- Clad the duct in brick effect GRP; and
- Relocate the extract duct motor within the building.

The owners / occupiers of neighbouring properties have been notified of these amendments to the proposal.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of Showroom (Sui Generis)

Following the deletion of the Harley Street Special Policy Area following the adoption of the revised City Plan in November 2016, there is no policy objection to the loss of the wholesale showroom (Sui Generis) to another use serving visiting members of the public and retaining an active shopfront in the Great Titchfield Local Centre.

Therefore the acceptability of the proposed restaurant use centres on whether it would harm the character and function of the Great Titchfield Street Local Centre and whether it would cause unacceptable amenity impacts.

Impact of new restaurant upon character and function of the Great Titchfield Street Local Centre

City Plan Policy S8 directs retail and other appropriate town centre uses within Marylebone and Fitzrovia to Marylebone High Street and the Local Shopping Centres. UDP Policy SS7(D) states that the change of use from a non-A1 use to A3 use in a local centre will not be permitted if the proposal would have a detrimental effect on residential amenity, or harm the viability, character or environment of the centre. The introduction of a new restaurant in this location provides a valued service to those in the surrounding area and beyond. Restaurant customers would increase footfall locally which could possibly lead to greater footfall within nearby retail store, thus increasing their vitality and introduces an active frontage thus enhancing the character of the Local Shopping Centre. As such, it is considered that this proposal accords with the aim City Plan Policy S8 and UDP Policy SS7.

Potential Increase of Restaurant floorspace (Class A3)

The proposed restaurant use comprises 140m² GIA and Policy TACE8 of the UDP applies. This relates to entertainment uses which may be permissible. TACE8(B) states that permission will generally be granted for proposals where the City Council is satisfied that the proposed development has no adverse effect upon residential amenity or local environmental quality as a result of noise; vibration; smells; increased late night activity; increased parking and traffic and no adverse effect on the character or function of its area.

The Fitzrovia Neighbourhood Association and a neighbouring resident located in No. 55 to the north have objected to the new restaurant floorspace commenting that it will result in an intensification of entertainment uses in the vicinity of the site, and an increase in noise disturbance. They argue that the site is inappropriate for a late night use, and the cumulative impact of new entertainment uses in the immediate area will be harmful to residential amenity.

The restaurant proposals are speculative with no end-user identified, and therefore it is not possible at this time to consider the likely impact by assessing the track record of the intended occupier. However, conditions could be used to control the opening times and activity to limit the impact. These conditions would ensure that the use would essentially be a sit-down restaurant (limited to 66 covers, based on approximate figures provided by the applicant). Any ancillary bar could be limited to a small part of the premises, to be

used only by diners before and after meals: a condition has been recommended to ensure that the bar area shall not exceed 20% of the proposed restaurant. The hours of opening would be restricted to the terminal hour of 23:30 with breakfast opening at 08.30 during the week and 09:00 at the weekends. Despite the objection on the hours proposed, the hours proposed are within the generally acceptable hours set out in the UDP. The proposal incorporates an external kitchen extract terminating at high level will ensure that cooking odours are adequately dispersed.

The nearest residential properties are located immediately to the north of the application site at 55 Great Titchfield Street, with other residential properties being located on the upper floors toward Langham Street and within 33 Riding House Street. The ground floor units along Great Titchfield Street are characterised by showrooms and retail uses with some entertainments uses present. In the immediate vicinity of the site along Great Titchfield Street (from No.65/80 to the north to No.51/62 to the south) there are nine retail units, six showrooms and three restaurants and one public house. In view of the other establishments in the area, the proposal is considered to be acceptable in principle. Although there are other restaurants in the vicinity, it is not considered that the proposal will create an adverse cumulative impact, given the dispersed nature of these premises.

The addition of a further restaurant use in this street is acceptable. The proposal will introduce and enhance the street level activity in place of the existing blank frontage. It is recommended that there is a condition requiring an Operational Management Plan (OMP) to be submitted for the City Council's approval dealing with the following matters:

- prevent customers queuing on the street,
- management of customers who wish to smoke;
- methods preventing customers from taking their drinks with them;
- methods ensuring deliveries and refuse are not stored on the highway and are carried out in a sensitive manner to ensure noise is minimised within agreed hours.

A condition is also recommended to ensure that no live or recorded music which is audible externally or in neighbouring properties can be played.

With the imposition of the above conditions including a restriction on the capacity to 66 diners, it is considered that there will be no material increase in noise disturbance or other amenity issues as a result of the restaurant use.

8.2 Townscape and Design

53 Great Titchfield Street is an unlisted building located on a corner site in the East Marylebone Conservation Area. The building consists of a ground floor and three upper storeys, including a mansard level and a high level projecting wing to the rear. The building is identified as an unlisted building of merit in the East Marylebone Conservation Area Audit, which was adopted by the City Council in 2006. It is therefore considered that the building makes a positive contribution to the character and appearance of this part of the conservation area. The main design consideration of this proposal are the installation of a high level extract duct to the rear elevation, supply and extract louvres and an external air condenser, to accommodate the proposed restaurant use.

An external extract duct is proposed to the rear of the building, adjacent to the high level height projecting wing. The rear elevations to this terrace, namely 67- 53 Great Titchfield Street, form an attractive and consistent group which are largely uncluttered and free of high level plant, ducts and machinery. These rear elevations are visible from private views from the rear of properties on Middleton Place. Given that high level ducts are not characteristic of this part of the conservation, it is considered that an exposed duct in this location would be visually prominent, unsightly and unacceptable in design terms.

Following negotiations, revised drawings have been submitted which show GRP cladding to screen the proposed duct, designed to match the appearance of the existing brickwork. On balance, the revised proposals will have a minimal visual impact on the appearance of this group of buildings and are considered acceptable in design terms, subject to the imposition of a condition requiring the submission of details of the GRP cladding and to ensure the screen will match the appearance of the brickwork satisfactorily. A condition requiring the screen to be installed for as long as the duct remains in place is also recommended.

The Fitzrovia Neighbourhood Association has objected to the application on design grounds, commenting on the visual impact of the proposed duct. Following the submission of a revised design incorporating GRP cladding to screen the proposed duct, it is considered that this objection has been addressed. The imposition of the conditions set out above will secure details of this proposed screening, to ensure it blends with the colour and appearance of the brickwork, to minimise the visual impact.

Planning permission is also sought for two extract louvres to the rear elevation and a condenser unit and ground floor level. The condenser is modestly sized and located in a discreet position at low level. Similarly, the visual impact of the proposed extract and supply louvres is considered minimal and will preserve the character and appearance of this part of the conservation area. These elements of the proposals are therefore considered acceptable in design terms.

The revised application is considered compliant with DES 5 and DES 9 of the City Council's Unitary Development Plan and will preserve the character and appearance of the East Marylebone Conservation Area.

8.3 Residential Amenity

A cooling condenser is proposed to be installed at basement level within the rear lightwell. A full height extract duct is also proposed running up the rear of the building and has been amended to house the extract motor internally to further reduce noise levels and extract at roof level to ensure there are no neighbouring residents impacted by odour. The duct extracts one metre above the height of the application building to further deflect noise and odour from residential properties. The point of extraction is above the height of surrounding residential buildings.

Objections have been received from the neighbouring residential occupants on the grounds that there will be an increase in noise from the plant and odours from the extract duct.

However, Environmental Health has no objection to the proposal now that it has been revised to omit the air condensing units at rear basement floor level and now that the fan and motor unit for the extract duct are now located within the building. Environmental Health has advised that the plant is likely to comply with the City Council's standard noise conditions and the amendments ensure that odour will not materially impact residential amenity. The objections on these grounds are therefore not considered sustainable.

8.4 Transportation/Parking

The Highways Planning Manager raises no objections to the proposal and considers that the proposal is unlikely to have a significant impact on car parking in the area. The site is also well served by public transport. As detailed above, a condition is recommended requiring an OMP. Anticipated measures include procedures to ensure customers remain in the premises until taxis arrive, measures to prevent queues and management of customers wishing to smoke will help to address objector's concerns relating to noise from customers outside of the premises.

Servicing

UDP TRANS20 requires off street servicing. No off-street servicing is proposed. The site is located within a Controlled Parking Zone, which means that single/double yellow lines in the vicinity can allow loading and unloading to occur. The largest regular servicing vehicle expected to be associated with the development is the refuse collection vehicle.

The Highways Planning Manager is satisfied that, given the modest floor area concerned, the servicing requirements are not expected to have an adverse impact on the public highway.

Cycle parking

No cycle parking has been shown on the submitted drawings. To comply with the London Plan (as amended) a minimum of two cycle spaces are required. These have been secured by condition.

8.5 Economic Considerations

Any economic benefits generated are welcomed.

8.6 Access

The access arrangement remains unaltered.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

Objections have been raised to the potential increase of waste and the potential of additional waste blocking fire access. No specific waste store for waste and recyclable

materials is illustrated on the plans. To ensure that waste is not stored on the highway and is stored in an appropriate location, it is recommended that these details are secured by a planning condition prior to the commencement of the use. With the imposition of this condition it is not considered a refusal on this basis is justified.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.10 Planning Obligations

The application does not trigger any CIL requirements nor planning obligations.

8.11 Environmental Impact Assessment

The proposal is of insufficient scale as to trigger an environmental assessment.

9. BACKGROUND PAPERS

1. Application form
2. Response from Fitzrovia Neighbourhood Association, dated 3 May 2017
3. Response from Environmental Health, dated 19 May 2017
4. Response from Highway Planning, dated 11 April 2017
5. Response from Cleansing, dated 18 April 2017
6. Letter from occupier of Flat 1, 55 Great Titchfield St, dated 11 April 2017
7. Letter from occupier of 43-51 Great Titchfield St, London, dated 25 April 2017

(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: MARK HOLLINGTON BY EMAIL AT MHOLLINGTON2@WESTMINSTER.GOV.UK.

10. KEY DRAWINGS

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LEGEND

- Supply Air Duct
- Extract Air Duct
- AC Cassette
- Wall Mounted AC Unit
- AC Condenser
- Extract Air Duct
- Supply Air Duct
- WC/Foiled Extract Vent
- WC/Foiled Extract Duct
- Volume Control Damper
- Fire Damper
- Non Return Damper
- Over Door Heater
- LVD Oilcut Control Unit
- Kitchen Exhaust Fan
- Kitchen Supply Fan
- General Supply Fan
- Back Of House Extract Fan
- Towel/MC Extract Fan

Nanza Equipment Schedule									
Ref	Manufacturer	Model Number	Description	Duty	Dimensions in mm (HxWxD)	Weight	DBA	Power Supply	FLC
KEF	Systemair	MUR 062 560 D4 - A2 IE2	Kitchen Extract Fan	2.25m ³ /sec	800x800x800	90kg	56@3m/s	415v	8.8amps per phase
KSF	Systemair	K500 IS	Kitchen Supply Fan	1.44m ³ /sec	700x700x50	65kg	55@3m/s	415v	4.5amps per phase
TEF	Systemair	KE200	Toilet Extract Fan	0.2m ³ /sec	200 diameter	8kg	30@3m/s	240v	0.8amps
GEF	Systemair	KE315	General extract fan	0.38m ³ /sec	315 diameter	14kg	42@3m/s	240v	1.2amps
CU3	J&F Halls	JH 0130-M3	Coldroom Condenser	2.2kw	690x1100x478	85kg	53@3m/s	415v	6.4amps per phase

Project	WINDSOR BUSINESS CENTRE
Client	WINDSOR
Contract	External elevations revised
Design	Approved
Drawings	Drawing issued
Date	16/03/2024
FWP UK LTD	
REFRIGERATION & AIR CONDITIONING VENTILATION	
17 Colchester Business Park	
Haverhill Essex SS16 5JG	
Tel: 01714 600 040	
Web: www.fwp.co.uk	
Company	WINDSOR
Contract	WINDSOR
Project	PS
Issue	09/03/17
Prepared	Approved
Checked	Approved
PROPOSED HVAC LAYOUT	
Drawing Number	HST/FFWP/001
Rev	D
Page	A1
Scale	1:50

DRAFT DECISION LETTER

Address: 53 Great Titchfield Street, London, W1W 7PT.

Proposal: Use of ground floor and basement as a restaurant (Class A3), installation of full height extract duct and a wall mounted condenser unit at rear basement level, installation of kitchen supply inlet, toilet extract and general extract at ground and first floor levels on the rear facade together with associated external alterations.

Reference: 17/02844/FULL

Plan Nos: HGT/FWP/001 D, 09-02.2 A

Case Officer: Damian Lavelle

Direct Tel. No. 020 7641 5974

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 You must carry out any building work which can be heard at the boundary of the site only:

* between 08.00 and 18.00 Monday to Friday;
* between 08.00 and 13.00 on Saturday; and,
* not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours.(C11AA)

Reason:
To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must not sell any hot-food take-away on the premises, nor operate a delivery service, even as an ancillary part of the primary Class A3 use. (C05CB)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet Class TACE 8 of our Unitary Development Plan that we adopted in January 2007, and because of the special circumstances of this case. (R05BB)

- 4 The provision of a bar and bar seating must not take up more than 20% of the floor area of the restaurant premises. You must use the bar to serve restaurant customers only, before, during or after their meals.

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the East Marylebone Conservation Area. This is in line with S24 of Westminster's City Plan adopted November 2016 and TACE 8 of our Unitary Development Plan that we adopted in January 2007.

- 5 You must not allow more than 66 customers into the property at any one time (including any customers waiting at a bar).

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the East Marylebone Conservation Area. This is in line with S24 of Westminster's City Plan adopted November 2016 and TACE 8 of our Unitary Development Plan that we adopted in January 2007.

- 6 You must not play live or recorded music on your property that will be audible externally or in the adjacent properties.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 7 Customers shall not be permitted within the restaurant premises before 08:30 or after 23:30 Monday to Friday and before 09:00 or after 23:30 on Saturday and Sunday.

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 8 of our Unitary

Development Plan that we adopted in January 2007. (R12AC)

- 8 You must apply to us for approval of an Operational Management Plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, prevent customers queuing on the street, manage customers who wish to smoke, prevent customers from taking their drinks outside, and ensure deliveries and refuse are not stored on the highway and are carried out in a sensitive manner to ensure noise is minimised within agreed hours. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the measures included in the approved Operational Management Plan at all times that the restaurant is in use. (C05JB)

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 9 (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.

- 10 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

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

Reason:

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

- 12 You must apply to us for approval of details of secure cycle storage for the basement and ground floor retail unit use. You must not commence the use hereby approved until we have

approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 13 You must screen the ductwork in a GRP screen so that it matches the colour and appearance of the existing brickwork. You must then keep it in that condition for as long as the duct remains in place. (C26HA)

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 East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 14 You must apply to us for approval of photographs of the GRP cladding you will use to screen the duct. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

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 East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 15 The plant/machinery hereby permitted shall not be operated except between 0700 and 0030 Monday - Friday; 0800 and 0030 on Saturday and Sunday.

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.

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, 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 Conditions 9 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

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.