

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 15 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	59 Greek Street, London, W1D 3DZ		
Proposal	Use of part basement and part ground floor as a restaurant (Class A3), creation of new shopfront and replacement of extract plant on rear elevation and at roof level.		
Agent	Jon Dingle		
On behalf of	Soho Housing Association		
Registered Number	17/04475/FULL	Date amended/ completed	22 May 2017
Date Application Received	22 May 2017		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

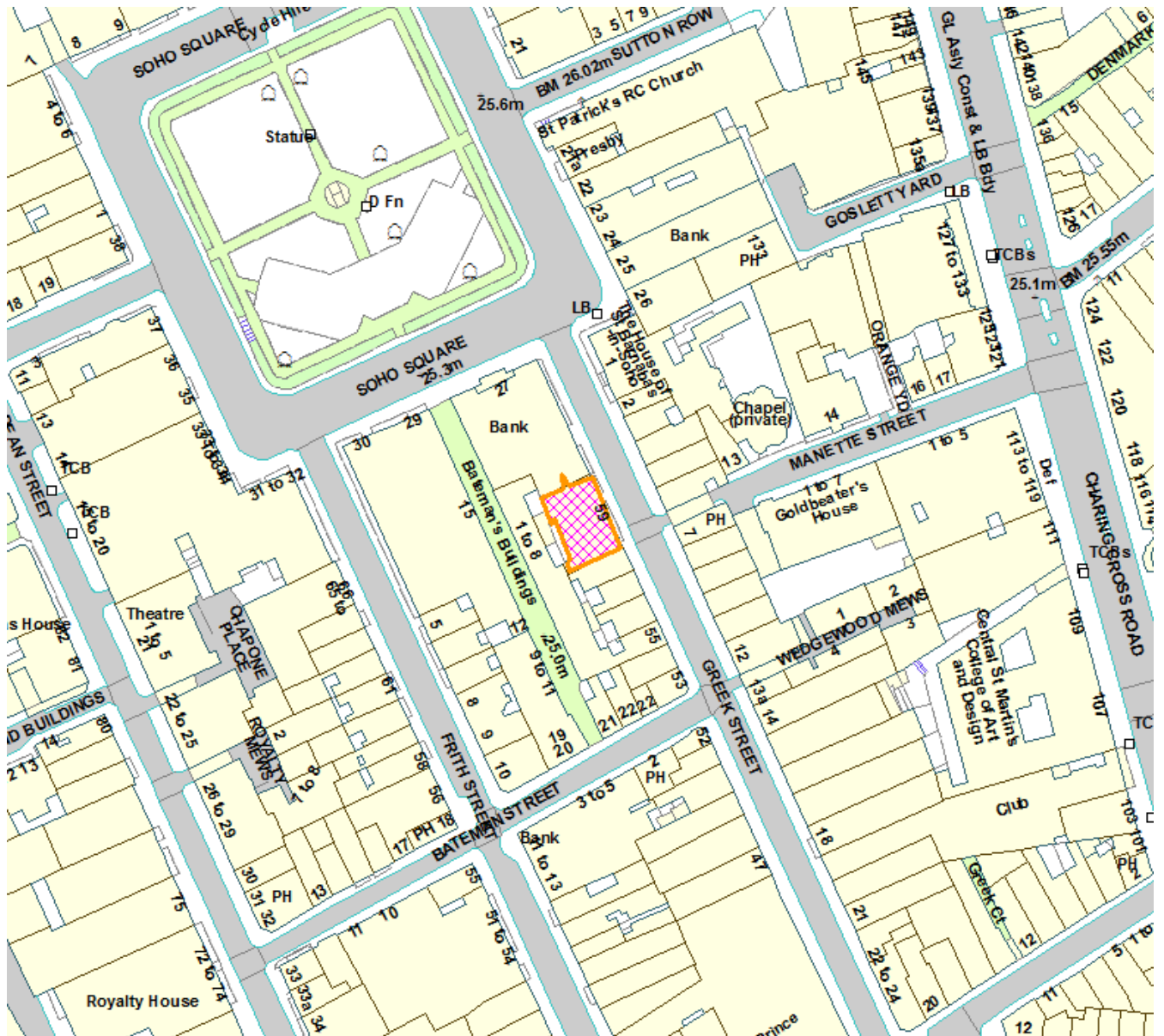
Historically the whole of this site was used as a hostel. After it became vacant (following the cessation of funding) the freeholder and current applicant (the Soho Housing Association) obtained planning permission from the Council to convert the upper floors to ten residential units and the basement and ground floor into two small retail units. The upper floors are currently being converted to flats.

The applicant is now seeking permission to use the basement and ground floor as a Class A3 restaurant. New shopfronts are proposed, which are the same as previously approved, along with replacement extract duct and associated plant.

The key issues are considered to be the impact of the proposal on local amenity.

For the reasons set out in the main report, given the proposal's modest scale and with adequate conditions to safeguard amenity, the introduction of a new restaurant in this location is considered acceptable and would comply with relevant UDP and City Plan policies.

3. LOCATION PLAN



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4. PHOTOGRAPHS

The site prior to conversion of the upper floors



5. CONSULTATIONS

SOHO SOCIETY – No objection

PLANT AND EQUIPMENT – No objection, subject to conditions

HIGHWAYS PLANNING – No objections, subject to conditions

CLEANSING –Initial objection to inadequate waste storage details overcome by revisions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED
No. Consulted: 71; Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The building is not listed but is within the Soho Conservation Area. It is also within the Core Central Activities Zone, the West End Special Retail Policy Area and the West End Stress Area. It is located at the northern end of Greek Street, just south of Soho Square. The immediate area is characterized by a wide mix of uses, including restaurants and other commercial activities, as well as some residential accommodation on upper floors.

The upper floors of this property are currently being converted to residential use. Until recently the whole property (comprising basement, ground and four upper floors) had a long-standing history as a hostel ('a sui generis' use), last used by Centrepont to provide accommodation for homeless young people (26 bed-spaces). However, due to lack of funding the provider had to vacate the building, in July 2014, and alternative accommodation was provided for the occupants in other nearby hostels.

6.2 Recent Relevant History

December 2016 – conditional permission granted for 'use of part basement and part ground floor as two retail units (Class A1) and part basement and part ground and upper floors as residential (Class C3) to create up to 10 residential units, external alterations including infill of front lightwells and installation of pavement lights, removal of railings and new shop fronts'.

This permission was subject to a legal agreement to secure nine of the residential units (excluding the 3-bedroom unit on the top floor) as affordable housing.

7. THE PROPOSAL

The freeholder, the Soho Housing Association (SHA), now wishes to convert the basement and ground floor into a restaurant, rather than the previously approved retail units. There would also be a new extract duct on the rear façade and associated plant at roof level. This replaces existing an existing duct and equipment which served a large kitchen in the basement that was part of the hostel. The ground floor entrance to the flats

will remain as previously approved. New shopfronts are also proposed, again as previously approved, along with the covering over of the front basement lightwell with pavement lights.

The applicant advises that the proposed Class A3 unit has been designed to appeal to a high quality, independent restaurateur although, at this stage, the proposal is speculative. An indicative layout is shown on the application drawings providing a total of 98 covers along with a small, ancillary bar, located on the ground floor (rear) of the unit. The kitchen and waste storage and staff welfare facilities are located at basement level. In total the proposed restaurant measures 219 sqm (GIA) or 284 sqm (GEA). The proposed opening hours are 08:00 – 00:00 Sundays to Thursdays, bank holidays and public holidays, and 08:00 – 00:30 Fridays and Saturdays.

The application shows that shopfronts and entrances are the same as approved.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of the existing hostel use

The basement and ground floors have previously been used as communal accommodation for the hostel (rather than bed-spaces). In granting permission for a retail use on the lower floors it was previously accepted that, in this busy location, the conversion of these floors to provide habitable living space would not provide a good quality of accommodation (notwithstanding the policy presumption to provide a residential use). In this case, the creation of two small retail units, in accordance adopted retail policies (UDP policy SS 4 and City Plan policies S6 and S7), was considered acceptable in land use terms and on the basis that it would also enliven the street frontage. It was acknowledged that a commercial use would also help to generate income for this local service provider (the Soho Housing Association). In these circumstances, the proposed loss of the hostel accommodation is, again, considered acceptable.

Although A1 retail use has been approved on the site, this use has not been implemented. Consequently, policies relating to the loss of retail floorspace are not relevant to the consideration of the application.

Proposed restaurant use (Class A3)

City Plan Policy S6 accepts that, in principle, entertainment uses are appropriate for the Core Central Activities Zone. However, as the site is located within the West End Stress Area, the introduction of new entertainment uses is considered more sensitive. In this area, policy S6 states that “new entertainment uses will only be allowed where the council considers that they are small-scale, low-impact and they will not result in an increased concentration of late-night uses”.

Policy S24 requires proposals for new entertainment uses to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses, and any cumulative impacts, and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area. New large-scale late-night

entertainment uses of over 500 sqm floorspace will not generally be appropriate within Westminster.

Given the size of the proposed restaurant (284m² GEA), Policy TACE9 of the UDP applies. This relates to entertainment uses which may be permissible in principle, subject to certain criteria. TACE9(B) states that permission will only 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.

It is noted that the Soho Society has not objected to the new restaurant floorspace and no other objections have been received.

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, as freeholder, landlord and manager of the residential units, the Soho Housing Association (the applicant) has every incentive to ensure that the restaurant and residential units can operate alongside one another successfully.

Furthermore, conditions could be used to control the opening times and activity to ameliorate the potential impact. These conditions would ensure that the use would essentially be a sit-down restaurant, limited to a customer capacity of 98 covers (based on indicative layout provided by the applicant): this capacity includes customers waiting at the bar that has also been indicatively shown. 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 is recommended to ensure that the bar area does not exceed 15% of the proposed restaurant.

The proposed opening hours are consistent with general advice in the UDP - namely that as a general rule, the Council expects that, for entertainment uses in predominantly residential areas, conditions will be imposed to prevent customers remaining on the premises after midnight on Sundays (other than those immediately preceding Bank Holidays) to Thursdays, and after 12.30 a.m. on the following morning on Friday and Saturday nights and on Sundays immediately preceding bank holidays. As this is not a predominantly residential area, the proposed opening hours are considered reasonable.

An indicative Operational Management Plan (OMP) has been submitted in support of the application, but it is considered appropriate to require (by condition) a finalised OMP to be submitted and approved, once a tenant has been identified and before the use commences, to ensure that adequate safeguards are in place.

The nearest residential properties will be on the upper floor of the application site; on the upper floor the adjoining building (no. 58) and individual flats on the upper floors of several buildings on the opposite side of the street. The ground floor units along Greek Street are characterised by restaurant and retail uses. To the north of the site is a bank, which leads into then Soho Square. To the south is a restaurant, retail shop and office. Opposite the site is a restaurant, a shop, a wine and cocktail bar and a public house (The Pillars of Hercules).

In view of the mix of uses characterising the area, the proposal is considered to be acceptable in principle in land use terms. Although there are other restaurants in the vicinity, it's not considered that the proposal will create an adverse cumulative impact, given the dispersed nature of these premises and the small size of the proposed restaurant.

It is recommended that a condition is imposed requiring the submission of an updated Operational Management Plan (OMP) and Servicing Management Plan (SMP) including details of measures to:

- prevent customers queuing on the street,
- manage customers who wish to smoke;
- prevent customers from leaving the premises with their drinks
- ensure that goods and refuse are not stored on the highway and that site servicing is carried out in a sensitive manner, within agreed hours, to ensure that potential noise disturbance is minimised.

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 restaurant capacity to 98, it is considered that the restaurant use would not have any adverse impact on residents' amenities or local environmental quality.

8.2 Townscape and Design

The property is an unlisted building in the Soho Conservation Area Audit. The proposed shopfronts are acceptable in design terms and are identical to those approved in 2016. The infilling of the lightwells along the ground floor frontage, as part of the works to the shopfronts, also remain acceptable.

The proposed rear extract duct would replace an existing duct of comparable size, following the same route. Given the limited visibility of the rear of the building it is not considered reasonable to require the duct to run internally. Any requirement for the duct to be enclosed by GRP panels or brick slips would be likely to have a detrimental impact on the adjacent windows. It is therefore considered appropriate to impose a condition requiring the duct to be painted to match the brickwork to the rear elevation.

The proposed rooftop plant replaces an existing installation of a similar height and volume. While the proposed roof plant is considered acceptable, it should also be painted to match the colour of the existing roof covering. The three air intake and extract 'swan neck' ducts below the rear ground floor windows (effectively at rear basement level), which will have very limited visibility, are also considered acceptable.

8.3 Residential Amenity

Mechanical plant is being replaced at roof level along with a replacement full height extract duct on the rear elevation (to extract at roof level). Subject to standard conditions restricting noise levels and vibration, this equipment is considered to be acceptable and will not adversely impact the amenity of the new flats on the upper floors of the building or flats in adjoining buildings.

The three air intake and extract 'swan neck' ducts below the rear ground floor windows (effectively at rear basement level), which are also considered to be acceptable subject to conditions controlling noise output.

The application includes details of proposed sound insulation between the ground floor restaurant and the new residential accommodation above. A condition is proposed to ensure that these measures are implemented. The insulation measures depend on the restaurant having no amplified or live music. The Environmental Health officer has therefore requested a condition stating that no amplified or live music entertainment can be provided at the premises beyond 'background level', as defined under guidance to the Licensing Act 2003).

8.4 Transportation/Parking

The Highways Planning Manager raises no objections to the application 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.

Servicing

TRANS20 and S42 require off-street servicing for new developments although there is no potential to provide off-street servicing on the application site. The largest regular service vehicle expected to be associated with this development is the refuse collection vehicle. This will service the property in a similar fashion to the existing use and nearby properties. The site is located within a Controlled Parking Zone, which means that locations single and double yellow lines (where restrictions permit) in the vicinity allow loading and unloading to occur, there is also an on-street loading bay within close proximity of the site.

Pavement Lights

Maintaining a high quality pedestrian environment is vital to facilitate movement. The installation of pavement lights or smoke vents in the footway is usually considered detrimental to the pedestrian environment and does not accord with the principals of the Westminster Way. However given that the pavement lights replace an existing lightwell (as such the area is not currently highway) and will increase the width of the useable highway, proposals to cover the front basement lightwell with pavement lights are considered acceptable. The applicant will need to liaise with the Council regarding approval for the structure supporting the 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 is required, which will be secured by condition.

8.5 Economic Considerations

Any economic benefits generated are welcomed.

8.6 Access

The restaurant entrance will include a step up of 150mm from the public highway due to the ground floor threshold being slightly raised above pavement level. The applicant

advises that it is not possible to introduce ramped threshold as the level change would necessitate the siting of the entrance door behind the façade line, thereby creating a deep recess. This would not only introduce a security risk but also have an adverse impact on the design and appearance of the building and may encourage anti-social behaviour. The constraints of the site are noted, as is the fact that this is the same arrangement as was previously approved.

8.7 Refuse/Recycling

Following the submission of amended drawings, the proposed arrangements for the storage of refuse and recyclable materials are considered to be acceptable. This will be secured by a planning condition.

8.8 London Plan

This application raises no strategic issues and is not referable to the Mayor of London.

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

Planning obligations are not relevant in the determination of this application, nor does the proposal generate a CIL payment..

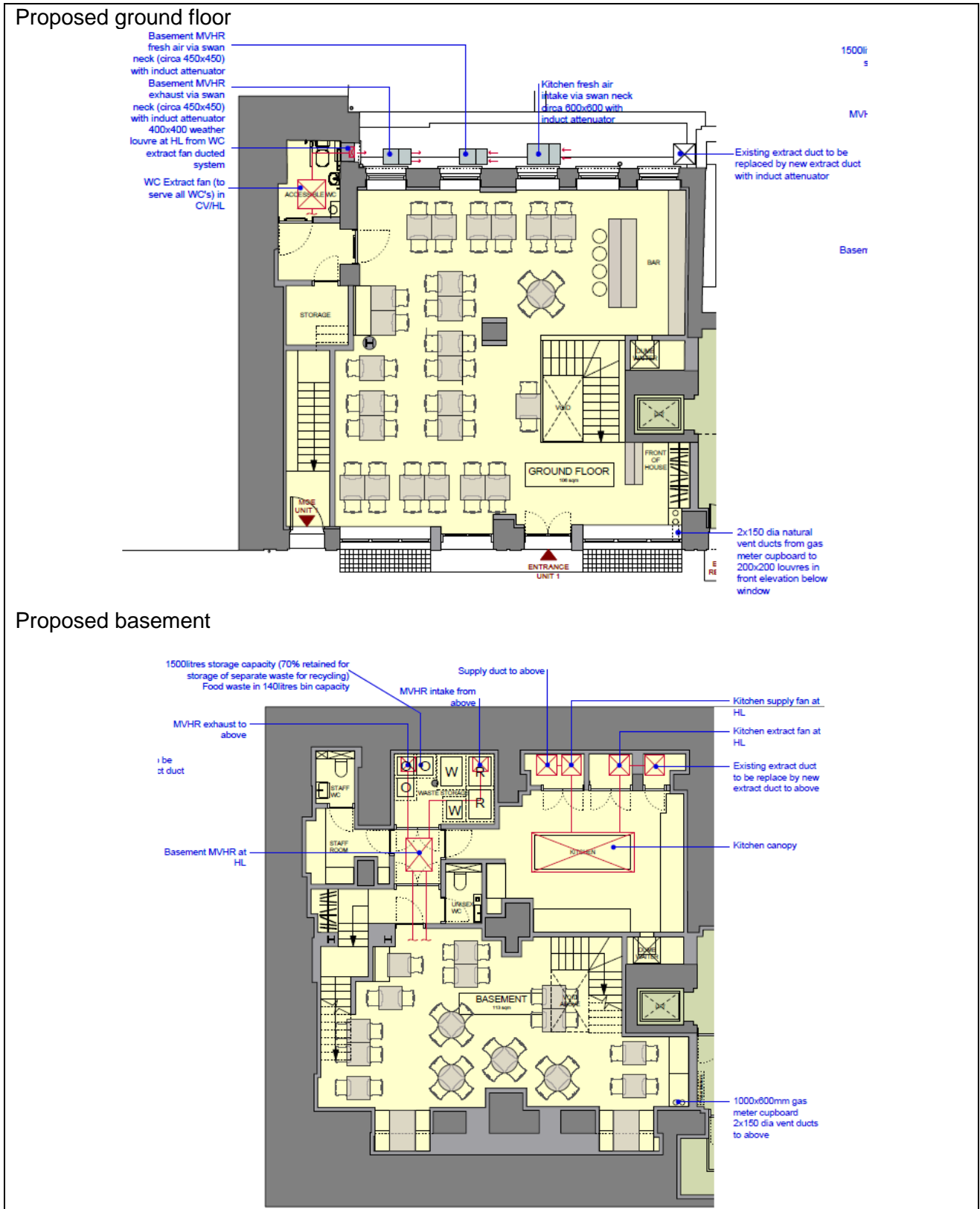
9. BACKGROUND PAPERS

1. Application form
2. Response from Soho Society, dated 12 June 2017
3. Memorandum from the Highways Planning Manager dated 2 June 2017
4. Memoranda from the Projects Officer (Waste) dated 1 June and 25 July 2017
5. Memorandum from Environmental Services dated 31 July 2017
6. Draft Operational Management Plan dated 3 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: SARA SPURRIER BY EMAIL AT sspurrier@westminster.gov.uk

10. KEY DRAWINGS



Existing shopfront



Proposed shopfronts



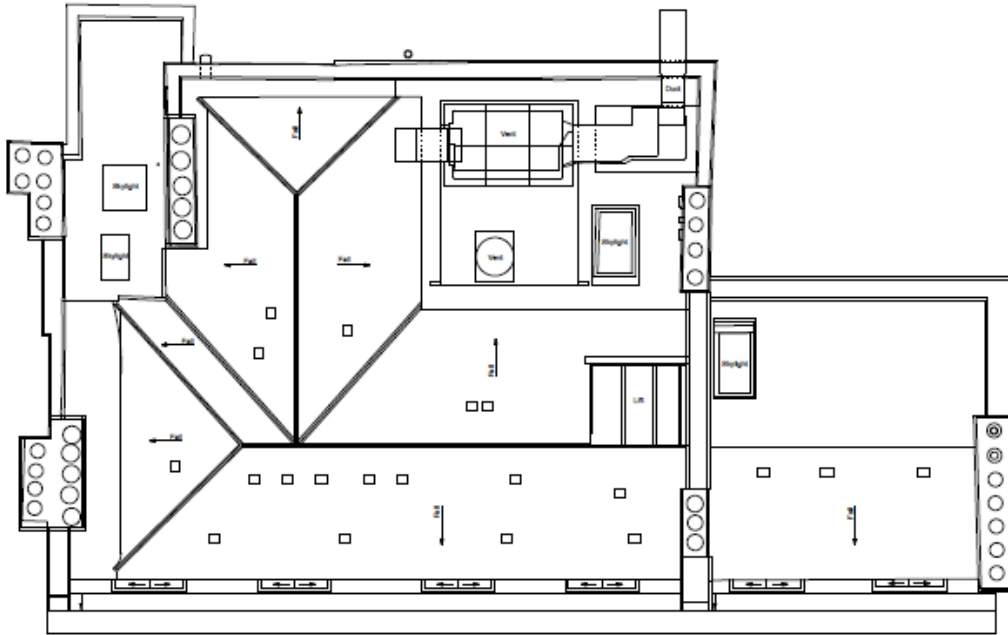
Existing rear elevation



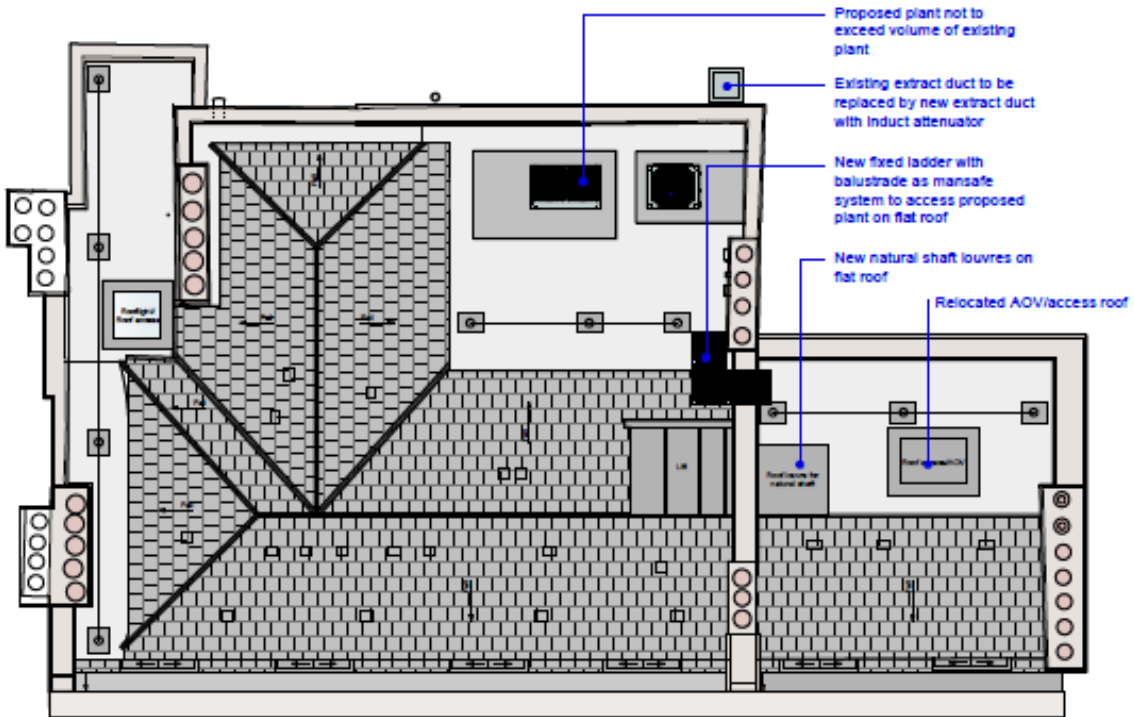
Proposed rear elevation



Existing roof plan



Proposed roof plan



DRAFT DECISION LETTER

Address: 59 Greek Street, London, W1D 3DZ

Proposal: Use of part basement and part ground floor as a restaurant (Class A3), creation of new shopfront and replacement of extract plant on rear elevation and at roof level.

Reference: 17/04475/FULL

Plan Nos: EX. 100 (Site Location Plan); PR 101 Rev A, PR 102, PR 201, PR 202, PR 203, PR 204, PR 205, PR 206; Report from KP Acoustics dated 5 June 2017 (Ref. 15280.170606.L1), Design and Access Statement dated March 2017.

Case Officer: Paul Quayle

Direct Tel. No. 020 7641 2547

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:
i) sell any hot-food take-away on the premises, even as an ancillary part of the primary Class A3 use;
ii) provide a delivery service from the restaurant, including no deliveries by any independent operators.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 4 The provision of a bar and bar seating must not take up more than 15% 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 Soho Conservation Area. This is in line with S24 of Westminster's City Plan adopted November 2016 and TACE 9 of our Unitary Development Plan that we adopted in January 2007.

- 5 You must not allow more than 98 customers into the property at any one time (including any customers waiting at the bar, if one is provided).

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Soho Conservation Area. This is in line with S24 of Westminster's City Plan adopted November 2016 and TACE 9 of our Unitary Development Plan that we adopted in January 2007.

- 6 No amplified or live music entertainment can be provided at the premises beyond 'background level' (as defined under guidance to the Licensing Act 2003). Any such music must not be audible externally or in the adjacent properties (including the first floor residential accommodation above).

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 08:00 or after 00:00 Sundays (excluding those Sundays preceding bank holidays and other public holidays) to Thursdays, and before 08:00 or after 00:30 on Fridays and Saturdays, and Sundays (other than those preceding bank holidays and other public holidays).

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

- 8 You must apply to us for approval of an updated management plan (including the number of customers allowed by condition 5) to show how you will prevent customers who are leaving the building, and people who wish to smoke outside, from causing nuisance for people in the area, including people who live in nearby buildings. 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 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 The plant/machinery hereby permitted shall not be operated except between 07:30 hours and 00.30 hours daily.

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 (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.

- 11 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.

- 12 You must implement the sound insulation measures set out in the report by KP Acoustics Ltd report dated 5 June 2017 (Ref. 15280.170606.L1) between the restaurant and residential accommodation at first floor level, to reduce noise passing between them. You must not commence the restaurant use until these works have been fully carried out in accordance with the measures outlined in the KP Acoustics report.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 13 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number PR 101 Rev A. You must clearly mark them and make them available at all times to everyone using the restaurant. (C14FB)

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)

- 14 You must apply to us for approval of details of secure cycle storage for the restaurant use (minimum 2 bicycle spaces). You must not commence the restaurant use 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.

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

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 17 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 Soho 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)

- 18 The kitchen extract duct and associated plant at roof level must be installed before the restaurant use commences.

Reason:

To ensure that the restaurant is provided with the appropriate extractor equipment that would deal properly with cooking smells and look suitable. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05DC)

- 19 The extract dust on the rear facade shall be painted a colour that matches the adjacent brickwork and the plant equipment at roof level shall be painted a light grey.

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 Soho 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)

- 20 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.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order 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.

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 You may need separate licensing approval for the restaurant premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)
- 3 With regard to the kitchen extract equipment, the Council's Environmental Health officer advises that the kitchen extract duct must discharge at highest roof level (at least 1m above roof eaves) and which is also higher than any building within 20 metres of the building housing the commercial kitchen; - The kitchen extract ventilation must discharge with an efflux velocity of at least 8m/s., - The final discharge point must be vertically upwards and unhindered ie use of plate, cowl or cap methods for the prevention of rainwater penetration should not be employed; - All kitchen extract ducts must be fitted with doors/hatches for cleaning, at approximately 3 metre intervals, complying with the H & S safe access standards. All cookline equipment must be placed under the extraction canopy.
- 4 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACMs). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACMs, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)
- 5 Please contact our Environmental Health Service (020 7641 2971) to register your food business

and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)

- 6 Buildings must be provided with appropriate welfare facilities for staff who work in them and for visiting members of the public., Detailed advice on the provision of sanitary conveniences, washing facilities and the provision of drinking water can be found in guidance attached to the Workplace (Health, Safety and Welfare) Regulations 1992.
www.opsi.gov.uk/SI/si1992/Uksi_19923004_en_1.htm, , The following are available from the British Standards Institute - see <http://shop.bsigroup.com/>., , BS 6465-1:2006: Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances , BS 6465-3:2006: Sanitary installations. Code of practice for the selection, installation and maintenance of sanitary and associated appliances. (I80HA)
- 7 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 8 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 9 You are advised of the need to obtain technical approval for the works to the highway (supporting structure) prior to commencement of development. The applicant should contact Andy Foster (0207 641 2541) in Engineering & Transportation Projects to progress the application for works to the highway.

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.