

# Licensing Sub-Committee Report

Item No:	
Date:	7 June 2018
Licensing Ref No:	18/03674/LIPN - New Premises Licence
Title of Report:	59 Greek Street London W1D 3DZ
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mrs Shannon Pring Senior Licensing Officer
Contact details	Telephone: 020 7641 3217 Email: <a href="mailto:spring3@westminster.gov.uk">spring3@westminster.gov.uk</a>

# 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	6 April 2018		
<b>Applicant:</b>	Soho Ltd		
<b>Premises:</b>			
<b>Premises address:</b>	59 Greek Street London W1D 3DZ	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	According to the application the premises will operate as a restaurant with an external seating area.		
<b>Premises licence history:</b>	This is a new application and therefore no licence history exists.		
<b>Applicant submissions:</b>	Further submissions have been received from the applicant and can be found at <b>Appendix 1</b> .		
<b>Plans</b>	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	N/A
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	N/A
<b>Seasonal variations</b>	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.						
<b>Non-standard timings:</b>	On Sundays prior to bank holidays/public holidays 23:00 – 00:00						

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations:</b>	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.						
<b>Non-standard timings:</b>	On Sundays prior to bank holidays/public holidays 12:00 – 00:00						

<b>Hours premises are open to the public</b>							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	10:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:30	00:30	23:00
<b>Seasonal variations:</b>		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					
<b>Non-standard timings:</b>		On Sundays prior to bank holidays/public holidays 12:00 – 00:30					

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Mr Steve Rowe
<b>Received:</b>	02 May 2018

I write in relation to the application submitted for a New Premises Licence for 59 Greek Street.

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:

Prevention of Public Nuisance  
Prevention of Crime & Disorder  
Public Safety  
Protection of children from harm

This application seeks to permit the following licensable activities and operating times:

Late Night Refreshment: Monday to Thursday from 23:00 to 23:30 and Friday to Saturday from 23:00 to 00:00  
Supply of alcohol: Monday to Thursday from 10:00 to 23:30, Friday to Saturday from 10:00 to 00:00 and Sunday from 12:00 to 22:30

The premises is located within a Cumulative Impact Area and as such a number of policy points need to be considered, namely CIP1, HRS1 and RNT2.

The premises currently falls within policy RNT2. The applicant has offered the Council's model condition 66 as part of their application and has stated that the premises will have a capacity of 120 persons. However, the applicant has not yet demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas and, as such, the Licensing Authority encourage the applicant to provide further submissions with regard to this concern.

The Licensing Authority note that the applicant has applied for off sales. It would be useful for the applicant to provide further information as to the need and use of off sales as part of the premises operation in order for the Licensing Authority to fully consider this application.

Further discussions will be held with the applicant and any further submissions will be forwarded on for Members information.

Please accept this as a formal representation.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies
Policy CIP1 applies	(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.  (ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.
Policy RNT2 applies	Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

### 4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

## 5. Appendices

<b>Appendix 1</b>	Applicant supporting documents
<b>Appendix 2</b>	Premises history
<b>Appendix 3</b>	Proposed conditions
<b>Appendix 4</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Mrs Shannon Pring
<b>Contact:</b>	Telephone: 020 7641 3217 Email: spring3@westminster.gov.uk

**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

### **Background Documents – Local Government (Access to Information) Act 1972**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Licensing Authority	02 May 2018
<b>5</b>	Metropolitan Police Service	

The applicant has provided the following documents, which are enclosed:

- A letter to the Licensing Service dated 30 May 2018
- A copy of the planning committee report (reference 17/04475/FULL)
- Planning decision notice dated 17 August 2017.

Your ref: 18/03674/LIPN  
Our ref: AT/SOH.0015.01

38a Monmouth Street  
London WC2H 9EP  
tel: 020 7042 0410  
fax: 020 7379 6618

Licensing Service  
City of Westminster  
64 Victoria Street  
London  
SW1E 6QP

30 May 2018

Dear Sirs

**59 Greek Street London, W1D 3DZ - 18/03674/LIPN**

We act for the Applicant in the above matter, which is listed for hearing on 7 June 2018. The hearing is required due to a single representation from the Licensing Authority.

We enclose a copy of the planning permission and the planning officer's report. In particular, an extract from which is set out below:

*"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.**"*

In addition, policy RNT2 and paragraph 2.5.12 of the City Council's Statement of Licensing Policy also suggest that restaurants (this being a core hours application subject to Model Condition 66 and following pre-application advice) have little association with crime and disorder. In this particular location, near the Crossrail Development, it does not seem there is local concern about the number of this type of premises in the locality. We also note the absence of an objection from the Soho Society in this regard.

Respectfully, based upon the *Thwaites*<sup>1</sup> case, notwithstanding the policy for the Applicant to demonstrate there will be no Cumulative Impact arising, there is no *real evidence* to the contrary to say that it would, and this corresponds to the decision of the planning authority and indeed relevant parts of the Statement of Licensing Policy.

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<sup>1</sup> *R (on the application of Daniel Thwaites plc) v Wirral Borough Magistrates' Court* [2008] EWHC 838 (Admin)



Mr Alun Thomas and Mr Ruari Laidlaw of the Applicant company will be in attendance at the hearing to answer any further questions the members may have.

Yours faithfully

**Thomas & Thomas Partners LLP**

tel: 020 7042 0412

email: [athomas@tandtp.com](mailto:athomas@tandtp.com)

Encl.

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 15 August 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	59 Greek Street, London, W1D 3DZ		
<b>Proposal</b>	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.		
<b>Agent</b>	Jon Dingle		
<b>On behalf of</b>	Soho Housing Association		
<b>Registered Number</b>	17/04475/FULL	<b>Date amended/ completed</b>	22 May 2017
<b>Date Application Received</b>	22 May 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Soho		

## 1. RECOMMENDATION

Grant conditional permission

## 2. SUMMARY

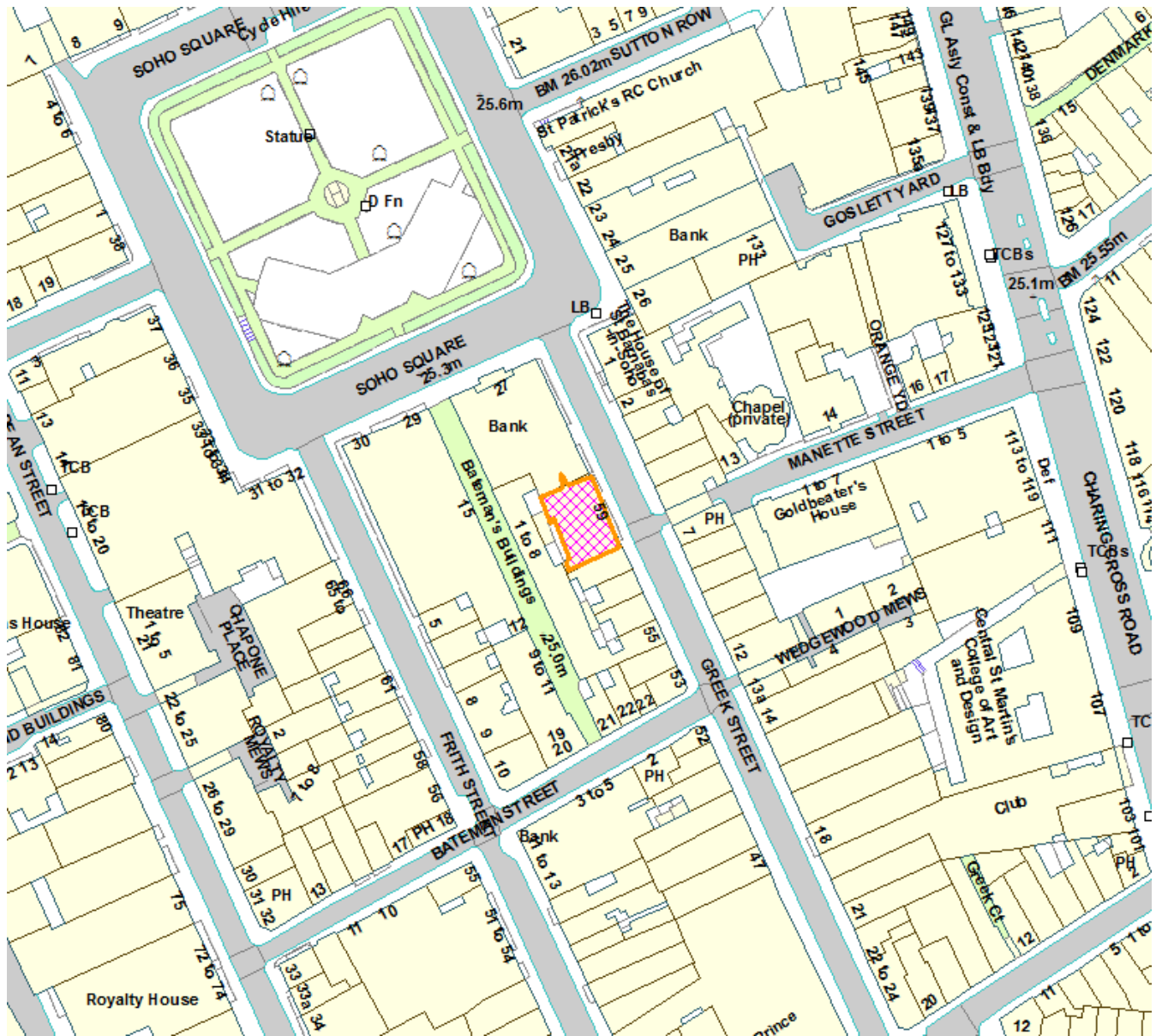
Historically the whole of this site was used as a hostel. After it became vacant (following the cessation of funding) the freeholder and current applicant (the Soho Housing Association) obtained planning permission from the Council to convert the upper floors to ten residential units and the basement 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 (284m<sup>2</sup> 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..

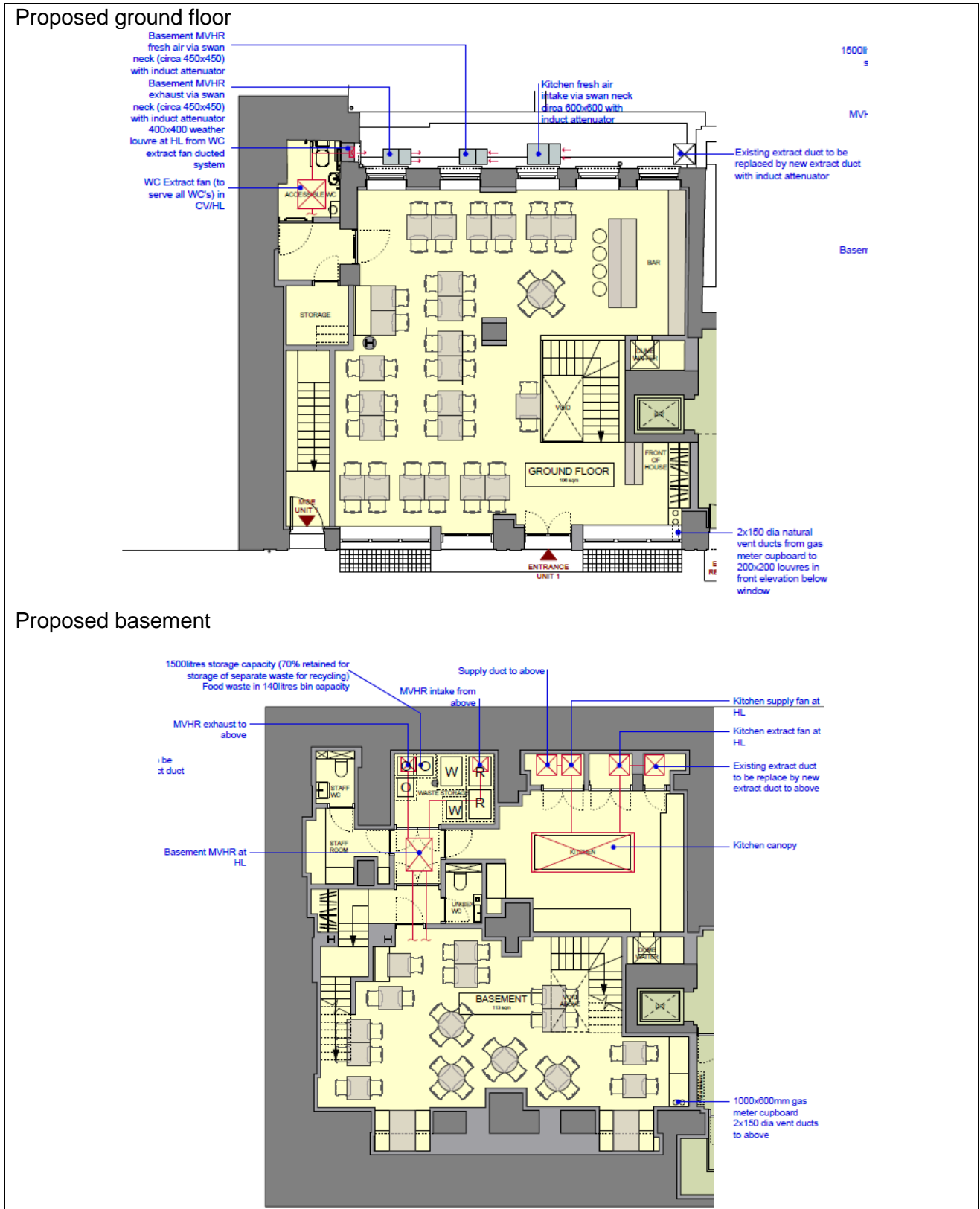
## **9. BACKGROUND PAPERS**

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](mailto:sspurrier@westminster.gov.uk)

### 10. KEY DRAWINGS



Existing shopfront



Proposed shopfronts



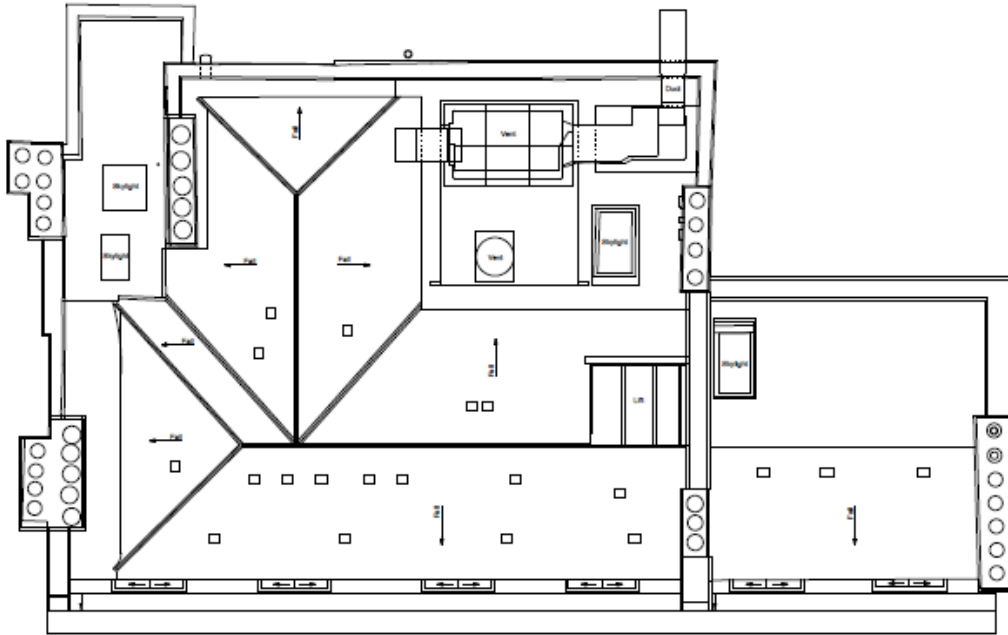
Existing rear elevation



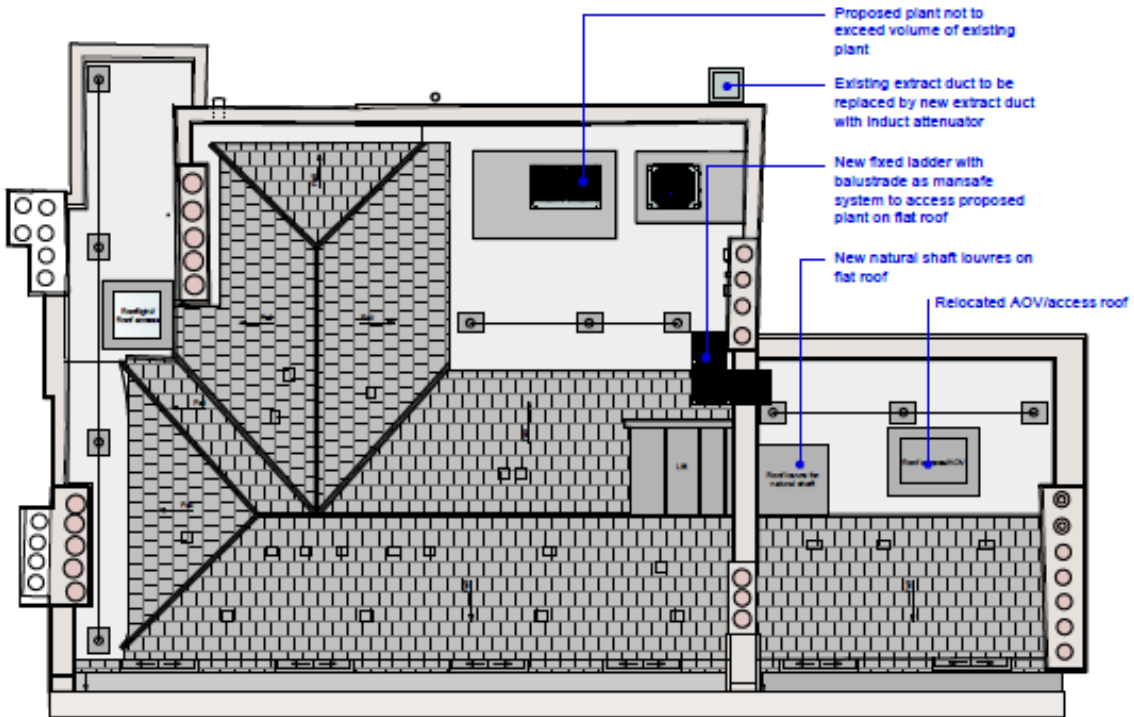
Proposed rear elevation



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 duct 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](http://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](http://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.



Your ref: 59 Greek Street - A3 restaura...

**Please  
reply to:**

Paul Quayle

My ref: 17/04475/FULL

Tel No:

020 7641 2547

Jon Dingle  
Jon Dingle Ltd  
29 The Green  
Winchmore Hill  
London  
N21 1HS**Development Planning**  
Westminster City Council  
PO Box 732  
Redhill, RH1 9FL

17 August 2017

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990  
PERMISSION FOR DEVELOPMENT (CONDITIONAL)

The City Council has considered your application and permits the development referred to below subject to the conditions set out and in accordance with the plans submitted.

Unless any other period is stated in the Schedule below or by conditions attached; this consent, by virtue of Section 91(1) of the Town and Country Planning Act 1990 (as amended), is granted subject to the condition that the development shall be commenced within 3 years of the date of this decision.

Your attention is drawn to the enclosed Statement of Applicant's Rights and General Information.

**SCHEDULE****Application No:** 17/04475/FULL**Application Date:****Date Received:** 22.05.2017**Date Amended:** 22.05.2017**Plan Nos:** EX. 100 (Site Location Plan); PR 101 Rev B, PR 102, PR 201 Rev A, 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.**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.

See next page for conditions/reasons.

Yours faithfully

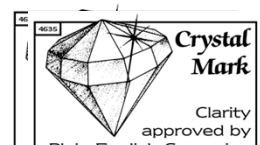


**John Walker**  
**Director of Planning**

Note: As the requirements of the Building Regulations may affect the design of the proposed development our Building Control team can offer advice and guidance at an early stage. If you would like to take advantage of this service please contact them on 020 7641 6500 or email [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk) to arrange a preliminary discussion.

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- The terms 'us' and 'we' refer to the Council as local planning authority.



**Condition(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.

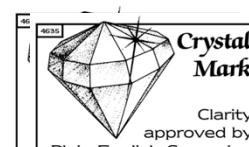
- 5 You must not allow more than 98 customers into the property at any one time (including any customers waiting at the bar, if one is provided).

Reason:

To prevent a use that would be unacceptable because of the character and function of this

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- 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 - 00:30 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)

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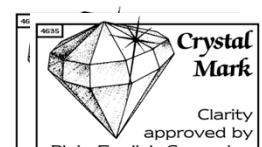
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Reason:

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.

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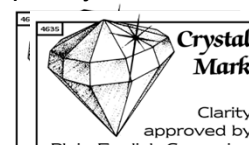
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Reason:

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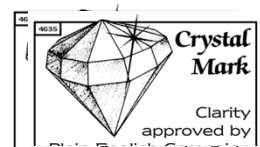
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Reason:

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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.

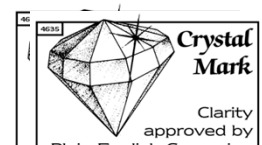
- 21 All servicing must take place between 07.00 and 21.00 hours on Monday to Saturday and 08.00 and 18.00 hours on Sunday. Servicing includes loading and unloading goods from vehicles, putting rubbish outside the building and refuse collections. (C23DA)

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

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

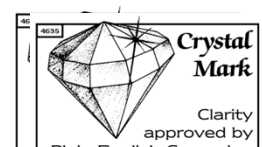
**Informative(s):**

- 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 (ACM<sub>2</sub>s). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM<sub>2</sub>s, 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](http://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](http://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/>:

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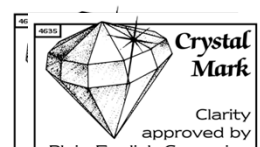
BS 6465-1:2006: Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances

BS 6465-3:2006: Sanitary installations. Code of practice for the selection, installation and maintenance of sanitary and associated appliances. (180HA)

- 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. (154AA)
- 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.

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# City of Westminster

## TOWN AND COUNTRY PLANNING ACT 1990 PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

### Applicant's Rights and General Information

#### 1. Applicant's Rights (refusals and conditional approvals)

##### a) *Appeals to the Planning Inspectorate*

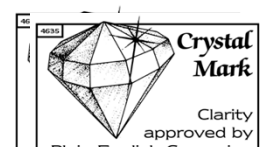
If your application has been **refused** by the City Council or **granted subject to conditions** that you are not happy with, you have the right to appeal to the Planning Inspectorate (under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990). The Planning Inspectorate is an Executive Agency reporting to the Secretary of State for Communities and Local Government.

The time limits for submitting an appeal may vary. The period after the date of the City Council's decision within which an appeal must be received by the Secretary of State is:

- **28 days** in the case of an appeal against refusal of a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice.
- **8 weeks** in the case of an appeal against refusal of advertisement consent.
- **12 weeks** in the case of appeals made under s78(1) against refusal of any 'householder application' – that is,
  - refusal of an application for planning permission to alter or extend a house, or for works within the curtilage of a house.
  - Refusal to approve details submitted as required by a condition imposed on a permission granted for a householder application.
  - Refusal of prior approvals relating to dwelling houses, including the neighbours' consultation scheme for larger home extensions under Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order.
- **12 weeks** in the case of 'minor commercial applications that is,
  - refusal of an application for development of an existing building or part of a building currently in use for any purposes in Classes A1, A2, A3, A4 and A5 where the proposal does not include a change of use, a change to the number of units, development that is not wholly at ground floor level and/or does not increase the gross internal area of the building.
  - Interested parties have no right to comment on an appeal with regards to a minor commercial development (specifically a shopfront).
- **6 months** in the case of all other appeals made under s78(1) or s20 of the above Acts relating to a decision on a planning application or listed building consent application. The 6 month time limit also applies to any appeal made under s78 (2) of the Act in respect of a failure to give a decision within the statutory period.

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If you want to appeal, you must use the correct appeal form from the following list: Planning, Householder, Minor Commercial, Listed Building Consent or Certificate of Lawful Use or Development.

The Planning Inspectorate has an online appeals service: [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs). The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the application form and associated documents and the completed appeal documents. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure that you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal. Alternatively, you can obtain a form from the **Customer Support Team, Planning Inspectorate, 3/08a, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN Tel: 0303 4440000**. An extension of time for lodging an appeal is unlikely to be granted except in special circumstances. There is a guide and other useful advice about appeals on line at [www.planningportal.gov.uk/planning/appeals/online/makeanappeal](http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal)

#### **APPROVAL OF DETAILS:**

If your application has been granted and is subject to the approval of details reserved by condition please use the form 'Application For Approval Of Details Reserved By Condition' in order to discharge the relevant details. This form can be downloaded from the City Council's web site at [www.westminster.gov.uk/planning](http://www.westminster.gov.uk/planning)

### **b) Purchase Notices**

In certain circumstances the owner of a property has the right to serve a Purchase Notice on the City Council or the Department for Communities and Local Government. A Notice may be served if, following a refusal or a conditional approval, the owner considers the land cannot be put to a reasonably beneficial use in either its existing state or through development which has or would be permitted. A Purchase Notice would require the City Council to purchase the owner's interest in the land in accordance with the relevant provisions of the Acts (Part VI of the Town and Country Planning Act 1990 and Sections 32-37 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

## **2. General information relating to all approvals**

### **a) Other legislative requirements**

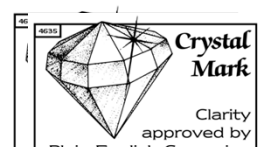
This decision has been made by the City Council as the local planning authority. You are reminded of the need to comply with other relevant regulations and statutory provisions and respect the rights of other owners/occupiers provided by relevant property legislation.

**Transportation:** If your proposal involves works which affect the public highway you should consult the City Council as Highways Authority. This includes works to, over or below any carriageway, footway or public forecourt. You should contact the Highways Planning Team by email [highwaysplanning@westminster.gov.uk](mailto:highwaysplanning@westminster.gov.uk) or telephone 020 7641 3326. If your proposal is related to paving works and/or is associated with an agreement under Section 106 of the Town and Country Planning Act 1990 please telephone: 020 7641 2920.

**Highways Licensing:** For general enquiries about temporary structures on the highway, such as hoardings, skips, the excavation and storage of materials on the highways, please telephone 020 761 2000.

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**Building Control:** You are advised to contact Westminster District Surveyors immediately to find out whether your proposal will require consent under the Building Regulations: Tel: 020 7641 6500 Email :districtsurveyors@westminster.gov.uk.

Building Regulation forms and further information is available on the Council's web site: <http://www.westminster.gov.uk/services/environment/landandpremises/buildings/forms/>

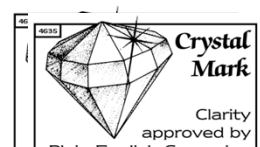
**Land Drainage:** Where major works are involved, Land Drainage Consent may be required under the Water Resources Act 1991 and Thames Region Land Drainage By Laws 1981. You are advised to contact the Environment Agency, Apollo Court ,2 Bishop's Square Business Park, St Albans Road West Hatfield AL10 9EX Tel: 03708 506 506 or email:enquiries@environment-agency.gov.uk.

## ***b) Provision of access and facilities for disabled people***

Designing new buildings and adapting existing buildings to meet the needs of people with disabilities results in a safer and more convenient environment for all. General advice is available from planning and building control officers who can also direct you to appropriate sources of technical/specialist advice.

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There is no licence or appeal history for the premises.

## **CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING**

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

### **Mandatory Conditions**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D+(D \times V)$$

Where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## Conditions consistent with the operating schedule

9. The premises shall only operate as a restaurant
  - a. in which customers are shown to their table,
  - b. where the supply of alcohol is by waiter or waitress service only,
  - c. which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non-disposable crockery,
  - d. which do not provide any take away service of food or drink for immediate consumption,
  - e. which do not provide any take away service of food or drink after 23.00, and
  - f. where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

10. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
11. All outside tables and chairs shall be rendered unusable by (23.00) each day.
12. Save for in any permitted external area patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
13. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
14. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
15. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - a) all crimes reported to the venue
  - b) all ejections of patrons
  - c) any complaints received concerning crime and disorder
  - d) any incidents of disorder
  - e) all seizures of drugs or offensive weapons
  - f) any faults in the CCTV system, searching equipment or scanning equipment
  - g) any refusal of the sale of alcohol
  - h) any visit by a relevant authority or emergency service.
16. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

17. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
18. No deliveries to the premises shall take place between (23.00) and (07.00) on the following day.
19. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (07.00) hours on the following day unless collections are arranged during the times for the Council's own commercial waste collection service for the street.
20. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (07.00) on the following day unless collections are arranged during the times for the Council's own commercial waste collection service for the street.
21. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
22. The number of persons accommodated at the premises as a whole at any one time (excluding staff) shall not exceed (120).
23. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority. If there are minor changes during the course of construction new plans shall be submitted with the application to remove this condition.





Resident count: 62

Licence Number	Trading Name	Address	Premises Type	Time Period
15/03340/LIPVM	Balls & Company	Basement And Ground Floor 58 Greek Street London W1D 3DY	Restaurant	Monday to Thursday; 12:00 - 23:30   Friday to Saturday; 12:00 - 00:00   Sunday; 12:00 - 22:30
06/12741/WCCMAP	Kaslik	Basement And Ground Floor 58 Greek Street London W1D 3DY	Restaurant	Monday to Thursday; 12:00 - 23:30   Friday to Saturday; 12:00 - 00:00   Sunday; 12:00 - 22:30
06/06525/WCCMAC	New Evaristo Club	Ground Floor 57 Greek Street London W1D 3DX	Night clubs and discos	Monday to Saturday; 11:00 - 01:30   Sunday; 12:00 - 01:30
14/09211/LIPVM	Bo Drake Restaurant	Basement And Ground Floor 6 Greek Street London W1D 4DE	Restaurant	Monday to Thursday; 08:00 - 23:30   Friday to Saturday; 08:00 - 00:00   Sunday; 08:00 - 22:30
16/10460/LIPVM	68 And Boston	4 Greek Street London W1D 4DB	Night clubs and discos	Monday to Saturday; 09:00 - 02:30   Sunday; 09:00 - 02:00   Sundays before Bank Holidays; 09:00 - 02:30
17/09918/LIPDPS	Pillars Of Hercules Public House	7 Greek Street London W1D 4DF	Pub or pub restaurant with lodge	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 23:00   Sundays before Bank Holidays; 12:00 - 00:00

17/13397/LIPV	Milroys Of Soho	Basement And Ground Floor 3 Greek Street London W1D 4NX	Shop	Monday to Thursday; 10:00 - 23:00   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:30
17/14616/LIPCH	The Gay Hussar	2 Greek Street London W1D 4NB	Restaurant	Monday to Thursday; 11:00 - 23:30   Friday to Saturday; 11:00 - 00:00   Sunday; 12:00 - 22:30
06/05103/WCCMAP	Jazz After Dark	Ground Floor 9 Greek Street London W1D 4DQ	Night clubs and discos	Monday to Thursday; 09:00 - 02:30   Monday to Saturday; 10:00 - 00:30   Friday to Saturday; 09:00 - 03:30   Sunday; 12:00 - 00:00   Sunday; 12:00 - 00:00
11/08277/LIPN	10 Greek Street	10 Greek Street London W1D 4DH	Restaurant	Monday to Thursday; 11:00 - 23:30   Friday to Saturday; 11:00 - 00:00   Sunday; 11:00 - 22:30
18/01285/LIPDPS	Hazlitts Hotel	6 Frith Street London W1D 3JA	Hotel, 3 star or under	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
17/11842/LIPDPS	Bonnie Gull	Ground Floor 22 Bateman Street London W1D 3AN	Cafe	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
14/02772/LIPV	Thirst	23 - 24 Bateman Street London W1D 3AW	Night clubs and discos	Monday to Saturday; 09:00 - 03:30   Sunday; 12:00 - 23:00
14/07710/LIPDPS	La Capannina Club	Basement 21 Bateman Street London W1D 3AL	Night clubs and discos	Monday to Saturday; 09:00 - 03:30   Sunday; 09:00 - 00:30

13/05652/LIPN	21 Bateman Street	Ground Floor 21 Bateman Street London W1D 3AL	Restaurant	Friday to Saturday; 12:00 - 03:00   Sunday to Thursday; 12:00 - 00:00
13/07317/LIPVM	House Of St Barnabas	The House Of St Barnabas In Soho 1 Greek Street London W1D 4NQ	Civic/public building	Monday to Sunday; 08:00 - 01:30
09/09864/LIPN	Bibimbap Korean Restaurant	11 Greek Street London W1D 4DJ	Restaurant	Monday to Wednesday; 17:00 - 00:00   Monday to Sunday; 12:00 - 15:00   Thursday to Saturday; 17:00 - 02:00   Sunday; 17:00 - 00:00
16/10525/LIDPSR	Miabella	Basement 12-13 Greek Street London W1D 4DL	Restaurant	Monday to Saturday; 09:00 - 03:30   Sunday; 09:00 - 23:00
17/09067/LIPV	Miabella London	Basement 12-13 Greek Street London W1D 4DL	Restaurant	Monday to Saturday; 09:00 - 03:30   Sunday; 09:00 - 23:00
17/09330/LIPST	Unit 2	Development Site At 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgwood Mews And 12 - 14 Greek Street London	Restaurant	Monday to Saturday; 08:00 - 01:00   Sunday; 08:00 - 23:30
17/09323/LIPST	Unit 4	Development Site At 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgwood Mews And 12 - 14 Greek Street London	Restaurant	Monday to Saturday; 08:00 - 01:00   Sunday; 08:00 - 23:30
17/08427/LIPV	Nandos	Ground Floor 10 Frith Street London W1D 3JF	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00

06/05119/WCCMAP	San Valentino Bar	13A Greek Street London W1D 4DN	Shop	Monday to Saturday; 23:00 - 03:00
18/03606/LIPDPS	Lina Stores	Basement And Ground Floor 51 Greek Street London W1D 4EH	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
17/07004/LIPV	Simmons	2 Bateman Street London W1D 4AE	Public house or pub restaurant	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:30   Sundays before Bank Holidays; 12:00 - 00:00
17/08562/LIPDPS	Flavour Bastard	63 - 64 Frith Street London W1D 3JW	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
17/09349/LIPRW	Circa	Ground Floor 62 Frith Street London W1D 3JN	Night clubs and discos	Monday to Sunday; 11:00 - 01:00
16/13059/LIPVM	Union Club	50 Greek Street London W1D 4EQ	Restaurant	Monday to Saturday; 10:00 - 01:30   Sunday; 12:00 - 01:00
15/03152/LIPVM	Club 49	Basement And Ground Floor 49 Greek Street London W1D 4EG	Restaurant	Monday to Saturday; 10:00 - 03:30   Sunday; 12:00 - 23:00
17/08893/LIPDPS	Chotto-Matte	11-13 Frith Street London W1D 4RB	Restaurant	Monday to Saturday; 10:00 - 01:30   Sunday; 12:00 - 00:30
16/08065/LIPDPS	Patara	Basement And Ground Floor 15 Greek Street London W1D 4DP	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00

16/00325/LIPV	G-A-Y Late	Royal George 133 Charing Cross Road London WC2H 0EA	Night clubs and discos	Monday to Saturday; 09:00 - 03:30   Sunday; 12:00 - 03:30
18/03136/LIPV	G-A-Y Late	Royal George 133 Charing Cross Road London WC2H 0EA	Night clubs and discos	Monday to Saturday; 09:00 - 04:30   Sunday; 12:00 - 04:30