

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 5 July 2016	Classification For General Release	
Report of Director of Planning		Ward involved Bryanston And Dorset Square	
Subject of Report	23 New Quebec Street, London, W1H 7SD		
Proposal	Application 1 (Ref: 15/06775/FULL) Use of ground and lower ground floors for a composite use involving retail, restaurant and butchery classes (sui generis). Installation of replacement shopfront and full height kitchen extraction duct to the rear elevation. Application 2 (Ref: 15/06776/LBC) Installation of replacement shopfront and full height kitchen extraction duct to the rear elevation. Internal alterations.		
Agent	BHD Architects		
On behalf of	Mr Gabriel Bernardi		
Registered Numbers	15/06775/FULL 15/06776/LBC	Date amended/ completed	10 November 2015
Date Application Received	24 July 2015		
Historic Building Grade	Grade II		
Conservation Area	Portman Estate		

1. RECOMMENDATION

1. Grant conditional permission.
2. Grant conditional listed building consent.
3. Agree the reasons for granting listed building consent as set out within Informative 1 of the draft decision letter.

2. SUMMARY

The application site comprises the basement and ground floors of this Grade II listed building located within the Portman Estate Conservation Area and the New Quebec Street Local Centre. The lawful use of this unit is within Class A1 (Shops) and it was last in use as a woman's clothing store. The upper floors are in use as three flats (Class C3).

Permission is sought to use the unit as a butcher / delicatessen / café during the day and a restaurant after 18.00. Butchery classes are also proposed to take place at basement level (the frequency of which will be subject to demand). Permission and listed building consent are also sought for the installation of replacement shopfront and full height kitchen extraction duct to the rear elevation and for internal alterations.

The key issues for consideration are:

- * The impact of the proposed change of use on the character, function, vitality and viability of the New Quebec Street Local Centre.
- * The impact of the proposed entertainment use on the amenity of local residents (including directly above the unit) and on the character and function of the area.
- * The impact of the proposed replacement shopfront, full height extract flue and internal alterations on the special interest of this listed building and upon the character and appearance of the Portman Estate Conservation Area.

By virtue of the proposed operations' significant retail element it will continue to contribute to the retail character, function, vitality and viability of the New Quebec Street Place Local Centre. Subject to conditions, the proposal will also preserve the amenity of local residents. For these reasons, the proposal is considered acceptable in land use and amenity terms, complying with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). Furthermore, the proposal will not harm the special interest of this listed building and will preserve the character and appearance of the Portman Estate Conservation Area. For these reasons it is recommended that conditional planning permission and conditional listed building consent be granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

MARYLEBONE ASSOCIATION:

Any response to be reported verbally.

ENVIRONMENTAL HEALTH:

No objection on environmental noise or nuisance grounds, subject to conditions.

HIGHWAYS PLANNING –

No objection but requests that provision for the storage of one bicycle on site for use by staff.

CLEANSING:

No objection subject to details of storage for waste and recyclable materials being submitted for the City Council's approval.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 37

Total No. of replies: 1

No. of objections: 0

No. in support: 0

No. neutral comments: 1. Requests that the City Council makes sure that none of the extraction ducts make noise as this can be annoying at any time of the day.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises the basement and ground floors of this Grade II listed building located within the Central Activities Zone (CAZ) (but outside the Core CAZ), the Portman Estate Conservation Area and the New Quebec Street Local Centre (all of which is designated as 'non-core frontage'). The site is not located within a 'stress area'. The floorspace of the unit is 137 sq.m (GIA).

The property forms part of a terrace of five houses dating from the late 18th century that form part of the Portman Estate. The ground floors were converted into shops in the nineteenth century.

Council tax records and the planning history set out below indicates that the upper floors of Nos. 22 and 23 New Quebec Street are in use as 3 x two-bedroom flats over first, second and third floor levels.

The property is vacant but was last in use as a women's clothing shop and therefore its lawful use is within Class A1 (Shops).

6.2 Recent Relevant History

Ref: 01/05847/FULL

23/10/01 - Permission granted on 23 October 2001 for the use of basement and ground floors of Nos. 22 and 23 New Quebec Street as shops (Class A1) and the upper floors as 3 x two-bedroom flats (Class C3).

7. THE PROPOSAL

It is proposed to use the basement and ground floors as a composite use comprising: (i) A butcher / delicatessen / café at ground floor level during the day (i.e. until 18.00) with up to 20 covers (in the shopfront window and at the rear) and, after 12.00, capacity for an additional 24 diners at basement floor level; (ii) A kitchen, butchery preparation area (until 12.00), WCs, storage and space to host butchery classes (the frequency of which will be driven by demand) at basement floor level; and (iii) After 18.00, a restaurant over ground and basement level with capacity for 60 covers. During the evenings the ground floor butcher counter will offer pre-packed produce only.

The proposed operating hours are 08.00 until 23.00 (Monday to Saturday) and 09.00 until 22.30 (Sundays and Bank Holidays).

The following table summarises the proposal:

	Period	08.00 – 12.00 (09.00 – 12.00 on Sundays and Bank Holidays)	12.00 – 18.00	18.00 – 22.00 (18.00 - 22.30 on Sundays and Bank Holidays)
	Covers	20	44	60
Useable area floorspace (GIA)	Butcher / delicatessen	40 sq.m	40 sq.m	0 sq.m
	Customer seating	20 sq.m	20 sq.m (GF) + 28 sq.m (B) 48 sq.m (total)*	60 sq.m (GF) + 28 sq.m (B) 88 sq.m (total)*

*28 sq.m of this floorspace will be used for butchery classes at basement level (when taking place).

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

- Replace the previously proposed bi-folding opening windows within the shopfront with sash windows.
- The proposed full-height flue to the rear elevation is now proposed to be clad in brick slips to match the brickwork on the host building.
- The chimney breasts are now proposed to be retained at ground and basement floor levels.

8. DETAILED CONSIDERATIONS

8.1 Land Use and Amenity

Loss of Retail Floorspace

City Plan Policy S21 provides general protection for retail floorspace within the City, stating that existing A1 retail will be protected throughout Westminster except where the City Council considers that the unit is not viable, as demonstrated by long-term vacancy despite reasonable attempts to let. The aim of this policy is to ensure that the concentration of shop uses within designated Shopping Centres be maintained so that the needs of customers and retailers are met, shopping centres remain attractive and concentrations of non-A1 uses such as cafés and fast food takeaways do not harm the appearance, character and retail function of a shopping centre by breaking up its frontage.

As set out above, the site is located within the New Quebec Street Local Centre which is located on either side of New Quebec Street from its junction with Seymour Street and Upper Berkeley Street. The entirety of the New Quebec Street Local Centre is designated as 'non-core frontage'. The specific policy that protects the service provided by local centres to residents, visitors and workers is UDP Policy SS7, which protects retail floorspace unless the loss:

1. Would not be detrimental to the character or function of the centre, nor have a harmful effect on the vitality or viability of the centre.
2. Would not reduce the range of local convenience shops, or have a detrimental effect on local shopping facilities.
3. Would not result in more than three non-A1 units located consecutively in a frontage.
4. Would not undermine the balance of Class A1 to non-A1 uses within the frontage or centre as a whole.

At basement level non-A1 uses will be permitted if the proposal would not:

1. Harm the vitality or viability, or character or function of the parade, frontage or centre.
2. Have a detrimental effect on the environment or residential amenity.
3. Unacceptably intensify an existing use or existing concentration of uses.
4. Jeopardise the long-term Class A1 use of the ground floor.

UDP Policy SS7 also states that planning permission will not be given for proposals, such as cafés and restaurants (Class A3) that would harm residential amenity or local environmental quality as a result of smells, noise, increased late night activity and disturbance, or increased parking and traffic.

New Quebec Street is a very small linear local centre located just to the north of Oxford Street (part of the Primary Shopping Frontage of the West End International Shopping Centre) and to the east of the shopping facilities on Edgware Road (a CAZ Frontage). The most recent health check undertaken in 2014 reveals that the number of retail units increased markedly between 2002 and 2014 (increasing from six to 12). This was mainly through the reduction in vacant units from eight to three. This dropped slightly in 2012 to 11. It is currently 14. The number of food and drink establishments has remained fairly constant since 2002 at between five and six. The centre's main strength was found to be its good provision of restaurants and specialist shops. However, the pedestrian vibrancy was found to be low which is unsurprising given the small size of this local centre. Overall,

it was found that the vitality, viability and general economic health of this local centre was 'healthy'.

The New Quebec Street Local Centre has a reasonable number of retail units, especially on the west side where there is an unbroken run of ten shops (including the application site). The proposed use would result in three consecutive units (Nos. 23, 24 and 25) being occupied by non-retail uses which is in accordance with UDP Policy SS7 that seeks to prevent the retail offer within local centres being broken up by **more** than three non-retail units being located consecutively.

Furthermore, it is considered that the particular characteristics of the proposed use mean that it is acceptable in this instance. Whilst the proposed operation undoubtedly has characteristics of a café or restaurant during the day, it also has a significant retail element in the form of the butcher counter and delicatessen. Operating as a restaurant will enable the unit to still have some retail element into the evening. For this reason, the proposed use will continue to contribute to the retail character and function of the local centre and provide a local convenience shop to the local population. In addition, through attracting shoppers to the local centre, the proposed use will assist in ensuring that the local centre remains vital and viable. For these reasons and subject to conditions ensuring that this retail offer is retained, despite the policy objection to the loss of retail floorspace there are considered to be exceptional circumstances that means that the proposed use is acceptable in this instance.

Impact of Proposed Entertainment Use

UDP Policies TACE 8-10 control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the city (whilst acknowledging that they provide services to people living in, working in and visiting Westminster and contribute to its role as an entertainment centre of national and international importance). Further, City Plan Policy S24 states, '*New entertainment uses will need 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 m² floorspace will not generally be appropriate within Westminster*'.

As the site is located outside of a stress area and has a floorspace below 150 sq.m, the relevant policy for its assessment is UDP Policy TACE 8 where there is a presumption that such uses are generally acceptable provided that they do not have a harmful effect on local residential amenity or an adverse effect on the character or function of the area.

The applicant has demonstrated through the submission of an acoustic report that the proposed full height extract flue will not only result in the adequate dispersal of cooking odours but will comply with the relevant criterion within UDP Policy ENV 7 in terms of noise to the flats above. Further, subject to conditions prohibiting music being played within the unit and appropriate mitigation being installed in the form of acoustic mitigation being installed between the ground and first floors, the applicant has also demonstrated that the

impact of noise from the restaurant being transferred to the flat at first floor level through the fabric of the building will be acceptable. As such, Environmental Health has no objection to the proposed

The proposed opening hours (08.00 - 23.00 (Monday to Saturday) and 09.00 - 22.30 (Sundays and Bank Holidays) are considered to be reasonable in the site's context and will not be considered to result in disturbance for local residents (including directly above) in terms of noise from comings and goings. Subject to a condition requiring the sash windows within the shopfront to be kept closed after 21.00, the proposed use is considered to be acceptable in amenity terms.

In order to prevent the uncontrolled use of the forecourt for al fresco dining, it is recommended that a condition is imposed limiting the hours to between 08.00 – 21.00 (Monday to Saturday) and 09.00 – 20.00 (Sundays and Bank Holidays).

8.2 Townscape and Design

23 New Quebec Street is listed Grade II and located within the Portman Estate Conservation Area. It is an attractive example of a late 18th century terraced townhouse and forms part of a group of townhouses from 21-25, which make a positive contribution to the character of the conservation area. Although altered, it has a traditional timber shopfront at ground floor level, which is specifically referred to in the list description and also contributes to the character of the street and conservation area.

The works relate to the ground and basement floor shop unit. Internally, as this has been completely stripped out, little of historic interest appears to remain, with the exception of the chimney breasts at ground and basement floors which are the only remaining historic features of interest at this level. The scheme has been revised so that these chimney breasts are now to be retained. Whilst the proposed location of the new internal staircase immediately adjacent to these chimney breasts is regrettable, given that these chimney breasts were only exposed during stripping out works, it is considered that in this instance this alteration is not harmful to the building's special interest.

Consideration has been given to whether the proposed external flue could be routed internally within the existing chimney. Unfortunately, this would result in a flue that would be too small in diameter to successfully extract cooking odours and therefore routing its externally is considered to be acceptable in listed building and conservation area terms subject to it being fully enclosed within brick slips to match the brickwork on the host building.

The original proposal included the installation of bi-folding windows to part of the shopfront which would have created a void at ground floor level that would have related poorly to the upper parts of the building. The revised scheme where sash windows are not proposed is acceptable.

8.3 Transportation/Parking

The proposed use is unlikely to generate a material increase in trips and, as such, is unlikely to result in any impact on the function of the local highway network.

As the site is located within a Controlled Parking Zone, there are single and double (where restrictions allow) yellow lines in the vicinity that allow loading and unloading to occur. The level of servicing given the size of the unit is not expected to be significant. The largest regular service vehicle expected to be associated with the proposed development is the refuse collection vehicle. This will service the site in a similar fashion to the existing use.

Whilst Highways Planning has requested on site cycle parking for staff, it is not considered that the demand for such parking would be any greater than existing and therefore it is not considered that imposing a condition requiring details to be submitted for the City Council's approval is necessary.

8.4 Economic Considerations

The economic benefits of a more intensive use of this site are noted and are welcome.

8.5 Access

There is not level access to the retail unit current due to the raised forecourt and the small step to the front door. Whilst it is regrettable that steps have not been taken to improving this situation, the proposal is no worse than existing and is therefore acceptable.

8.6 Other UDP/Westminster Policy Considerations

Refuse /Recycling

On the advice of the City Council's Cleansing Manager, a condition is recommended to be imposed requiring the submission of details showing how waste and recyclable material will be stored on site. There appears to be no impediment to such storage taking place at basement level or within one of the pavement vaults.

8.7 London Plan

This application raises no strategic issues.

8.8 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.

8.9 Planning Obligations

The proposal does not generate Planning obligations are not relevant in the determination of this application.

8.10 Environmental Impact Assessment

The proposal is of insufficient scale to require an Environmental Impact Assessment.

8.11 Other Issues

None.

9. BACKGROUND PAPERS

1. Application form.
2. Response from Highways Planning - Development Planning, dated 29 September 2015.
3. Response from Environmental Health, 8 November 2015.
4. Response from Environmental Health, 8 June 2016.
5. Response from Cleansing, dated 22 June 2016.
6. Letter from occupier of 24b New Quebec Street, London, dated 6 October 2015.

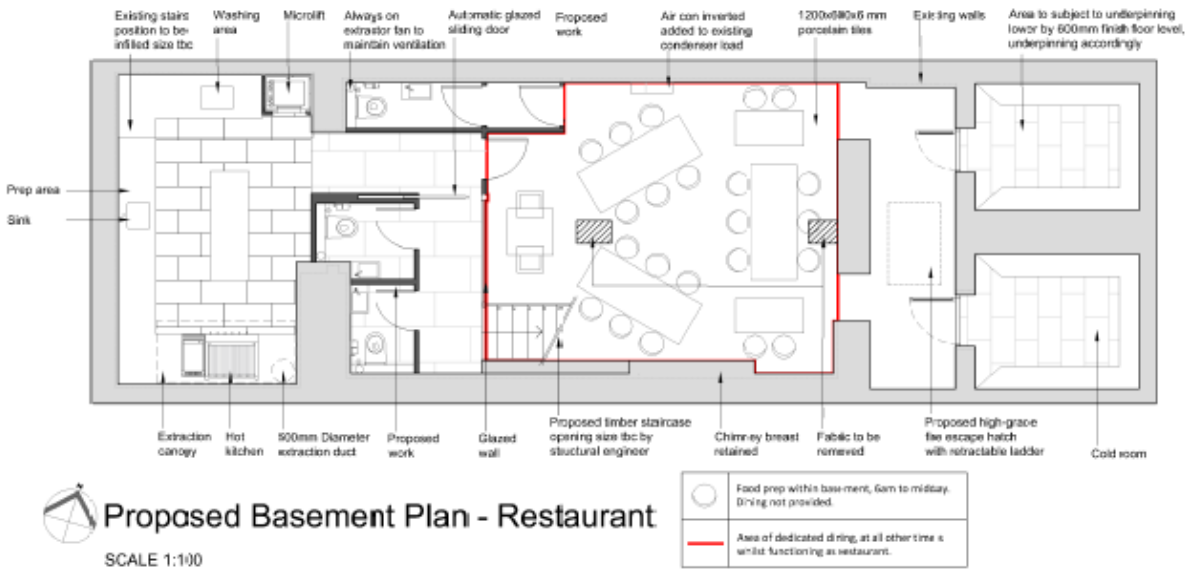
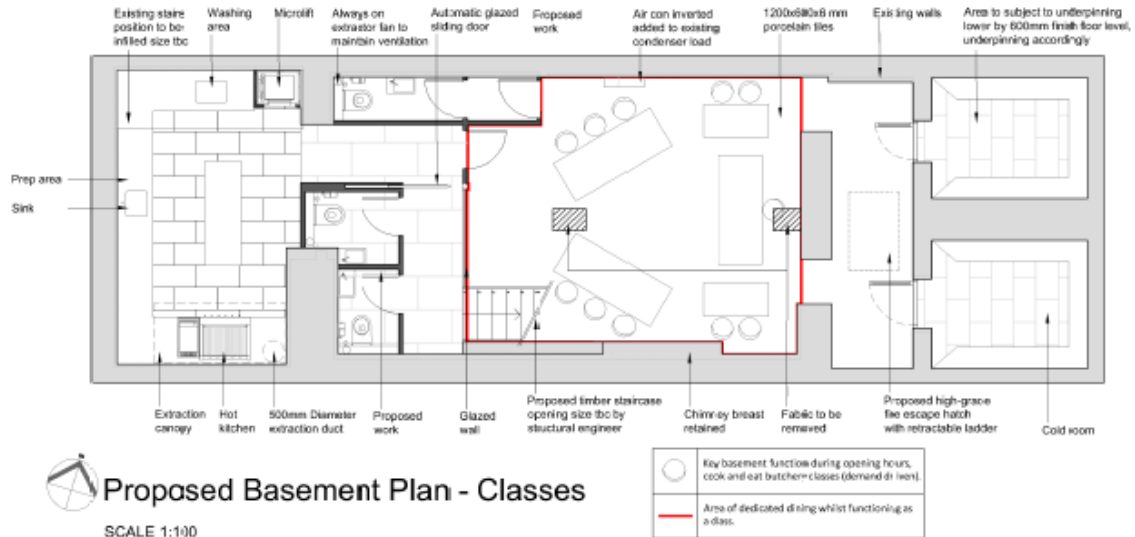
Selected relevant drawings

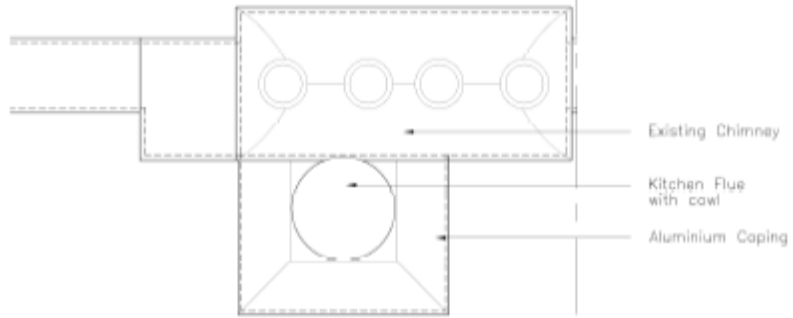
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICE: MARK HOLLINGTON BY EMAIL AT MHOLLINGTON2@WESTMINSTER.GOV.UK

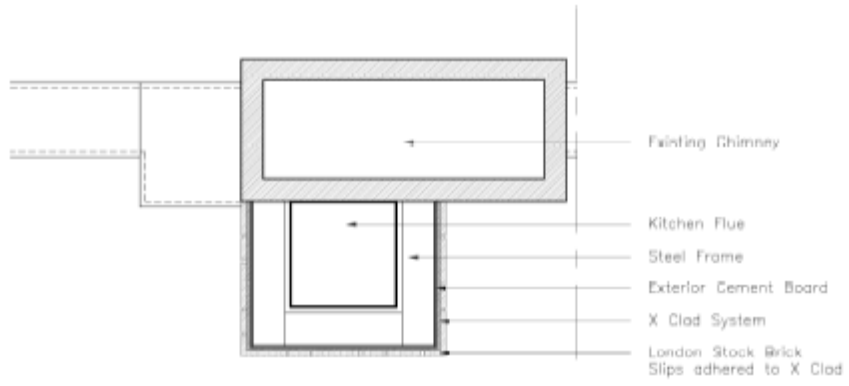
10. KEY DRAWINGS







Roof Plan



Plan

DRAFT DECISION LETTER

Address: 23 New Quebec Street, London, W1H 7SD,

Proposal: Use of ground and lower ground floors for a composite use involving retail, restaurant and butchery classes (sui generis)., Installation of replacement shopfront and full height kitchen extraction duct to the rear elevation.

Reference: 15/06775/FULL

Plan Nos: 4158-PD-, 4158-PD-03 Rev. C, 4158-PD-04 Rev. B and 4158-PD-05.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

- 3 Customers shall not be permitted within the ground floor and basement premises before 08.00 or after 23.00 on Monday to Saturday (not including bank holidays and public holidays) and before 09.00 or after 22.30 on Sundays, bank holidays and public holidays. (C12BD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 4 Between the hours of 08.00 (09.00 on Sundays and Bank Holidays) and 18.00, the area outside the two areas outlined in red on approved drawing number 4158-PD-03 Rev. C at ground floor level shall be only used for the sale and display of goods and shall not be used to seat customers.

Reason:

To ensure that the use retains a significant retail character and function so that it contributes to the character, function, vitality and viability of the New Quebec Street Local Centre, as required by S21 of our City Plan that we adopted in November 2013 and SS7 of our Unitary Development Plan that we adopted in January 2007.

- 5 The use hereby approved shall provide seating for:

- A maximum of 20 seated customers between 08.00 (09.00 on Sunday and Bank Holidays) and 12.00;
- A maximum of 20 seated customers at ground floor level and a maximum of 24 seated customers at basement floor level between 12.00 and 18.00; and
- A maximum of 60 seated customers after 18.00

Reason:

To ensure that the use retains a significant retail character and function so that it contributes to the character, function, vitality and viability of the New Quebec Street Local Centre and to ensure that the use does not have a harmful effect on local residential amenity or an adverse effect on the character or function of the area, as required by S21 and S24 of our City Plan that we adopted in November 2013 and SS7 and TACE 8 of our Unitary Development Plan that we adopted in January 2007.

- 6 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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

- 7 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not commence the use hereby approved until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to employees working within the mixed bakery / cafe. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of

Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 8 The acoustic insulation between the ground and the first floors of the building as detailed within approved drawing 4158-PD- shall be carried out in full prior to the commencement of the use hereby approved so 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. The acoustic insulation shall thereafter be retained in situ.

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.

- 9 No music shall be played within the use hereby approved at any time.

Reason:

To protect the environment of people in neighbouring properties, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 13 and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 10 The sash windows within the replacement shopfront hereby approved shall be closed and retained closed between 21.00 and 08.00.

Reason:

To protect the environment of people in neighbouring properties, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 13 and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 11 The forecourt of the premises shall not be used in connection with the approved use outside of the following hours:

- 08.00 and 21.00 (Mondays to Fridays); and
- 09.00 and 20.00 (Sundays and Bank Holidays).

Reason:

To protect the environment of people in neighbouring properties, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 13, TACE 8 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 12 The extract flue hereby approved must be fully clad in brick slips as shown on the approved drawings prior to the commencement of the use hereby approved. These brick slips must match the existing original brickwork on the host building in terms of colour, texture, face bond and pointing.

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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 14 (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: Strategic Policies adopted November 2013, 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.

- 15 The plant/machinery hereby permitted shall not be operated except between 08.00 hours and 23.00 hours daily.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 16 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.

- 17 You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in conditions 14 of this permission.

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: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 18 Butchery classes shall only take place at basement level.

Reason:

To ensure that the use retains a significant retail character and function so that it contributes to the character, function, vitality and viability of the New Quebec Street Local Centre, as required by S21 of our City Plan that we adopted in November 2013 and SS7 of our Unitary Development Plan that we adopted in January 2007.

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: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Conditions 14, 15 and 17 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 3 One or more of the uses we have approved are referred to as being 'sui generis'. This means that the use or uses are not in any particular class. Any future plans to materially (significantly) change the use that we have approved will need planning permission. (I78AA)

DRAFT DECISION LETTER

Address: 23 New Quebec Street, London, W1H 7SD,

Proposal: Installation of replacement shopfront and full height kitchen extraction duct to the rear elevation. Internal alterations.

Plan Nos: 4158-PD-, 4158-PD-03 Rev. C, 4158-PD-04 Rev. B and 4158-PD-05.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 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 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 The extract flue hereby approved must be fully clad in brick slips as shown on the approved drawings prior to the commencement of the use hereby approved. These brick slips must match the existing original brickwork on the host building in terms of colour, texture, face bond and pointing.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted

November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:
S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.