

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 17 January 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	40 Beak Street, London, W1F 9RQ,		
Proposal	Variation of Condition 1 of planning permission dated 06 June 2015 (RN: 15/04904/FULL) for the demolition of the existing building and redevelopment to provide a new five storey building (plus basement) for use as Class A3 restaurant at part of ground and basement floors and Class B1 offices at part basement, part ground and first to fifth floors. Creation of terrace at roof level and plant. Excavation of existing basement by one metre; <u>namely</u> , to allow amendments to windows at fourth floor level, revised mullions to shopfront at ground floor level, reduction of width of corner artwork, extended projecting nib at ground floor level, dry riser inlet / entry panel shown; white glazed brickwork incorporated within plant enclosure (to match courtyard) and increase the height of restaurant awnings.		
Agent	Bidwells		
On behalf of	40 Beak Street Limited		
Registered Number	16/07669/FULL	Date amended/ completed	10 August 2016
Date Application Received	10 August 2016		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

1. Grant conditional permission, subject to a deed of variation to the original S106 dated 6 June 2015 to ensure that all the previous planning benefits are secured which, for the avoidance of doubt are:
 - * Provision of £1,040,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);
 - * The costs of monitoring the S106 agreement.
2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:
 - a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefit listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;

(b) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefit which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

The application site is situated on the corner of Beak Street and Bridle Lane and was originally built as a police section house. Planning permission was granted in June 2015 for the demolition of the existing building and rebuilding to provide a new five storey building (plus basement) for use as restaurant at part ground and basement floors and offices at part basement, part ground and first to fifth floors.

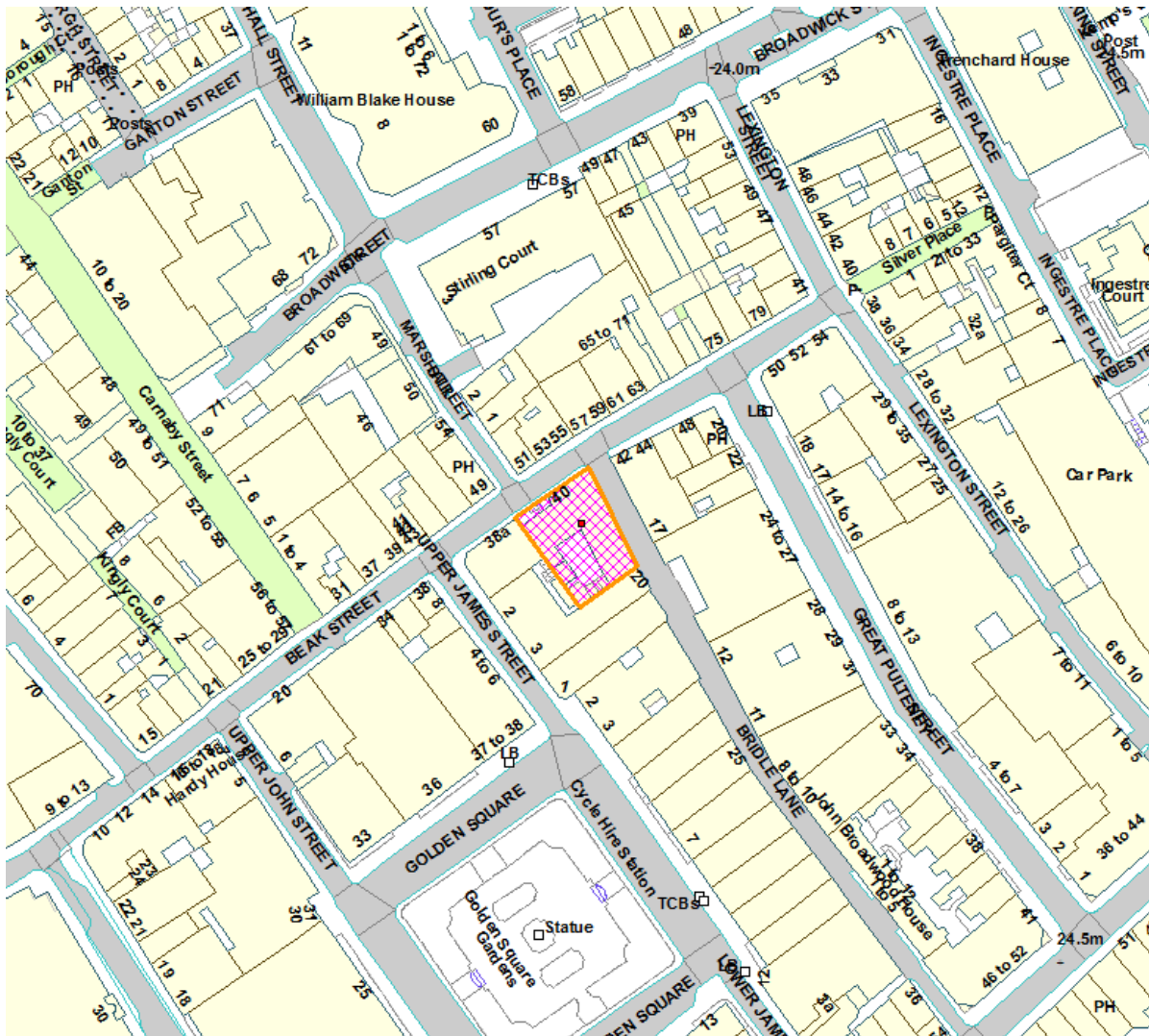
Permission is now sought for the variation of Condition 1 (under Section 73 of the Town and Country Planning Act) of the June 2015 consent for design alterations to the approved scheme. The proposed changes to the design of the new building are minor. They include a slight reduction in the width of the public art panel on the splayed corner, revised mullion design in the shopfronts, small changes to the projecting nibs on the facade at ground floor level, increased width of piers / pilasters at fourth floor level, raised cill / stallriser to shopfronts on Bridle Lane, height of shopfront awnings raised slightly, and the use of white glazed bricks to the plant enclosure on the roof. The changes to the area reserved for artwork and the changes to the cill heights on Bridle Lane are regrettable as they reduce the number of design benefits secured by the approved scheme. However, on balance, it is considered that these changes do not materially affect the design quality of the proposed building or its potential contribution to the character and appearance of the Soho Conservation Area.

The applicants requested that the application be considered under the new mixed use policy (adopted July 2016). This would result in a lesser affordable housing payment (£160,350). Condition 1 concerns drawing numbers and the S73 application requests the substitution of some of the approved drawings with new ones to allow for specified and distinct design changes. Neither the condition nor the design changes have anything to do with the provision (or non-provision) of residential accommodation in the approved scheme and it is inappropriate to use this procedure to re-visit this aspect of the approved scheme which is controlled not by condition but through a legal agreement. The applicants have now agreed to enter into a deed of variation to link this application to the extant legal agreement.

Subsequently, the applicants have requested that the affordable housing payment is made on first occupation of the building rather than commencement due to viability reasons. However, no viability report has been submitted to justify this departure from normal procedure, therefore the Deed of Variation will cover original planning benefits.

S73 applications, where there is no increase in floorspace, do not trigger a CIL payment.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Photo from 2012

5. CONSULTATIONS

SOHO SOCIETY

No objection

ENVIRONMENTAL HEALTH

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 21

No. of replies: 1 letter received from the commercial occupier of 1 Golden Square raising the following:

Other

- Noise and vibration during building works
- Rates revision during building works
- Increase in dust, air, traffic, hygiene pollution as a result of works in the area
- Road closures as a result of works
- Completion of works

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND PAPERS

1. Application form
2. Response from Soho Society, dated 6 September 2016
3. Response from Environmental Health, dated 23 August 2016
4. Letter from occupier of 1 Golden Square, London, dated 12 September 2016

(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: HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk

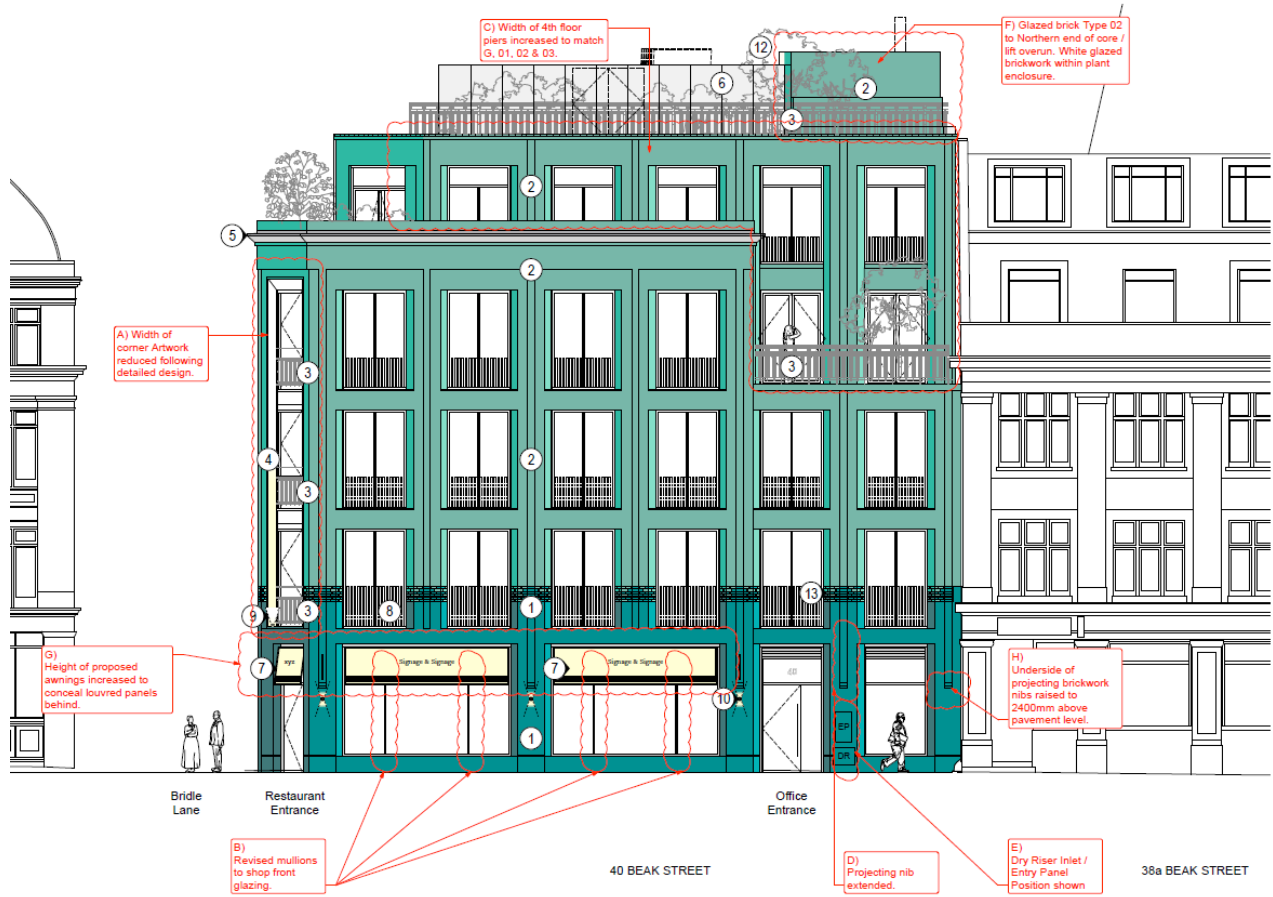
7. KEY DRAWINGS

Approved Beak Street elevation



<p>LEGEND</p> <p>011 Glazed Brickwork, Type 1 (Base)</p> <p>012 Glazed Brickwork, Type 2 (Body)</p> <p>030 Metal Balustrade</p> <p>041 Decorative Corner Window Reveal</p> <p>055 Decorative Cornice</p> <p>060 Acoustically Louvered Plant Enclosure</p> <p>071 Restaurant Awnings</p> <p>080 Ceramic Fritting</p> <p>091 Dno. External Warm White LED Uplighters (To base of corner window reveal)</p> <p>103 External Warm White LED Light fittings</p> <p>111 Wall Mounted Awntrays</p> <p>121 Brickwork, Type 1 (To Plank Wall)</p> <p>131 Transition between Glazes Type 1 & 2</p>	<p>PLANNING</p> <p>Stiff + Trevillion Stiff + Trevillion Architects Ltd 16 Bedford Road London W1 3EJ T +44(0)20 9945 5533 F +44(0)20 9945 5544 mail@stiffandtrevillion.com www.stiffandtrevillion.com</p>	<p>Project: 40 Beak Street LONDON, W1F 9RG</p> <p>Drawn: BEAK STREET ELEVATION AS PROPOSED</p> <p>Reference: 3814 Drawing No: ST-PR-03-100 Date: 13.03.20 Scale: 1:50 0.00</p>
		<p>0 1 5 M</p>

Proposed Beak Street elevation



<p>No. Date Revision Notes</p> <p>1 20/01/14 Multiple amendments as enclosed. See revision clouds.</p>	<p>LEGEND</p> <p>011 Glazed Brickwork, Type 1 (Base)</p> <p>021 Glazed Brickwork, Type 2 (Body)</p> <p>031 Metal Balustrade</p> <p>041 Decorative Corner Window Reveal</p> <p>051 Decorative Cornice</p> <p>061 Acoustically Louvered Plant Enclosure</p>	<p>071 Restaurant Awning</p> <p>081 Ceramic Fitting</p> <p>091 2in. External Warm White LED Uplighters (To base of corner window reveal)</p> <p>101 External Warm White LED Light fittings</p> <p>111 Wall Mounted Aislings</p> <p>121 Brickwork, Type 1 (To Flank Wall)</p> <p>131 Transition between Glazes Type 1 & 2</p>	<p>PLANNING AS NOW PROPOSED</p> <p>0 1 5 M</p>	<p>Stiff + Trevillion</p> <p>Stiff + Trevillion Architects Ltd 14 Woodland Road London W9 3BB</p> <p>T +44(0)20 9945 6500 F +44(0)20 9945 6440 info@stiffandtrevillion.com www.stiffandtrevillion.com</p>	<p>Project 40 Beak Street LONDON, W1F 9RG</p>
					<p>3814 ST-PR-03-100 P1</p> <p>Date: 20/01/14 Rev: 001/001 Revised: 20/01/14</p>

Approved Bridle Lane elevation



Service Entrances

Restaurant Entrance

20 BRIDLE LANE

40 BEAK STREET

LEGEND	
01	Glazed Brickwork, Type 1 (Base)
02	Glazed Brickwork, Type 2 (Body)
03	Metal Balustrade
04	Decorative Corner Window Reveal
05	Decorative Corniche
06	Acoustically Louvered Plant Enclosure

07	Restaurant Awnings
08	Ceramic Fritting
09	2nd External Warm White LED Uplighters (To base of corner window reveal)
10	External Warm White LED Light fittings
11	Wall Mounted Ashtrays
12	Brickwork, Type 1 (To Flank Wall)
13	Transition between Glazes Type 1 & 2

PLANNING



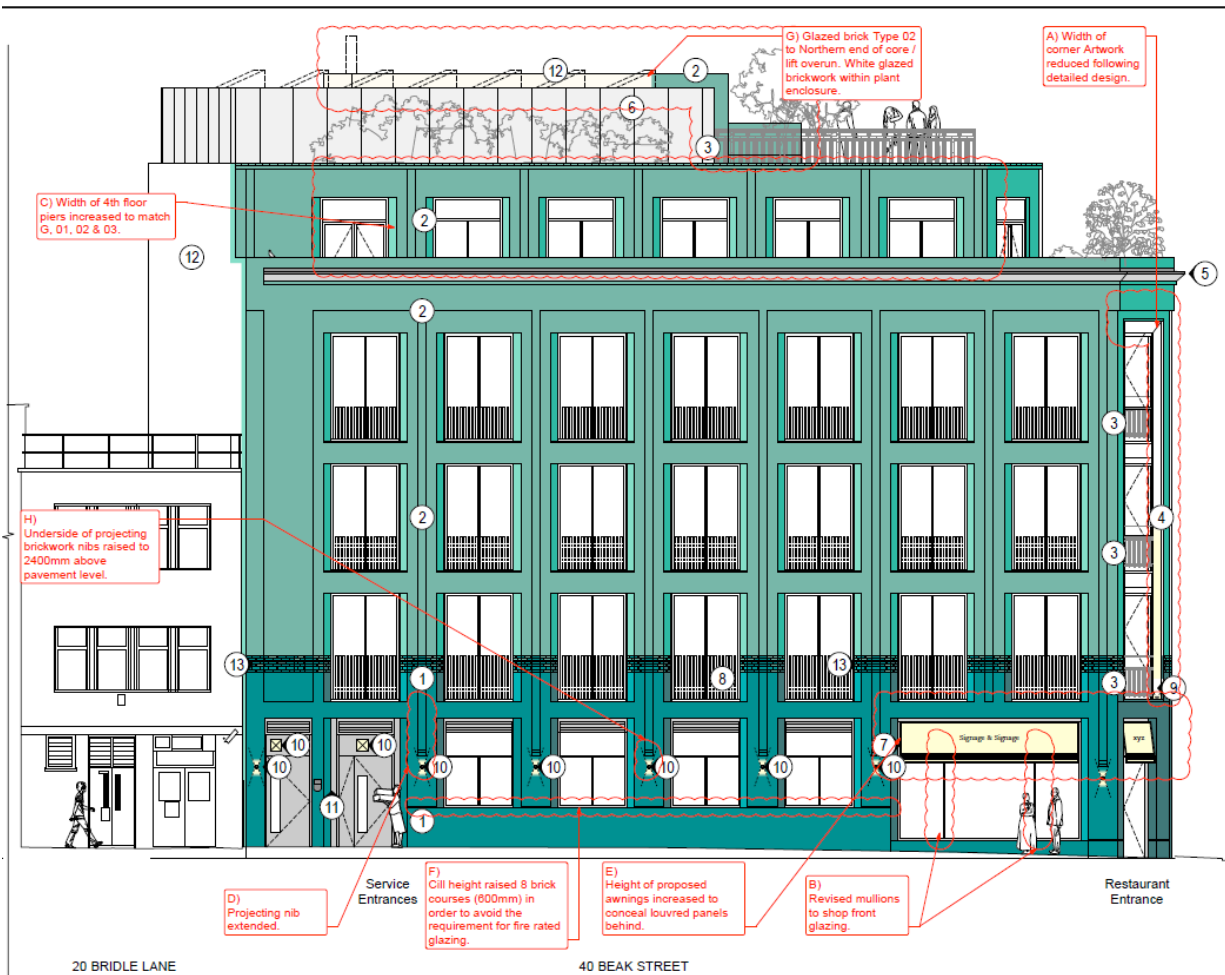
Stiff + Trevillion

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Project: 40 Beak Street LONDON, W1F 9RG	
Drawing: BRIDLE LANE ELEVATION AS PROPOSED	
Project No: 3814	Drawing: ST-PR-03-101
Date: 14/07/2015	Author: P0

Proposed Bridle Lane elevation



revised. Additional ground floor window added. Facade amendment to 4 to 20 BRIDLE Lane.
is amended. See revision cloud.

LEGEND	
01	Glazed Brickwork, Type 1 (Base)
02	Glazed Brickwork, Type 2 (Body)
03	Metal Balustrade
04	Decorative Corner Window Reveal
05	Decorative Cornice
06	Acoustically Louvred Plant Enclosure
07	Restaurant Awnings
08	Ceramic Tiling
09	2x2 External Warm White LED Uplighters (To base of corner window reveal)
10	External Warm White LED Light fittings
11	Wall Mounted Awnings
12	Brickwork, Type 1 (To Flank Wall)
13	Transition between Stacks Type 1 & 2

PLANNING AS NOW PROPOSED

0 1 5 M

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www.stiff-trevillion.com

Project: 40 Beak Street LONDON, W1F 7RG		
Drawing: BRIDLE LANE ELEVATION AS NOW PROPOSED		
Project No: 3814	Drawing No: ST-PR-03-101	Revision: P2
Scale: 1:50 & 1:20	Date: 04/07/2019	Printer: 01/01/2019

DRAFT DECISION LETTER

Address: 40 Beak Street, London, W1F 9RQ,

Proposal: Variation of Condition 1 of planning permission dated 06 June 2015 (RN: 15/04904/FULL) for the demolition of the existing building and redevelopment to provide a new five storey building (plus basement) for use as Class A3 restaurant at part of ground and basement floors and Class B1 offices at part basement, part ground and first to fifth floors. Creation of terrace at roof level and plant. Excavation of existing basement by one metre; namely, to allow amendments to windows at fourth floor level, revised mullions to shopfront at ground floor level, reduction of width of corner artwork, extended projecting nib at ground floor level, dry riser inlet / entry panel shown; white glazed brickwork incorporated within plant enclosure (to match courtyard) and increase the height of restaurant awnings.

Reference: 16/07669/FULL

Plan Nos: ST-PR-03-100 P1, ST-PR-03-101 P2, ST-PR-02-104 P1

16/00410/ADFULL

Construction Traffic Management Plan January 2016

15/11967/ADFULL

Building Contract dated 8 February 2016

15/12051/ADFULL

21334-09-AR-00-099D, 21334-09-AR-00-104D , 21334-09-AR-04-100A ,
3814-ST-PR-33-305-3 , 3814-ST-PR-74-322-4 , 21334-09-AR-00-101E ,
21334-09-AR-00-103D , 21334-09-AR-05-102A , 21334-09-AR-60-302 ,
21334-09-AR-60-304 , 21334-09-AR-60-305 , 3814-ST-PR-33-301-3 ,
21334-09-AR-00-100E , 21334-09-AR-00-105C , 21334-09-AR-04-101A ,
21334-09-AR-05-100A , 21334-09-AR-21-300 , 21334-09-AR-60-300 ,
21334-09-AR-60-301 , 3814-ST-PR-33-306-3 , 3814-ST-PR-74-320-4 ,
21334-09-AR-00-102C , 21334-09-AR-05-101A , 21334-09-AR-05-103 ,
21334-09-AR-21-301 , 21334-09-AR-60-303 , 21334-09-AR-60-306 ,
3814-ST-PR-33-302-3 , 3814-ST-PR-33-303-3 , 3814-ST-PR-33-304-3

15/04904/FULL

ST-EX-00-001, ST-EX-02-99, 100, 101, 102, 103, 104, ST-EX- 03-099, 100, 101,
ST-EX-04-100, ST-DM-00-000

ST-PR-02 -099 P1, ST-PR-02-100 P1, 101, 102, 103, 104, 105, ST-PR-03-099,
100, 101 P1, ST-PR-04-100

Noise impact assessment, Structural Statement (INFORMATION ONLY), Energy
assessment, transport statement

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

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 Except for basement excavation work, 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.

You must carry out basement excavation work only:

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

Noisy work must not take place outside these hours. (C11BA)

Reason:

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

- 3 If you provide a bar and bar seating, it must not take up more than 15% of the floor area of the property, or more than 15% of each unit if you let the property as more than one unit. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

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: Strategic Policies adopted November 2013 and TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 4 You must not open the restaurant premises to customers, and you must not allow customers on the premises, outside the hours 08.00 to midnight Monday to Saturday and 08.00 - 23.00 on Sundays. (C12DC)

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: Strategic Policies adopted November 2013 and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 5 You must provide detailed drawings (plans and section/elevation) showing the full height kitchen extract duct indicated on your approved drawings. These details must be provided before the restaurant use commences and the approved duct shall thereafter be permanently retained for as long as the restaurant is in use.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 6 You must apply to us for approval of a management plan to show how you will prevent restaurant customers who are leaving the building 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.

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: Strategic Policies adopted November 2013 and TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 7 The Class A3 use allowed by this permission must not begin until you have fitted self-closing doors within an enclosed lobby at the entrances. You must not leave these doors open except in an emergency or to carry out maintenance. (C13MA)

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 8 (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 (July 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.

- 9 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.

- 10 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

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.

- 11 You carry out the development in accordance with the construction management plan details approved by the City Council as Local Planning Authority on 24 February 2016 under reference RN/16/00410/ADFULL or in accordance with other construction management plan measures as submitted to and approved by the City Council.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (July 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 12 You must carry out the demolition and development in accordance with the details approved by the City Council as Local Planning Authority on 1 March 2016 under reference RN:15/11967/ADFULL or in accordance with other demolition measures as submitted to and approved by the City Council

Reason:

To maintain the character of the Mayfair Conservation Area as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 13 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Soho Conservation Area as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 14 You must provide the environmental sustainability features (environmentally friendly features), as set out in your energy report from GDM Partnerships before you start to use any part of the development.

You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in

your application as set out in S28 or S40, or both, of Westminster's City Plan (July 2016). (R44AC)

- 15 You must submit detailed drawings showing the layout of the restaurant uses before the restaurants are occupied. The drawings must include the entrances, kitchens, covers and bar areas.

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Mayfair Conservation Area. This is in line with S25 of Westminster's City Plan (July 2016) and DES 9 of our Unitary Development Plan that we adopted in January 2007. (R05FC)

- 16 You carry out the development in accordance with the disability access details approved by the City Council as Local Planning Authority on 22 February 2016 under reference RN:15/12051/ADFULL or in accordance with other disability access measures as submitted to and approved by the City Council.

Reason:

To make sure that there is reasonable access for people with disabilities, and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan (July 2016) and H 8 and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20BC)

- 17 All servicing must take place between 06.00 - 08.30 on Monday to Saturday and 06.30 - 08.30 on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 18 You must clad the western elevation in white glazed brick. You must apply to us for approval of a sample of the white glazed brick. You must not start work on the relevant part of the development until we have approved the sample. You must then clad the elevation in the brick we have approved and must not change it without our permission.

Reason:

To increase the reflectivity into the adjoining office windows.

- 19 The plant/machinery hereby permitted shall not be operated except between 08.00 hours and 00.00 (midnight) 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 (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 20 You must not allow more than 125 customers into the property at any one time. (C05HA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 21 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 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)

- 22 You must apply to us for approval of detailed drawings (scales 1:20 and 1:5) of the following parts of the development - typical facade details at all levels. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these drawings. (C26DB)

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 (July 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)

- 23 You must apply to us for approval of:

- a. Drawings showing typical details of the façade cladding (scales 1:20 and 1:5)
- b. A sample panel of glazed brick slips (measuring at least 1000 mm x 1000 mm)

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these drawings and samples. (C26DB)

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 (July 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)

- 24 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (July 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 25 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme

- The extract duct to terminate above the roof level of the adjacent property (1 Upper James Street)

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 26 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 8 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

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 (July 2016), by contributing to reducing excessive ambient noise levels.

- 27 You must paint all new external ductwork black and keep them that colour. (C26EA)

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 (July 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)

- 28 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 as set out in S41 of Westminster's City Plan (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007.
(R24BC)

- 29 This permission must be commenced no later than 6 June 2018

Reason:

This permission authorises amendments to the original planning permission granted on 6 June 2015 (RN 15/04904/FULL) which must be commenced no later than the above date.

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 (July 2016), Westminster's City Plan: Strategic Policies Consolidated Draft Version incorporating Basement Revision, Mixed Use Revision, Regulation 19 and Main Modifications dated June 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 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at:
www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 3 Conditions 8 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)
- 4 In premises that are to be used for entertainment purposes, where there may be a risk to employees from their exposure to high noise levels, the design and layout must seek to minimise such exposure so far as is reasonably practicable. For further information and guidance, please see: www.hse.gov.uk/noise/musicsound.htm.
- 5 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.
- 6 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 7 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 8 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)

Item No.

10

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.