

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 7 March 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Marylebone High Street	
<b>Subject of Report</b>	<b>134 Baker Street, London, W1U 6UB</b>		
<b>Proposal</b>	Use of ground floor and basement as restaurant (Class A3) and erection of a full height extract duct to rear elevation.		
<b>Agent</b>	Advance Planning Licensing		
<b>On behalf of</b>	Baker Street Digital Technology Ltd		
<b>Registered Number</b>	16/08921/FULL	<b>Date amended/ completed</b>	24 October 2016
<b>Date Application Received</b>	16 September 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Portman Estate		

## 1. RECOMMENDATION

Grant conditional planning permission.

## 2. SUMMARY

The application site is an unlisted building located in the Portman Estate Conservation Area. The application site is located outside of the Core CAZ but is located on a CAZ Frontage as defined by the Unitary Development Plan and on a 'named street' within Marylebone and Fitzrovia (Westminster City Plan). The building comprises basement, ground and first to fourth floors. The basement and ground floor levels are in use within 'A' Use Class. The first floor is in Class D1 educational use. The upper floors have recently been granted planning permission for change of use from office (Class B1) to residential accommodation (Class C3).

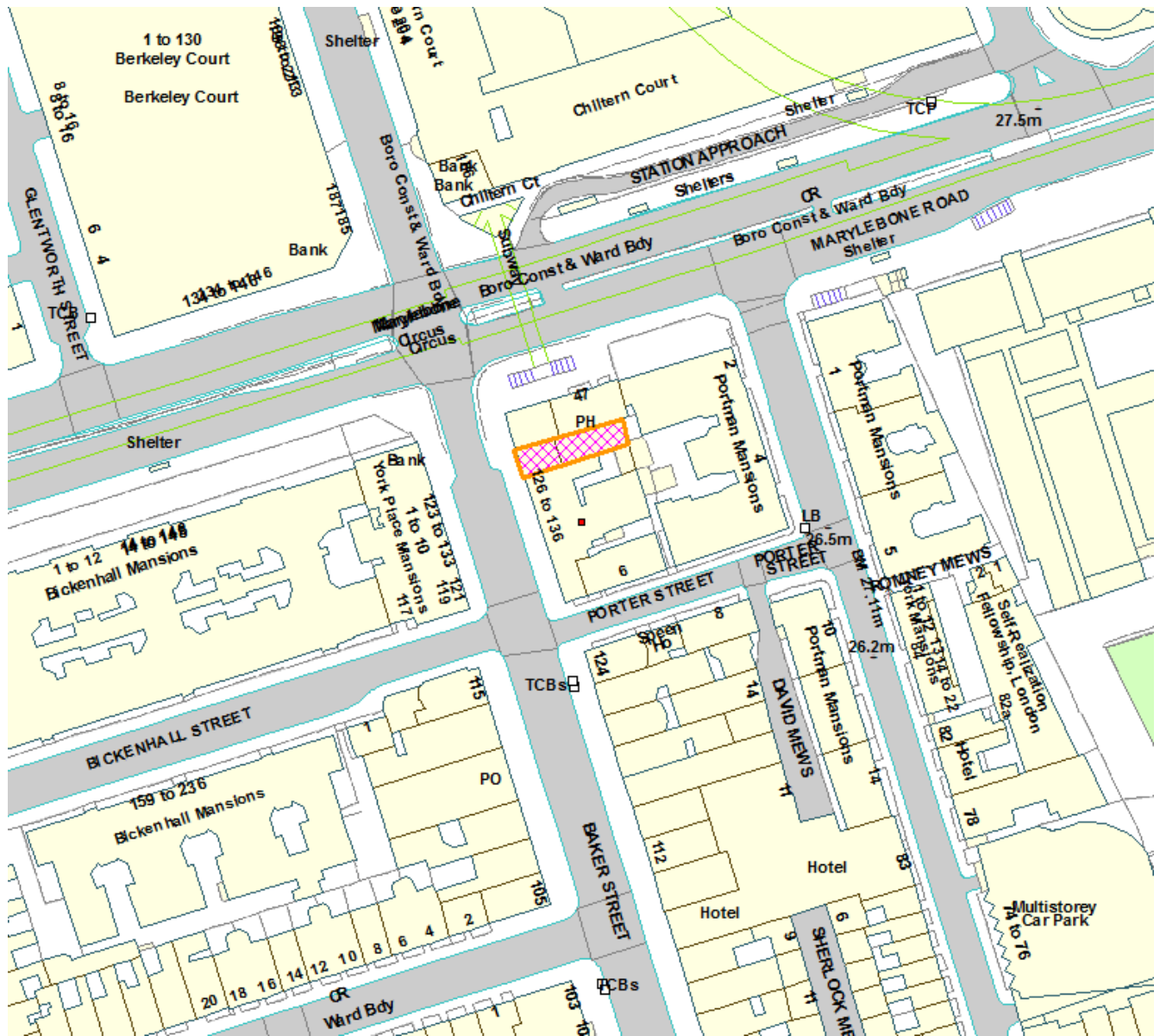
Planning permission is sought for the change of use of the basement and ground floor premises to provide a restaurant (Use Class A3) and to install a high level extract duct to serve the kitchen on the rear elevation of the property.

The key issues for consideration are:

- The loss of existing retail accommodation
- The impact of the proposed restaurant on the amenity of nearby sensitive occupiers

Subject to appropriate conditions, the proposal is considered acceptable in land use, design, amenity and transport terms. The application is therefore recommended for conditional approval being in compliance with the relevant Unitary Development Plan (UDP) and City Plan Policies.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

MARYLEBONE ASSOCIATION:  
Any response to be reported verbally.

ENVIRONMENTAL HEALTH:  
No objection subject to conditions.

HIGHWAYS PLANNING MANAGER:  
No objection subject to conditions.

CLEANSING:  
No objection subject to conditions.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 100; Total No. of replies: 2  
No. of objections: 2, on the following grounds:

Amenity:

- Smells, fumes and noise from the proposed use
- Parking, road access and traffic generation from the proposed use

PRESS ADVERTISEMENT / SITE NOTICE:  
Yes.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is 134 Baker Street, which is an unlisted building located in the Portman Estate Conservation Area. The application site is located outside of the Core CAZ but is located on a CAZ Frontage as defined by the Unitary Development Plan and on a 'named street' within Marylebone and Fitzrovia (policy S8, Westminster City Plan). The site is not located within a Stress Area.

The application site is part of the larger site 126 - 134 Baker Street. The building comprises basement, ground and first to fourth floors. The basement and ground floor levels are in retail use within 'A' Use Class and include 6 separate units. The first floor of 126 - 134 Baker Street is in Class D1 educational use. The upper floors of the building are in lawful use as office accommodation (Class B1) but have a recent planning consent to be used for residential accommodation (Class C3)

### 6.2 Recent Relevant History

In November 2015 (RN: 15/07396/FULL), planning permission was granted at 126 - 134 Baker Street for 'Erection of three storey extension at the rear of the building at second, third and fourth floor level and use of enlarged second to fourth floors as 11 flats (Class C3). Installation of plant within existing roof top plant room and plant within existing stairwell at roof level. Installation of photovoltaic panels and living roof at roof level and

new entrance doors at ground floor level.' This consent does not appear to have been implemented. Prior to this consent, the lawful use of the second to fourth floor levels was office accommodation (Class B1).

## **7. THE PROPOSAL**

The existing retail premises are currently occupied by a retailer selling electrical goods and also contain a Bureau de Change. There is no planning history for the addition of this Bureau de Change and it is considered to be ancillary to the main retail use.

Planning permission is sought for the change of use of the basement and ground floor premises to provide a restaurant (Use Class A3) and to install a high level extract duct to serve the kitchen on the rear elevation of the property. The kitchen extract duct would run to the main roof level of the property and would terminate above the height of the roof.

The change of use of the retail floorspace to restaurant results in an entertainment use measuring 181sqm (GIA). The applicant has not specified a prospective tenant, although the plans indicate that the kitchen and toilets would be located at basement level with the ground floor providing space for 88 covers and a disabled toilet. There is a bar area at ground floor level with an additional 3 covers. The hours of opening sought are: 09:00 to 23:00 daily.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **Loss of retail accommodation**

The ground and basement floors are considered to be in lawful retail use (Class A1), with a small, ancillary element of Class A2 at rear ground floor that is the Bureau de Change.

UDP Policy SS5 seeks an appropriate balance of town centre uses on the CAZ Frontages (including Baker Street), stating that proposals must not cause or intensify an existing over-concentration of A3 and entertainment uses in a street or area.

Part (A) of Policy SS5 states 'A1 uses at ground, basement or first floor level in the CAZ and CAZ Frontages will be protected'.

Part (B) states planning permission for the introduction of a non-A1 town centre use at basement, ground and first floor level will only be granted where the proposal would not be detrimental to the character and function of an area or to the vitality or viability of a shopping frontage or locality.

Part (C) states proposals for non-A1 uses must not:

1. Lead to, or add to, a concentration of three or more consecutive non-A1 uses
2. Cause or intensify an existing over-concentration of A3 and entertainment uses in a street or area.

Policy S21 of the City Plan states that existing A1 retail will be protected throughout Westminster except where the Council considers the unit is not viable, as demonstrated by long-term vacancy despite reasonable attempts to let.

There are 6 units at ground floor level on this part of Baker Street between Marylebone Road and Porter Street. The unit adjacent to the application site, No 136, is a corner unit with frontages on both Marylebone Road and Baker Street. The six units on Baker Street are as follows:

No. 136 Baker Street:

Part of the premises appears to be long established as a Class A2 'financial and professional services' use. The premises is currently operating as an Estate Agents (Class A2). Prior to some point in 2014 the unit was occupied by 'Brook Street', a jobs and recruitment agency, which would also be considered as Class A2.

However, the relationship between the units at No. 136 and No. 134 is unclear. Google Street View images from July 2008 to October 2014 indicate that the unit at No. 134 was originally larger and No. 136 was smaller. In July 2012 No. 134 appears to have been subdivided, with the 'new' unit next to No. 136 shown as vacant. From June 2015, the Google Street View images show No. 134 and No. 136 divided as they currently exist, i.e. No. 136 appears to have amalgamated with that portion of No. 134 that was separated off. There is a planning consent for installation of a new shopfront at No. 136 in 2014 (14/05624/FULL) which indicates that this is when the two units, as they currently exist, were divided by their signage. The existing Baker Street elevation for this permission shows this frontage divided into two parts. The proposed Baker Street elevation shows the installation of a uniform shopfront, as matching what is currently in situ. However, the existing and proposed ground floor plans show the unit as occupying the full width of the Baker Street elevation.

No. 134 (application site) – Class A1 Electronics shop (with an ancillary Bureau de Change).

No. 132 - The lawful use of the premises is Class A1. The site is currently occupied by 'Itsu' which sells food and drink. Business rate records also list the premises as 'shop and premises'

No. 130 - The lawful use of the premises is Class A1. The site is currently occupied by a photo printing and processing shop. Business rate records also list the premises as 'shop and premises'

No. 128 - The lawful use of the premises is Class A3. The site is currently occupied by a restaurant/take away operator.

No. 126 - The lawful use of the premises is Class A3. The site is currently occupied by a coffee shop.

Paragraph 7.50 of Policy SS5 states the number of consecutive non-A1 uses will 'include those that continue around a corner'. Around the corner adjacent to No. 136 is a public house, The Globe, No. 43 Marylebone Road. (Class A4). The loss of the existing A1 use would therefore appear to result in three consecutive non-A1 uses, though the unclear

status of that part of the premises separated off and amalgamated with No. 136 does complicate the situation.

Part (A) of Policy SS5 states A1 uses at ground and basement level will be protected.

However, Policy SS5 does allow for some flexibility for the introduction of a non-A1 use where it would not be detrimental to the character or function of the area. The unit is not vacant and is located at the northern end of Baker Street, close to its junction with Euston Road. The loss of A1 in this location is regrettable, however it is not considered that the proposed loss of retail floorspace would have a detrimental impact on the 'vitality or viability of a shopping frontage or locality' as set out in Policy SS5. For this reason it is not considered the loss of retail floorspace can be resisted in this instance.

### **Proposed restaurant use**

Policy S24 of Westminster's City Plan states that '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 residential amenity, health and safety, local environmental quality and the character and function of the area.'

UDP Policies TACE8-10 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, depending upon the size and type of entertainment use.

The application site is located outside the Core CAZ and has a floorspace of 181sqm (GIA) - the relevant policy for its assessment is therefore UDP Policy TACE9. TACE 9 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 or upon the character or function of its area paying particular regard to the number of customers that may be present, the opening hours, prevention of smells, noise and vibration, service arrangements, the arrangements for waste and the changes of use to other uses..

There is general support for commercial uses in this location, with City Plan Policy S8 stating that the 'named streets' (including Baker Street) are appropriate locations for residential and a range of commercial uses.

The immediate vicinity is characterised mainly by commercial uses with most of the neighbouring buildings in use as retail/restaurants on the ground floor. There are various licensed A3 premises in the vicinity. Whilst it is not considered that the area is 'saturated' with such uses, as described above, Baker Street is characterised by a balanced mix of uses which Policy SS5 of the UDP seeks to maintain.

The nearest residential properties are located to the rear of the application site within a residential block, Portman Mansions. There are also residential properties on the upper floors of the building on the opposite side of Baker Street to the front of the application site.

The upper floors of the application site also have a live planning permission to be used for residential purposes (Class C3).

The proposed plan submitted with the application shows 91 covers in total which is relatively modest. The applicant has not specified a prospective tenant. The proposed opening hours are 9:00 to 23:00 which accord with the City Council's 'core hours'.

Given the context this part of Baker Street being a busy and noisy street with a heavy commercial presence and on the basis of the guidance within UDP Paragraph 8.88 that states, even in predominately residential areas, the usual terminal hours is 00.00 (Sunday - Thursday) and 00.30 (Friday and Saturday) (except where residential uses are in immediate proximity). The hours sought are less than this general approach even in an area which cannot be reasonably described as being 'predominately residential' in nature. As such, it is considered that there will be no material loss of amenity as a result of the proposed restaurant. Both the capacity and opening hours can be controlled through the imposition of conditions. Conditions are also proposed to ensure that there is no delivery service provided from the property which might result in increased vehicular movements.

The principle of the proposed restaurant premises is therefore considered to be in accordance with UDP Policy TACE9 and City Plan Policy S24.

## **8.2 Townscape and Design**

The proposed change of use and associated flue at No.134 Baker Street are considered acceptable in design terms.

The rear of the building is an undistinguished white rendered elevation with modern sash windows. It neither contributes to nor detracts from the character or appearance of the conservation area.

An existing flue, in stainless steel, rises up the rear of the same building. It detracts considerably from the appearance of this backland area.

Adjacent buildings are of better quality, and in particular the facing building (the rear of Portman Mansions) is of considerable merit.

An additional stainless steel flue would certainly add to the harm caused by the existing, and would be unacceptable. However, if suitably clad, and coloured to match the existing render, it would be possible to design the flue to cause minimal impact on the appearance of the area.

With an amending condition requiring details of boxing in of the flue to match the host building, the proposal could be considered acceptable in design terms. The boxing in should be rendered and painted to match the existing.

## **8.3 Residential Amenity**

The application has been considered in the context of Policies ENV6 and ENV7 of the UDP and S32 of the City Plan. These policies seek to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance.



An objection has been raised from a neighbouring residential occupier to the rear of the application site on the grounds of smells and fumes already being emitted from restaurant uses in the area. Another objection has been raised from a neighbouring occupier on the grounds of noise from the proposal which would affect their business.

The proposal includes a high level extract duct which terminates at main roof level. This is considered to be acceptable and a condition could be imposed to ensure the full height extract duct is provided and retained in perpetuity. This should ensure that cooking smells are adequately dispersed.

The application was accompanied by an acoustic report. This has been assessed by the City Council's Environmental Health Officers, who consider that the proposed extract duct is likely to comply with City Council's standard noise criteria as stated within the UDP Policies ENV6 and ENV7 and policy S32 of the Council's Strategic Policies subject to conditions. The hours of use of the extract duct being applied for are 09:00 - 23:00 which will be secured by condition.

It is therefore considered that the proposed extract duct will not be harmful to local residential amenity in terms of odour and noise and these objections cannot be sustained.

#### **8.4 Transportation/Parking**

An objection has been raised from a neighbouring occupier on the grounds that the proposal will result in parking and road access issues and traffic which would impact upon their business.

Policy TRANS 20 states that the City Council will require convenient access to premises for service vehicles and will normally require that 'vehicular servicing needs of developments are fully accommodated on-site and off street ... sufficient to cater for the size, type and frequency of arrival of the vehicles likely to be servicing the development'. No off street servicing is proposed for the proposed use and the site is located within a Controlled Parking Zone which means people using the premises will be subject to these controls. The site is well served by public transport and it is considered there would be no significant change in pedestrian or vehicular traffic as a result of the proposed change of use. No objections have been raised by the Highways Planning Manager in relation to the impact on parking levels or highways movements. On this basis, the objection cannot be sustained.

In order for the development to accord with the requirements of The London Plan, one cycle parking space is required within the demise of the premises. This has not been shown on the proposed plans and a condition will be attached requiring the submission of amended drawings to show the provision of one cycle parking space in the demise of the unit.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

## 8.6 Access

Access to the property will be provided at street level and a disabled toilet will be provided at ground floor level.

## 8.7 Other UDP/Westminster Policy Considerations

### Waste / Recycling

The proposed drawings do not include provision for storage of residual waste and recyclable materials in line with the council recycling and waste storage requirements. A condition will be attached requiring the submission of amended drawings indicating proposals for the storage of residual waste and recyclable materials which must be approved prior to commencement of the use.

## 8.8 London Plan

This application raises no strategic issues.

## 8.9 National Policy/Guidance Considerations

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

## 8.10 Planning Obligations

Planning obligations are not relevant for this application and as the application is for a change of use without additional floor area, the proposal does not attract CIL.

## 8.11 Environmental Impact Assessment

Not applicable for a scheme of this size.

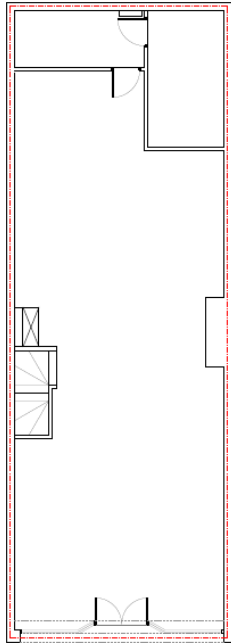
## 9. BACKGROUND PAPERS

1. Application form
2. Response from Plant And Equipment, dated 9 November 2016
3. Letter from occupier of 123 Baker Street, London, dated 6 November 2016
4. Letter from occupier of Penthouse 8, Portman Mansions, Chiltern street, dated 15 November 2016

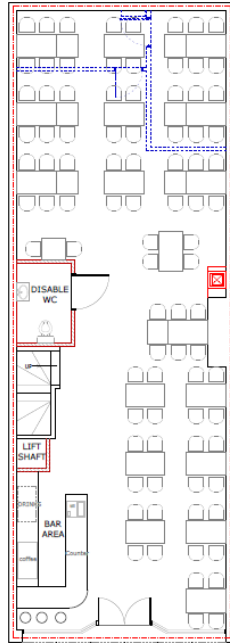
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT [pquayle@westminster.gov.uk](mailto:pquayle@westminster.gov.uk)

10. KEY DRAWINGS

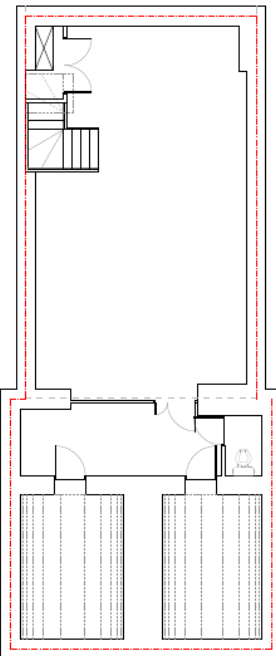


EXISTING GROUND FLOOR PLAN

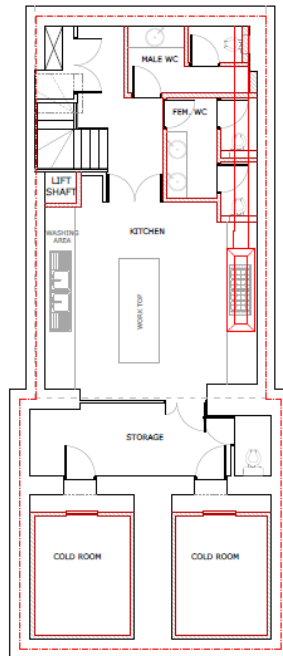


PROPOSED GROUND FLOOR PLAN

Proposed ground floor plan

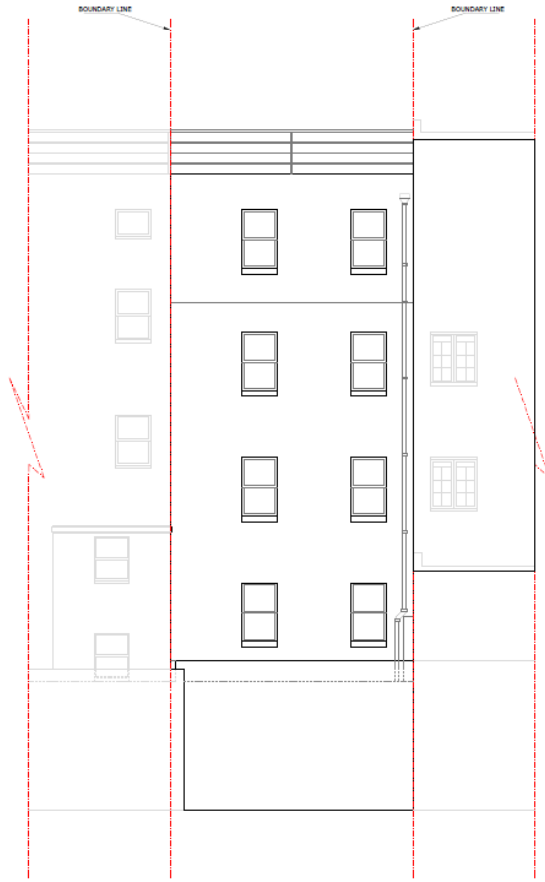


EXISTING BASEMENT PLAN

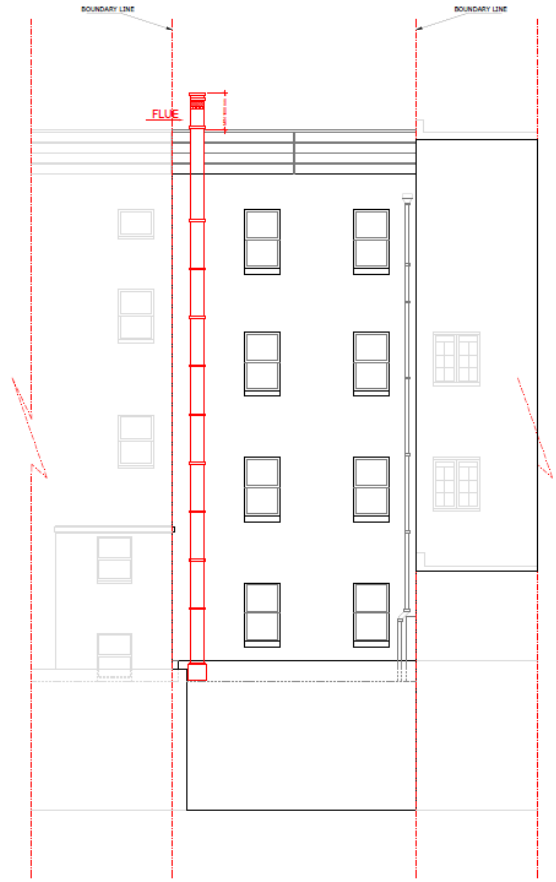


PROPOSED BASEMENT PLAN

Proposed basement floor



EXISTING REAR ELEVATION



PROPOSED REAR ELEVATION

Proposed rear elevation

**DRAFT DECISION LETTER**

**Address:** 134 Baker Street, London, W1U 6UB

**Proposal:** Use of ground floor and basement as restaurant (Class A3). Erection of full height extract duct to rear elevation.

**Reference:** 16/08921/FULL

**Plan Nos:** P104/16.070.01; P104/16.070.02; P104/16.070.03; P104/16.070.04 (Proposed Rear Elevation); P104/16.070.04 (Proposed Front Elevation); Noise Impact Assessment Report Ref: 134 BAKER ST.NIA.REV01 Dated 24.10.2016.

**Case Officer:** Alice Dunn

**Direct Tel. No.** 020 7641 7957

**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 piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , o between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturday; and , o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and , o not at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

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.

- 3 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 (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)

- 4 (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.

- 5 The plant/machinery hereby permitted shall not be operated except between 09:00 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 (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 6 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.

- 7 Customers shall not be permitted within the basement and ground floor restaurant (Class A3);, , -Before 09.00 or after 23.00 daily.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 8 The high level extract duct hereby approved must be installed before the restaurant use commences, it shall thereafter be permanently retained in situ and maintained 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 (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 9 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 (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007.

- 10 You must not operate a delivery service from the premises.

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 (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 11 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 start work on the relevant part of the development 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 everyone using the basement and ground floor restaurant (Class A3). (C14EC)

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.

- 12 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:, , GRP or other suitable cladding/treatment to the extract duct, finished to match adjacent materials., , 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 and maintain the cladding in the approved form for

as long the duct remains in place.

**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 (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)

- 13 You must not allow more than 91 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 TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 14 You must apply to us for approval of details of secure cycle storage for the restaurant (A3) use. You must not start any work on this part of the development 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.

**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 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)
- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 4 The term 'clearly mark' in condition 11 means marked by a permanent wall notice or floor markings, or both. (I88AA)

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.