

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 29 August 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>8 South Street, London, W1K 1DE,</b>		
<b>Proposal</b>	Use of part basement and ground floor levels as a restaurant (Use Class A3), alterations to the South Street frontage to include the creation of an external seating terrace. Installation of a retractable glass roof over the existing rear courtyard and installation of a high level extract duct and plant within the courtyard.		
<b>Agent</b>	DP9 Ltd.		
<b>On behalf of</b>	Hyde Park Residence Ltd		
<b>Registered Number</b>	17/01318/FULL	<b>Date amended/ completed</b>	23 February 2017
<b>Date Application Received</b>	17 February 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

Grant conditional planning permission.

## 2. SUMMARY

8 South Street is an unlisted building which is part of a wider building at 55 Park Lane, located within the Mayfair Conservation Area and the Core Central Activities Zone but outside of the designated stress areas.

The building currently comprises of basement, ground and first to tenth floor levels and is utilised as a mixture of residential flats and commercial office suites. Planning permission is sought for the change of use of part of the basement and ground floor levels from the existing office accommodation to a restaurant use (Class A3). On the South Street elevation alterations are proposed to provide an external terrace area over the existing vents, converting the ground floor windows to doors to allow access. It is also proposed to install a disabled platform lift on the South Street elevation. There is an existing external courtyard area utilised in association with the office accommodation which it is proposed to cover with a partially retractable glass roof for use in association with the new restaurant. Plant would also be installed within the courtyard area and a high level extract duct would be installed

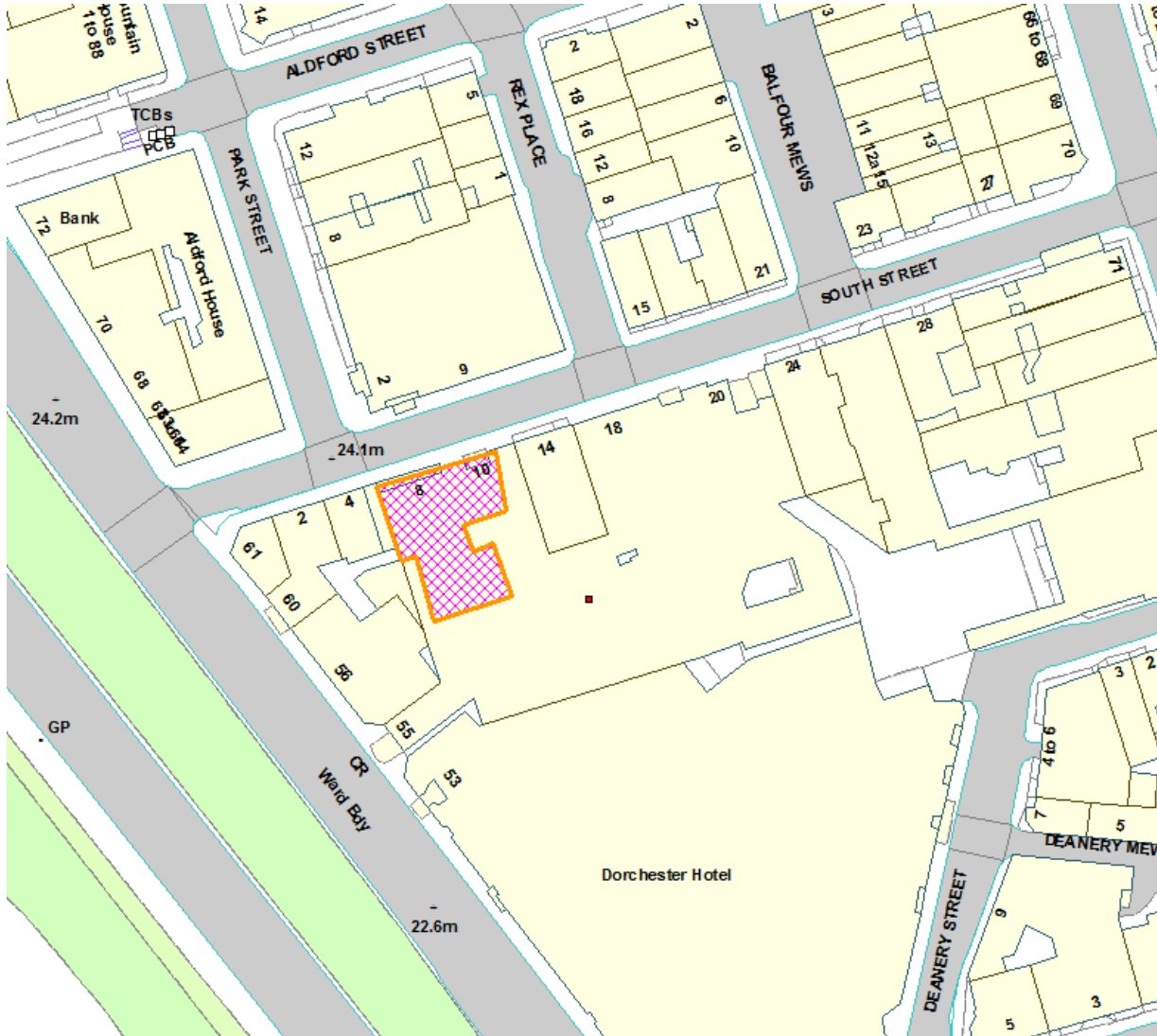
on the courtyard elevation of the building to terminate at main roof level.

The key issue is:

- The impact of the proposed use on the amenity of nearby sensitive occupiers.
- The impact of the proposed external alterations on the character and appearance of the Mayfair Conservation Area.

Subject to appropriate conditions it is considered the proposed restaurant use will be acceptable in terms of its impact upon residential amenity in the vicinity. Furthermore, the proposed external alterations are considered to preserve the character and appearance of the Mayfair Conservation Area. The proposal is therefore considered acceptable in land use, transport, design and conservation, and amenity terms and the application is recommended for conditional approval being in compliance with the relevant Unitary Development Plan (UDP) and City Plan policies.

### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013.  
All rights reserved License Number LA 100019597

4. PHOTOGRAPHS





## 5. CONSULTATIONS

### RESIDENTS SOCIETY OF MAYFAIR AND ST. JAMES'S

Any response to be reported verbally.

### HIGHWAYS

Acceptable subject to conditions.

### CLEANSING

Objection – insufficient detail has been provided with regard the waste and recycling storage.

### ENVIRONMENTAL HEALTH

Acceptable subject to conditions.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 251

Total No. of replies: 1

No. of objections: 1

No. in support: 0

Objection on the following grounds:

- Overlooking of residential flats on the upper floors of the property resulting from the use of the courtyard by the restaurant.
- Increase in noise disturbance resulting from the use of the courtyard and rubbish collections.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

8 South Street is part of a larger building forming 55 Park Lane which is an unlisted building located within the Mayfair Conservation Area and the Core Central Activities Zone. The property is located outside of any designated stress area. The building comprises basement, ground and ten upper floors and is utilised as a mixture of office suites and residential flats.

The area of the basement and ground floor of the property to which this application relates is currently utilised as office accommodation. It is noted that planning permission was granted in 1995 for the same areas to be utilised as a restaurant premises along with the installation of plant items and a high level extract duct. This permission was not implemented.

## 6.2 Recent Relevant History

Planning permission was granted on the 3<sup>rd</sup> August 1995 for, 'Use of part ground floor and basement as a restaurant (Class A3), part infilling of existing lightwell; alterations to entrance from South Street; erection of roof level ventilation duct and 2 air handling units and installation of 3 chiller units and housing to the roof of the lightwell infill'.

## 7. THE PROPOSAL

Permission is sought for the change of use of part of the office accommodation at basement and ground floor level to create a new restaurant unit. It is also proposed to cover an existing internal courtyard with a partially retractable glass roof for use in association with the restaurant with plant items installed on one side of the courtyard. A new high level extract duct is to be installed on the external courtyard elevation to terminate at main roof level. The restaurant will utilise the existing entrance off South Street as the main entrance to the new restaurant. On the South Street elevation it is also proposed to install a disabled access platform lift adjacent to the main entrance and an external terrace area over existing vents with ground floor windows changed to doors to allow access.

### Restaurant Use Table:

	<b>Proposed restaurant incorporating basement and ground floor levels</b>
Restaurant floor space (m2)	499m <sup>2</sup>
No of covers	150
Hours of Operation	08:00 till 23:00 Monday to Saturday and 08:00 till 22:00 on Sundays.
Ventilation arrangements	New kitchen extract to be routed externally on the courtyard elevation to terminate at main roof level.
Refuse Storage arrangements	Relevant conditions proposed.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Loss of office use:

The City Council has no policies seeking the protection or retention of general office accommodation in this location where the proposed change is to another commercial use. The loss of the office floor space is therefore considered acceptable in principle.

#### Provision of restaurant use:

The proposed restaurant over ground and basement levels of the building would measure 499m<sup>2</sup>. An entertainment unit of this type and size located within the Core Central

Activities Zone but outside of a designated stress area would be considered against Policies TACE8 of the UDP and S24 of the City Plan.

Policy S24 of the City Plan requires 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 on residential amenity, health and safety, local environmental quality and the character and function of the area.'* Policy TACE8 of the UDP has similar stipulations and relates to new entertainment uses which 'will generally be permissible'. Where the City Council considers the proposal will not have an adverse impact (including cumulative effects) resulting from noise, vibration, odour, late night activity or traffic implications permission may be granted but conditions would be required to restrict opening hours, capacity, servicing, arrangements for waste and recycling, any take-away from the premises, deliveries, music, bar areas and suitable arrangements should be made to prevent noise nuisance and to disperse cooking odours.

It is recognised that there can be considerable variation between the uses within a Use Class in terms of their effects on the local environment and residential amenity. For example, restaurants with a waiter service tend to have fewer adverse effects than bars used by large numbers of customers. Factors that the Council will take into account when assessing new entertainment uses include the gross floor space to be occupied by the proposed use, its capacity, the type of use, servicing arrangements and any supporting statement provided in respect of the management of a use.

The immediate vicinity is characterised mainly by car showrooms at ground floor level along Park Lane with office or residential uses on the upper floors, South Street has fewer uses serving visiting members of the public at ground floor level, again mainly comprising office and residential uses.

There are a large number of residential units on the upper floors of the building itself all accessed through 55 Park Lane. An objection has been received from one resident in the block concerned with regard increased noise and overlooking resulting from the new restaurant premises.

It is proposed for the new restaurant premises to have 150 covers and opening hours of 08:00 till 23:00 Monday to Saturday and 08:00 till 22:00 on Sundays. Paragraph 8.88 of the UDP states; *'as a general rule, the Council expects that, in entertainment uses in predominantly residential areas, it will impose planning conditions that no customers will be allowed to remain on the premises after midnight on Sundays to Thursdays, and after 00.30 on the following morning on Friday and Saturday nights'*. The proposed opening hours are therefore considered reasonable and accord with the policy requirements. With these opening hours conditioned it is not considered the proposal would result in additional late night noise within the area especially in such close proximity to Park Lane which will facilitate rapid dispersal of patrons leaving the premises.

The proposal also includes the installation of a partially retractable glass roof over the existing external courtyard for use in association with the restaurant. The existing courtyard is utilised in association with the office accommodation and does not have any conditions controlling the use. Whilst the proposal would allow a more intensive use of the courtyard, it also presents an opportunity to impose conditions on the use to ensure the



protection of the residential amenity of the occupiers of the upper floors of the building. The applicant has agreed to a condition being applied to any approval to require the retractable glass roof to be closed between the hours of 21:00 and 09:00 to ensure that there is no noise disturbance to residential occupiers on the upper floors of the building during the late evening. In addition, the same hours are applied to the opening of the doors to the terrace on South Street to ensure that both the terrace cannot be used past this hour and that internal noise from the restaurant does not disturb nearby residents at more sensitive times.

With regard a potential increase in overlooking, the applicant has advised that they wish to install a number of banners suspended internally across the glass roof. This could be acceptable to mitigate any increase in overlooking but this would depend on their size, positioning etc. No further details have been provided by the applicant on this aspect of their scheme and therefore a condition is imposed requiring the submission of details to show how the scheme would be designed to minimise overlooking of the existing residential flats on the floors above as well as reducing any potential increase in light pollution.

Taking into account the size of the courtyard, there is the potential that shisha smoking could take place within this area. Shisha smoking can have a detrimental impact upon neighbouring residential occupiers due to the intensity and duration of smoke and odour generation and often the more intensive use of outdoor areas. As there are a large number of residential units in close proximity to the courtyard, it is considered necessary to include a condition prohibiting shisha smoking on the external areas in order the protect residential amenity.

Additional conditions are proposed to control the opening times and activity to limit the impact on nearby residents. These conditions would ensure that the use would essentially be sit-down restaurant with any ancillary bar limited to a small part of the premises (15%) and this could be used only by diners before and after meals with no take-away service (including home delivery) operating from the premises. With these safeguarding conditions in place it is not considered the objection from the residential occupier could be sustained.

A condition is also proposed stating that no music can be played in the premises which is audible externally or within adjoining properties. This is to ensure there is no noise nuisance to the adjoining residential occupiers. As the end restaurant operator has not been specified a condition is also imposed requiring the submission of an Operational Management Plan to detail how the restaurant will be managed to prevent customers who are leaving the premises from causing nuisance for people in the area, including people who live in nearby buildings.

The proposed restaurant would have a new high level extract duct terminating at main roof level which would provide suitable odour dispersal and a condition is proposed to ensure that if the restaurant use is implemented the duct is provided and retained in association with the extended restaurant premises.

The applicant has not provided an acoustic report to assess the building structure and the impact of the proposed use with regard noise levels transferring through the building structure to the residential units on the floor above. The Environmental Health Officer has

requested conditions be applied to any consent stipulating acceptable noise levels within the adjoining residential properties and they consider that these requirements will be achievable.

The proposed restaurant will be directly below residential flats and an objection has been received from a resident to the creation of a new restaurant unit on noise and overlooking grounds. However, with the relevant safeguarding conditions detailed above and the modest opening hours of the restaurant, it is not considered that the proposal would have a detrimental impact on the living conditions of neighbouring residents nor local environmental quality and it is not considered the application could be reasonably refused on these grounds. The principle of the proposed restaurant premises is therefore considered to be in accordance with UDP Policy TACE8 and City Plan Policy S24.

### **Impact on character and function of the area**

The area is mixed use in character comprising commercial offices and residential uses further east along South Street, this area of Park Lane has a large number of car showrooms, hotels and offices / residential. There are few licensed premises in the vicinity and it is not considered the area is saturated with such uses.

## **8.2 Townscape and Design**

This is a large unlisted building, of limited architectural interest, in the Mayfair Conservation Area. Following negotiations, the proposed alterations to the front of the building are now within the building line. The design of the new doors and railings and the access lift, all on the front facade, are considered acceptable. They will not harm the appearance of the building or this part of the Mayfair Conservation Area.

The retractable roof at the rear is also acceptable in design terms. It will not harm the character and appearance of the Mayfair Conservation Area. Overall, the proposals comply with the City Council's urban design and conservation policies, including City Plan policies S25 and S28, and Unitary Development Plan policies including DES 1, DES 5 and DES 9.

## **8.3 Residential Amenity**

The impact of the proposed restaurant on the amenity of neighbouring sensitive occupiers has been considered in Section 8.1 of this report.

## **8.4 Transportation/Parking**

The application includes alterations to the elevation of the property fronting South Street. These changes include the installation of a disabled access lift on the eastern side of the frontage adjacent to 14 South Street. The proposed lift location would be on an area of highway which has been open and passable to pedestrians for at least 20 years and therefore forms part of the public highway. Ordinarily the installation of a lift such as this on the highway would be resisted. However, in this instance the lift would be located immediately adjacent to the lightwell serving 14 South Street to the east and the existing entrance staircase to 8 South Street. The lift would extend no further into the highway than the lightwell for 14 South Street and would have minimal impact upon pedestrian

movements. Taking this into account the installation of the disabled access on the eastern side of the entrance is considered acceptable in highways terms and welcomed in terms of the accessibility improvements to the property.

On the western side of the South Street elevation it is proposed to create a terrace area over existing vents with the conversion of the windows to doors to allow access to this area. Following negotiation with the applicant, this terrace area has been reduced in size. As the reduced terrace area now no longer impacts upon the highway boundary the proposal is acceptable in this aspect.

As the application is for a speculative restaurant with no specified end user, very limited details of servicing have been provided with the application. However, it has been confirmed that servicing can take place from the existing basement car park as shown on the submitted drawings. A condition is proposed requiring the submission of a Servicing Management Plan which will clearly identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised.

For a proposal of this size three cycle parking spaces need to be provided. It is considered that these could easily be provided in the basement of the new unit and a condition is therefore proposed requiring the submission of drawings to show this provision.

Whilst trip generation is likely to increase as a result of the proposal, the highways network will easily be able to accommodate this and the site is within a Controlled Parking Zone so anyone driving to the premises will be subject to these controls. The impact upon parking levels in the vicinity is considered to be minimal.

A condition is proposed stating that no deliveries can take place from the property as no information has been provided to show this could happen without detriment to highways movements and amenity.

## **8.5 Economic Considerations**

Any economic benefits of the proposal are welcomed.

## **8.6 Access**

A new disabled access lift will be provided from street level into the restaurant premises and all the toilet facilities are provided at ground floor level. These disabled access improvements are welcomed and a condition is proposed to ensure they are provided and retained with the new use.

## **8.7 Other UDP/Westminster Policy Considerations**

### **Plant:**

Plant is proposed within part of the external courtyard behind an acoustic screen with a new high level extract duct routed on the external courtyard elevation to terminate at main roof level.

The proposed plant installation 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.

Background noise assessments have been undertaken at two key positions, being the internal courtyard and at main roof level. The area has been identified in the Acoustic Report as having background noise levels which are above WHO guideline levels during the daytime and night time. To accord with Policy ENV7 of the UDP, the noise levels emitted by the plant will have to be 10dB below background at the nearest noise sensitive windows.

The nearest noise sensitive windows have been identified as being the first floor windows of the residential flats within the building itself and the windows of the flats on the top floor of the building which are closest to the fan associated with the high level duct. In relation to the fan unit at roof level the design criteria over a 24 hour period is 42dB which is 10dB below the lowest recorded background noise level. The expected noise level from the duct fan is 31dB. The lowest recorded background noise level for the courtyard was 52dB which results in a noise level criterion of 42dB, calculated noise levels from the proposed plant to the residential windows at first floor level are 41dB.

In order to ensure the plant noise is compliant with the City Council criteria, Environmental Health require that certain mitigation measures are installed as detailed within the submitted acoustic report. This includes the acoustic screening for the units located in the courtyard and the installation of silencers for the kitchen extract duct. With these acoustic mitigation measures in place, Environmental Health has confirmed that the application will be compliant with the Council noise criteria and have raised no objection to the proposal. Conditions are proposed in relation to noise, vibration, and the installation of the acoustic mitigation features.

#### **Refuse / Recycling:**

There are existing central waste and recycling storage facilities within the basement of the property which serve all the residential and office units in the building, with an existing refuse hoist to take the materials up to the South Street pavement for collection. There is sufficient capacity for the restaurant refuse, recycling and cooking oil to also be stored here for collection in a similar manner. As this is a speculative application with no end user identified final waste / recycling storage details would be confirmed with the end operator. The Cleansing Manager has requested further details but as sufficient capacity is clearly available in the basement of the property and there is an existing hoist to take waste to the South Street pavement it is considered acceptable in this instance to condition the submission of detailed drawings indicating bin sizes.

### **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 in the determination of this application.

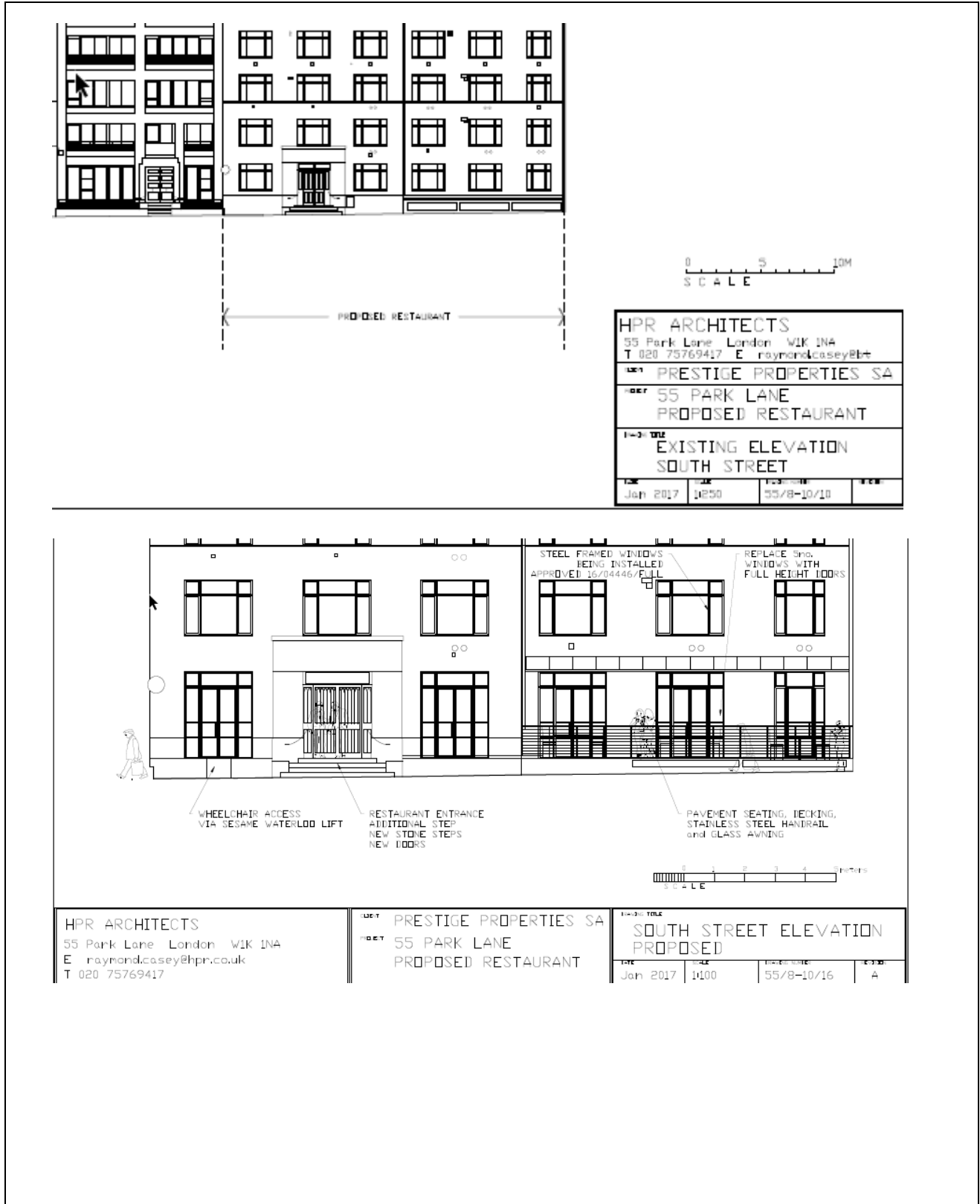
## **9. BACKGROUND PAPERS**

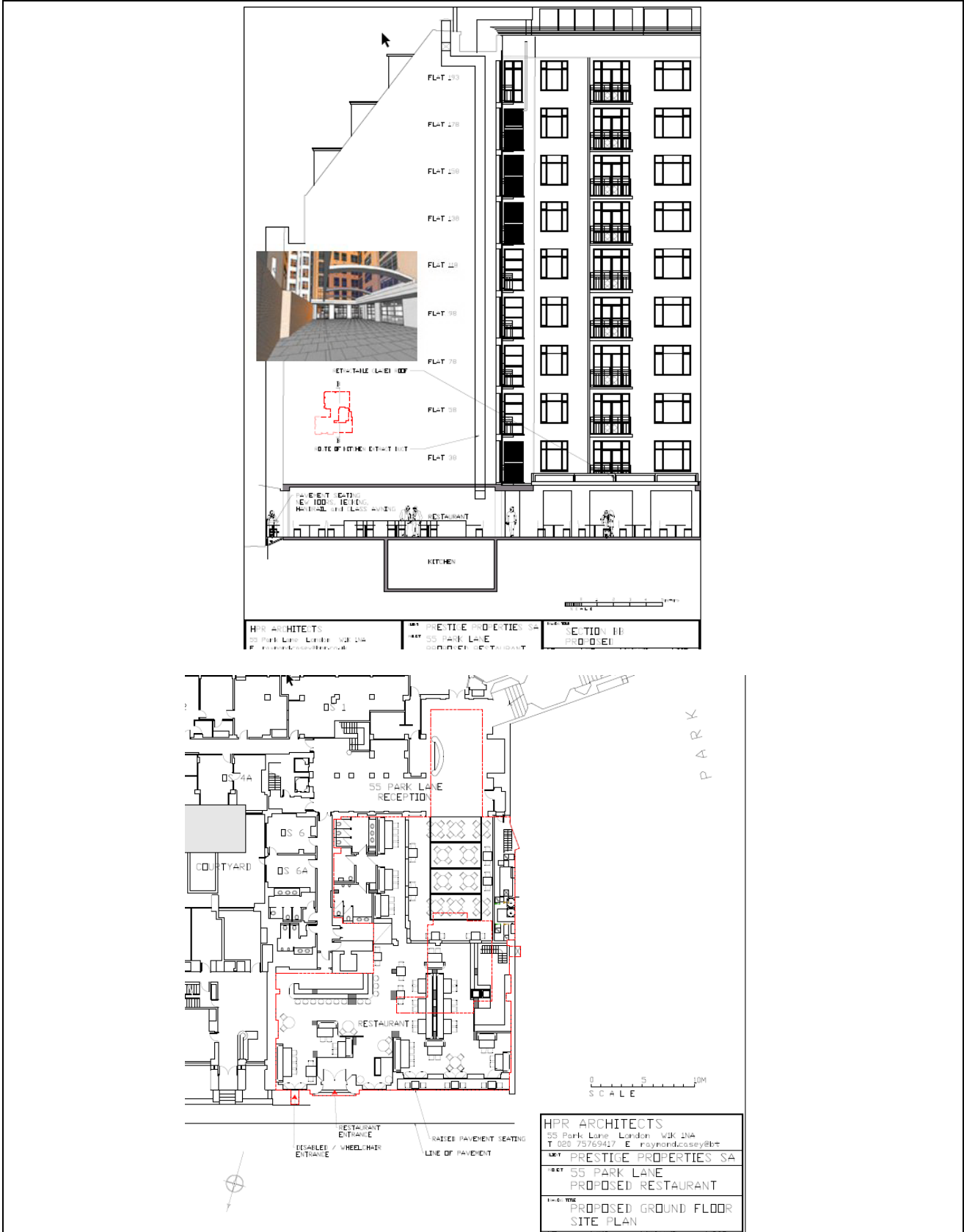
1. Application form
2. Response from the Cleansing Manager dated 29 March 2017
3. Response from the Highways Planning Manager dated 26 July 2017
4. Response from Environmental Health dated 20 July 2017
5. Letter from occupier of Flat 98, 55 Park Lane, dated 27 March 2017

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT [mhollington2@westminster.gov.uk](mailto:mhollington2@westminster.gov.uk)

10. KEY DRAWINGS





**DRAFT DECISION LETTER**

**Address:** 8 South Street, London, W1K 1DE,

**Proposal:** Use of part basement and ground floor levels as a restaurant (Use Class A3), alterations to the South Street frontage to include the creation of an external seating terrace. Installation of a retractable glass roof over the existing rear courtyard and installation of a high level extract duct and plant within the courtyard.

**Reference:** 17/01318/FULL

**Plan Nos:** Acoustic Report (21.12.2016), Drawings: (55/8-10) 03 RevC, 05 RevB, 07 RevB, 09 RevB, 11 RevB, 12 RevB, 14, 15 RevA, 16 RevA, 17, 21 RevC, 24.

**Case Officer:** Matthew Giles

**Direct Tel. No.** 020 7641 5942

**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:

- 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 piling, excavation and demolition 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 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. (R11AC)

- 3 (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.

- 4 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.

- 5 You must install the acoustic mitigation measures as detailed in the approved acoustic report at the same time as the plant is installed. These mitigation measures must thereafter be retained in place for as long as the plant is in operation.

Reason:

To safeguard the amenity of occupiers of adjoining premises by preventing noise and vibration nuisance as set out in STRA 16, STRA 17, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R41BB)

- 6 You must not sell any hot-food take-away from the restaurant premises, nor operate a delivery service, even as an ancillary part of the primary Class A3 use.
- Reason:  
We cannot grant planning permission for unrestricted use in this case because it would not meet TACE8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)
- 7 You must not allow more than 150 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 TACE8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)
- 8 You must not play live or recorded music within the restaurant premises that will be audible externally or in the adjacent properties.
- Reason:  
To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)
- 9 The high level extract ducting shown on the approved drawings shall be fully installed before the restaurant use commences and thereafter maintained for as long as the Class A3 restaurant is in operation.
- 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)
- 10 You must not open the restaurant premises to customers, and you must not allow customers on the premises, outside the hours:
- 08:00 till 23:00 Monday to Saturday; and  
08:00 till 22:00 on Sundays.
- Reason:  
We cannot grant planning permission for unrestricted use in this case because it would not meet TACE8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)
- 11 Prior to the occupation of the restaurant, you shall submit and have approved in writing by the local planning authority a detailed servicing management strategy for the restaurant use. All servicing shall be undertaken in accordance with the approved strategy unless otherwise agreed in writing by the local planning authority.
- 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)
- 12 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. (R24AC)

- 13 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 Mayfair 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)

- 14 The extract duct must be finished / painted to match the adjoining facing materials.

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 Mayfair 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)

- 15 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 16 If you provide a bar and bar seating within the restaurant premises, it must not take up more than 15% of the floor area of the restaurant premises. You must use the bar (if provided) to serve restaurant customers only, before, during or after their meals.

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Mayfair Conservation Area. This is in line with S24 of Westminster's City Plan (November 2016) and TACE 8 of our Unitary Development Plan that we adopted in January 2007.

- 17 You must provide the access for people with disabilities as shown on the approved drawings before you can occupy the new restaurant unit. The disabled access must thereafter be retained in situ for as long as the restaurant unit is in operation.

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 (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 18 The sliding glass roof over the rear courtyard shall be closed between the hours of 21:00 and 09:00 daily.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 19 The doors providing access to the terrace on the South Street elevation shall be closed between the hours of 21:00 and 09:00 daily.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 20 You must apply to us for approval of a management plan for the approved restaurant premises to show how you will prevent customers who are leaving the premises from causing nuisance for people in the area, including people who live in nearby buildings. You must not occupy the approved 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 (November 2016) and TACE 8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 21 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 occupy the restaurant unit 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 restaurant. (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. (R14BD)

- 22 You must apply to us for approval of details of a strategy to mitigate for any increase in light pollution or overlooking of neighbouring sensitive properties associated with the use of the courtyard as part of the restaurant use. Until such time as the City Council has approved these details you cannot operate the use hereby approved. Once these details have been approved the use must operate in accordance with the approved strategy for as long as the restaurant use is in operation.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 23 You must apply to us for approval of details of secure cycle storage for the restaurant use. You must not occupy the restaurant unit 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.

- 24 No shisha smoking shall take place within the demise of the restaurant unit including the external terrace on the South Street elevation and within the courtyard area.

**Reason:**

To protect the environment of people in neighbouring properties as set out in policies ENV5 and TACE8 of our Unitary Development Plan that we adopted in January 2007 and policy S24, S29 and S31 of Westminster's City Plan adopted November 2016.

**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 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)
- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 4 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)
- 5 Buildings must be provided with appropriate welfare facilities for staff who work in them and for visiting members of the public., Detailed advice on the provision of sanitary conveniences, washing facilities and the provision of drinking water can be found in guidance attached to the Workplace (Health, Safety and Welfare) Regulations 1992.  
[www.opsi.gov.uk/SI/si1992/Uksi\\_19923004\\_en\\_1.htm](http://www.opsi.gov.uk/SI/si1992/Uksi_19923004_en_1.htm), , The following are available from the British Standards Institute - see <http://shop.bsigroup.com/>;, , BS 6465-1:2006: Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances , BS 6465-3:2006: Sanitary installations. Code of practice for the selection, installation and maintenance of sanitary and associated appliances. (I80HA)
- 6 Conditions 3 and 4 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)
- 7 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [sitenquiries@ccscheme.org.uk](mailto:sitenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

Item No.
5

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.