

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 15 May 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	147 - 149 Wardour Street, London, W1F 8WA		
Proposal	Use of basement and ground floors for a restaurant (Class A3), and installation of full height extract duct to the rear elevation terminating one metre above main roof level		
Agent	JLL		
On behalf of	Thor 147-155 Wardour Street SARL		
Registered Number	18/00383/FULL	Date amended/ completed	19 January 2018
Date Application Received	18 January 2018		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The application site is part of an unlisted 1960s office building with commercial units at ground floor and basement. It comprises seven storeys plus basement and is located on the west side of Wardour Street, approximately 30m to the north of Broadwick Street and backs onto Wardour Mews.

Permission is sought for the use of the basement and ground floors to be used for restaurant purposes (Class A3). A full height extract duct is proposed at the rear of the building to terminate at roof level.

The key issues for consideration are:

- The impact of the external alterations on the character and appearance of the Soho Conservation Area;
- The impact of the proposed plant on residential amenity;
- The increase of restaurant floorspace in the West End Stress Area.

The proposal is considered acceptable in land use, amenity, design and conservation terms and complies with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan and is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

SOHO SOCIETY

Any response to be reported verbally

HIGHWAYS

No objection subject to conditions.

CLEANSING

No objection subject to conditions.

ENVIRONMENTAL HEALTH

No objection subject to condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 524

Total No. of replies: 2

No. of objections: 1

Objections on the following grounds:

- Overconcentration/cumulative impact of entertainment uses.
- Increased potential for congestion

No. in support: 1

- Provision of a high quality food provision supports the wider retail environment

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises the ground and basement floors of a seven storey plus basement unlisted building dating from the 1960s. The site is located within the Soho Conservation Area, the Central Activities Zone and the West End Stress Area.

An office entrance and café complete the rest of the ground floor of the building, with the upper floors in office (Class B1) use.

The application site was recently occupied by a gallery (Class A1) under a temporary lease from 2013 until it vacated the unit in 2017. Before this, the unit was occupied by Stanley Productions, from 1987 until 2013. Although the planning history of the site is unclear, it appears likely that the lawful use of the application site is within Class B1 (Business).

The immediate surrounding properties are largely in commercial use. The nearest residential property is located at 15 St. Anne's Court to the east of 128 Wardour Street which is opposite the application site. There is also a residential unit within Wardour Mews, to the rear of the site.

The application site comprises of 444.8sqm of GIA (195sqm at ground floor level and 250sqm at basement level).

6.2 Recent Relevant History

Planning permission was granted on 19 November 1969 for, '*Use of the ground floor of No. 147-149 Wardour Street as a showroom with ancillary offices and installation of a showroom front*'. Such a use would fall within Class A1 (Shops).

7. THE PROPOSAL

Permission is sought for the use of the basement and ground floors for restaurant (Class A3) purposes totalling 444.8 m2 GIA.

The restaurant will be able to accommodate 192 covers at full capacity. The proposed operating hours are 07:00 to 00:00 Monday to Saturday and 07:30 to 23:00 on Sundays and bank holidays.

It is proposed that an extract duct is clad in a brick GRP with white plat bands and will be routed externally along the outside face of the existing rear projection and will terminate one metre above roof level.

It is understood that 'Hudson's House' has taken a tenancy for the unit, subject to planning being granted for a single restaurant occupation. Hudson's House currently trades from St. Giles Hotel, Bedford Avenue and is intending to take the lease for this premises for its 'Best of British' steakhouse concept. The submitted floorplans show a sit-down restaurant, including two 'private dining' rooms and a modestly sized bar at basement level.

8. DETAILED CONSIDERATIONS

8.1 Land Use Background

As set out above, the only planning history for this part of the building dates from 1969 and was for the use of the ground floor as a showroom (Class A1). At that time, the City Council was of the view that any office floorspace was ancillary to this primary Class A1 use.

It is understood that the ground floor (and later the basement) was occupied between the late 1970s to 2013 by Stanley Production, an audio visual specialists stocking a range of CD, DVD, data and video products and accessories and offering video, audio, CD and DVD duplication, replication and conversion services.

Whilst there was still a retail element to this use, the applicant has provided evidence demonstrating that, over time, the business model of Stanley Productions changed so that the primary use became a light industrial use (Class B1) undertaking digitising and copying analogue film and tape type formats to newer digital types, like CD and DVD. This use later expanded into the basement as a result of business growth.

Whilst there was a counter where people could walk in to place orders, drop off and collect items and also to buy items including blank CDs and DVDs, it is clear that the

sale of good to visiting members of the public became an ancillary element to the primary light industrial use.

Whilst the unit was subsequently occupied as a gallery (Class A1) under a temporary lease from 2013 until the gallery vacated in 2017, officers are of the view that this represented an unlawful change of use from this part of the building's lawful Class B1 use.

Based on the evidence above, it is not considered that the Council would be able to take enforcement action to revert the ground floor of the unit back to its last permitted use as a retail showroom (Class A1). The assessment of the application is therefore based on the likelihood that the lawful use of the ground and basement floors is within Class B1.

Loss of light Industrial (Class B1c)

There are no policies which prevent light industrial premises from changing to other commercial uses within this location. City Plan Policy S20 only protects office and other Class B1 floorspace when being converted to or replaced with residential floorspace. There is no policy protection for Class B1 floorspace when being converted to another commercial use.

Proposed Restaurant Use (Class A3)

The proposed restaurant over ground and basement levels of the building would measure 444.8 sqm. An entertainment unit of this type and size located within the Core Central Activities Zone and the West End Stress Area would need to be considered against Policies TACE9 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 TACE9 of the UDP has similar stipulations and relates to new entertainment uses which 'may 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 adequately disperse cooking odours.

A resident of 16 Broadwick Street has objected to proposed restaurant use, arguing that it will have an adverse impact on residential amenity in terms of noise nuisance and would add to the cumulative impact of bars and restaurants in the area.

A letter of support has been received from the New West End Company, stating that much effort has and continues to go into improving the retail environment of the eastern half of Oxford Street, and this must be matched by improvements on key streets such as Wardour Street in the quality of food provision.

There existing area is predominantly commercial in nature; however, there are some residential unit on the upper floors of Nos. 159 to 163 Wardour Street to the north and to the east in the form of 15 St. Anne's Court and at Nos. 134-136 Wardour Street. Whilst it is acknowledged that there are is a high concentration of entertainment uses in the vicinity, the majority in the immediate vicinity are restaurants which are generally of lower impact than vertical drinking premises and night clubs. This, combined with the reasonable distance between the application site and residential properties, means that there is no demonstrable harm to the proposed subject to conditions controlling the operational elements of the restaurant, as discussed below. Indeed, adding a use that serves visiting members to the public is of benefit in terms of adding visual interest at street level.

The proposed restaurant has 192 covers and is proposed to open between:

- 07:00 until 00:00 (Monday to Saturday); and
- 07:30 until 23:00 (Sundays and bank holidays).

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 12.30am on the following morning on Friday and Saturday nights...*'. The proposed opening hours accord with this 'general rule' and are considered to be acceptable in this busy location in the Core CAZ.

It is proposed that the restaurant will be occupied by Hudson House. The have submitted an Operational Management Plan stating that they will:

- Use all reasonable endeavours to prevent its guests and all persons over whom the Tenant is able to exercise authority or control, from smoking on Wardour Street.
- Take all necessary steps to ensure that all smells and fumes caused by cooking, refuse or food on the premises shall be dealt with in a manner so as to ensure that no nuisance shall be caused to the Landlord, or any of the tenants or occupiers of any adjoining properties.
- Ensure that any noise emanating from within the Premises shall not be audible outside the premises including, but not limited to, the adjoining properties
- Deliveries will be received on Wardour Mews between 7am to 10am and 4pm to 7pm Monday to Saturday. Measures will taken to reduce delivery times as far as reasonably possible to minimise disruption to any surrounding businesses and residents.
- Waste will be transferred from the premises at the appropriate times to the waste bins, which will be kept locked at all times. An inspection of the refuse storage will be conducted on a daily basis as part of the daily cleaning schedule and managers' checklist to ensure the bin area is kept clean.

A condition is recommended securing the submission for the City Council's approval of a supplementary management plan to show how customers who are leaving the building will be prevented from causing nuisance for people in the area.

In addition to the above, further conditions are recommended to be imposed to ensure that the use would essentially be a sit-down restaurant with any ancillary bar limited to a small part of the premises (15%) only to be used by diners before and after meals. A condition is also recommended preventing music being played in the premises which is audible externally or within adjoining properties. This is to ensure there is no noise nuisance to residential occupiers within the area.

The proposed restaurant would have a new high level extract duct routed externally to the rear of building and will terminate at main roof level which would provide suitable odour dispersal and a condition is recommended requiring the duct to be installed and retained whilst the restaurant use is operational.

A condition is also recommended proposed preventing home deliveries from the restaurant as no information has been provided to show this could happen without detriment to highways movements and amenity.

With the relevant safeguarding conditions as detailed above, it is considered that the proposal would not have a detrimental impact on the living conditions of neighbouring residents nor local environmental quality. 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

147-149 is an unlisted building in the Soho Conservation Area. The building is identified in the Soho Conservation Area Audit as a building making a neutral contribution to the character or appearance of the area. To the front the building has a good quality façade of metal framed windows within a stone surround.

To the rear the building, in buff brick with white bands, is uncluttered with additions, and presents a relatively symmetrical appearance.

The initial location for the proposed duct rising up the rear façade, and punching through three projecting canopies, would have somewhat unbalance the elevation, and also would have run very close to the rear stairwell windows.

The revised route of the duct is a considerable improvement on that first proposed. Provided the duct is suitably clad in GRP panels to match the adjacent masonry, including reproducing the white plat bands, it is considered to preserve the character and appearance of the Soho Conservation Area.

At roof level the duct emerges through the flat roof of the top floor. This element, given that it stands one metre above the parapet and is confined to a small area towards the centre of the building, it is not considered that it will have a significant impact on the appearance of the building or the wider conservation area.

8.3 Residential Amenity

The proposed full height extract duct terminates one metre above the height of the application building to deflect noise and odour from residential properties. Furthermore, the point of extraction is above the height of surrounding residential buildings.

Environmental Health has no objection to the proposal and consider the plant is likely to comply with relevant criterion within UDP Policy ENV 7. Therefore it is not considered that the proposal will materially impact residential amenity.

8.4 Transportation/Parking

An objection has been raised due to the increased potential for congestion as a result of activity associated with the proposal.

The Highways Planning Manager raises no objections to the proposal and considers that the proposal is unlikely to have a significant impact on car parking in the area. Any vehicles arriving at site will be subject to local traffic management restrictions. The site is also well served by public transport.

Servicing

UDP TRANS20 requires off street servicing. No off-street servicing is proposed. Similar to the existing situation, vehicles will be required to reverse down Wardour Mews in order to service the premises as there is nowhere to turn a servicing vehicle in the Mews.

Whilst not in compliance with TRANS20, given the difficulty in servicing the property and given that the previous uses have been serviced in a similar nature, and the modest pedestrian flows within the mews, the highways Manager considers that the proposal is not expected to have an adverse impact on the public highway.

Cycle parking

No cycle parking has been shown on the submitted drawings. To comply with the London Plan (as amended) three staff cycle spaces are required. These are proposed to be secured by condition.

8.5 Economic Considerations

Any economic benefits generated by the proposed development are welcome.

8.6 Access

The access arrangement remains unaltered.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The Operational Management Plan states that refuse storage is proposed to be provided with a dedicated bin store inside the restaurant at basement level. At the appropriate time, waste, including compacted waste and powdered glass, will be transferred to three wheeled bins to the rear of the premises on Wardour Mews. The waste will be collected daily. Whilst the principal of this arrangement is adequate, as a waste store is not shown on the proposed drawings, a condition has been imposed requiring details to be submitted for the City Council's approval.

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

The application does not trigger any CIL requirements nor planning obligations.

8.11 Environmental Impact Assessment

The proposal is of insufficient scale as to trigger an environmental assessment.

9. BACKGROUND PAPERS

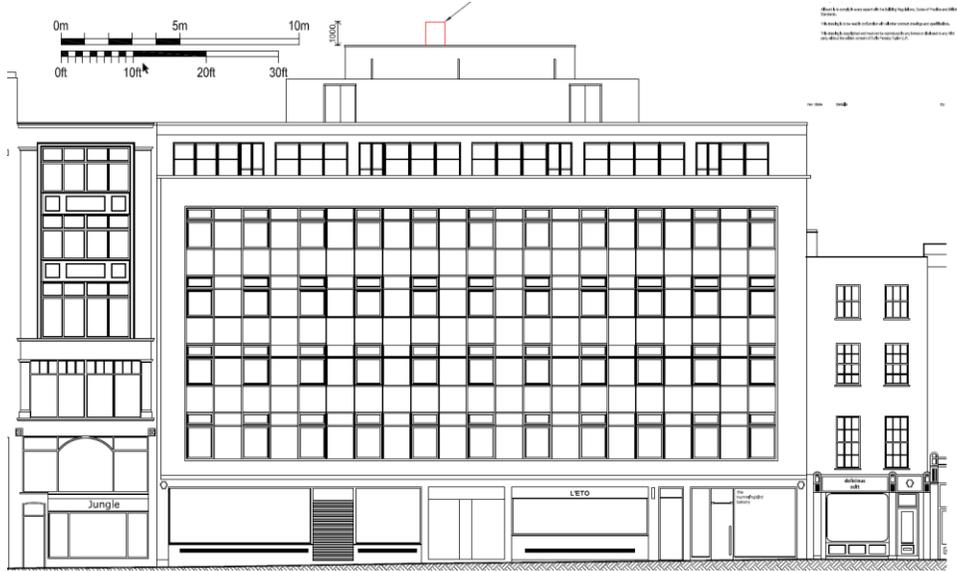
1. Application form
2. Memorandum form Highways Planning dated 03 April 2018
3. Memorandum form Cleansing dated 01 February 2018
4. Memorandum form Environmental Health dated 12 April 2018
5. Letter from occupier of 16 Broadwick Street, London, dated 6 February 2018
6. Letter from the New West End Company, dated 16 February 2018

(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.

10. KEY DRAWINGS

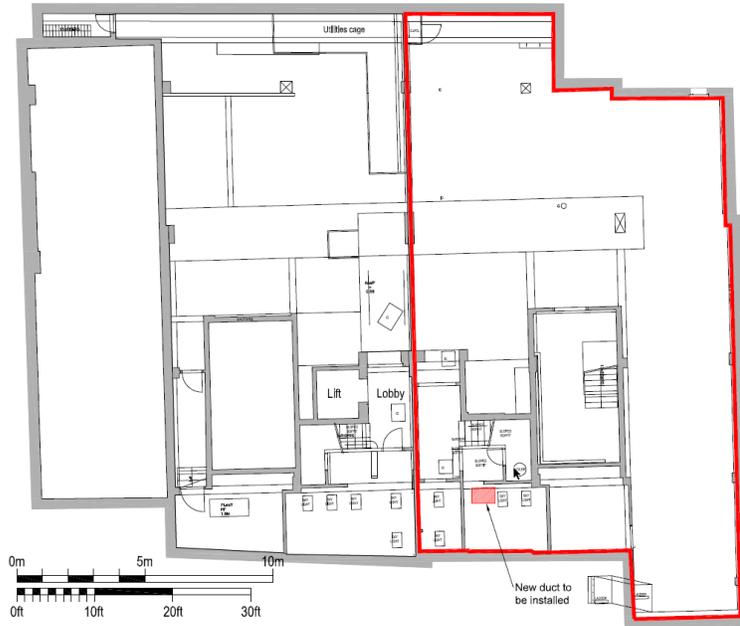
Proposed Front Elevation



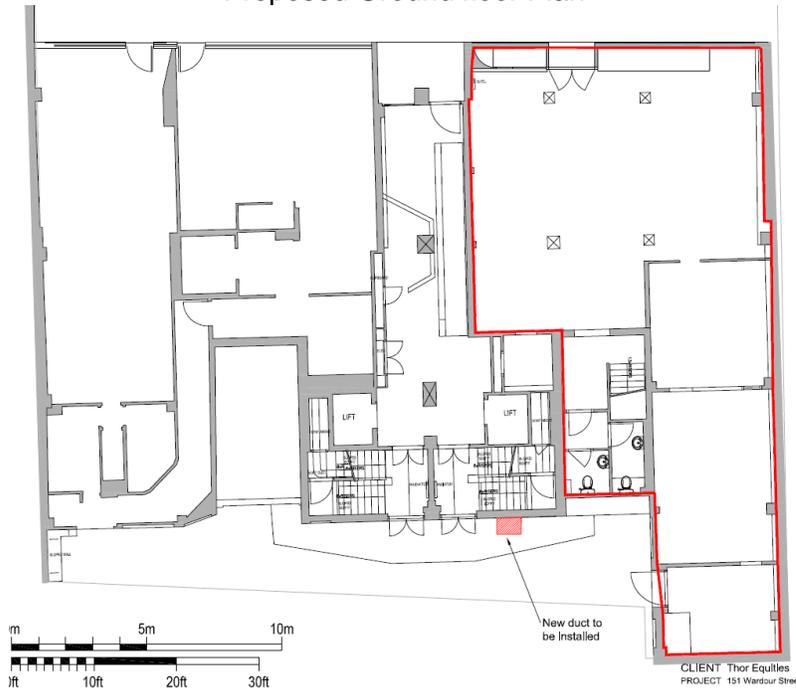
Proposed Rear Elevation



Proposed Basement Plan



Proposed Ground floor Plan



DRAFT DECISION LETTER

Address: 147 - 149 Wardour Street, London, W1F 8WA,

Proposal: Use of basement and ground floors for a restaurant (Class A3), and installation of full building height extract duct to the rear elevation terminating one meter above main roof level.

Reference: 18/00383/FULL

Plan Nos: Drawings P01 B, P02 B, P03 B, P04 B, P05 B, P06 B, P07 B, P08 B, P09 B, P10 B.

Document titled 'Operational Management Plan Hudson House' received on 18 January 2018

Case Officer: Damian Lavelle

Direct Tel. No. 020 7641 5974

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday
- * between 08.00 and 13.00 on Saturday; and,
- * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

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

- 3 You must not sell any hot-food take-away on the premises, nor operate a delivery service, even as an ancillary part of the primary Class A3 use. (C05CB)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet Class TACE 9 of our Unitary Development Plan that we adopted in January 2007, and because of the special circumstances of this case. (R05BB)

- 4 The provision of a bar and bar seating must not take up more than 15% of the floor area of the restaurant premises. You must use the bar to serve restaurant customers only, before, during or after their meals.

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Soho Conservation Area. This is in line with S24 of Westminster's City Plan adopted November 2016 and TACE 9 of our Unitary Development Plan that we adopted in January 2007.

- 5 You must not allow more than 192 customers into the property at any one time (including any customers waiting at a bar).

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Soho Conservation Area. This is in line with S24 of Westminster's City Plan adopted November 2016 and TACE 9 of our Unitary Development Plan that we adopted in January 2007.

- 6 You must not play live or recorded music on your property 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)

- 7 Customers shall not be permitted within the restaurant premises before 07:00 or after 00:00 Monday to Saturday and before 07:30 or after 23:00 on Sundays and bank holidays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 8 You must apply to us for approval of a supplementary management plan to show how you will prevent 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. (C05JB)

Reason:

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

- 9 The plant/machinery hereby permitted shall not be operated except between 06:30 hours and 00:30 hours daily.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 10 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include: (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and

procedures;, (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;, (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;, (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 11 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 12 You must apply to us for approval of details of secure cycle storage for the basement and ground floor restaurant use. You must not start any work 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.

- 13 You must apply to us for approval of details of how waste is going to be stored on the site. You must not commence the restaurant use hereby approved until we have approved what you have sent us. You must then provide the waste store in line with the approved details prior to occupation, and clearly mark it and make it available at all times to everyone using the premises. You must not use the waste store for any other purpose. (C14CD)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 14 i. You must apply to us for approval of a sample of the proposed GRP panels.

- i. The duct must be clad in the approved GRP panels to match the adjacent masonry, including both the brickwork and the white concrete plat bands prior the occupation of the restaurant uses hereby approved. The duct must then be maintained in this condition for the life of the development.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 15 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 16 The extract duct hereby approved shall be installed in full prior to the commencement of the restaurant (Class A3) use hereby approved and shall be retained in situ for the life of the development.

Reason:

To ensure that cooking odours are adequately dispersed, as required by S29 and S31 of Westminster's City Plan (November 2016) and ENV 5 of our Unitary Development Plan that we adopted in January 2007.

- 17 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the restaurant use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.

(2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the restaurant use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, 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 including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include;

- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
- (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity.

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 (UDP), 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.

- 18 You shall apply to the City Council for approval of a Servicing and Waste Management Plan (including hours). You must not commence the restaurant (Class A3) use hereby approved until we have approved what you have sent us.

You must then comply with the approved Servicing and Waste Management Plan for the life of the development.

Reason:

To avoid blocking the surrounding streets and to protect neighbouring residents from noise nuisance, as set out in S24, S29, S32 and S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 10, TRANS 21 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (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 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.
Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.
- 24 Hour Noise Team,
Environmental Health Service,
Westminster City Hall,
64 Victoria Street,
London,
SW1E 6QP
Phone: 020 7641 2000,
Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)
- 3 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, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 4 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACMs). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACMs, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)
- 5 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
- * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
 - * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant. Preparing a health and safety file is an important part of the regulations. This is a record of

information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 6 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)
- 7 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

The following are available from the British Standards Institute - see [http://shop.bsigroup.com/BS 6465-1:2006](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)

- 8 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.,
 - * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
 - * Lighting - ensure luminaires can be safely accessed for replacement.
 - * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm.

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 9 Conditions 10 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)

- 10
- The kitchen extract ventilation must discharge with an efflux velocity of at least 8m/s.
 - A scheme of odour reduction may need to be incorporated together with full height discharge if there are surrounding premises at a distance of between 20m - 50m and which are also higher than the discharge point of the building housing the commercial kitchen.
 - The final discharge point must be vertically upwards and unhindered ie use of plate, cowl or cap methods for the prevention of rainwater penetration should not be employed
 - All kitchen extract ducts must be fitted with doors/hatches for cleaning, at approximately 3 metre intervals, complying with the H & S safe access standards (Informative 180CB).,
 - All cookline equipment must be placed under the extraction canopy;
- 11
- If licensable activities are going to be carried out on site then an application for a Premises Licence will have to be submitted to the Licensing Service under the Licensing Act 2003. The applicant should have regard to the City of Westminster's Statement of Licensing Policy particularly with regards to the Cumulative Impact Area aspects of the Policy.

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.