

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 9 October 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	14-16 Great Portland Street, London, W1W 8QW		
Proposal	Erection of an additional storey at fourth floor level at the rear on the Margaret Court frontage and widening of the link building within the central lightwell at first to fourth floor levels to extend existing office (Class B1) floorspace. External alterations including the creation of terraces at second, third, fourth and roof levels (all for use in association with enlarged office (Class B1) floorspace). Installation of screened plant at new roof level and creation of a new frontage and pedestrian access onto Margaret Court. Use of basement and rear ground floor unit as a restaurant (Class A3).		
Agent	GL Hearn Ltd		
On behalf of	14-16 GPS Limited		
Registered Number	18/02029/FULL	Date amended/ completed	21 March 2018
Date Application Received	12 March 2018		
Historic Building Grade	Unlisted		
Conservation Area	East Marylebone		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

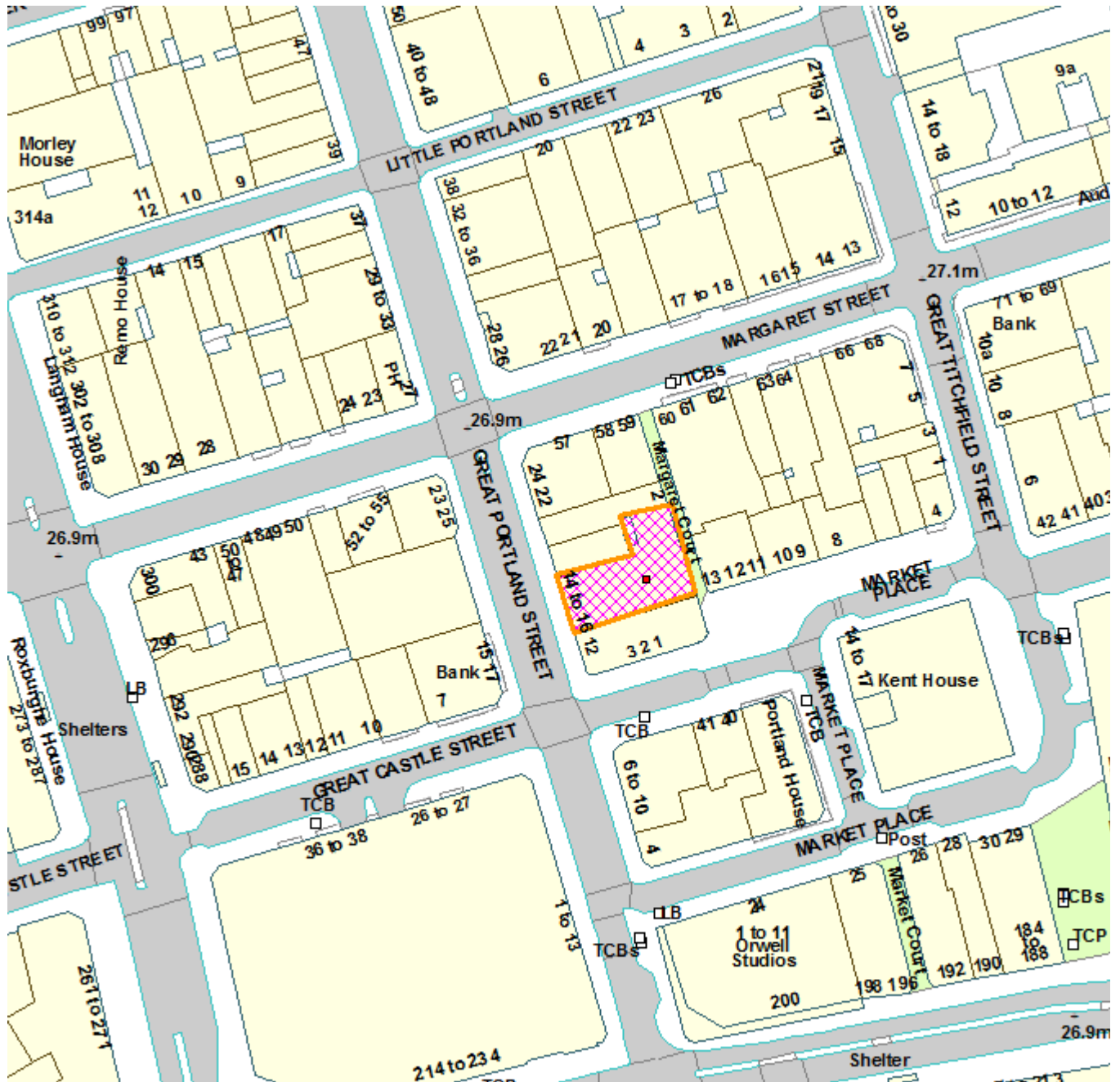
The application site comprises an unlisted building located within the East Marylebone Conservation Area and the Core Central Activities Zone (Core CAZ). Permission is sought to make a number of alterations and extensions to the upper floors to provide additional office (Class B1) floorspace and to convert the existing rear ground and the majority of the basement into a new restaurant (Class A3) accessed from Margaret Court to the rear of the site. A retail unit will be retained at ground floor level fronting onto Great Portland Street.

The key issues for consideration are:

- Whether the alterations and extensions to the building preserve or enhance the character and appearance of the East Marylebone Conservation Area.
- Whether the loss of retail floorspace would be detrimental to the character and function of an area or would harm the vitality and viability of a shopping frontage or locality.
- Whether the introduction of this new entertainment use in this area would give rise to any harm to residential amenity or harm to the character and function of the area.

The proposal is considered acceptable in land use and amenity terms, complying with the policies set out in the London Plan, Unitary Development Plan (UDP) and the Westminster City Plan (City Plan). Furthermore, the proposal is considered to not harm the character and appearance of the East Marylebone Conservation Area. For these reasons, it is recommended that conditional planning permission be granted.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

FITZROVIA NEIGHBOURHOOD ASSOCIATION:

Any response to be reported verbally.

HIGHWAYS PLANNING:

No objection subject to conditions.

WASTE PROJECT OFFICER:

No objection subject to details of waste storage being secured by condition.

ENVIRONMENTAL HEALTH:

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 62

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site comprises an unlisted building located within the East Marylebone Conservation Area and the Core CAZ. It is located outside of the West End Special Retail Policy Area (WESRPA) and outside of the West End Stress Area. The building spans between Great Portland Street and Margaret Court. Above ground floor level, the building is in two parts, linked by a metal-framed glazed structure.

The building is currently vacant with works to implement previous permissions to extend and alter the upper floors to create additional office (Class B1) floorspace taking place. Prior to these works commencing, the ground and basement floors were occupied as a large stationary shop (Class A1).

There are very few residential properties within the immediate vicinity of the site, with the nearest being on the upper floors of Nos. 58-59 Margaret Street, at the corner of Margaret Street and Margaret Court which is to the north of the application site.

6.2 Recent Relevant History

16/00879/FULL

Erection of an additional storey at fourth floor level at the rear on the Margaret Court frontage, widening of the link building within the central lightwell at first to fourth floor levels; external alterations including the creation of terraces at second, third, fourth and roof levels, installation of screened plant at new roof level and creation of a new frontage and pedestrian access onto Margaret Court; in association with the use of the basement

and grounds floors for retail purposes (Class A1) and first to fourth floors as offices (Class B1).

Permitted – 28 July 2016

16/12145/FULL

Variation of condition 1 of planning permission dated 28 July 2016 (RN: 16/00879/FULL) for the erection of an additional storey at fourth floor level at the rear on the Margaret Court frontage, widening of the link building within the central lightwell at first to fourth floor levels; external alterations including the creation of terraces at second, third, fourth and roof levels, installation of screened plant at new roof level and creation of a new frontage and pedestrian access onto Margaret Court; in association with the use of the basement and grounds floors for retail purposes (Class A1) and first to fourth floors as offices (Class B1). NAMELY, to vary the approved drawing numbers to amend the material on the permitted Margaret Court elevation to a high quality lightweight Zinc. Permitted – 8 February 2017. Non-material amendments to this permission were approved on 30 January 2018 (Ref: 18/00477/NMA).

7. THE PROPOSAL

The application seeks permission to use the pavement vaults and an area at front basement level as ancillary office floorspace in the form of plant and cycle storage and to use the remainder of the basement and the rear ground floor as a restaurant (Class A3) measuring 338 sq.m. Associated with this change of use is the opening up of the ground floor rear frontage onto Margaret Court in the form of fixed glazed units above traditional stallrisers. A full height extract duct to remove cooking odours is proposed within the central lightwell of the building. A 185 sq.m retail unit will be retained at ground floor level fronting onto Great Portland Street.

On the upper floors, the narrow link between the two halves of the building within the central lightwell is proposed to be widened and a fourth floor rear roof extension with plant above is proposed, all to enlarge the existing office (Class B1) floorspace.

Finally, replacement windows are proposed throughout and a more traditional shopfront is proposed on the Great Portland Street frontage.

There is not a known operator for the proposed restaurant but it is proposed to operate between:

- 08.00 – 00.00 (Monday – Thursday);
- 08.00 – 01.00 (the following morning) (Friday – Saturday); and

A summary of the proposed land use changes is set out in Table 1 below.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1)	997	1,315	+318
Shops (Class A1)	664	185	-479
Restaurant (Class A3)	0	338	+338
Total	1,661	1,817	+177

Table 1: Existing and proposed land use table.

The application originally sought to change the use of the now retained retail unit fronting onto Great Portland Street into a coffee shop (*Sui Generis*). Following concerns from officers in respect to the cumulative loss of 644 sq.m of Class A1 floorspace where no evidence of long-term vacancy had been demonstrated, the applicant has revised the scheme to retain a 185 sq.m retail unit at ground floor level fronting onto Great Portland Street.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Increase in office floorspace

The proposed alterations to the upper floors of the building and the conversion of part of the basement floor to plant / cycle storage ancillary to the office floorspace on the upper floors are identical to that approved by the City Council in July 2016. The provision of an additional 318 sq.m of office floorspace and the rationalisation of the floor plates to improve the quality of the floorspace provided is welcome within the Core CAZ, in accordance with City Plan Policy S6, S18 and S20.

The proposed increase in floorspace (of all uses) over the existing building floorspace is below the 30% threshold set out within the City Council's mixed use policy (City Plan Policy S1) and therefore there is no requirement to provide any residential floorspace.

Loss of retail floorspace and Proposed new restaurant

City Plan Policy S21 states that existing retail will be protected throughout the City except where the Council considered that the unit is not viable, as demonstrated by long-term vacancy despite reasonable attempts to let. UDP Policy SS5 states that A1 uses at ground, basement or first floor levels in the Core CAZ will generally be protected; that non-A1 town centre uses (such as restaurants) will only be granted were the proposal would not be detrimental to the character and function of an area or to the vitality and viability of a shopping frontage or locality; that proposals must not lead to (or add to) three or more consecutive non-retail uses; and proposal must not cause or intensify an existing over-concentration of entertainment use in a street or area.

As the site is located within the Core CAZ but outside of the West End Stress Area and the floorspace of the proposed restaurant is between 150 sq.m and 500 sq.m, it is an entertainment use that is generally permissible under UDP Policy TACE 8 provided it would not have an adverse effect: (i) Upon residential amenity or local environmental quality; and (ii) On the character or function of the area. The proposed new restaurant is also required to be assessed against City Plan Policy S24 that states, '*New entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area*'.

If one counts the Margaret Court frontage as being a shopping frontage, the proposed new restaurant will not result in more than three non-A1 uses being located consecutively. It is not considered that the application site forms part of the same frontage as Market Place and therefore the proposal would not result in more than three non-A1 units being located consecutively.

Whilst no marketing information has been submitted to demonstrate that the retail unit is 'long term vacant' for the purposes of City Plan Policy S21, there are considered to be benefits of the proposal that outweigh this policy conflict. The north side of Market Place is characterised by entertainment uses that compliment the primary retail frontages of the International Shopping Centre (i.e. Oxford Street, Bond Street and Regent Street) by providing cafe and dining opportunities for shoppers. The proposed new restaurant would not only add to and compliment this existing offer but would open up the rear of the building onto Margaret Court which would be beneficial to the street scene and the security of pedestrians walking along this alleyway through adding natural surveillance.

Given that the area surrounding the site is mixed in character and that a retail unit measuring 185 sq.m will be retained on Great Portland Street, thereby maintaining the retail offer on this street, it is not considered that the proposed restaurant would be detrimental to the character and function of the area or to the vitality and viability of this locality.

Furthermore, in an area with very few residents, it is considered that the introduction of a modestly sized entertainment use in this area would not give rise to any harm to residential amenity or harm to the character and function of the area.

8.2 Townscape and Design

The existing building is an attractive structure which makes a positive contribution to the appearance of the street and surrounding conservation area. The main façade is of Portland stone with metal framed windows; the rear façade (to Margaret Court) is of white glazed brick also with metal framed windows.

Permission has previously been granted for various alterations and extensions, and in principle the alterations remain acceptable in design and heritage asset terms. In terms of their location and detailed design the extensions will be mostly visible from the upper floors of surrounding properties rather than from the street. Nevertheless, from any vantage point the alterations will suit the appearance of the building and maintain the character and appearance of the surrounding conservation area. It is proposed to use facing material to match the existing building.

At street level the existing windows facing Margaret Court are to be altered and will create a much more active frontage on the currently under-utilised passageway. The detailed design of the windows with high stall-risers is characteristic of windows in the surrounding area and will reinforce this attractive and distinctive local characteristic. The alterations accord with City Plan policies S25 and S28, and UDP policies DES1, DES 5, DES 6 and DES 9, and are acceptable in design and heritage asset terms.

8.3 Residential Amenity

Sunlight and Daylight

The applicant has submitted a Daylight / Sunlight Report assessing the impact of the proposed roof extension at rear fourth floor level on daylight / sunlight received by the residential properties to the north at Nos. 58-59 Margaret Street. The proposed development is not predicted to result in a material loss of daylight or sunlight to these residential windows and therefore the development is fully compliant with the BRE Guide (2011), UDP Policy ENV 13 and City Plan Policy S29.

8.4 Transportation/Parking

Clearly, off-street servicing is not possible on this site but there are two loading zones located on Market Place with a maximum capacity for 11 goods vehicles. The Highways Planning Manager advises that the submitted Servicing Management Plan contains a number of sound overarching principles to minimising the impact of servicing on the function of the highway but recommends that a more detailed Servicing Management Plan be secured by condition.

In order to minimise the impact of the proposed restaurant on the local highway network, it is recommended that a condition be imposed preventing a delivery service from operating from the restaurant.

20 cycle parking spaces are proposed at front basement level, accessed from Great Portland Street via a lift. This level of provision is policy compliant and a condition is recommended securing this provision and access for staff working in all parts of the building.

8.5 Economic Considerations

The economic benefits of the additional office floorspace are welcome, as are any economic benefits deriving from the proposed new restaurant.

8.6 Access

Level access will be provided to the new restaurant.

8.7 Other UDP/Westminster Policy Considerations

Plant

Plant is proposed at rear roof level. The applicant has provide an acoustic report that demonstrates that there is no impediment to the installation of plant in this location, subject to conditions requiring further details to be submitted for the City Council's approval once the plant has been selected and requiring the acoustic enclosure shown on the proposed drawing to be installed and retained in situ. Environmental Health has no objection to the proposed plant or the extract arrangements for the proposed restaurant.

Refuse /Recycling

In response to the comments from the Waste Project Officer, the applicant has provided amended drawings showing waste storage within a basement lightwell (accessed by a platform lift) for the restaurant. Subject to this refuse store being secured by condition, these are acceptable.

8.8 Neighbourhood Plans

The draft Knightsbridge Neighbourhood Plan and all submission documents, representations received, and subsequent modifications proposed to it have been considered by an independent examiner who has issued their final report with recommendations. The council will now consider the examiner's recommendations before publishing its 'Decision Statement'. Depending on the outcome of this, the plan will then need to proceed to a referendum before it can formally become part of the statutory development plan and be attributed full weight. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the draft neighbourhood plan, these are discussed elsewhere in this report.

The submission version of the Mayfair Neighbourhood Plan has been submitted by Mayfair Neighbourhood Forum to the council for consultation and an independent examiner is due to be appointed shortly.

8.9 London Plan

This application raises no strategic issues.

8.10 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.

8.11 Planning Obligations

Planning obligations are not relevant in the determination of this application.

The estimated CIL payments are:

- £12,779 (Mayoral CIL).
- £42,062 (Westminster CIL).

8.12 Environmental Impact Assessment

The development is of insufficient scale to require assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

8.13 Other Issues

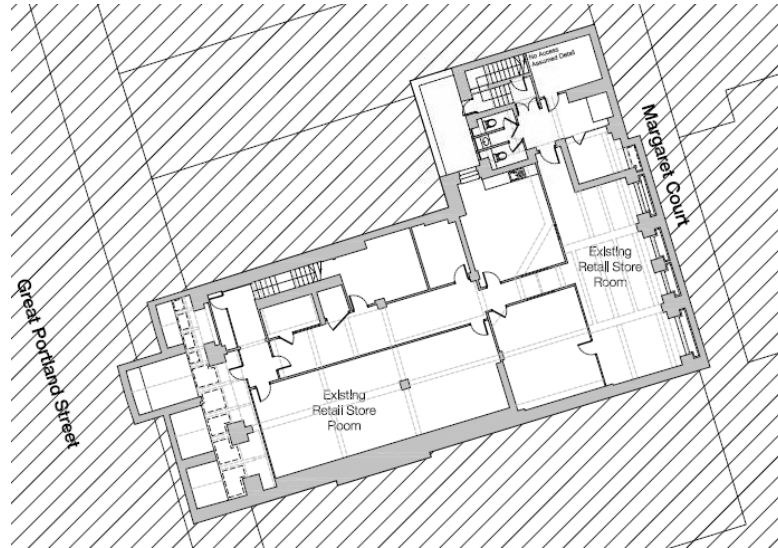
None.

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

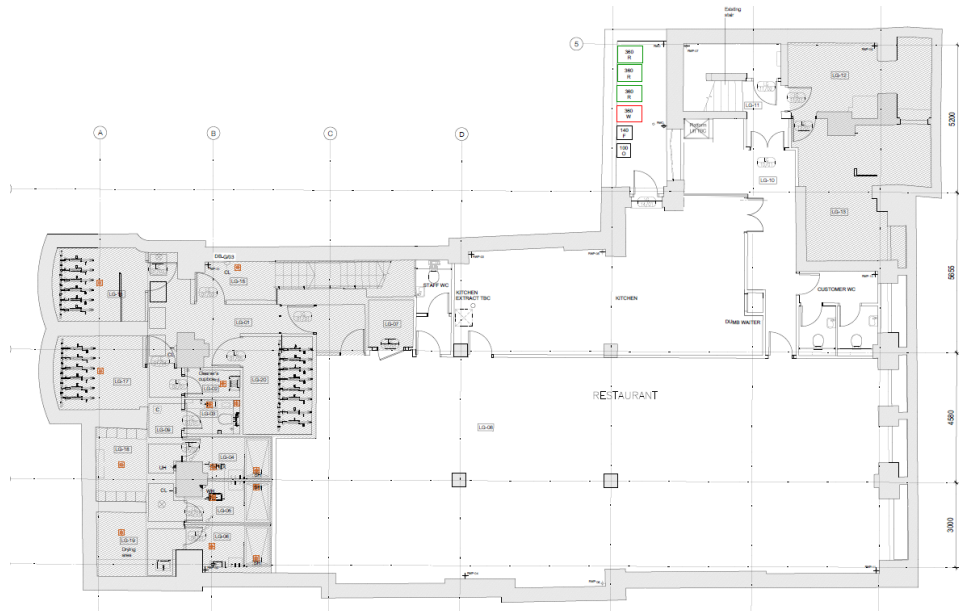
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

9. KEY DRAWINGS

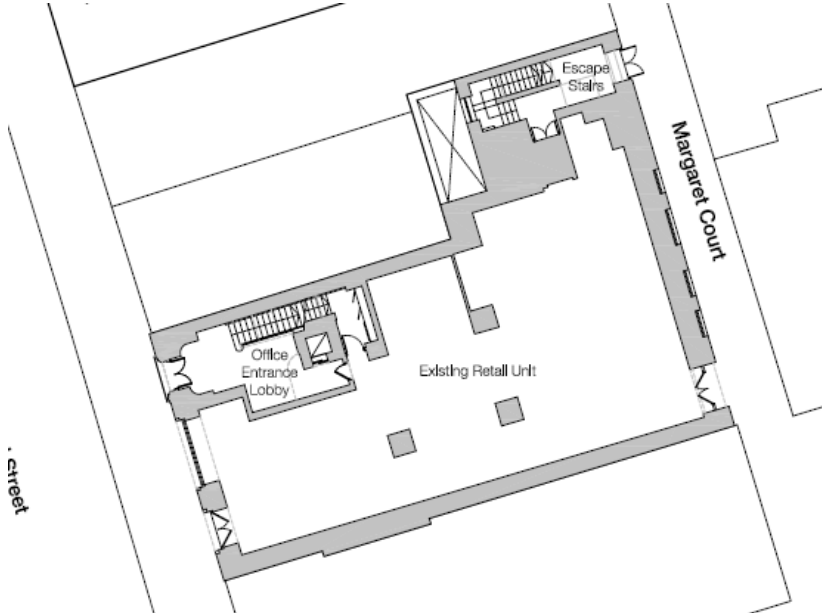
Existing basement plan:



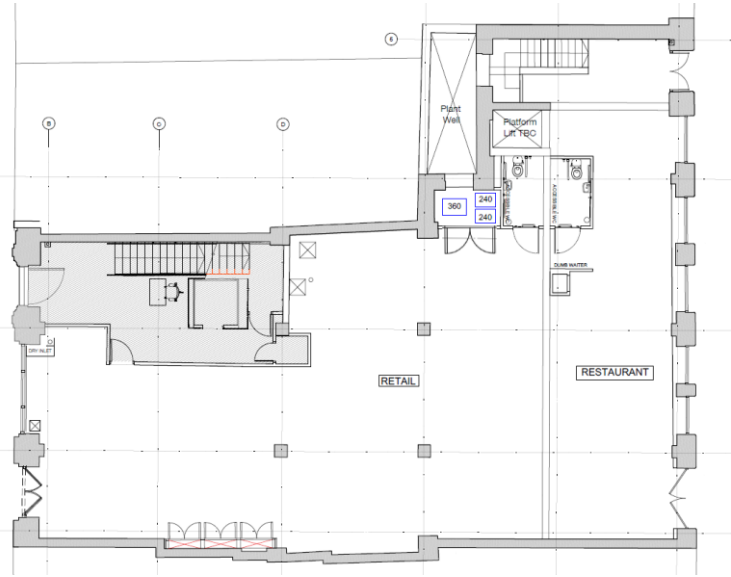
Proposed basement plan:



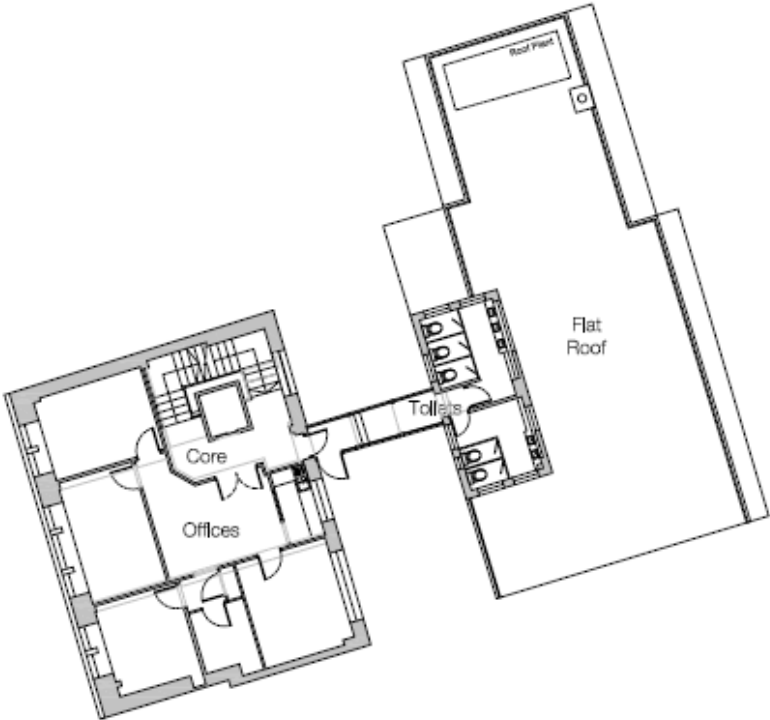
Existing ground floor plan:



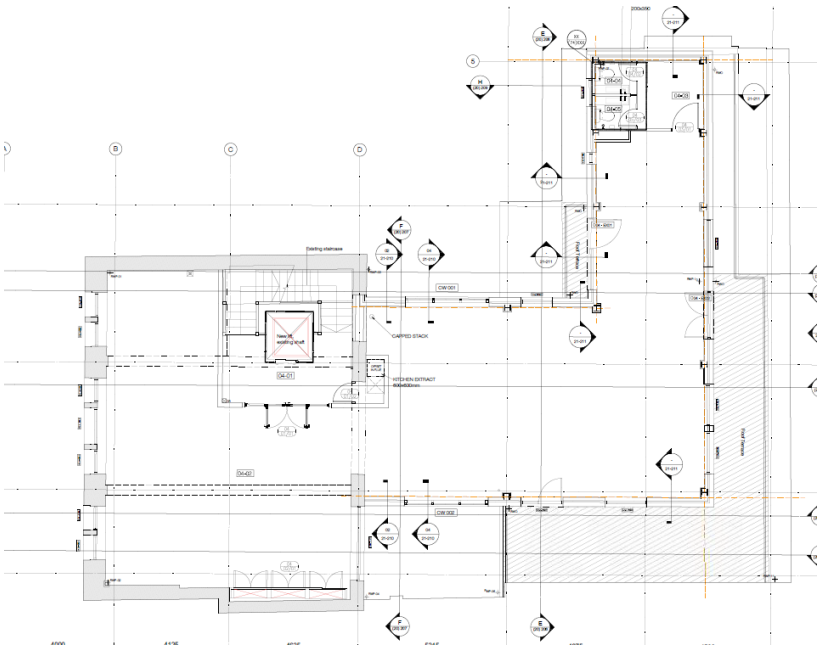
Proposed ground floor plan:



Existing fourth floor plan:



Proposed fourth floor plan:



Existing rear (Margaret Court) elevation:



Proposed rear (Margaret Court) elevation:



DRAFT DECISION LETTER

Address: 14-16 Great Portland Street, London, W1W 8QW

Proposal: Erection of an additional storey at fourth floor level at the rear on the Margaret Court frontage and widening of the link building within the central lightwell at first to fourth floor levels to extend existing office (Class B1) floorspace. External alterations including the creation of terraces at second, third, fourth and roof levels (all for use in association with enlarged office (Class B1) floorspace). Installation of screened plant at new roof level and creation of a new frontage and pedestrian access onto Margaret Court. Use of basement and rear ground floor unit as a restaurant (Class A3).

Reference: 18/02029/FULL

Plan Nos: 29023_(SK)_017, 29023_(SK)_018, 29023_(20)_101, 29023_(20)_102, 29023_(20)_103, 29023_(20)_104, 29023_(20)_105, 29023_(20)_106, 29023_(20)_200, 29023_(20)_201, 29023_(20)_202, 29023_(20)_203, 29023_(20)_204, 29023_(20)_205, 29023_(20)_206 and 29023_(20)_207.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 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 residents and the area generally as set out in S29 of

Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 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 East Marylebone 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 You must apply to us for approval of detailed drawings of the following parts of the development - new ground floor windows and doors to Margaret Court. You must not start any work on these parts of the development until we have approved what you have sent us.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone 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)

- 5 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone 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)

- 6 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces hereby approved. (C26NA)

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 East Marylebone 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)

- 7 Contrary to anything shown on or implied by the approved drawings, all terraces must be guarded by black-painted metal railings and maintained in that colour 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 East Marylebone 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)

- 8 With the exception of the two double doors, the shopfront to the restaurant (Class A3) hereby approved shall be fixed (i.e. non-opening).

Reason:

In the interests of public safety, 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 East Marylebone Conservation Area and to safeguard the amenity of occupiers of noise sensitive properties and the area generally, as set out in S25, S28, S32 and S41 of Westminster's City Plan (November 2016) and ENV 6, DES 1, DES 5, TRANS 2, TRANS 3 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

- 9 You must provide each cycle parking space shown on the approved drawings prior to occupation of the restaurant (Class A3) or extended office (Class B1) hereby approved. These cycle parking space shall be made available for all staff working in the building. Thereafter the cycle spaces must be retained and the space used for no 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 2016 (R22FA)

- 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. (R46AB)

- 11 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 10 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of

Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

- 12 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To protect neighbouring residents from noise nuisance and 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 East Marylebone Conservation Area. This is as set out in S25, S28, S29 and S32 of Westminster's City Plan (adopted November 2016) and ENV 6, ENV 7, 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.

- 13 You must provide the waste store and platform lift shown on approved Dwg No. 29023_(SK)_017 prior to the commencement of the restaurant (Class A3) use hereby approved. You must store restaurant waste in this location and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose.

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 If you provide a bar and bar seating with the restaurant (Class A3) hereby approved, it must not take up more than 15% of the floor area of the restaurant. You must use the bar to serve restaurant customers only, before, during or after their meals.

Reason:

To ensure that the proposed use does not harm the amenity of nearby residents and will protect the character of the area, as required by TACE 8 of our Unitary Development Plan that we adopted in January 2007 and S24 and S29 of Westminster's City Plan (November 2016).

- 15 Customers shall not be permitted within the restaurant (Class A3) hereby approved except during the following hours:

- Between 08.00 and 00.00 (Monday - Thursday);
- Between 08.00 and 01.00 (the following morning) (Friday - Saturday); and
- Between 08.00 and 23.00 (Sunday and Bank Holidays).

Reason:

To ensure that the proposed use does not harm the amenity of nearby residents and will protect the character of the area, as required by TACE 8 of our Unitary Development Plan that we adopted in January 2007 and S24 and S29 of Westminster's City Plan (November 2016).

- 16 Prior to the commencement of the restaurant (Class A3) use hereby approved, the high level extract shall be completed in its entirety in accordance with the approved drawings and this high level extract shall be retained in situ for the life of the development.

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)

- 17 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. (R48AA)

- 18 Prior to the commencement of the restaurant (Class A3) use hereby approved, you shall submit a detailed Servicing Management Plan for our approval. You shall not commence the restaurant (Class A3) use hereby approved until we have approved what you have sent us and the restaurant shall operate in accordance with the approved Servicing Management Plan for the life of the development.

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)

- 19 You must not sell any take-away food or drink on the premises, 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 S24 and S29 of Westminster's City Plan (November 2016) and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

- 20 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)

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 For the purpose of Condition 18, although the submitted Servicing Management Plan contains a number of sound overarching principals on minimising the impact of servicing on the highway, additional site specific detail is required.

An updated Servicing Management Plan should 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, in this case.

It should clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations. The idea of the Servicing Management Plan to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users.

- 3 Conditions 10, 11 and 12 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. (182AA)
- 4 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

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

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has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:
<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

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

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

- 5 You are reminded that this permission does not relate to the use of any of Margaret Court for al fresco dining in association with the restaurant hereby approved. A separate planning application would be required for this change of use. However, the very narrow width of Margaret Court means it is unlikely that permission would be granted for tables and chairs in this location.