

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 30 October 2018	<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>10 Berkeley Square, London, W1J 6AA</b>		
<b>Proposal</b>	Use of basement and ground floors as restaurant (Class A3), installation of external ventilation and roof top plant, installation of a new shopfront and associated works.		
<b>Agent</b>	Gerald Eve		
<b>On behalf of</b>	Berkeley Square Holdings and Amazonica UK Ltd		
<b>Registered Number</b>	18/05958/FULL	<b>Date amended/ completed</b>	23 July 2018
<b>Date Application Received</b>	16 July 2018		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		

**1. RECOMMENDATION**

Grant conditional permission
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**2. SUMMARY**

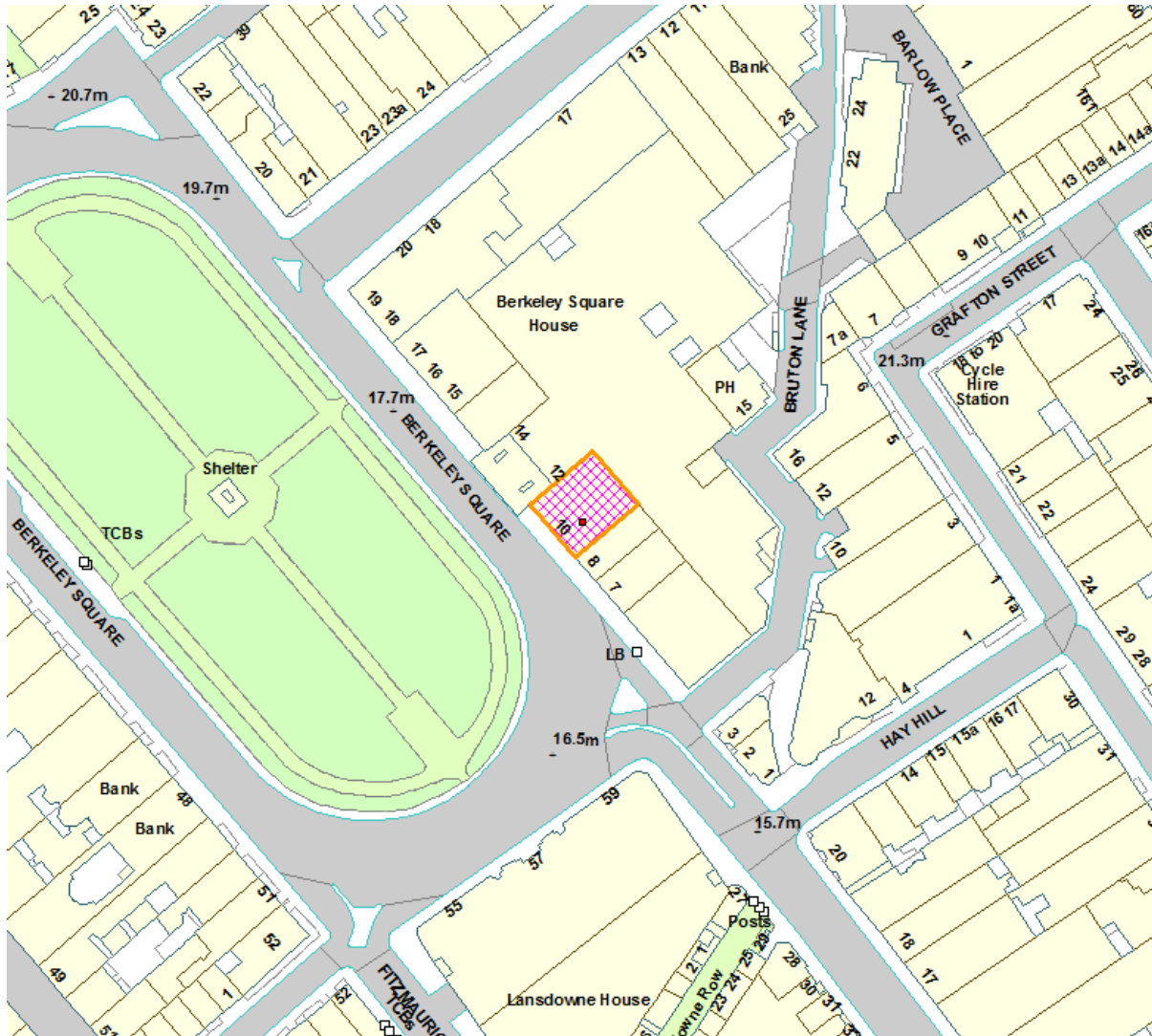
The application relates to a vacant bank (Class A2) on the lower floors of Berkeley Square House, on the east side of Berkeley Square. Permission is sought to convert the premises to a large restaurant (Class A3) which would accommodate 281 customers and would open between 07.00 until 01.00. Various works are also proposed including the installation of a new shopfront, alterations to the ground floor rear façade fronting Bruton Lane, the installation of a full height kitchen extract duct to the rear and the provision of plant on the main roof of the building. No objections have been received.

The key issues are:

- The acceptability of a new large entertainment use in land use terms
- The impact of the development upon neighbours' amenity and local environmental quality
- The acceptability of the proposed alterations in design terms

For the reasons set out in the main body of the report, subject to conditions, the proposals are considered to be acceptable and accord with relevant UDP and City Plan policies.

### 3. LOCATION PLAN



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**4. PHOTOGRAPHS**



No.10

## 5. CONSULTATIONS

### THAMES WATER

No objection: recommend the installation of a 'fat trap' and collection of waste oil by a contractor. Request informative regarding water pressure.

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

Any response to be reported verbally

### MAYFAIR RESIDENTS' GROUP

Any response to be reported verbally

### CLEANSING

Revised plans required.

### HIGHWAYS

No objection subject to conditions

### ENVIRONMENTAL HEALTH

No objection subject to conditions

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 120

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The proposal relates to a basement and ground floor unit, formerly in bank use, within Berkeley Square House. This building, on basement, ground and nine upper floors, dates from the 1930s and comprises ground floor shop units, with offices above. The unit is located towards the southern end of the building, close to the junction of Berkeley Square with Bruton Lane and Berkeley Street. The site is located within the Mayfair conservation area and the Core Central Activities Zone but is not located within an entertainment Stress Area.

There is an existing off-street servicing bay adjacent to the application unit, accessed from Bruton Lane, which serves the whole development.

The area is primarily commercial in character with a mixture of offices, shops and entertainment uses. The existing frontage between Bruton Lane and Bruton Street comprises a restaurant at no 4-6, sandwich bars at nos. 7 and 8, the application premises, the entrance to offices on the upper floors of Berkeley Square House, a restaurant at no. 12a and two car showrooms. The closest residential premises are dwelling houses at 3 Berkeley Square, and at 4 and 5 Grafton Street, and flats in Hay Hill. There is one residential block on the west side of the Square, at no 48.

## **6.2 Recent Relevant History**

None relevant.

## **7. THE PROPOSAL**

Permission is sought to convert the existing, vacant, basement and ground floor bank premises to a restaurant (Class A3).

The scheme also includes the installation of a full height kitchen extract duct, including a ground level plant screen. The duct would be clad in Portland Stone and brick to match the adjacent facing materials. It is also proposed to replace the existing shopfront and to replace existing ground floor rear windows fronting Bruton Lane. The replacement windows would include decorative fenestration and fresh air intake louvres in the upper part. An existing ground level ventilation louvre on this frontage would also be replaced.

New plant, comprising a total of 8 condensing units and plant screen is proposed on the main roof.

The application has been amended to revised details of proposed light fittings to the Berkeley Square shopfront, the originals being considered unacceptable in design and highways terms.

Proposed shopfront awnings benefit from deemed advertisement consent.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **Loss of existing Class A2 use**

The lawful use of the existing premises is for Class A2 (Financial and Professional Services). The unit was occupied as a bank but has been vacant since this used ceased in 13 November 2017. Policy S21 of the City Plan states that existing non-A1 retail uses will be protected from changing to uses that do not serve visiting members of the public and that do not have active shopfronts. As the proposed restaurant use would serve visiting members of the public and, subject to other policy considerations, there is no objection in principle to the loss of the existing use.

#### **Proposed restaurant**

This application is submitted by Berkeley Square Holdings Limited (the building freehold owner) and Amazonico UK Ltd. Amazonico is part of the Dogus Group which is responsible for, or has an interest in, several London restaurants, including Zuma and Tom's Kitchen. Amazonico, which provides 'tropically inspired' food, already operates successfully in Madrid.

The proposed restaurant opening hours are from 07.00 to 01.00 hours the following morning on Monday to Saturday and from 07.00 to 24.00 (midnight) on Sundays

The unit measures 1,141 sqm. The front of house reception, dining areas and bar and kitchens and customer WCs would occupy the ground floor (802 sqm). The food preparation, storage, washing-up facilities, refuse stores, glass compactors and staff facilities would be located in the basement (339 sqm). There would be no customer access to the basement.

The restaurant would accommodate a total of 281 customers (258 diners plus 23 seats for customers waiting in the bar area). This figure does not include any seating outside of the premises, which would require separate planning approval. The applicants have provided information to show that the proposed customer: floorspace ratio (excluding the bar seating) is comparable with that at other high-end restaurants in the area and represents a less intensive use than at some other neighbouring restaurants.

The bar would occupy 15% of the total floor area. The bar would only serve customers before, during or after their meals.

UDP policies TACE 8-10 are applicable to the consideration of entertainment uses and aim to control the location, size and nature of the operation in order to safeguard residential amenity, environmental quality and the established character and function of the area, whilst acknowledging that such uses provide a service to people living in, working in and visiting the City and contribute to its role as an entertainment centre of national and international importance. In general terms, those premises with the greatest floor area have the potential to attract the largest attendances, with a corresponding potential impact on noise and disturbance, adversely affecting residents' amenity, local environmental quality, and adversely affecting the character and function of an area. Given the size of the proposed restaurant unit, UDP policy TACE 10 is applicable. This states that permission will only be granted for large entertainment uses, of 500 sqm or more, in exceptional circumstances. City Plan policy S24 requires proposals for new entertainment uses 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. It also states that new large-scale late-night entertainment will not generally be appropriate within Westminster.

Where it can be demonstrated that a large entertainment use would not cause demonstrable harm, it has been accepted that this can constitute exceptional circumstances.

The closest restaurants/bars to the application site are:

- 'Sexy Fish' at 4-6 Berkeley Square: (part of Berkeley Square House). Permitted opening from 07.00 to 00.30 on Monday to Saturday and 08.00 to 00.30 on Sundays. Capacity 235 customers (807 sqm).

When permission was granted for this use in 2014, extended opening hours until 02.00 on Monday to Saturday and until 01.00 on Sunday were permitted for a 1 year trial period from the date of opening (of which the Council was to be notified). The restaurant appears to be operating with these extended hours, however there is no record of any

notification of the premises opening or of any subsequent application having been made to operate during these extended opening hours on a permanent basis (although the later hours are permitted under the current premises licence). An application to regularise these extended hours is anticipated.

- 'Benares' at 12a Berkeley Square: (part of Berkeley Square House). Open 12.00 to 14.30 and 17.30 to 23.00 Monday to Saturday and closed on Sundays (although its licence permits opening until 01.30 hours Monday to Sunday)
- 'Hakkasan' 17 Bruton Street (also part of Berkeley Square House) opening 08.00 to 1.30 hours the following morning on Sundays to Wednesdays and 08.00 to 02.30 the following morning on Thursday to Saturday
- 'Fifty9' at 59 Berkeley Square (a cocktail bar that also provides some food) Its licence permits opening until 03.30 on Monday to Saturday and 01.00 on Sunday (although the advertised opening hours are midnight on Monday, 01.00 on Tuesday, 02.00 on Wednesday/Thursday, 03.00 on Saturday, with the premises closed on Sundays but available for private hire).
- 20 Berkeley Street; restaurant. Capacity 102 customers. Opening 07.00 to 23.30 Monday to Wednesday; 07.00 to 24.00 hours on Thursday to Saturday and 08.00 to 23.00 on Sundays and Bank Holidays.
- 'Bocconcino' 19 Berkeley Street alternative schemes for restaurant uses (of 496 or 547 sqm) on lower ground and ground floors for either 115 or 127 customers; Opening 07.30 to 00.30 on Monday to Friday; 09.00 to 00.30 on Saturdays and 11.00 to 00.30 on Bank Holidays and 11.00 to 23.30 on Sundays.

There is also a traditional public house at the rear of the site, 15 Bruton Lane, and there are other entertainment uses on the west and north sides of Berkeley Square (including Annabel's nightclub), and to the south of the site in Berkeley Street.

As detailed above, the site is located within a predominantly commercial area. The closest residential property is a dwelling house (approved in November 2014) at 3 Berkeley Square. The applicant's view is that this use may not have been implemented as there are no Council tax records relating to a residential use. However, works have been carried out in association with the implementation of the residential permission, including the installation of a number of windows in the side (previously blank) elevation. The approved plans show that these windows serve a study, an en-suite bathroom and dressing rooms (rather than bedrooms). There are also new dwelling houses at 4 and 5 Grafton Street, which backs on to Bruton Lane.

The supporting text to UDP policies TACE 8-10 states that as a general rule 'in predominantly residential areas' planning conditions will be imposed so that no customers will be allowed to remain on the premises after midnight on Sundays (other than those immediately preceding Bank Holidays) to Thursdays, and after 12.30 am on Friday and Saturday nights and on Sundays immediately preceding Bank Holidays. An earlier closing time may be sought where there are residential uses in immediate proximity. However, the Environmental Health officer has confirmed that the proposed



terminal opening hour, until 01.00 hours, is consistent with the hours of restaurant operation permitted under Westminster's Statement of Licensing policy.

Although proposed opening hours, until 01.00 hours on Monday to Friday and 00.30 on Sunday exceed the stated hours within the UDP, for predominantly residential areas, Berkeley Square is a largely commercial area, where later opening hours have been permitted. The applicants state that their proposed opening hours have regard to the permitted opening hours for the neighbouring restaurant at 4-6 Berkeley Square (until 00.30 hours each day) and are designed to ensure that the final customers do not leave both restaurants at the same time.

In this location, which is further away from the approved dwelling house at 3 Berkeley Square than the existing restaurant at 4-6 Berkeley Square, the proposed opening hours are considered acceptable. The submitted plans also show an entrance lobby, which would help ameliorate potential noise outbreak. The installation and retention of this lobby can be controlled by condition. Additionally, in order to control noise disturbance conditions are recommended requiring all restaurant windows fronting Bruton Lane to be fixed shut and to restrict all customer access/egress to the Berkeley Square entrance, other than in case of emergency. The staff access is onto Bruton Lane.

The application is supported by a draft Operational Management Plan which includes detailed measures regarding the management of the premises and restaurant customers and staff (including smokers) in order to ameliorate potential noise disturbance arising from the use. Whilst the measures detailed are generally acceptable, the OMP requires updating to include:

- i) measures for keeping the pavements clear of customer cigarette ends and to confirm that customers smoking outside of the premises, (who will be accompanied by a restaurant doorperson), will be restricted to the Berkeley Square frontage
- ii) details of the earliest and latest delivery times. The OMP confirms that most deliveries will take place in the afternoon but that there will some 'off-peak' morning deliveries. Further details including confirmation of the earliest time, number and frequency of any early morning deliveries will be required.
- iii) details of the times of scheduled waste collection times, which are to be undertaken by private contractors
- iv) an obligation to install and retain an entrance lobby to control noise outbreak.

The submission of a finalised OMP would be secured by condition.

The Council's Environmental Health Officer has recommended a number of conditions relating to the installation of sound limiters given that the applicants have confirmed that amplified music will be played in the restaurant bar/lounge. However, as the remainder of the building is in commercial use, given the distance of the restaurant from the closest residential property at 3 Berkeley Square and subject to conditions to prevent any music being played that is audible outside the premises and requiring all doors/windows to be kept shut, it is not considered that the imposition of these additional conditions would be reasonable. Such controls are more appropriate for any future Licensing application.



Although there are other entertainment uses in the vicinity of the site, it is not considered that the proposed use, either individually or in terms of any cumulative impact, would be harmful to the character and function of this part of Mayfair, particularly given the dispersed nature of these entertainment uses. There have been no objections to the application and, subject to appropriate controls, it is not considered that the proposed restaurant use would have an adverse impact on neighbours' amenities or local environmental quality and the proposed use is therefore considered acceptable.

## 8.2 Townscape and Design

The building, on basement, ground and up to nine upper floors, dates from circa 1938 and is an austere design faced with Portland stone and light-brown brickwork. It stands on the east side of Berkeley Square in the Mayfair Conservation Area. There are numerous listed buildings in the vicinity of the site and the Bruton Lane façade faces the rear of Grade I listed buildings in Grafton Street.

At street level there have been numerous alterations to the shopfronts and the main entrance over the years, and the entire building has replacement windows. Consequently, it has the look of a much newer building.

The proposed granite cladding is contained within the architectural framework of the building at ground floor level and is similar to that of adjacent shopfronts. Likewise, the wall mounted lamps, which have been revised to reduce their size and to improve their design, will suit the appearance of the building.

The proposed extract duct is acceptable in the intended location subject to its cladding matching the adjacent brickwork and the proposed alterations to the windows facing Bruton Lane are acceptable in design terms.

The alterations accord with City Plan policies S25 and S28 and UDP policies DES 1, DES 5, DES 8, DES 9 and DES 10, and will maintain the character and appearance of the surrounding conservation area and the setting of nearby listed buildings.

The proposed awnings are acceptable as proposed, and with non-illuminated advertisements they have 'deemed consent' and therefore fall outside the scope of the planning application.

## 8.3 Amenity

### Plant

Policies ENV 6 and ENV 7 of the UDP and S32 of the City Plan seek to protect occupants of neighbouring noise sensitive properties from the impact of noise from new development, including from plant. The scheme includes proposals for new roof level plant, including new refrigeration plant, with two condensing units at the rear of the roof at ninth floor level to the north-west of an existing two storey plant room and a further six units to the west of the existing plant room on a low deck concealed by a 2m high plant screen; a new extract fan located towards the centre of the roof and a full height kitchen extract duct to the rear of the site, with a brick enclosure.

The application is accompanied by an acoustic report which confirms that the proposed plant will satisfy Council noise standards. The Council's Environmental Health officer has reviewed the application and has raised no objection subject to standard conditions to control noise and vibration and a requirement to provide and maintain the entrance lobby.

The proposed arrangements for the dispersal of cooking fumes are considered satisfactory given the height of the building in relation to neighbouring properties, subject to conditions.

## **8.4 Transportation/Parking**

### **Highway obstruction (shopfront alterations)**

The Highways Planning Manager objected to the original submission on the grounds that the proposed ball light fittings on the front façade left insufficient clearance over the public highway (both vertically and horizontally). The design of the light fittings has since been revised. They overhang the highway at a height of 2.15m and 2.27m above the pavement. Whilst such fittings should provide a minimum 2.6m clearance over the highway, as they project only 0.2m from the face of the building, they are highly unlikely to affect pedestrian movement and are therefore considered acceptable on highways grounds.

### **Servicing**

Policies S42 of the City plans and TRANS 20 of the UDP require developments to provide adequate off-street servicing. The new restaurant would utilise the existing off-street servicing area, accessed from Burton Lane, which serves the whole of Berkeley Square House. This servicing area has been included within the revised plans to address the concerns of the Highways Planning Manager. There is an internal link between this servicing area and the restaurant via a basement servicing corridor.

It is estimated that the restaurant will generate 14 deliveries and servicing trips each day. These vehicles will already be on the road network as they also service the 10 other restaurants in the common ownership of the applicant. Most deliveries would be scheduled to take place in the afternoon, when there is minimal delivery activity, with a small number of deliveries at 'off peak' hours.

The draft Operational Management Plan confirms that all site servicing will take place off-street. The Highways Planning Manager has raised no objection to the servicing proposals subject to the submission and approval of a Servicing Management Plan to identify, amongst other things, the delivery process and storage locations, scheduling of deliveries, type of vehicles and staffing to demonstrate that the servicing demands of the proposed restaurant can be accommodated within this shared servicing area. The submission of a SMP would be secured by condition.

### **Parking/trip generation**

No car parking is provided for the proposed use. The site is within a Controlled Parking Zone which means that anyone who does drive to the site will be subject to those

controls. However, the site is in a central location with good public transport links and it not considered that the proposal is likely to have a significant impact on on-street parking demand in the area.

Any additional vehicles visiting the site, including taxis, can be accommodated in this busy central area without detriment to the operation of the local highway network.

### **Cycle parking**

London Plan standards would require the provision of 7 cycle parking spaces in association with the proposed use. These cycle spaces should be accessible, covered and secure. Although the submitted Planning statement confirms that 14 cycle spaces will be provided, together with staff showers and secure lockers, these are not shown on the submitted plan. A condition is recommended requiring the submission of revised plans showing these spaces.

## **8.5 Economic Considerations**

Any economic benefits generated by the proposal are welcomed the applicants estimate that the restaurant would employ approximately 70 staff in total

## **8.6 Access**

Level access will be provided from Berkeley Square and all customer WCs, including wheelchair-accessible facilities, are at ground floor level. The submitted Design and Access Statement conforms that there is an internal level change of approximately 500m and that a platform lift will be provided to accommodate this change, details of which are secured by condition.

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

### **Waste**

The restaurant would have access to the central waste facility provided by the building owner. This has adequate space to accommodate additional waste and recyclable materials generated by the proposed restaurant. Refuse would be transferred at scheduled times from the basement store to the loading bay, via the goods lift and will be collected by a private contractor.

The Project Manager (Waste) has requested the submission of revised drawings with bins for general waste, food waste, recyclable material and waste oil marked in accordance with Council protocols. A condition is recommended requiring the submission of revised plans.

## **8.8 Neighbourhood Plans**

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**

The application does not trigger any planning obligations

### **8.12 Environmental Impact Assessment**

Environmental Impact issues have been covered elsewhere in this report.

### **8.13 Conclusion**

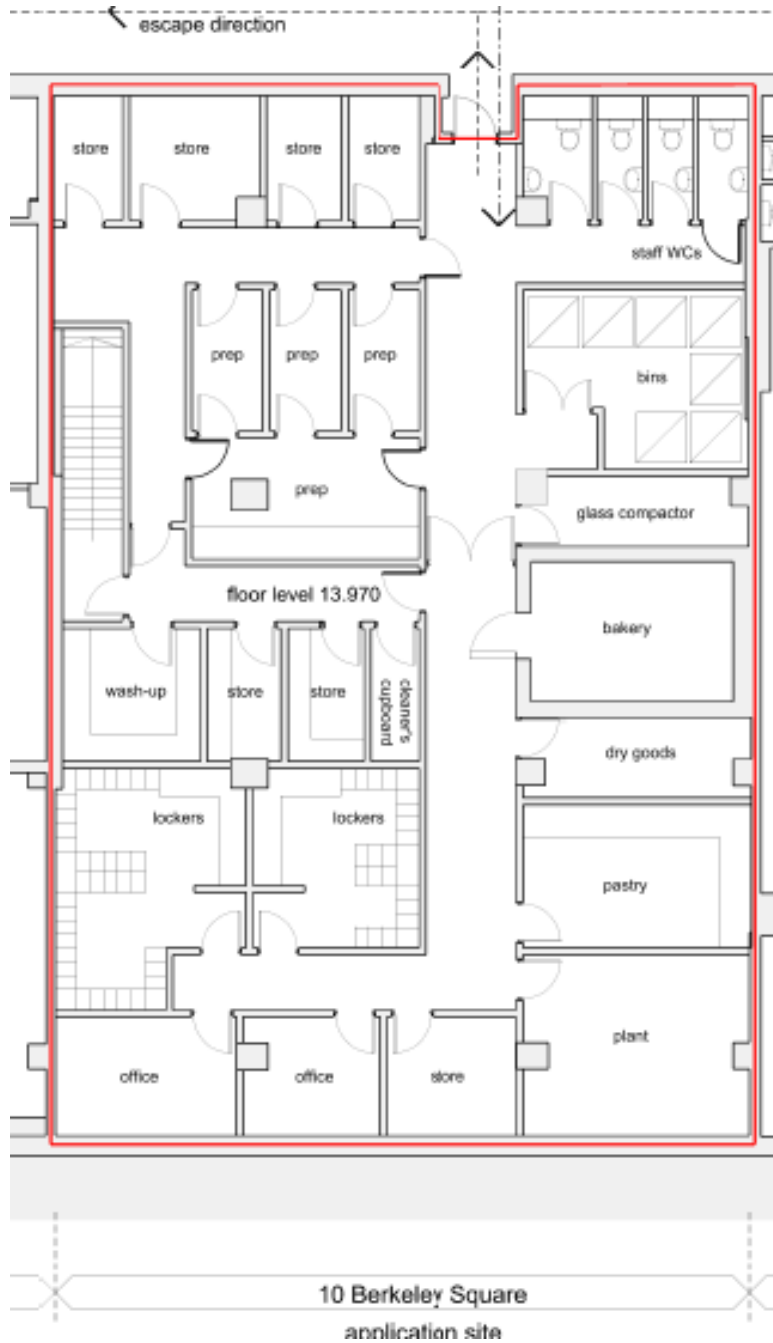
The introduction of a large entertainment use in this location is considered acceptable on the basis that, subject to appropriate operational controls, it would not result in any demonstrable harm to the character and function of the area or to the amenity of neighbouring occupiers or to local environmental quality. The revised proposals are considered acceptable in design terms and it is not considered that the scheme would have any adverse impact upon the operation of the local highway network. Consequently, the application is recommended for approval.

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

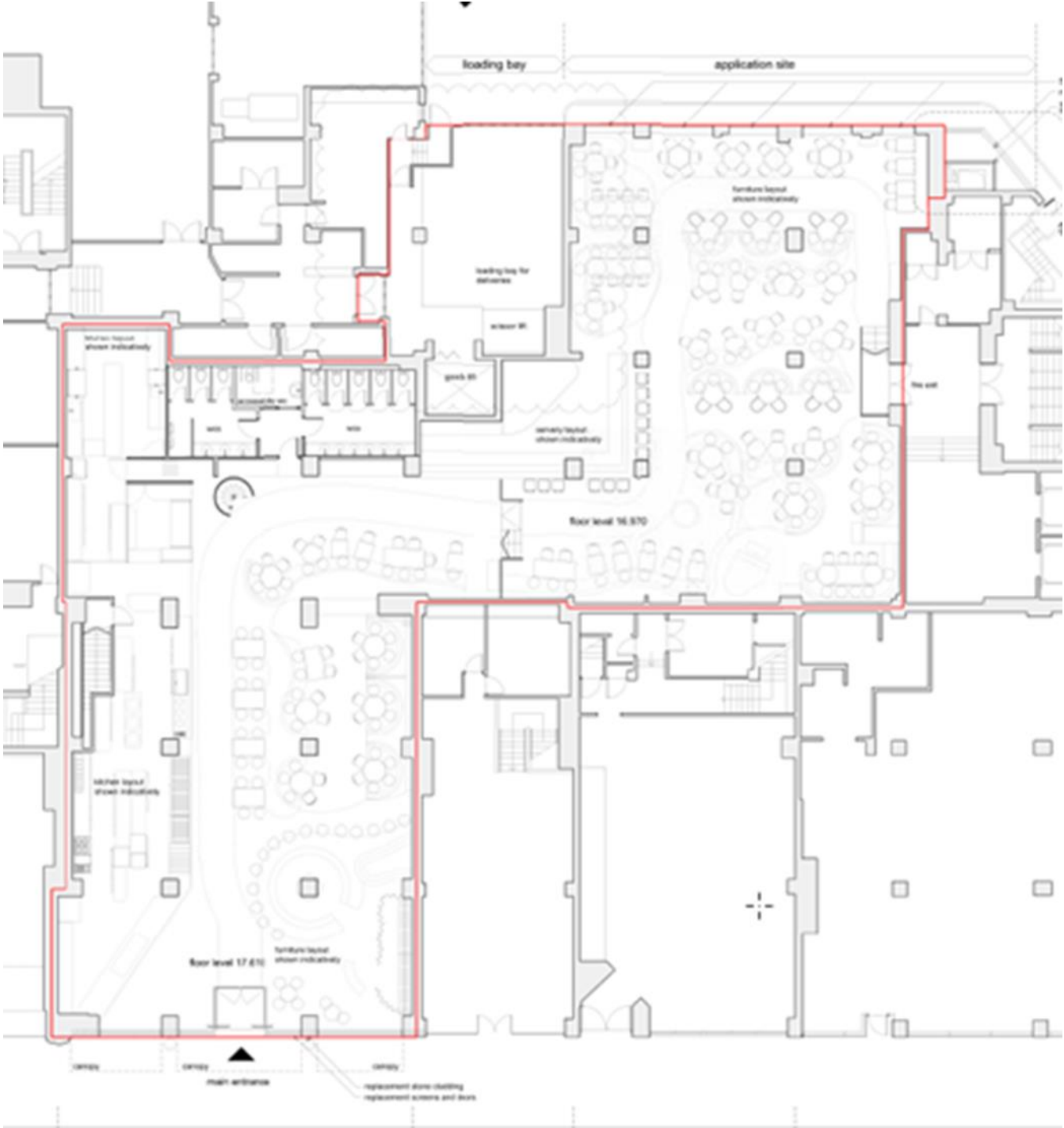
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT [jpalme@westminster.gov.uk](mailto:jpalme@westminster.gov.uk)

9. KEY DRAWINGS

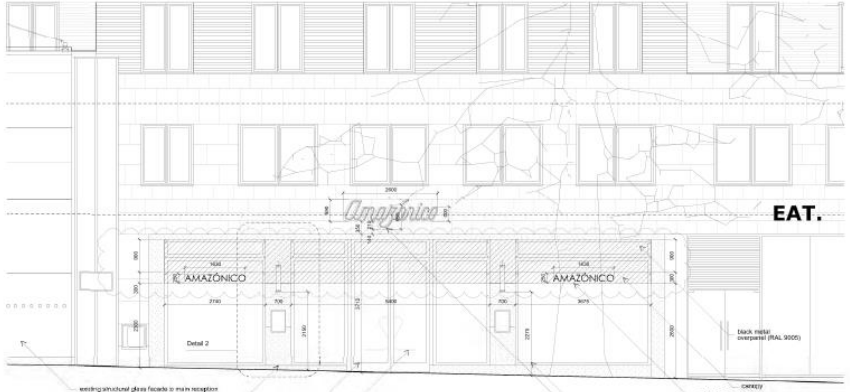
Proposed basement plan extract



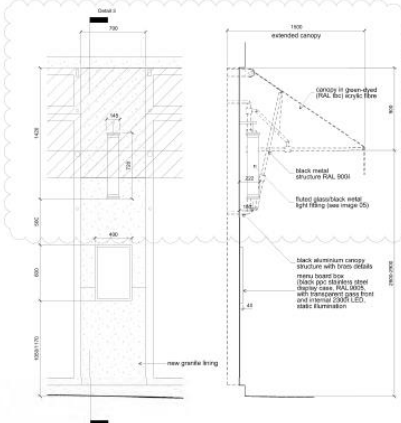
Proposed ground floor plan extract



## Proposed shopfront



**01** Berkeley Square Elevation  
SCALE 1:50



**02** Column Detail, Elevation  
SCALE 1:20

**03** Column Detail, Section  
SCALE 1:20

GENERAL NOTES:  
DO NOT SCALE DRAWING. USE DIMENSIONS ONLY.  
ALL DIMENSIONS TO BE CHECKED ON SITE (DISCREPANCIES TO BE NOTIFIED IMMEDIATELY TO THE ARCHITECT).  
FOR STRUCTURAL DIMENSIONS AND SETTING OUT SEE STRUCTURAL DRAWINGS OTHERWISE.  
ALL INFORMATION SUBJECT TO STATUTORY APPROVALS BEING OBTAINED.  
INFORMATION NOT TO BE USED OTHER THAN AS DEFINED BY THE DRAWING SETS.

NO.	DESCRIPTION	DATE	BY	CHKD.
1	Issue for Planning	05/01/2018	JM	AM
2	Issue for Planning	05/01/2018	JM	AM
3	Issue for Planning	05/01/2018	JM	AM
4	Issue for Planning	05/01/2018	JM	AM
5	Issue for Planning	05/01/2018	JM	AM
6	Issue for Planning	05/01/2018	JM	AM
7	Issue for Planning	05/01/2018	JM	AM
8	Issue for Planning	05/01/2018	JM	AM
9	Issue for Planning	05/01/2018	JM	AM
10	Issue for Planning	05/01/2018	JM	AM



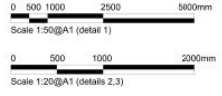
**04** Shopfront, indicative reference image (disregard light fittings)  
NOTE



**05** Light Fitting, indicative reference image  
NOTE



**06** Illuminated signage, indicative reference image  
NOTE



**MJP**  
ARCHITECTS

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email: mj@mjarchitects.co.uk web: www.mjarchitects.co.uk  
RSP Architects Ltd Registered Architect No. 02101719

Client: Private Client

Project: 10 Berkeley Square

Proposed Shopfront Elevation  
Berkeley Square

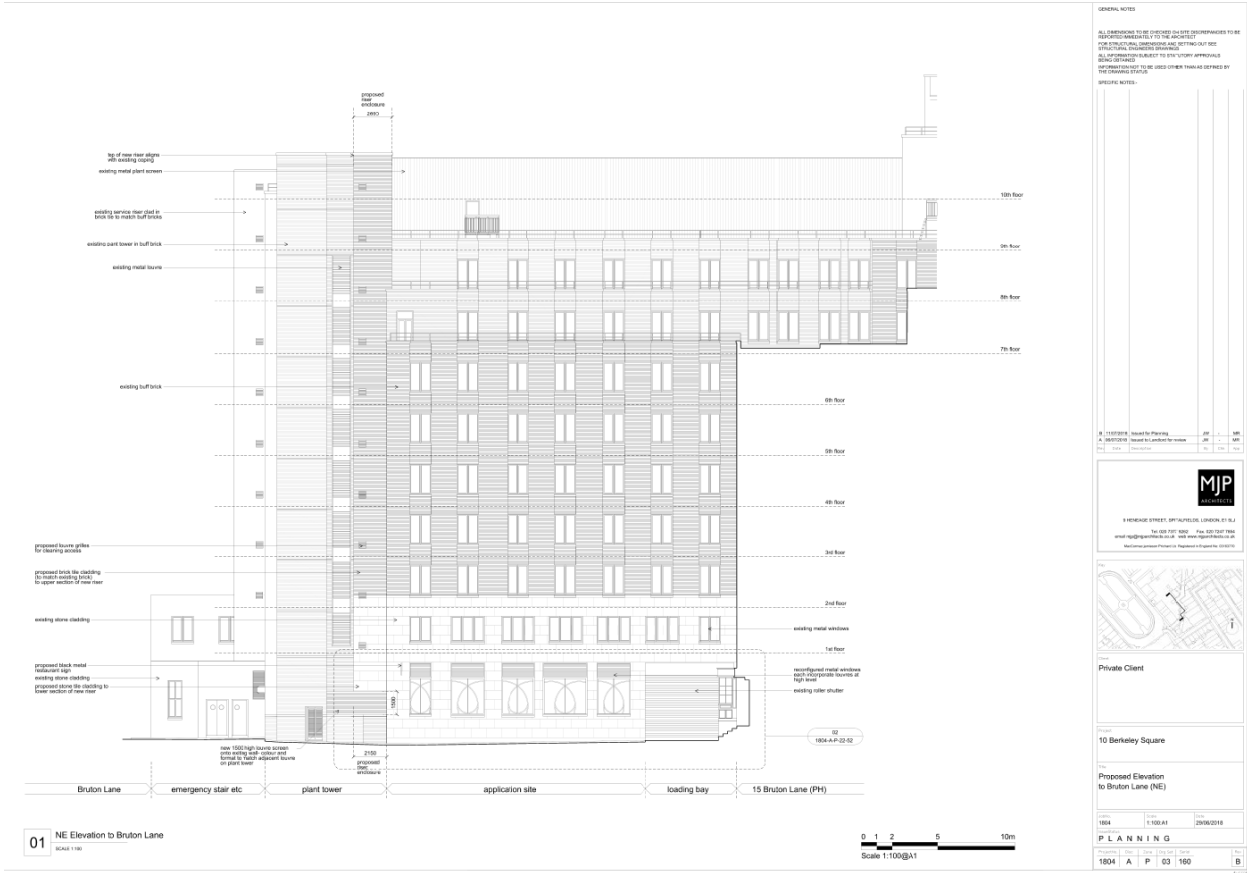
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**P L A N N I N G**

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1804	A P 22 51	JM	AM



### Proposed rear elevation



**GENERAL NOTES**

ALL DIMENSIONS TO BE CHECKED ON SITE (DIMENSIONS TO BE VERIFIED IMMEDIATELY TO THE ARCHITECT)

DATE OF THIS DRAWING: 2018/06/20 09:30 AM

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ALL DIMENSIONS TO BE CHECKED ON SITE (DIMENSIONS TO BE VERIFIED IMMEDIATELY TO THE ARCHITECT)

DATE OF THIS DRAWING: 2018/06/20 09:30 AM

**SPECIFIC NOTES**

1. TO BE CHECKED ON SITE

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1804	1	100	A1	2018	06/20
1804	A	P	03	160	B



Private Client

10 Berkeley Square

Proposed Elevation to Bruton Lane (NE)

1804	1	100	A1	2018	06/20
1804	A	P	03	160	B

**DRAFT DECISION LETTER**

- Address:** 10 Berkeley Square, London, W1J 6AA
- Proposal:** Use of basement and ground floors as restaurant (Class A3), installation of external ventilation and roof top plant, installation of a new shopfront works and associated works.
- Reference:** 18/05958/FULL
- Plan Nos:** 1804-A-P-03/150 Rev B, 151 Rev C, 152 Rev A, 155 Rev B, 160 Rev B, 161 Rev B, 162 Rev D; 1804-A-P-22/10 Rev B, 51 Rev D (excluding image 4), 52.

**Case Officer:** Sara Spurrier

**Direct Tel. No.** 020 7641 3934

**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 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 You must not sell any hot food take-away or drink on the premises, nor operate a delivery service or permit a delivery service to be operated, 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 TACE 10 of our Unitary Development Plan that we adopted in January 2007, and because of the special circumstances of this case. (R05BB)

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

Reason:

To 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: Strategic

Policies adopted November 2013 and TACE 10 of our Unitary Development Plan that we adopted in January 2007.

5 You must not allow more than 281 customers into the property at any one time, including customers seated at the bar. (C05HA)

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

6 The enclosed entrance lobby shown on drawing number 1804-A-P-03/151 Rev C hereby approved shall be fully constructed before the restaurant use commences and thereafter permanently maintained.

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 All windows to the restaurant shall be kept closed at all times and all doors shall be kept closed except for access/egress

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)

8 You must not play live or recorded music on your property that will be audible externally

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007

9 The design and structure of the development shall be of such a standard that it will protect residents in neighbouring 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. (R49BA)

10 Customers shall only be permitted within the restaurant premises during the following hours:

Mondays to Saturdays: 07.00 - 01.00 hours the following morning (excluding public holidays and Bank Holidays) and;

Sundays, public holidays and Bank Holidays: 07.00 - 24.00 (midnight)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32

of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007

11 You must apply to us for approval of a revised Operational Management Plan which also includes measures to control smokers congregating outside the premises and to keep the pavements clear of cigarette ends, details of the earliest and latest delivery times, including confirmation of the number and frequency of any early morning deliveries, details of the times of scheduled waste collection times and an obligation to install and retain an entrance lobby to control noise outbreak.

You must not commence the restaurant use until we have approved what you have sent us. You must then manage the premises according to the revised Operational Management Plan.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007

12 The high level extract duct shown on the approved drawings shall be fully installed before the restaurant use commences and thereafter maintained for as long as the premises are used as a Class A3 restaurant.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

13 (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)

14 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)

15 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the 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)

16 No goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall be accepted or despatched if unloaded or loaded on the public highway. You may accept or despatch such goods only if they are unloaded or loaded within the curtilage of the building. (C23BA)

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)

17 You must apply to us for approval of a Servicing Management Plan that fully identifies the process, storage locations, scheduling of deliveries and staffing. You must not commence the restaurant use until we have approved what you have sent us. You must then manage the premises according to the approved Servicing Management Plan.

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)

18 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)

19 You must apply to us for approval of details of secure cycle storage for the use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

20 You must apply to us for approval of detailed drawings/other details of how you will give people with disabilities access into the restaurant. These drawings must include full details of the internal platform lift referred to in the Design and Access Statement. You must not commence the restaurant use until we have approved what you have sent us and the work has been carried out the work according to the approved drawings.

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)

21 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)

22 The kitchen extract duct hereby approved shall be clad in materials to match the adjacent

brick/stone prior to the commencement of the restaurant use and these cladding materials shall be maintained for as long as the duct remains in situ.

**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)

23 All restaurant customer must enter/leave the premises via the main Berkeley Square entrance except in the case of emergency

**Reason:**

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007

24 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 the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

**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 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)

5 You may need separate licensing approval for the premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)



6 Conditions 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 All kitchen extract must be fitted with doors/hatches for cleaning. at 3m intervals, complying with safe access standards.

8 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)

9 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

10 Thames Water recommends the installation of a 'fat trap' in all catering establishments, which must be properly maintained. In line with best practice for the disposal of fats, oils and grease, they also recommend the collection of waste oil by a contactor, particularly for recycling for the production of bio diesel. Failure to implement these recommendations may result in the application site and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.

11 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water's pipes. You are advised to take account of this minimum pressure in the design of the development.

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.