

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 30 April 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved West End	
Subject of Report	1-8 Bateman's Buildings, London, W1D 3EN,		
Proposal	Use of the lower ground, ground and first floor levels as a single restaurant (Class A3); installation of plant with associated screening at main roof level and in the rear lightwell; installation of high level extract ductwork; new shopfront at ground floor level and associated external alterations.		
Agent	Gerald Eve LLP		
On behalf of	Corbin & King Restaurant Group Limited		
Registered Number	19/00237/FULL	Date amended/ completed	18 January 2019
Date Application Received	11 January 2019		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

1-8 Bateman's Buildings comprise basement, ground and first to third floor levels on the eastern side of Bateman's Buildings. The property is currently used entirely as office accommodation (Class B1). The property is not listed but is located within the Soho Conservation Area, the West End Stress Area and the Core Central Activities Zone.

Planning permission has previously been granted in September 2016 for the use of the lower, ground, ground and first floors as two restaurants. Permission is now sought for the use of the lower floors as a single restaurant premises with associated plant and extraction duct and a new shopfront on the Bateman's Buildings elevation.

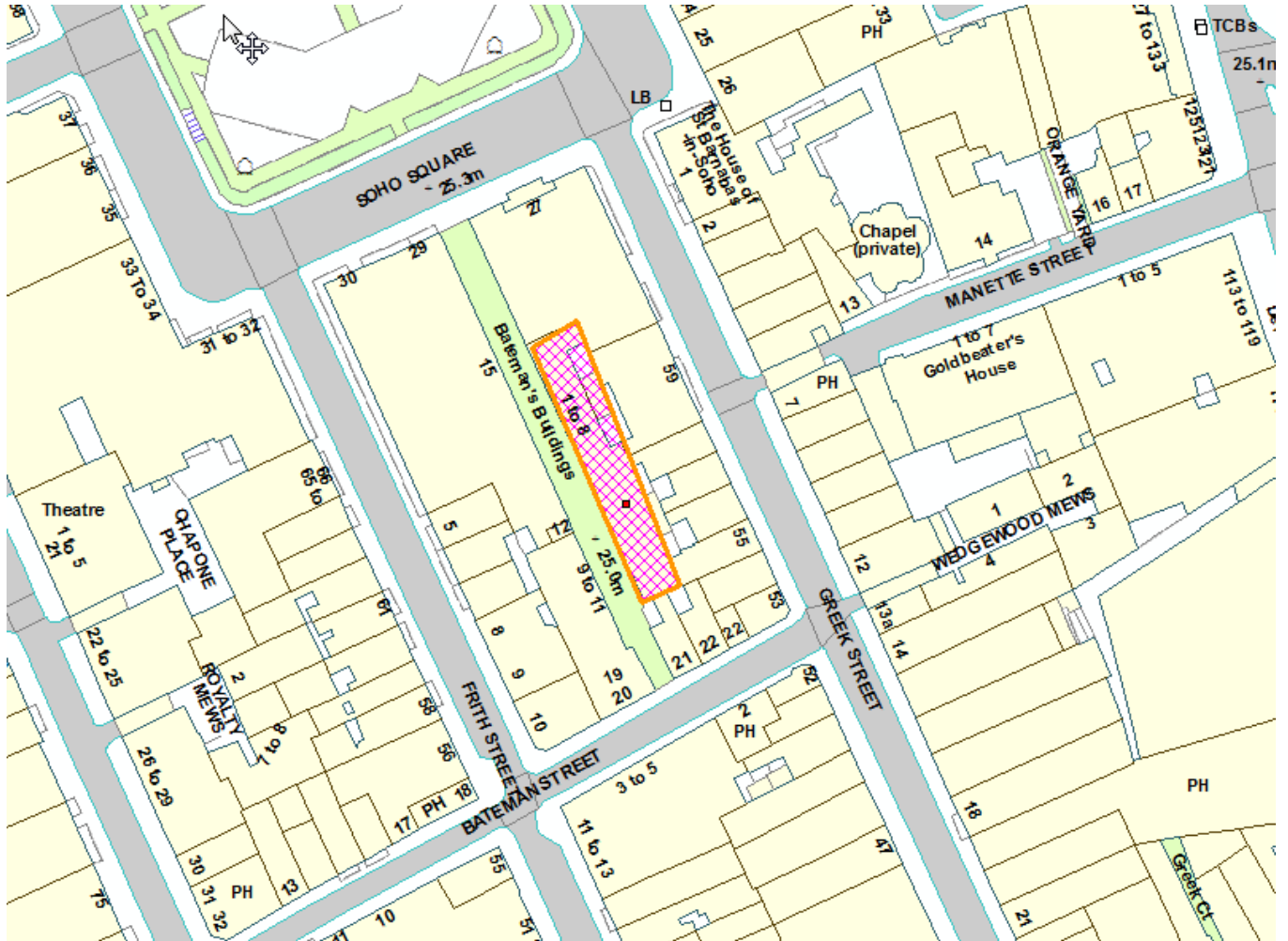
The key issues are:

- The principle of a large restaurant use within the West End Stress Area and its impact on the amenity of nearby sensitive occupiers.

- The impact of the proposed external alterations on the character and appearance of the Soho Conservation Area.

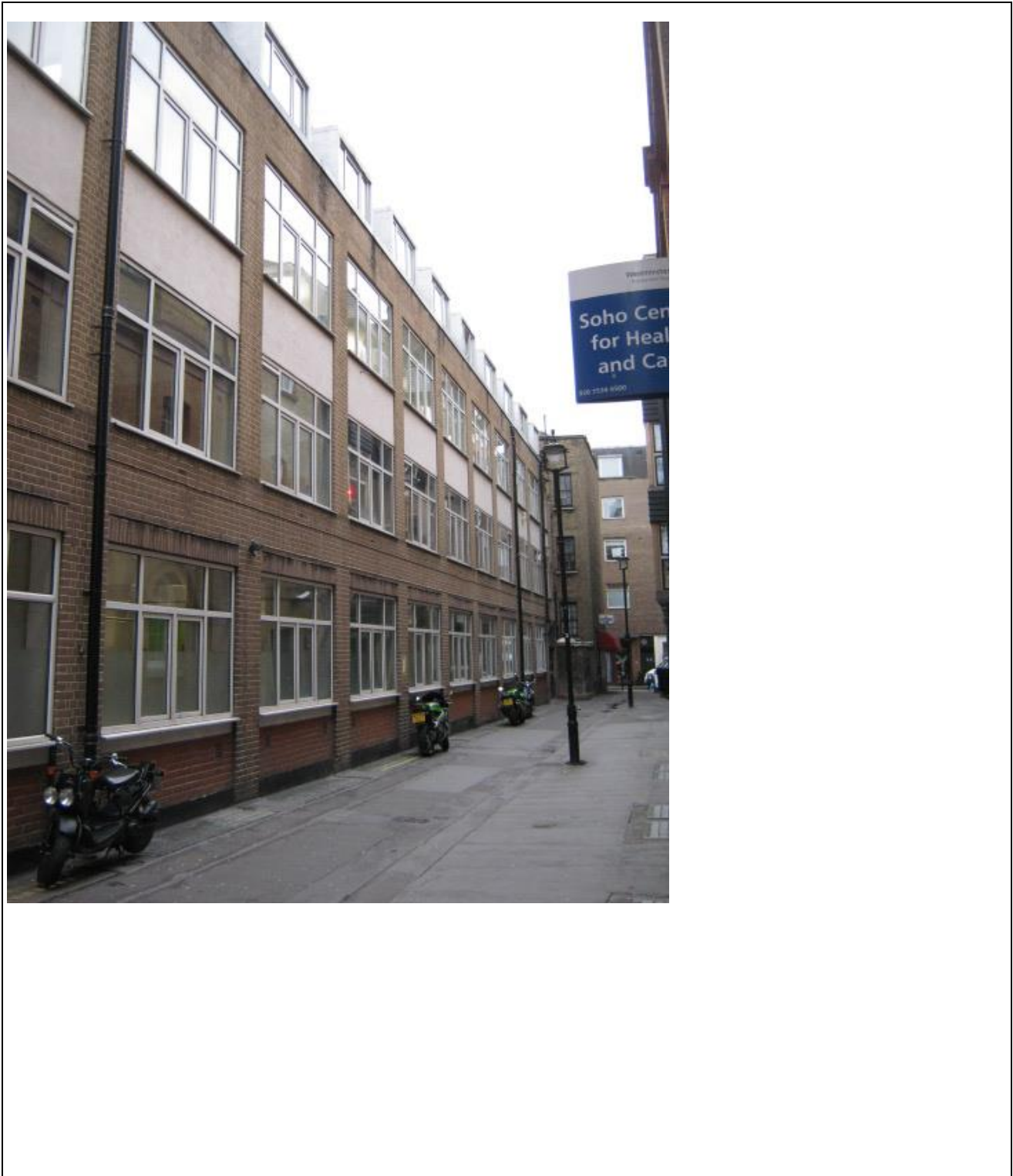
Subject to appropriate conditions it is considered the proposed restaurant use will be acceptable in terms of its impact upon residential amenity in the vicinity. Furthermore, the proposed external alterations are considered to preserve the character and appearance of the Soho Conservation Area. The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

3. LOCATION PLAN



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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.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 75

Total No. of replies: 1

No. in support: 1

Letter of support on the following grounds:

Increased security and footfall in Bateman's Buildings will help mitigate the current anti-social behaviour in the area.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

1-8 Bateman's Buildings is an unlisted office building comprising lower ground, ground and first to third floor levels. Bateman's Buildings is a short pedestrianised street running on a north – south axis leading from Soho Square to the north down to Bateman Street to the south. The street mainly comprises back entrances to properties fronting Greek Street to the east and Frith Street to the west. The property is located within the Soho Conservation Area, Core Central Activities Zone and the West End Stress Area.

6.2 Recent Relevant History

Planning permission was granted on the 20 September 2016 for the; 'extensions at rear lower ground and ground floor levels to 1-8 Bateman's Buildings associated with the use of lower ground, ground and first floor levels as two restaurants (Class A3); the installation of plant within an enclosure at roof level, a high level extract duct on the rear elevation and new shopfronts to the Bateman's Buildings elevation.'

A condition was imposed ensuring that the two separate restaurant premises could not be amalgamated.

Planning permission was granted on the 8 December 2015 for; 'partial demolition and external alterations to 1-8 Bateman's Buildings associated with the use of lower ground and ground floor levels as two restaurants (Class A3), office (Class B1) and residential (Class C3) accommodation; and use of the first, second, third and fourth floors for office (Class B1) and residential accommodation (Class C3) to provide five residential units. Associated external alterations including the creation of two terraces at main roof; the installation of plant within an associated enclosure at roof level, the installation of a high level extract duct and the installation of a new shopfront to 55 Greek Street.'

Neither of these planning permissions has been implemented.

7. THE PROPOSAL

The existing office accommodation at 1-8 Bateman's Buildings is currently vacant, permission is sought for the conversion of the property, comprising basement, ground and first floor levels to a new single restaurant unit. Plant with associated screening is also proposed to be installed on the roof of the building and within the rear lightwell at basement level between the Bateman's Buildings property and 55 Greek Street. It is also proposed to install a high level extract duct in the rear lightwell and for the installation of a new ground floor shopfront along the Bateman's Buildings elevation.

Existing and Proposed land use table:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office	998	0	-998
Restaurant	0	998	+998
Total	998	998	998

Proposed Restaurant Use Table:

	Approved restaurants	Proposed restaurant
Restaurant floor space (sqm)	950sqm	998sqm
No. of covers	266	241
Hours of Operation	07:00 to 23:30 on Mondays to Thursdays; 07:00 till midnight on Fridays and Saturdays; 07:00 to midnight on Sundays immediately prior to Bank Holidays and 07:00 to 22.30 on other Sundays.	07:00 till 24:00 (midnight) Monday to Sunday
Ventilation arrangements	New kitchen extract to be routed externally to terminate at high level.	New kitchen extract to be routed externally to terminate at high level.
Refuse Stores	Relevant conditions included.	Relevant conditions included

The main difference between the consented application and the current application, is one restaurant is proposed over 998sqm, rather than two restaurants over 950sqm.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

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

Proposed restaurant

The proposed single restaurant unit would measure 998sqm over the basement, ground and first floor levels of the property. An entertainment unit of this type and size located within the Core Central Activities Zone and the West End Stress Area would be considered against Policies TACE10 of the UDP and S24 of the City Plan.

Policy S24 of the City Plan states that 'new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts, and that they do not adversely impact residential amenity, health and safety, local environmental quality and the character and function of the area'. The policy also states that new large scale late night entertainment uses measuring in excess of 500sqm, will not generally be appropriate within Westminster.

Policy TACE 10 of the UDP is also applicable and this states that entertainment uses over 500sqm will only be permissible in 'exceptional circumstances'.

The principle of a restaurant use in this location has been accepted on two previous occasions. The main difference between the consented applications and the current application is that the floorspace is to be used as a single restaurant. The proposed operator is Corbin And King who operate several other restaurants in the West End, namely The Wolseley, Brasserie Zedel, the Delaunay etc.

The site is located within the Core CAZ which is identified within Policy S6 of the City Plan as being an appropriate location for a range of commercial uses. The immediate vicinity is characterised mainly by commercial uses with most of the neighbouring buildings in use as office accommodation on the upper floors and retail / restaurants on the lower floor levels. However, Bateman's Buildings itself is a relatively short street between Soho Square to the north and Bateman Street to the south with the pedestrianised route on the east mainly comprising this property and to the west being the back of buildings fronting Frith Street. The street is not well overlooked with little activity at street level and would appear relatively intimidating during the evenings and night-time.

There are no residential properties within Bateman's Buildings and the closest residential units are on the upper floors of 21 Bateman Street immediately to the south of the application site. Council records indicate there are also residential properties on the upper floors of 22 Bateman Street, and 57, 58 and 59 Greek Street to the east of the application site. The upper floors of 9-11 Bateman's Buildings are in use as a hotel. No objections have been received to the application, but a letter of support has been received from a representative of Soho Estates, a large land owner in the area. They consider the new restaurant to be a benefit to Soho and would help mitigate current levels of anti-social behaviour in Bateman's Buildings.

The 'exceptional' circumstances the applicant has put forward are:

- The location of the premises within the Core CAZ;
- Very few sensitive properties in the vicinity;
- Principle of a restaurant use has been previously accepted; and
- Fewer number of proposed covers than the consented restaurant schemes;

The proposed capacity of the restaurant in this application is 241 covers whilst the cumulative capacity of the two approved restaurants is 266. The approved restaurants had opening hours of; 07:00 to midnight on Fridays and Saturdays, 07:00 to midnight on Sundays immediately prior to Bank Holidays and 07:00 to 22.30 on other Sundays; and 07:00 to 23:30 on Mondays to Thursdays. The proposed restaurant opening hours are 07:00 till midnight daily which although slightly later on certain days is still broadly similar. These proposed opening hours are considered reasonable and accord with Paragraph 8.88 of the UDP which states that 'no customers will be allowed to remain on the premises after midnight on Sundays to Thursdays, and after 00.30 on the following morning on Friday and Saturday nights'.

The proposed restaurant would also help to enliven Bateman's Buildings, improve the appearance of the building and help reduce the anti-social behaviour which clearly takes place in the street.

The applicant has also provided an Operational Management Plan for the potential restaurant use. Compliance with this Plan would be conditioned on any approval, the plan outlines measures to reduce noise and disturbance for residential occupiers in the vicinity, through controls on customers entering and leaving the premises and the provision of doorstaff for security.

For the reasons detailed above, the applicant considers that the proposals would have a limited impact and that this constitutes 'exceptional circumstances' under Policy TACE 10. Conditions are proposed requiring the restaurant operation to accord with the Operational Management Plan and the Servicing Management Plan which have been submitted to ensure that the operation and servicing of the unit does not negatively impact upon the amenity of residents in the vicinity or use of the highway. Conditions are also proposed to ensure that there is no takeaway service provided from the property or a home delivery service which might result in increased vehicular movements. A condition is also proposed to ensure that any music played in the premises is not audible externally or within adjacent premises.

Environmental Health consider the proposed high level extract duct (terminating within the screened plant area at main roof level) suitable to enable the discharge of cooking odours without detriment to neighbouring residential amenity.

There are a number of other entertainment premises in the vicinity including a club at 21 Bateman Street being the adjoining building to the south with licensed opening hours of 09:00 till 03:30 Monday to Saturday and 09:00 till 00:30 on Sundays. 22 Bateman Street is a restaurant called the Bonnie Gull licensed to be open between 10:00 and 00:30 Monday to Saturday and 12:00 till 00:00 on Sundays at 23-24 Bateman Street is a nightclub licensed to be open between 09:00 and 03:30 Monday to Saturday and 12:00 and 23:00 on Sundays. Given the late opening of the nearby premises it is evident that the proposed hours of the restaurant will not result in increased noise and disturbance at times when there is not already activity within the vicinity.

Whilst it is acknowledged the restaurant premises would constitute a large entertainment use, the number of covers proposed is relatively modest and less than the cumulative number granted consent in the extant approval for two units at the site. The hours of use proposed also accords with the City Council core hours. It is also acknowledged that the development will help to enliven what is currently a poorly utilised street susceptible to anti-social behaviour. Taking this into account and considering the stipulations in the Operational Management Plan submitted which details a high degree of management and control at the premises it is not considered the proposal would have a detrimental impact on the living conditions of neighbouring residents nor local environmental quality. Further the City Council granted consent for two restaurants which would cumulatively be the same size and this permission is still extant (albeit with a condition attached to the consent stipulating that the two restaurants cannot be amalgamated).

The proposed restaurant premises is therefore considered to be in accordance with UDP Policy TACE10 and City Plan Policy S24.

8.2 Townscape and Design

The building is unlisted and in the Soho Conservation Area. It is a comparatively modern structure with a simple brick façade, standing on the east side of the street which is a narrow pedestrian route and has a distinct character as a consequence. Previously permission has been given for various alterations and this application results from further evolution of the design.

There are minor alterations proposed at street level in Bateman's Buildings relating to the positioning of some doors. There is no objection to these alterations in design and heritage asset terms which will suit the appearance of the building and maintain the character and appearance of the surrounding conservation area.

The more contentious aspect of the proposal is the rooftop plant and rear extract duct. However, since submission the design has been revised and as now proposed the rooftop plant area is only modestly enlarged in comparison to the approved design and it is acceptable in design and heritage asset terms subject to the screening being finished dark grey and being maintained that colour. The rear duct is to be clad with brick slips to minimise its visual impact and this too is now acceptable in design and heritage asset terms.

8.3 Residential Amenity

The impact of the proposed restaurant on the amenity of neighbouring sensitive occupiers has been considered in Section 8.1 of this report. It is not considered the installation of the plant or ducting would have any impact on the amenity of neighbouring occupiers given the existing built form.

8.4 Transportation/Parking

The site is located within a Controlled Parking Zone so anyone driving to the site will be subject to these restrictions. It is expected that most people visiting the site will use public transport.

Information has been provided with regard deliveries in the Servicing Management Plan and this has been considered acceptable with the Highways Planning Manager. A condition is proposed to ensure the servicing of the restaurant use is carried out in accordance with the stipulations of the plan. A condition is also included to prevent the restaurant operating a delivery service as this would generate additional traffic movements and no information has been provided to demonstrate that this would not have a detrimental impact upon the highway within the vicinity of the restaurant.

Cycle parking would be provided within the lower ground floor level and the level accords with the requirements of the London Plan. A relevant condition is proposed to ensure this is provided and retained.

With these conditions in place the proposal is considered acceptable in transportation terms.

8.5 Economic Considerations

Any economic benefits generated by this proposal are welcomed.

8.6 Access

Level access is provided to the ground floor of the proposed restaurant from the street with a DDA compliant toilet to be provided at ground floor level.

8.7 Other UDP/Westminster Policy Considerations

Plant Noise

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

An acoustic report has been submitted in relation to the installation of the plant equipment. The nearest noise sensitive properties have been assessed as being 57 Greek Street, an annexe to the Hazlitt's Hotel backing onto Bateman's Buildings opposite the application site and 21 Bateman Street to the south. The design level

criteria for the plant has been measured as being 42dB between the hours of 07:00 and 00:00 (mid-night) and 36dB between 24:00 and 07:00. The majority of the plant will only operate when the restaurant is open but the cold store condenser unit is proposal to be able to operate at any time.

The expected noise levels from the plant will be 39dB (07:00 – 00:00) and 34dB (00:00 – 07:00) at the nearest noise sensitive windows with acoustic mitigation installed to include a silencer for the ducting and acoustic screening around the plant units.

Immediate neighbours have been consulted and no objections have been received. In order to ensure the plant noise is compliant with the City Council criteria, Environmental Health require that the plant is installed within an acoustic enclosure as shown on the drawings to the specification detailed in the acoustic report. With these acoustic mitigation measures in place, Environmental Health have confirmed that the application will be compliant with the Council noise criteria and have raised no objection to the proposal. Conditions are proposed in relation to noise, vibration, hours of plant operation and the installation and retention of the required acoustic mitigation.

Refuse /Recycling

The Cleansing Officer has requested the submission of additional information with regard the capacity of the waste and recycling bin stores. A condition is attached as requested requiring the submission and approval of this information before occupation of the restaurant premises.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the

written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council. No pre-commencement conditions are proposed with regard this application.

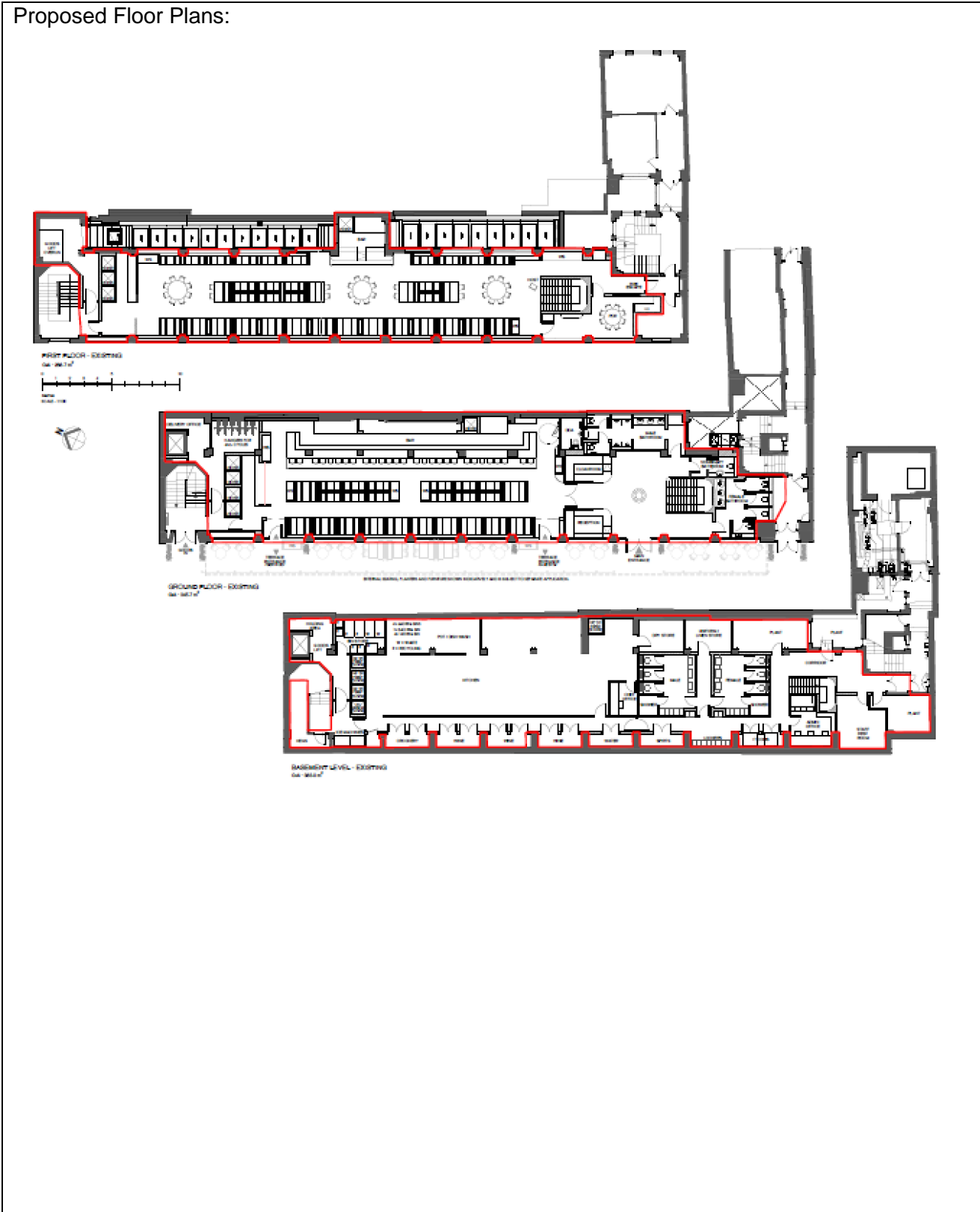
8.11 Planning Obligations

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

(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: HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk

9. KEY DRAWINGS



West Elevation:



East Elevation:



DRAFT DECISION LETTER

Address: 1-8 Bateman's Buildings, London, W1D 3EN,

Proposal: Use of the lower ground, ground and first floor levels as a single restaurant (Class A3); installation of plant with associated screening at main roof level and in the rear lightwell; installation of high level extract ductwork; new shopfront at ground floor level and associated external alterations. (Site includes 55 Greek Street)

Plan Nos: Documents: Acoustic Report (18/0726/R1-1), Service Management Plan, Corbin and King Operational Management Strategy, Drawings: SK01 RevF, SK02 RevE, SK03 RevE, Proposed Floor Plans RevB1.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 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 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)

- 3 You must apply to us for approval of detailed drawings of the following parts of the development - all new windows, shopfronts and external doors. 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 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 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)

- 4 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 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)

- 5 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings.
(C26KA)

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)

- 6 The extract ductwork must be clad in brick slips and be maintained in that condition. You must not occupy the premises until the ductwork has been fully clad and the brick-slip cladding must be retained thereafter.

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)

- 7 (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)

- 8 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)

- 9 You must install the high level extract duct as shown on the approved drawings before the restaurant operation hereby approved can begin.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 10 The plant / machinery hereby permitted can only operate between the hours of 07:00 and 00:00 (mid-night) daily, except for the plant serving the cold store which can operate at any time.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R46CB)

- 11 You must install the acoustic mitigation measures as detailed in the approved acoustic report and as shown on the approved drawings at the same time as the plant is installed and these must thereafter be maintained in situ for as long as the plant remains in place.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 12 You must apply to us for approval of details of how waste and recycling is going to be stored on the site. You must not occupy the restaurant use hereby approved until we have approved what you have sent us. You must then provide the waste and recycling 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 restaurant. You must not use the waste and recycling store for any other purpose. (C14GA)

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)

- 13 You must not sell any hot-food take-away or drink within the restaurant premises hereby approved (Class A3), nor operate a delivery service, even as an ancillary part of the primary Class A3 use.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not

meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 14 You must not play live or recorded music within the restaurant premises that will be audible externally or in the adjacent properties.

Reason:

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

- 15 You must not allow more than 241 customers into the restaurant premises hereby approved at any one time.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 16 Customers shall not be permitted within the restaurant premises before 07:00 or after 00:00 (mid-night) each day. (C12AD)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 17 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

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)

- 18 All servicing of the restaurant hereby approved shall be undertaken in accordance with the Service Management Plan unless otherwise agreed in writing by the local planning authority.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 19 You must carry out the measures included in your management plan titled 'Corbin and King Operational Management Strategy' at all times that the restaurant is in use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 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, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 4 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)
- 5 Conditions 7 and 8 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)

- 6 It is a legal requirement to ensure that every enclosed workplace is ventilated by a sufficient quantity of fresh or purified air. Where this ventilation is provided by mechanical means the regulations require those mechanical ventilation systems to be maintained (including appropriate cleaning) in efficient working order.
B&ES Guide to Good Practice - TR19 Internal Cleanliness of Ventilation systems is a guidance document which can be used for new build, upgrade and maintenance of ventilation systems. Particular attention should be given to;
Section 2 - New ductwork system cleanliness
Section 3 - Design and access to the internal surfaces of the ventilation system
Section 7 - Specific considerations for kitchen extract systems. (This section deals specifically with access to the internal surfaces to the kitchen extract system, cleaning methods and frequency of cleaning).
Where access hatches or panels are required in order to meet the above requirements, these must be incorporated into the design of the ducting and any associated screening or cladding.
- 7 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.