



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (1)** held on **Tuesday 2nd April, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Tony Devenish (Chairman), Susie Burbridge, Peter Freeman and Tim Roca

Also Present: Councillor Margot Bright (for item 2 only).

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 Councillor Tony Devenish explained that a week before the meeting, all four Members of the Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and e-mails containing objections or giving support. Members of the Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Committee, it did not mean that the issue had been ignored. Members will have read about the issue and comments made by correspondents in the papers read prior to the meeting.

2.2 Councillor Susie Burbridge declared that in respect of item 2, the application site is in her Ward.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 12 March 2019 be signed by the Chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 50 EASTBOURNE TERRACE, LONDON, W2 6LG

Variation of Condition 1 of planning permission dated 15 November 2016 (RN: 16/07359/FULL) for demolition of existing buildings and redevelopment of the site to provide a 6 storey (plus existing lower ground floor) 'L' shaped building, including terraces, a plant room, a green roof and solar panels at roof level to comprise 2 x A1 (retail shops) units and 1 x flexible A1 (retail shop) / A2 (financial and professional services) / A3 (cafe and restaurant) unit at ground floor level and B1 (office) floor space at part ground and all upper stories, erection of 7 residential townhouses, incorporating concealed roof terraces and landscaped areas to the front on Chilworth Mews. AMENDMENTS NAMELY, to provide an additional floor of Class B1 office accommodation beyond the approved; alterations to the proposed massing, terraces, green roof, solar panels and external facades; minor internal reconfiguration of the proposed retail (A1/A2/A3) and office (B1) floorplates including ancillary spaces.

Late representations were received from the South East Bayswater Residents' Association (26.03.2019, 01.04.2019, and 02.04.2019), Gerald Eve (28.03.2019 and 02.04.2019), two local residents (31.03.2019, 31.03.2019 and 01.04.2019) and K and A Consulting (11.03.2019, 26.03.2019 and 31.03.2019).

The presenting officer tabled the following amendment to condition 28:

Amended Condition 28

The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Mark Younger addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

1. That conditional permission be granted, subject to an amendment to condition 28 as set out above, an additional condition preventing the use of the retail floorspace by a supermarket and to a Deed of Variation of the original Section 106 legal agreement dated 2 January 2019 to secure the following planning obligations:
 - a) Obligations set out in the original legal agreement:
 - i) Provision of car parking on an unallocated basis.
 - ii) Highways works surrounding the site necessary for the development to occur, including vehicle crossovers, changes to on-street restrictions and footway repaving.

- iii) Employment and Training Strategy for the construction and operational phases of the development.
 - iv) Crossrail planning obligation
 - b) Additional obligations:
 - i) A financial contribution of £200,437 to the Affordable Housing Fund to offset shortfall in residential floor space on the site.
 - ii) A financial contribution of £22,515 to the Carbon Off-Set Fund to offset the shortfall in onsite carbon reduction.
2. That if the Deed of Variation has not been completed within 3 months from the date of the Committee's resolution then:
- a) The Executive Director for Growth Planning and Housing shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Executive Director for Growth Planning and Housing is authorised to determine and issue such a decision under Delegated Powers; however, if not
 - b) The Executive Director for Growth Planning and Housing shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Executive Director for Growth Planning and Housing is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2 6 BARK PLACE, LONDON, W2 4AX

Erection of two rear dormer windows.

Late representations were received from Councillor Andrew Smith, Ward Member (01.04.2019), Sarah Joiner (01.04.2019) and the South East Bayswater Residents' Association (02.04.2019).

Sarah Joiner addressed the Sub-Committee in objecting to the application.

Councillor Margot Bright addressed the Sub-Committee in her capacity as a Ward Member in objecting to the application.

RESOLVED UNANIMOUSLY:

That the application be refused on the grounds of overlooking and the size and design of the two rear dormer windows.

3 40-42 WILLIAM IV STREET, LONDON, WC2N 4DD

Use of part ground and basement floors as drinking establishment (Class A4).

An additional representation was received from Shaftesbury PLC (27.03.2019).

A late representation was received from BA Law Limited (01.04.2019).

RESOLVED UNANIMOUSLY:

That conditional permission be granted.

4 154 TACHBROOK STREET, LONDON, SW1V 2NE

Erection of a two-storey rear infill extension at basement and ground floor levels; alterations to the existing railings at roof level; and installation of replacement of windows, including formation of a bay window at basement level.

An additional representation was received from a local resident (27.03.2019).

A late representation was received from John Simpson Architects (01.04.2019).

Emma Hynes addressed the Sub-Committee in objecting to the application.

RESOLVED (Councillors Devenish, Burbridge and Freeman in favour and Councillor Roca for deferral for a site visit):

That conditional permission be granted, subject to an additional condition requiring the bottom pane kitchen windows to be obscurely glazed and fixed shut.

5 PRIORY HOUSE, FLAT 22, 12 RAMPAYNE STREET, LONDON, SW1V 2QT

1. Installation of an extractor fan in bathroom window at fifth floor.
2. Installation of an extractor fan in bathroom window at fifth floor and installation of level access shower.

RESOLVED UNANIMOUSLY:

1. That conditional permission be granted.
2. That conditional listed building consent be granted.

6 REGENT STREET LONDON

Display of non-illuminated suspended kinetic display measuring 45 m x 17 m above Regent Street, at junction of Glasshouse Street / Vigo Street / Regent Street for a temporary period from 14 May until 9 June 2019.

Application withdrawn by the applicant.

7 WINFIELD HOUSE, OUTER CIRCLE, REGENTS PARK, LONDON NW1 4RT

Demolition of existing boundary railings and the erection of replacement 2.5 m railings to Outer Circle.

Additional representations were received from the Highways Planning Manager (22.03.2019) and the Head of Arboricultural Services (20.03.2019).

The presenting officer tabled the following amendment to condition 4 and additional informative 4:

Amended Condition 4

Notwithstanding Tree Report 170106 PD 11 Rev.B dated March 2019, you must apply to us for approval of a revised method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details.

Additional Informative 4

You are advised that the amended tree protection measures required by Condition 4 should ensure that it consistently confirms that 'no roots of 25mm or more, clusters of smaller diameter roots will be severed without prior notification to the City Council under the terms of section 211 of the Town and Country Planning Act 1990'. Note that at 8.11 the Revision B version of the tree report still refers to 'No tree roots exceeding 50mm in diameter will be severed, without prior agreement of the Local Planning Authority'. You should also reinstate the references to arboricultural supervision, which have been omitted from the Revision B version of the tree report. You should contact the Head of Arboricultural Services, Barbara Milne on 020 7641 2922 if you require further assistance with the amendments required to satisfy Condition 4.

RESOLVED UNANIMOUSLY:

1. That conditional permission be granted, subject to an amended condition 4 and an additional informative 4 as set out above.
2. That conditional listed building consent be granted.
3. That the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter be agreed.

8 49-51 CARNABY STREET, LONDON, CITY OF WESTMINSTER W1F 9PY

- 1) Alterations to the shopfront facing Kingly Court in connection with continued use of part of the ground floor as retail (Class A1) or dual/alternative use as either a restaurant/cafe (Class A3) or drinking establishment (Class A4).

- 2) Alterations including a new entrance door and full height extract duct in connection with the continued use of the basement as retail (Class A1) or dual/alternative use as either a restaurant/cafe (Class A3) or drinking establishment (Class A4) or night-club use / live performance venue (Sui Generis).

Late representations were received from The Soho Society (25.03.2019) and Shaftesbury (27.03.2019).

The presenting officer tabled the following decision letters:

Application 1:

- 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 Customers shall not be permitted within the cafe/ restaurant (Class A3), or drinking establishment (Class A4) or night club/ live performance venue (Sui Generis) before 08.00 or after 00.00 (midnight) on Sunday, before 08.00 or after 02.00 the following morning on Monday to Wednesday or before 08.00 or after 03.00 the following morning on Thursday to Saturday.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 4 All servicing must take place between 07:00 and 11.00 on Monday to Saturday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

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)

- 5 The uses hereby approved must be carried out in accordance with the Operational Management Plan received on 9 January 2019. You must then carry out the measures included in the management plan at all times that the premises is in uses as a restaurant/cafe (Class A3), drinking establishment (Class A4) or nightclub/live music venue (Sui Generis)

Reason:

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

- 6 You must not allow more than 120 customers into the property at any one time. (C05HA)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 7 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the restaurant/cafe (Class A3), drinking establishment (Class A4) or nightclub/live music venue (sui generis) uses hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by

the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include: (a) The location of most affected noise sensitive receptor location and the most affected window of it; (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (d) The lowest existing LA90, 15 mins measurement recorded under (c) above; (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition; (f) The proposed maximum noise level to be emitted by the activity.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AB)

- 8 You must apply to us for approval of details of how waste is going to be stored on the site. You must not use the premises as either restaurant cafe' (Class A3) or drinking establishment (Class A4) or night club/ music live performance venue (Sui Generis) until we have approved what you have sent us. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the restaurant cafe' (Class A3) or drinking establishment (Class A4) or night club/ music live performance venue (Sui Generis). 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)

- 9 (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 LA90, 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)

- 10 In the event the cafe/ restaurant use (Class A3), or drinking establishment (Class A4) are implemented, you must install the high level duct as shown on the approved drawings before the uses can operate. Thereafter the duct must be maintained in situ for as long as the cafe/restaurant or drinking establishment remains in operation.

Reason:

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

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

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 12 You must play play live or recorded music on the premises that is audible outside the premises.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

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

Reason:

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

- 14 The extract duct hereby approved as shown on drawing No 3195_081 shall be treated to match the adjacent building materials.

Reason:

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

Informatives:

- 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 Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 5 You must make sure that any other activities taking place in the class A3 (restaurant or café) premises, such as small amounts of takeaway sales or small bar areas, are so minor that they do not alter the main use as a restaurant or café. If the scale of one or

more of these extra activities is more substantial than this, it is likely that a material (significant) change of use (from class A3 to a mix of uses) will have taken place, which will need a new planning permission. (I61BA)

- 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 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the part ground floor and basement floors can change between the cafe/restaurant (Class A3), drinking establishment (Class A4),night club / live performance venue (Sui Generis) uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)
- 8 One or more of the uses we have approved are referred to as being 'sui generis'. This means that the use or uses are not in any particular class. Any future plans to materially (significantly) change the use that we have approved will need planning permission. (I78AA)
- 9 Conditions 9 and 11 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)

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.

Application 2:

- 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 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)

- 3 Customers shall not be permitted within the cafe'/ restaurant (Class A3) or drinking establishment (Class A4) premises before 08.00 or after midnight on Monday to Thursday and between midnight and after 00.30 the following Saturday to Sunday mornings, and before 08.00 or after 23.00 on Sundays and Bank Holidays.

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),

- 4 All servicing must take place between 07:00 and 11.00 on Monday to Saturday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

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)

- 5 All cooking and reheating equipment must be operated by electricity only with no equipment utilising combustible fuels (e.g. gas, coal, wood etc.).

Reason:

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

- 6 Before the use is commenced you are required to submit a supplementary report for our approval. You must thereafter maintain the recirculation plant and equipment as approved. The supplementary report must include: , (a) A schedule of all plant and equipment installed in association with the re-circulation system., (b) Details of monitoring devices interlocked with the electric cooking equipment, such that cooking is only enabled when all parts of the system are operating., (c) In the working environment the breakout noise not exceeding 55 dB (A) in the kitchen., (d) Details of the whole ventilation scheme in the kitchen that maintains an ambient temperature of not more than 25 centigrade whilst cookline equipment is operating., (e) Details of service / filter replacement and maintenance arrangements.

Reason:

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

- 7 The re- circulation cooking system hereby approved must have no external discharge

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)

- 8 You must apply to us for approval of details of how waste is going to be stored on the site. You must not use the premises as either cafe'/ restaurant (Class A3) or drinking establishment (Class A4) until we have approved what you have sent us. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the cafe'/ restaurant (Class A3) or drinking establishment (Class A4). You must not use the waste store for any other purpose. , ,

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 9 The uses hereby approved must be carried out in accordance with the Operational Management Plan received on 9 January 2019. You must then carry out the measures included in the management plan at all times that the premises is in use as a cafe/restaurant (Class A3),or drinking establishment (Class A4).

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)

- 10 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the restaurant/cafe (Class A3), drinking establishment (Class A4) or nightclub/live music venue (sui generis) uses hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest., , (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest

LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) The location of most affected noise sensitive receptor location and the most affected window of it;, (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;, (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;, (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;, (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;, (f) The proposed maximum noise level to be emitted by the activity.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AB)

- 11 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)

Informatives:

- 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 Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 5 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the rear ground floor can change between the retail (Class A1), cafe'/ restaurant (Class A3), or drinking establishment (Class A4)uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)

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

RESOLVED UNANIMOUSLY:

1. Application 1: That conditional permission be granted, subject to the decision letter as set out above.
2. Application 2: That conditional permission be granted, subject to the decision letter as set out above.

9 31 NEW CAVENDISH STREET, LONDON, W1G 9TT

Use of lower ground and ground floor as an Estate Office and key storage facility (Sui Generis) for temporary period of 3 years.

RESOLVED UNANIMOUSLY:

That conditional permission be granted for a temporary period until 30 April 2022.

The Meeting ended at 8.10 pm.

CHAIRMAN: _____

DATE _____