

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 4 February 2020	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	15-16 Bedford Street, London, WC2E 9HE,		
<b>Proposal</b>	Use of part basement as restaurant (Class A3) accessed via new ground floor entrance on Bedford Court and associated internal and external alterations including installation of full height ventilation duct in lightwell.		
<b>Agent</b>	CBRE Ltd		
<b>On behalf of</b>	Lothbury Property Trust Co Limited		
<b>Registered Number</b>	19/05768/FULL and 19/05769/LBC	<b>Date amended/ completed</b>	23 July 2019
<b>Date Application Received</b>	23 July 2019		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Covent Garden		

## 1. RECOMMENDATION

1. Grant conditional permission and conditional listed building consent
2. Agree the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.

## 2. SUMMARY

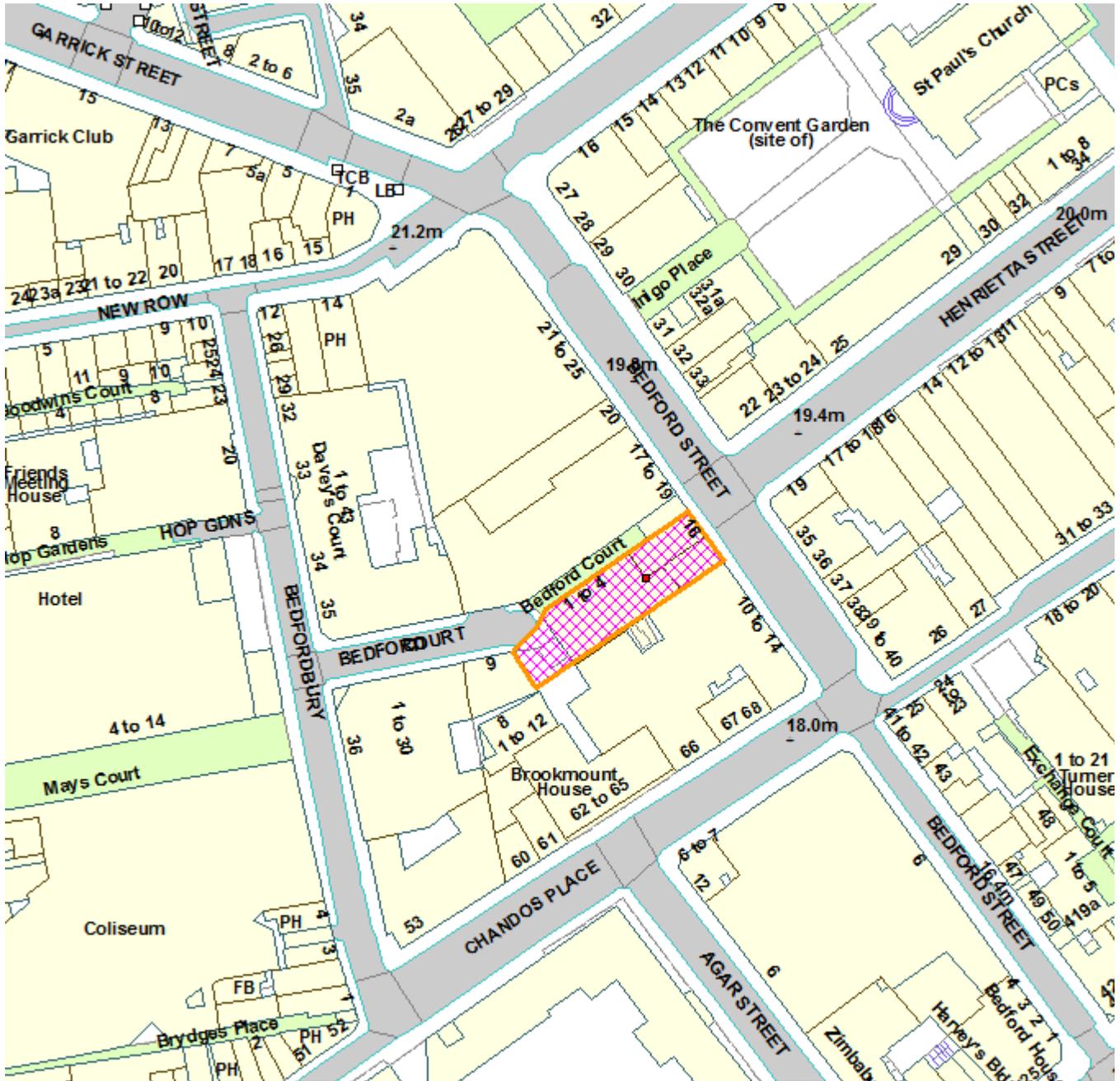
15 – 16 Bedford Street is a Grade II listed building located within the Covent Garden Conservation Area, Core Central Activities Zone (Core CAZ), West End Stress Area (WESA) and West End Special Retail Policy Area (WESRPA). The property comprises five stories above basement and is situated opposite the junction of Henrietta Street and Bedford Street, adjacent to Bedford Court. Permission is sought for a change of use of part ground and basement levels from retail (Class A1) and Office (Class B2) to a new restaurant use (Class A3) at basement level accessed from a new entrance on Bedford Court, with a full height extract duct within the lightwell. The existing retail unit will be retained but reduced in size.

The key issues in this case are:

- \*The impact of the proposed restaurant use on neighbouring residential amenity, local environmental quality and the character and function of the area;
- \*The impact of the proposed restaurant use on the surrounding highway network;

The proposal is considered to comply with relevant policies set out in our City Plan and Unitary Development Plan and is therefore considered acceptable in land use, amenity, design and highways terms.

3. LOCATION PLAN



4. PHOTOGRAPHS



Bedford Street Entrance



Proposed Bedford Court Entrance (on left)

## 5. CONSULTATIONS

### COVENT GARDEN COMMUNITY ASSOCIATION

25/08/2019

Objection due to the density of the residential community in this area, which already suffer from servicing and noise from nearby restaurants and bars. To introduce another licenced venue in such close proximity will have a negative impact on residential amenity, causing further distress and disturbance. The entrance in Bedford Court (alley way) is directly beside and below residential properties and will cause noise and anguish to nearby residents.

Suggested conditions should the application be approved;

- 1) Hours of use restricted to 08:00 to 23:00 Monday to Thursday, 08:00 to 00.00 Friday, 09:00 to 00:00 Saturday, and 10:00 to 22:30 on Sunday;
- 2) The premises to agree an Operational Management Plan;
- 3) No music or noise break out from the premises;
- 4) The entrance door manned at all times, and guests accompanied out and shown to their chosen transport after 22:00;
- 5) No smoking or loitering in the Bedford Court entrance;
- 6) The address of the premises to be published as being on Bedford Street and not Bedford Court;
- 7) Deliveries to the premises only to be 08:00 and 18:00 Monday to Friday, 09:00 to 18:00 on Saturday and 10:00 to 18:00 on Sundays;
- 8) All deliveries to the premises to comply with TfL's Code of Practice for Quieter Deliveries;
- 9) Waste to be stored inside the building and only moved to the proposed outside bin store between 09:00 and 20:00 on any day;
- 10) Waste to be collected from the premises between 08:00 and 18:00 Monday to Friday, 09:00 to 18:00 on Saturday and 10:00 to 18:00 on Sundays;
- 11) Location of any smoking areas for customers/staff to be positioned so as to prevent a nuisance to residents;
- 12) Kitchen extracts to be switched off at soonest point after last service and subject to annual maintenance and cleaning and a record kept;
- 13) Phone numbers of duty manager to be supplied to residents of 17/19 Bedford Street and Bedford Court.

19/11/2019

Objection, whilst appreciative of the measures taken by the applicant to deal with the objections from the neighbouring residents, the association can see little change to the anticipated disturbance that is very likely to be caused by another licenced premises in this area.

Having visited the site it was noticeable that the restaurant at 17-19 Bedford Street was in breach of its servicing conditions, with queuing vans causing disturbance to residents. It is also noted that there is no dedicated servicing area for this proposal, the parking bay from which the applicant intends to carry out servicing is also used by other tenants of the building.

The entrance on Bedford Court remains an issue in terms of noise disturbance and smoke.

Experience with the restaurant at 17-19 Bedford street that has similar conditions in place has shown that without enforcement problems will arise. It is only by limiting the numbers of restaurants and bars in this street that further disturbances to residents will be avoided.

#### COVENT GARDEN AREA TRUST

Any response to be reported verbally

#### HIGHWAYS PLANNING MANAGER

No objection

The site has a good level of public transport accessibility. It is considered that the proposal is unlikely to have a significant impact on on-street car parking in the area. The service bay will only accommodate the smallest of delivery vehicles but combined with the measures within the submitted Operational Management Strategy should mean a significantly reduced impact on the surrounding public highway.

The proposed cycle parking arrangements are considered to be acceptable.

#### PROJECTS OFFICER (WASTE)

No objection to the proposed storage arrangements for waste and recyclable materials for the development, as shown on the submitted drawings. It is recommended that this provision is secured by condition.

#### ENVIRONMENTAL HEALTH

No objection, subject to conditions.

The Council's standard noise and vibration conditions are recommended, along with a condition to secure a supplementary acoustic report.

The proposed full height ventilation duct terminates at roof level and complies with Environmental Health requirements.

Conditions are recommended to prevent noise nuisance from amplified music through the building fabric.

All the mitigation measures outlined in the submitted footfall survey should be incorporated into the applicants Operational Management Plan. If this is done, the use of the proposed entrance on Bedford court is unlikely to result in significant harm.

#### METROPOLITAN POLICE (DESIGNING OUT CRIME)

No objection, subject to a condition that Secured By Design accreditation is achieved. This will ensure that appropriate security measures are installed that will provide the appropriate level of security to ensure this site has the resilience to crime that it will require for the Covent Garden area.

## ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 96

Total No. of replies: 16

No. of objections: 16 objections from residents within 8 and 9 Bedford Court, Duval Court and 19 Bedford Street on some or all of the following grounds:

### Land Use and Amenity

- There is a saturation of restaurants in this area;
- There is already a lot of late night noise in the area from smokers, bottle crushing, staff talking and rubbish disposal associated with other nearby restaurants, the proposals would increase this.
- The proposed entrance via the side passage would cause pedestrian traffic and associated noise disturbance to nearby residents, particularly at night. Noise created in this area would be amplified by its enclosed nature.
- Bedford court cannot cope with another restaurant backing into this small area, complaints have already been made to the council regarding general noise, smoking and servicing relating to Nando's and Wahaca. Noise from taxis dropping off, picking and waiting in the area will also cause noise disturbance.
- The proposed plant machinery could cause noise disturbance to nearby residents.
- The creation of an external bin compound will cause noise disturbance to residents, as will the movement of bins at anti-social times.

### Design

- The external bin store will be an eyesore.

### Highways

- Bedford court is already congested due to servicing associated with other restaurants, the proposals would increase this. Late night and early morning servicing would create noise disturbance for residents.
- The estimation of number of servicing vehicles is unrealistic, the vehicle bay is not sufficient for large vehicles, therefore a larger number of smaller vehicles would be needed, causing noise and congestion.
- The booking system for servicing and deliveries will be done on an informal basis and is unlikely to be successful.

### Other

- There is an issue with the bins in Bedford Court being over full, which has been causing significant health and safety issues (rats, foxes, human defecation).
- Rough sleepers could be displaced and end up closer to nearby residential properties.
- The application was submitted during the August holiday period as a way of "burying bad news", the consultation event organised by the applicant was poorly advertised.

- The associated request for an extended licence is unacceptable.

#### NEIGHBOURS RE-NOTIFIED ON 6 NOVEMBER 2019

New information and further detail provided, including: Cycle Parking Requirements and Strategy; Delivery and Servicing Plan; Acoustic and Footfall Survey; Operational Management Plan (OMP) for Restaurant Use and Amended Drawings.

Total No. of replies: 5

No. of objections: 5 objections on some or all of the following grounds:

##### Amenity

- The revised proposals fail to resolve noise and disturbance from the proposed door on Bedford Court which will increase footfall in this location. In practice, a porter on the door will not be able to police where customers smoke, contain the noise of customers arriving and leaving or restrict where customers wait for taxis. This will also be very hard to enforce.
- Vehicle curfew (including moving wheeled bins) should be brought in line with the other existing restaurants (pre 08:00) otherwise a dangerous precedent could be set leading to appeals from the incumbents.
- It is requested that an evening time limit is set for servicing at the weekends.
- The only route for bins to be removed would be through the restaurant, this would be impractical and could lead to waste remaining on site for longer periods attracting vermin. Waste specifications have not been provided.
- Insufficient details relating to ventilation have been provided.

##### Highways

- The proposals would cause traffic congestion in the surrounding streets related to servicing and increase vehicular traffic.
- Request a "no un-authorized parking" sign in Bedford Court to deter taxis.

#### NEIGHBOURS RE-NOTIFIED ON 18 DECEMBER 2019

Updated Operational Management Plan (OMP) for Restaurant Use provided.

Total No. of replies: 3

No. of objections: 3 objections on some or all of the following grounds:

##### Amenity

- It is unacceptable that customers be allowed to use the side entrance on Bedford Court, which will cause noise disturbance. It is not believable that a member of staff will always be on duty at the entrance to direct smokers to Bedford Street and stop people congregating.

##### Highways

- The revised OMP does not allay concerns about servicing and traffic congestion.

## PRESS ADVERTISEMENT / SITE NOTICE:

Yes

**6. BACKGROUND INFORMATION****6.1 The Application Site**

15 -16 Bedford Street is a Grade II Listed Building, comprising five storeys above basement, located within the Covent Garden Conservation Area, West End Special Retail Policy Area (WESRPA), West End Stress Area (WESA) and Core Central Activities Zone (Core CAZ). The application site is located opposite the junction of Henrietta Street and is adjacent to Bedford Court. The application site currently comprises retail (Class A1) and office floorspace (Class B1) at ground and basement levels. The upper floors of the building are in office use.

**6.2 Recent Relevant History**

In June 2004, planning permission and listed building consent were granted for alterations and extensions including replacement roofs to 15-16 Bedford Street; demolition and rebuilding behind retained facade at 1-4 Bedford Court; new plant and lift motor room at roof level; extension within internal lightwell; alterations to side elevation of Bedford Court; new shopfronts and hard landscaping, all in connection with use as offices, retail (Class A1) in basement and ground floor of No. 16 Bedford Street and dual use of basement and ground floors of No. 15 Bedford Street for A1 (retail), A2 (financial/professional services), or B1 (office) purposes; use of the remainder of the buildings for B1 (office) purposes.

In August 2007, planning permission was granted for the use of the rear part of the lower ground floor of No. 16 as a gymnasium (Class D2).

In January 2008, planning permission and listed building consent were granted for installation of a new shopfront and internal alterations at ground and basement level including addition and removal of partitions.

**7. THE PROPOSAL**

Planning permission is sought for use of the basement as a restaurant, with a new separate entrance on Bedford Court to the rear of the existing retail unit, measuring 326.7 sqm. No restaurant seating is proposed at ground floor level. The existing retail unit will be retained albeit reduced by approx. 128.2 sqm to accommodate the new restaurant entrance at ground floor level and remove back of house space at basement level.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
A1 (Retail)	240.6	112.4	-128.2
Office (Class B1)	198.5	0	-198.5
Restaurant (Class A3)	0	326.7	+326.7
Total	439.1	439.1	0

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### **Loss of A1 Retail floorspace**

City Plan Policy S21 states that existing A1 retail will be protected throughout Westminster except where the council considers that the unit is not viable, as demonstrated by long-term vacancy despite reasonable attempts to let.

Unitary Development Plan Policy (UDP) SS5 states that A1 uses at ground, basement or first floor level in the CAZ and CAZ Frontages will be protected.

A retail unit is retained, however it will be reduced in size by 128.2 sqm (approx. 20sqm at ground floor) to accommodate the ground floor entrance and restaurant floorspace at basement level.

The applicant states that the existing retail unit has been vacant since the last occupiers, Patisserie Valerie, went into administration in January 2019. The applicant has also provided a letter from Hanover Green LLP (Chartered Surveyors), stating that the reduction in size of the retail unit is helpful in terms of the marketability and viability of the retail space.

Whilst the proposals would result in an overall loss of retail floorspace, a viable retail unit of 112.4 sqm at ground and basement level, fronting Bedford Street, would be retained. Accordingly, it is considered that the loss of the A1 floorspace is acceptable in this instance.

#### **Loss of Office (Class B2) floorspace**

City Plan Policy S20 resists the loss of offices to residential use but there is no policy that resists the loss of existing office space to another commercial use in this location. The reduction of office floorspace is therefore acceptable in principle.

#### **Creation of Restaurant (Class A3) floorspace**

City Plan Policy S6 (Core Central Activities Zone) of Westminster's City Plan (2016) states that the Core CAZ is an appropriate location for a range of commercial and cultural uses and complementary residential use. Within the West End Stress Area, new entertainment uses will only be allowed where the council considers that they are small-scale, low-impact and they will not result in an increased concentration of late-night uses.

City Plan Policy S24 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 on residential amenity, health and safety, local environmental quality and the character and function of the area.

The proposed A3 floorspace is 326.7 sqm and given the application is within the West End Stress Area, UDP Policy TACE 9 is relevant in assessing the proposals. The policy aims to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the city, while acknowledging that they provide services to people living in, working in and visiting the City and contribute to its role as an entertainment centre of national and international importance. The policy states that permission will only be granted for proposals where the City Council is satisfied that the proposed development has no adverse effect (nor, taking into account the number and distribution of entertainment uses in the vicinity, any cumulatively adverse effect) upon residential amenity or local environmental quality as a result of noise, vibration, smells, increased late night activity or increased parking and traffic and no adverse impact on the character and function of the area.

The application site is located in close proximity to a number of residential properties, including 19 Bedford Street, 8 and 9 Bedford Court and Duval Court. Objectors state that the proposed entrance via the side passage on Bedford Court would cause increased pedestrian traffic, noise disturbance and loss of privacy to nearby residential properties from people congregating, smoking and anti-social behaviour which would be amplified as the street is enclosed. The objectors also state that there is already a saturation of restaurants in the surrounding area and reference the disturbance caused by a number of existing restaurants in the area, especially in Bedford Court.

Whilst there are a number of nearby A3 and entertainment uses in the street, it is considered that the proposals would not be detrimental to the balance of street-level activities in the area. Covent Garden is a diverse district, characterised by specialist shops and night-time activities. It is considered that the proposals would be in keeping with the established character and function of the area and would not intensify an existing concentration of entertainment uses.

In order to address the concerns of residents, the applicant has made a number of changes to the proposed operation of the unit throughout the course of the application. The closing time of the restaurant has been reduced by half an hour each day from the hours originally proposed by the applicant. The proposed hours of operation sought are now: 10:00 to 23:00 Monday to Thursday; 10:00 to 23:30 Friday and Saturday; and 12:00 to 22:00 on Sunday. The maximum capacity of the restaurant has also been reduced from 150 to 125 covers. It is recommended that both the hours of operation and capacity are secured by condition.

The applicant has confirmed that “Blacklock” will be the occupier of the restaurant. An Operational Management Plan has been submitted which sets out measures to reduce disturbance to nearby residents, including:

- An entrance lobby will be located at ground floor level. This lobby will be regulated by a supervisor each evening from 7pm – close. The Porter will assist guests to transportation on Bedford Street after 10pm;
- As well as a supervisor/porter in the entrance lobby each evening, there shall be a second member of staff placed outside the entrance 30 minutes before closing time, whose duties will include directing patrons to use Bedford Street and ensuring that

- they leave in an orderly manner to prevent public nuisance and obstruction of the public highway;
- In instances where customers await a table, the ground floor lobby and an internal seating area downstairs at basement level will ensure no diners remain at street level;
  - The consumption of alcohol is ancillary to taking of a substantial table meal and there will be no post meal bar operation at the premises;
  - Customers and staff who wish to smoke will be directed to do so on Bedford Street at all times and not Bedford Court.

The applicant has submitted a footfall survey to demonstrate likely levels of pedestrian traffic and noise levels in Bedford Court associated with the proposed restaurant use. Based on this information, Environmental Health have raised no objection on potential noise nuisance grounds, subject to the mitigation measures set out in the Operational Management Plan. A condition is recommended to ensure that the restaurant is operated in accordance with the Operational Management Plan and that prior to occupation a "Secure by Design" accreditation is obtained for the building as recommended by the Metropolitan Police (Designing Out Crime Officer).

Objectors have also raised concerns that the proposals would cause traffic congestion in the surrounding streets related to servicing and increase vehicular traffic including taxis. It has also been highlighted that any late night or early morning servicing would disturb residents.

Servicing will occur via the existing off-street delivery bay to the rear of the site. The Highways Planning Manager raises no objection to the application provided that the restaurant use is carried out in accordance with the applicant's Delivery and Servicing Management Plan, which is recommended to be secured by condition. The applicant has also amended the proposals to include an internal waste store to reduce noise disturbance to nearby residents.

The applicant states that servicing will take place between 08:00 - 22:00 Monday to Friday and 10:00 - 22:00 Saturday to Sunday. These hours are considered to be satisfactory, given the busy city centre location of the site. It is recommended that these hours and the submitted Delivery and Servicing Plan are secured by condition.

Objectors have also raised concern that the proposed plant machinery could cause disturbance to nearby residents. A full height extract duct is proposed within an internal lightwell and it is recommended that full details of all plant be secured by condition, as well as a supplementary acoustic report to demonstrate compliance with the Council's standard noise and vibration conditions. Conditions are also recommended to ensure that no amplified sound from the restaurant will be audible outside the premises and there will be no unacceptable noise nuisance from amplified music through the building fabric.

It is considered that subject to the recommended conditions, the proposed restaurant use (Class A3) would not result in unacceptable adverse effects on residential amenity and local environmental quality. Accordingly, the proposals are considered to be in accordance with Policies S6, S24, SS5 and TACE 9.

## 8.2 Townscape and Design

15-16 Bedford Street, along with no.14 Bedford Street, form a group of grade II listed buildings. They date from the mid-nineteenth century and were designed by S S Teulon. The narrow passageway of Bedford Court runs along the northside of no.16 and the unlisted 1-4 Bedford Court abuts the rear of nos.15-16 Bedford Street. The unlisted Bedford Court building and the listed 15-16 Bedford Street are now internally linked in places.

The proposed works are predominantly internal to the basement and ground floors but do also include the installation of a full-height kitchen extract duct to facilitate the proposed restaurant use.

The lower two floors of these two listed buildings have been substantially altered over time, such that their interiors make a very minimal contribution towards the significance of these buildings. As such the proposed layout changes effect non-historic fabric and would have no adverse impact upon the significance of the listed buildings.

With respect to the proposed full-height extract duct, this is to be located within a lightwell located to the rear of nos.15-16 and built against a modern lift shaft wall of 1-4 Bedford Court. The proposed duct will rise to reach the same height as existing structure associated with the modern building behind the façade of Bedford Court and will be clad to match the facing material of that structure. While there are long views down Henrietta Street of the application site and the very top of the duct may just be visible in these views, it will nevertheless appear against existing structure rather than interrupting the skyline and the colour-match will ensure that it has minimal visual impact. Conditions are recommended to ensure the appearance of the duct is acceptable.

Very minor alterations are also proposed to the rear basement façade of 1-4 Bedford Court, where within a narrow lightwell it is proposed to modify the width of a door and to introduce two areas of louvres. This part of the building is very discreetly sited and the proposals would be largely unnoticeable.

The applicant envisages future minor changes to the retail shopfront on Bedford Street and to the restaurant entrance in Bedford Court, but notes that these will be subject to the designs of the future tenant and thus does not form part of this application.

In terms of the proposed change of use, the character of Covent Garden is one where the ground floor and basements of many properties are in retail and restaurant use. The proposed uses in this case would not adversely affect the character of the conservation area.

The proposals would therefore have no adverse impact upon the listed buildings or upon the Covent Garden Conservation Area and would accord with design policies S25 and S28 of the City Plan; and DES 1, DES 5, DES 6, DES 9 and DES 10 of the UDP

### **8.3 Residential Amenity**

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment of surrounding properties.

The proposals involve the installation of a ventilation flue within the existing lightwell. Due to its position and size, it is considered that the flue would not lead to an unacceptable loss of daylight and sunlight or sense of enclosure, over the existing situation.

Noise, disturbance and privacy are addressed in section 8.1 of this report. Subject to conditions, the proposals are considered to be in line with policies S29 and ENV13.

### **8.4 Transportation/Parking**

The site has a good level of public transport accessibility and is within a Controlled Parking Zone, which means that anyone who does drive to the site will be subjected to those controls, because of this, it is considered that the impact of the proposals on parking would be minimal.

Two cycle parking spaces are indicated for the A1 use and three spaces for the restaurant (Class A3). Given the floor areas of each of the uses the proposed arrangements are considered sufficient. A condition is recommended to ensure that the cycle parking spaces are retained.

Servicing is considered in section 8.1 above.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size.

### **8.6 Access**

Access would be from an entrance on Bedford Court. The basement level would be accessed by new stair and platform lift.

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

#### Refuse /Recycling

The proposed storage arrangements have been revised to ensure that the proposed waste store is located within the building. The arrangements are in line with the requirements of the City Council. A condition is recommended to ensure the continued provision of this facility and that it is used for no other purpose. The operator will utilise a sonic bottle crusher internally to minimise noise during the transfer of refuse.

## 8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

## 8.9 Neighbourhood Plans

Not applicable.

## 8.10 London Plan

This application raises no strategic issues.

## 8.11 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.

## 8.12 Planning Obligations

Not applicable.

## 8.13 Environmental Impact Assessment

Not applicable.

## 8.14 Other Issues

### Licensing

A separate licence application has been made by the freeholder and will be considered under separate legislation. The applicant has confirmed that the licensing application has been placed on hold until the planning application has been determined.

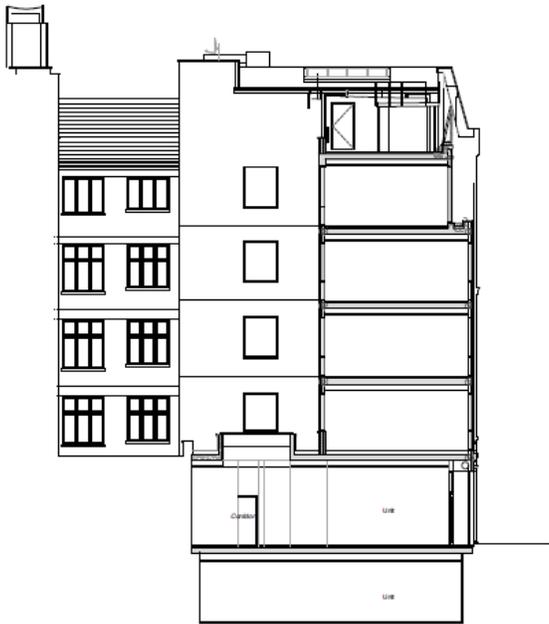
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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





Existing Bedford Street Elevation and Section Through Lightwell



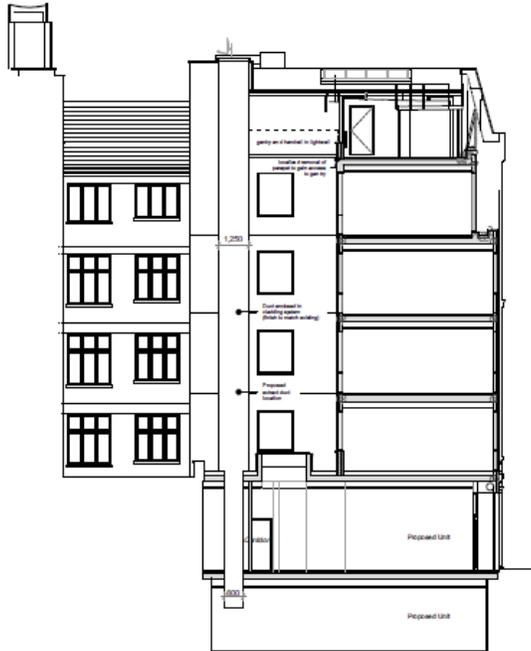
Existing Bedford Street Elevation

Existing Bedford Street section through existing lightwell

Scale 1:200



Proposed Bedford Street Elevation and Section through Lightwell



Proposed Bedford Street Elevation

Proposed Bedford Street section through existing lightwell

Scale 1:200

### Existing Bedford Court Side Elevation



### Proposed Bedford Court Side Elevation



**DRAFT DECISION LETTER**

- Address:** 15-16 Bedford Street, London, WC2E 9HE,
- Proposal:** Use of part basement as restaurant (Class A3) accessed via new ground floor entrance on Bedford Court and associated internal and external alterations including installation of full height ventilation duct in lightwell.
- Reference:** 19/05768/FULL
- Plan Nos:** 00101 P02; 00108 P11; 00109 P09; 00110 P05; 00111 P03; 112 P05; 113 P0800125 P03; 00125 P03; Noise Survey Report 19/0288/R1 dated 11 July 2019; Delivery and Servicing Plan dated October 2019; Acoustic and Footfall Survey 19/0288/R3; Operational Management Plan (OMP) for Restaurant Use received 22 January 2020.

For information: Cover Letter dated 19 July 2019; Cycle Parking Requirements and Strategy dated 30 October 2019; Design & Access Statement dated July 2019; Planning Statement dated July 2019 dated 31 October 2019; Built Heritage Statement dated July 2019.

**Case Officer:** Ian Corrie

**Direct Tel. No.** 020 7641 1448

**Recommended Condition(s) and Reason(s)**

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
  - o between 08.00 and 13.00 on Saturday; and
  - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and ,
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for

example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 You must apply to us for approval of full details of the following parts of the development

– the design and appearance of the terminating section of the extract duct.

You must not start any work on this part of the development until we have approved what you have sent us. You must then carry out the work according to these approved details.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 The external cladding of the new extract duct shall match exactly the colour finish of the lift shaft wall to which it is attached and the two shall be maintained in the same colour.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 6 You must apply to us for approval of full details of the following parts of the development

- the location, design and appearance of any CCTV cameras.

You must not start any work on this part of the development until we have approved what you have sent us.

You must then carry out the work according to these approved details.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 7 Customers shall not be permitted within the Restaurant (Class A3) premises before 10:00 hours or after 23:00 hours Monday to Thursday; before 10:00 hours or after 23:30 hours Friday to Saturday; and 12:00 to 22:00 on Sundays.

Reason:

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

- 8 You must carry out the development in accordance with the approved Operational Management Plan received 16 December 2019 at all times that the restaurant (Class A3) is in use, unless a revised Operational Management Plan is submitted for approval by the City Council. The approved Operational Management Plan must thereafter be followed by the occupants for the life of the development.

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 You must not allow more than 125 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)

- 10 You must carry out the development in accordance with the approved Delivery and Servicing Plan dated October 2019 at all times that the restaurant (Class A3) is in use, unless a revised Delivery and Servicing Plan is submitted for approval by the City Council. The approved Delivery and Servicing Plan must thereafter be followed by the occupants for the life of the development.

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)

- 11 All servicing (including refuse collection) must take place between 08:00 - 22:00 Monday to Friday and 10:00 - 22:00 Saturday to Sunday. 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)

- 12 You must provide the waste store shown on drawing 00125 P03 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the Restaurant (A3). You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

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 (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)

- 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 Notwithstanding the information provided, you must apply to us for approval detailed drawings of the design, construction and insulation of the whole ventilation system plus any associated equipment and an acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 13 and 14 of this permission. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. You must not change it without our permission. (C13BB)

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)

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

- 17 The discharge point of kitchen cooking fumes must be:

- i) at least at the height of the lift over-run;
- ii) at sufficient discharge velocity (at least 8m/s) to limit the potential entrainment of exhaust air.

**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)

- 18 Prior to occupation of the restaurant use (Class A3) hereby permitted, a "Secured by Design" accreditation shall be obtained for the restaurant and thereafter all features are to be permanently retained.

**Reason:**

To reduce the chances of crime without harming the appearance of the building as set out in S29 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R16AC)

- 19 No amplified sound from the restaurant (Class A3) hereby permitted shall be audible from outside the premises.

**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)

- 20 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)

**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 HIGHWAYS LICENSING:, Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the

conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560.

**CONSIDERATE CONSTRUCTORS:**, You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

**BUILDING REGULATIONS:**,

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>

- 3 You are advised that this decision does not approve any shopfront changes or any signage. Any changes of this nature are likely to require listed building consent, planning permission and possibly advertisement consent.

**DRAFT DECISION LETTER**

**Address:** 15-16 Bedford Street, London, WC2E 9HE,

**Proposal:** Use of part basement as restaurant (Class A3) accessed via new ground floor entrance on Bedford Court and associated internal and external alterations including installation of full height ventilation duct in lightwell.

**Reference:** 19/05769/LBC

**Plan Nos:** 00101 P02; 00108 P11; 00109 P09; 00110 P05; 00111 P03; 112 P05; 113 P0800125 P03

For information: Cover Letter dated 19 July 2019; Design & Access Statement dated July 2019; Planning Statement dated July 2019 dated 31 October 2019; Built Heritage Statement dated July 2019.

**Case Officer:** Ian Corrie

**Direct Tel. No.** 020 7641 1448

**Recommended Condition(s) and Reason(s)**

- 1 The works 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 and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must apply to us for approval of full details of the following parts of the development, -  
the design and appearance of the terminating section of the extract duct. You must not start any work on this part of the development until we have approved what you have sent us. You must then carry out the work according to these approved details

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 The external cladding of the new extract duct shall match exactly the colour finish of the lift shaft wall to which it is attached and the two shall be maintained in the same colour.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 You must apply to us for approval of full details of the following parts of the development,

-the location, design and appearance of any CCTV cameras. You must not start any work on this part of the development until we have approved what you have sent us. You must then carry out the work according to these approved details.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -  
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations. The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building. In reaching this decision the following were of particular relevance: S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

\* any extra work which is necessary after further assessments of the building's condition;

\* stripping out or structural investigations; and,

\* any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents. It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

- 3 You are advised that this decision does not approve any shopfront changes or any signage. Any changes of this nature are likely to require listed building consent, planning permission and possibly advertisement consent.