

| | | | |
|---|--|--|---------------|
| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS SUB COMMITTEE | Date 1 September 2020 | Classification For General Release | |
| Report of Director of Place Shaping and Town Planning | | Ward(s) involved | |
| Subject of Report | 51 - 53 Eastcastle Street, London, W1W 8ED | | |
| Proposal | Dual/alternative use of the basement and ground floors as either an e-gaming facility with restaurant, bar and retail functions (Sui Generis) or for continued use of the basement and ground floor of No. 51 as retail (A1) and the basement and ground floor of Nos. 52-53 as a restaurant (Class A3). | | |
| Agent | MRA Architecture & Interior Design | | |
| On behalf of | Platform Ltd. | | |
| Registered Number | 20/02457/FULL | Date amended/ completed | 20 April 2020 |
| Date Application Received | 9 April 2020 | | |
| Historic Building Grade | Unlisted | | |
| Conservation Area | East Marylebone | | |

1. RECOMMENDATION

Grant conditional planning permission.

2. SUMMARY

The application relates to an adjacent retail shop (Class A1) and restaurant (Class A3) occupying basement and ground floors of units on the southern side of Eastcastle Street.

Permission is sought for dual/alternative uses involving the amalgamation of the units for use as an e-gaming centre (Sui Generis) comprising computer gaming, retail and restaurant elements, or for the retention of the existing retail and restaurant uses. No external alterations are proposed as part of the application.

The key issues are:

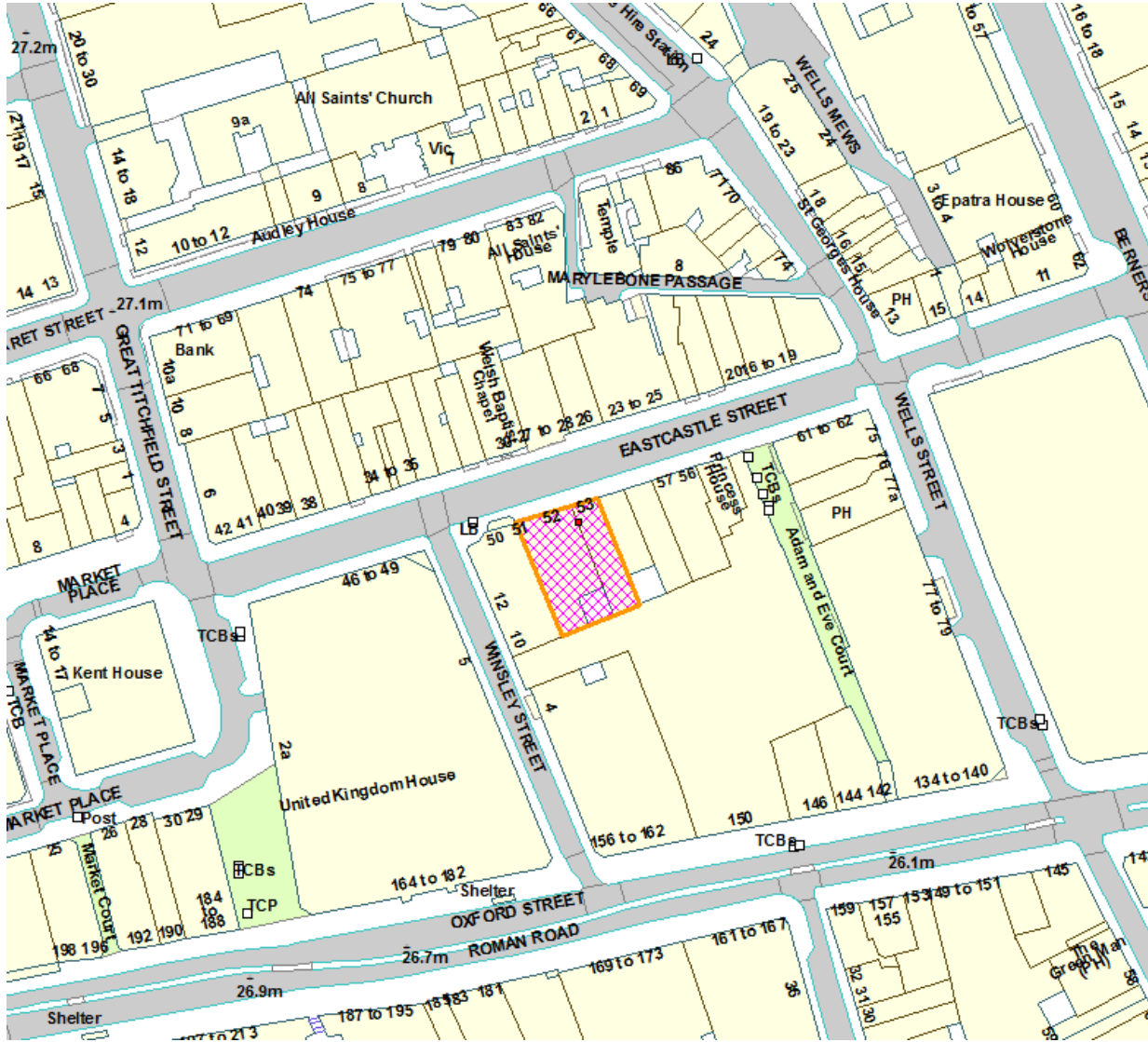
- The acceptability of the proposed e gaming centre a large entertainment/ leisure use in terms of land use and residential amenity.

| |
|----------|
| Item No. |
|----------|

| |
|----------|
| 1 |
|----------|

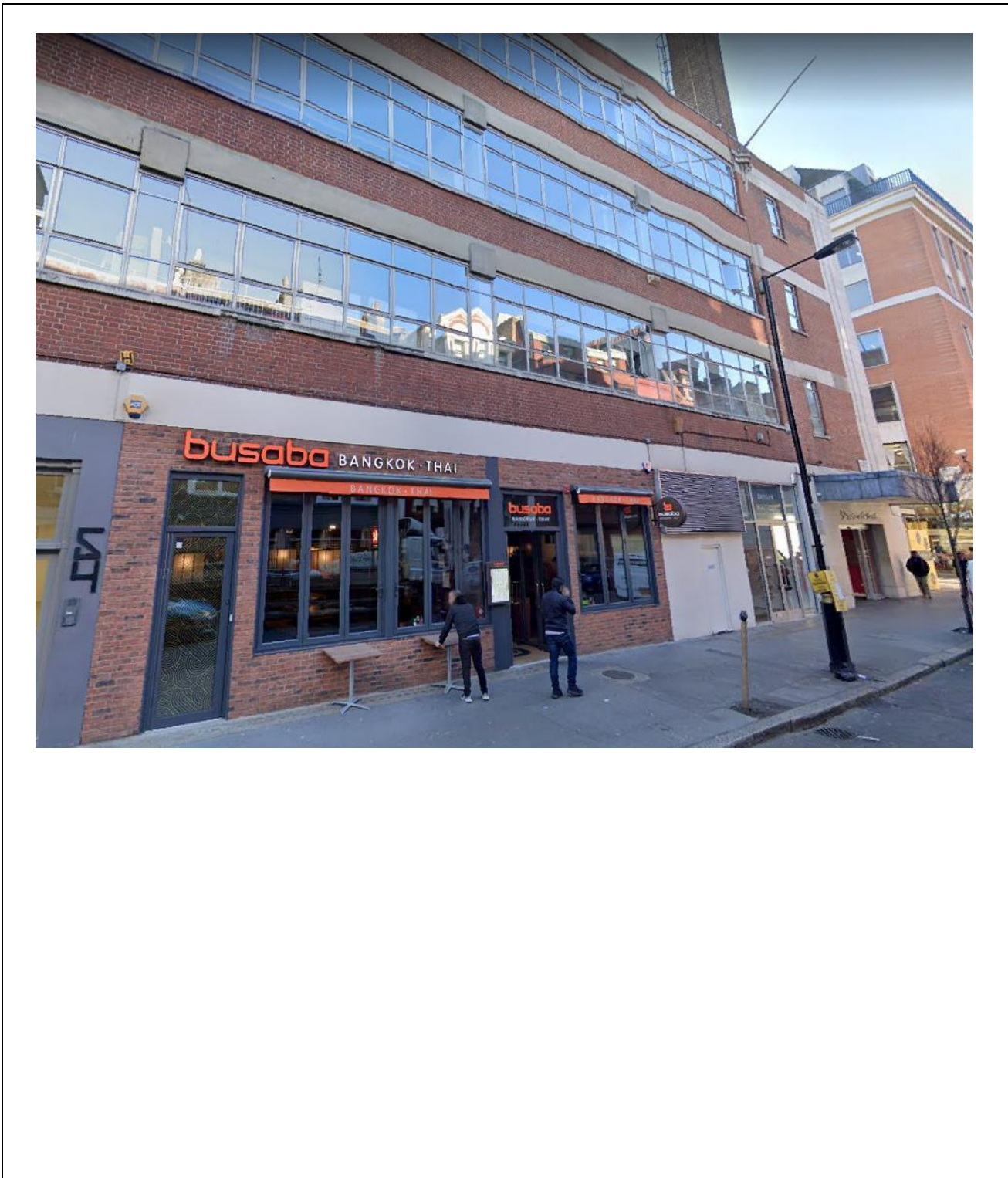
The potential loss of the retail accommodation is acceptable in the circumstances, and subject to appropriate conditions, it is also considered that the proposed entertainment use would be acceptable in terms of its impact upon the amenity of neighbouring occupiers and the character of the area. The application accords with the relevant Unitary Development Plan (UDP) and City Plan policies and is recommended for approval.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



5. CONSULTATIONS

FITZROVIA NEIGHBOURHOOD ASSOCIATION

Any response to be reported verbally.

CLEANSING

No objection subject to conditions.

HIGHWAYS

No objection subject to conditions.

ENVIRONMENTAL HEALTH

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 66

Total No. of replies: 1

No. of objections: 1

Objection on the following grounds:

Land Use

The proposed gaming entertainment use is incompatible with an adjacent high end Art Gallery

Amenity

Odours emanating from the application premises currently present a nuisance to the operation of the gallery;

Potential noise nuisance from customers and an increased risk of anti-social behaviour associated with intoxicated customers;

Other Issues

COVID 19: Potential crowds will not make social distancing possible creating a health risk.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Eastcastle Street runs parallel too and one block north of Oxford Street within East Marylebone. The site comprises 2 x basement and ground floor shop units. No 51 is in retail use (Class A1), No's 52-53 are in use as a restaurant (Class A3). The upper floors of the building are in use as general office accommodation.

The building is not listed and located within the West End Stress Area, East Marylebone Conservation Area and the Core Central Activities Zone but outside of the West End

Special Retail Policy Area.

6.2 Recent Relevant History

51 EASTCASTLE STREET

11/11291/FULL - *Use of ground floor and basement as a retail art gallery (Class A1).* Planning permission granted on the 11th January 2012.

52 - 53 EASTCASTLE STREET

15/12046/FULL - *Use of the basement and ground floors as a restaurant (Class A3), installation of a partially openable shopfront and installation of a full height kitchen extract duct with associated plant equipment within the rear lightwell.* Planning permission granted on the 21st March 2016.

16/03857/FULL - *Variation of Conditions 5, 8 and 9 of planning permission dated 21 March 2016 RN: 15/12046/FULL for use of the basement and ground floors as a restaurant (Class A3), installation of a partially openable shopfront and installation of a full height kitchen extract duct with associated plant equipment within the rear lightwell. Namely, to allow a hot food take away and delivery service to operate from the restaurant; to enable up to 200 customers in the restaurant at any one time; and to extend the restaurant opening hours.* Planning permission granted on the 29th June 2016.

7. THE PROPOSAL

Permission is sought for the dual / alternative use of the existing retail and restaurant units, either for their continued lawful use, or to amalgamate the units to provide an e-gaming centre (Sui Generis) comprising gaming, retail and restaurant functions. The amalgamated e-gaming unit would measure 660m². The application does not involve any external alterations, existing shopfronts and a full height rear extract duct are to be retained.

The floorspace figures are set out in the table below.

| | Existing GIA (sqm) | Proposed GIA (sqm) | +/- |
|-----------------|--------------------|--------------------|------|
| Restaurant (A3) | 396 | 0 | -396 |
| Retail (A1) | 264 | 0 | -264 |
| E-sports Centre | 0 | 660 | +660 |
| Total | 660 | 660 | 660 |

8. DETAILED CONSIDERATIONS

8.1 Land Use

The existing restaurant and retail units are operating lawfully in accordance with

planning consents from 2016 and 2012. The continued use of the premises for these lawful purposes is considered acceptable subject to relevant conditions.

The existing restaurant use at Nos.52-53 measures 396m² whilst the retail unit at No.51 measures 264m². Amalgamation of the units for to create an e gaming facility would provide a unit of 660m².

Retail:

Policy S21 of the City Plan 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'. The supporting text advises that this approach will ensure that the needs of customers and retailers across the city are met through the retention of the number of shops and overall amount of retail floor space.

Certain policies of the UDP have been 'saved' including ones relating to retail policies which are relevant to proposals for the loss of retail floor space. The site is located within the Core CAZ and therefore the applicable policy from the UDP relating to the loss of retail floor space is Policy SS5 which seeks to resist the loss of retail floor space within the Core CAZ, and outside of the Prime Shopping Frontages. The policy aims to encourage a balanced mix of appropriate street level activities, whilst maintaining and safeguarding residential communities.

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

Policy SS5 (B) says that planning permission for the introduction of a non-A1 town centre use at basement, ground and first floor level will only be granted where the proposal would not be detrimental to the character and function of an area or to the vitality or viability of a shopping frontage or locality.

Policy SS5 (C) states that proposals for non-A1 uses must not:

1. Lead to, or add to, a concentration of three or more consecutive non-A1 uses.
2. Cause or intensify an existing overconcentration of A3 and entertainment uses in a street or area.

The area is very commercial in nature with ground floor uses primarily comprising restaurant and retail uses and the upper floors primarily offices. The neighbouring unit to the west is an office entrance whilst the premises to the east is an art gallery (A1). The amalgamation of the two units and the potential loss of retail would not therefore result in three or more non-A1 units in a row.

As No 51 is currently in retail use the applicant is not advancing an argument that long-term retail use would not be viable as a justification for the potential loss of retail. Eastcastle Street does not however have a strong retail character. The potential loss of a single retail unit is not considered to be harmful to the character and function of the area. Furthermore, the proposed e gaming entertainment facility could be seen as a 'destination' use which would add to the vitality of the vicinity.

Changes to the Town and Country Planning (Use Classes) Order which come into force on 1 September 2020 will create a new broad Class E group titled 'Commercial, Business and Service'. The uses contained within the new Class E include, retail shops, financial and professional services, offices, medical uses, gyms and other indoor sport uses, creches and nurseries. It will not be development to change between these uses once this legislation is in force. There will therefore be greater flexibility to change from retail (currently Class A1) to other commercial town centre uses within the new designated Class E class. Retail will not be offered the same protection as currently exists. Taking this into account the loss of a small retail floorspace proposed as part of this application is considered acceptable.

Restaurant:

The existing restaurant use on the site was permitted on the 21st March 2016 with a further consent on the 29th June 2016 to varying a number of conditions on the original consent. The potential continued use of the ground and basement of 52-53 Eastcastle Street as a restaurant is considered acceptable. The same conditions as previously permitted with regards to opening hours, capacity, retention of the high level extract duct are recommended.

E-gaming facility:

The e-gaming centre comprises individual and group gaming options with retro social gaming booths with the provision of an element of supporting retail and restaurant facilities. The proposed mixed use does not fall within any of specified classes as defined within the current or amended Use Class Order (September 2020). The use is an 'entertainment use' which given that the floorspace is 600m² needs to be accessed against UDP policy TACE10 and City Plan Policies S6 and S24.

City Plan Policy S6 accepts that, in principle entertainment uses are generally appropriate in the Core CAZ. Policy S24 requires proposals for new entertainments uses to demonstrate that they are appropriate in terms of the type and size of the 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. New large-scale late-night entertainment uses of over 500sqm floorspace will not generally be appropriate within Westminster.

Given that the size of the proposed facility is over 500sqm, Policy TACE10 of the UDP also applies which only allows such large entertainment uses in exceptional circumstances and where it can be adequately controlled by conditions to avoid environmental or amenity problems. In this case it is important when considering the proposed use under both S24 and TACE10 to appreciate that the primary purpose of the use is leisure, and although it also has significant areas for dining and a bar, they will support the gaming activity. This is akin to some other leisure uses such as bowling alleys which have large areas of bars and restaurants incorporated into their business model. Most operations of this type occur without the problems associated with drinking establishments because the primary reason for visits is not to drink but to undertake a leisure pursuit. Given that the proposed use is a combination of leisure and entertainment use, it is considered that there are exceptional circumstances that would

allow a facility of this size in this location.

The proposed opening hours of the extended e-games unit are the same as the existing restaurant premises being; 07.00 and 00.00 (midnight) Monday to Saturday and 07.00 to 23.00 on Sundays. There is limited residential accommodation in the immediate area. The City Council records indicating the nearest units are located at second and third floor levels within the Welsh Baptist Chapel, which is on the opposite side of Eastcastle Street and there is also an extant permission for residential flats on the upper floors of 34-35 Eastcastle Street approximately 20m from the site.

The existing restaurant has a capacity of 200. The proposed e-gaming facility would potentially see this increased to 400 customers. Given that this is primarily a commercial area close to Oxford Street with little residential in close proximity the use is considered acceptable in principle as it is unlikely to add to noise and disturbance.

Environmental Health have confirmed that they have no objection to the application on the basis that a high level extract duct is retained to ensure adequate dispersal of cooking odours. An appropriate condition is recommended.

The restaurant unit has a partially openable shopfront and a condition was included on the consent to restrict the hours for which the openable elements could be opened (between 09:00 and 21:30 daily). This condition is again included with regard both the restaurant and e-gaming centre uses. Conditions are also recommended in relation to the operation of the e-gaming facility limiting any bar to 15% of the total floor area and requiring the submission of an Operational Management Plan to show management processes that will be adopted to prevent noise nuisance from the use detrimentally impacting neighbouring occupiers.

An objection has been received to the application from the operator of the neighbouring art gallery, raising concerns that inebriated patrons of the e-gaming use could result in nuisance to the gallery. However, the proposed use is an entertainment facility in which gaming will be the main activity and the restaurant/ bar and retail uses support the gaming. Alcohol will not be the focus of the use and to a certain extent would be incompatible with gaming. Although this is a large entertainment facility given the nature of the use and the conditions proposed the use is considered an appropriate one for the location.

8.2 Townscape and Design

No external alterations are proposed as part of this application.

8.3 Residential Amenity (Daylight/Sunlight/Sense of Enclosure)

Not applicable

8.4 Transportation/Parking

Amended drawings have been submitted during the course of the application to properly identify the provision of waste and recycling storage within the property. The Waste Project Manager has confirmed that the refuse storage provision is acceptable. A

condition is recommended requiring the storage area to be retained.

The Highways Officer also required that the drawings be amended to show the provision of five cycle parking spaces to accord with the requirements of the London Plan, this drawing has also been provided and a condition included to ensure the spaces are provided and retained.

A Delivery Management Plan was previously provided and deemed acceptable in association with the restaurant use and this has again been provided. A condition is recommended requiring the restaurant use to accord with the Delivery Management Plan. No details of deliveries from the e-gaming centre have been provided. A condition is recommended preventing a delivery service or hot food take-away as it is unknown how this might impact on the highway or on residential amenity.

Subject to the conditions recommended the Highways Planning Manager and the Waste Project Officer advise that they have no objection to application.

8.5 Economic Considerations

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

8.6 Access

No changes are proposed to the access arrangements to the unit as this application solely relates to the change of use of the premises. Both of the existing shopfront entrances have level access which is retained, it is noted there is an 'accessible toilet' to the rear of the existing restaurant unit and this is also retained as part of the proposed e-gaming facility.

8.7 Other UDP/Westminster Policy Considerations

An objection has been received to the application from a neighbouring art gallery concerned about the ability of patrons of the e-gaming facility to 'socially-distance' with regard Covid-19 regulations. If implemented the operator would have to accord with Government guidance the application cannot be refused due to the Covid-19 pandemic. The consent will also be extant for three years from the date of determination. The objector also considers the proposed e-gaming use might affect their reputation as a 'high end contemporary art gallery'. This is not a planning consideration.

The objector has stated that the existing restaurant presents a problem of odours being noticeable within the adjacent Art Gallery. The existing restaurant is lawfully operating and a high level extract duct has been installed from the kitchen, routed to the main roof level of the building where it terminates. Environmental Health raise no issues to this aspect of the application. The applicant advises having raised the points raised in objection with the management of the building that any nuisance from odours relates to drainage and not from cooking odours. This is a building maintenance issue and not something upon which permission could be reasonably withheld.

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

The site is located within the area designated for the Fitzrovia West Neighbourhood Plan. However, the Plan has only reached its formal submission stage and therefore has very limited weight. The proposals are broadly considered to comply insofar as the relevant policies of the draft Plan state:

Policy PR3: 'The provision of new tourism and entertainment uses, such as hotels, bars and night clubs of 500m². or more gross floor space will be supported if located in that part of the West End Retail and Leisure Special Policy Area (WERLSPA) that is the northern 25 Oxford Street frontage and the area north to Mortimer Street in the Plan area (see Figures 2 and Figure 3).'

Policy B2: 'A1 retail uses should be protected and applications for premises in the CAZ retail clusters will be considered in the light of the draft City Plan policies. Where there is evidence that a retail unit has been vacant and advertised to let for more than 18 months, alternative uses, such as A2, A3 and leisure uses can be considered. Particular attention should be paid to providing a vibrant and attractive street frontage at ground floor level.'

The site is within the area identified in Policy PR3 as being suitable for entertainment uses of over 500sqm.

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

Planning obligations are not relevant in the determination of this application and the proposal would not attract a CIL payment as it is solely commercial change of use.

8.13 Environmental Impact Assessment

Not relevant.

8.14 Other Issues

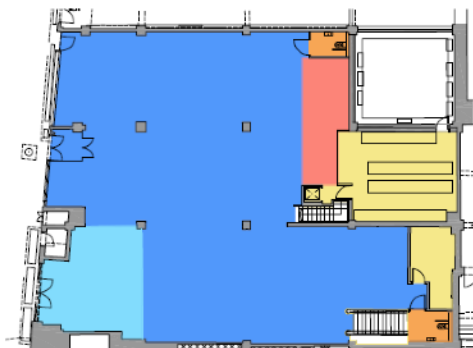
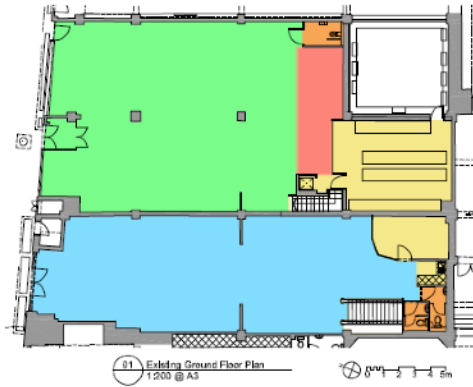
None relevant.

(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: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

9. KEY DRAWINGS

Existing and Proposed Basement and Ground Floors:



Proposed dual / alternative use of the basement and ground floor as either a sui generis use comprising a sports restaurant, bar and retail functions or for continued use of the basement and ground floor of No. 51 as retail (A1) and the basement and ground floor of Nos. 52-53 as a restaurant (Class A3). (SITE INCLUDES 51 EASTCASTLE STREET)

| | |
|-------------------------------|------|
| 1. PROFESSIONAL DESIGN NUMBER | 001 |
| 2. REVISED NUMBER | 0001 |
| 3. REVISION NUMBER | 0000 |
| 4. APPROVED | 0000 |
| 5. APPROVED | 0000 |
| 6. APPROVED | 0000 |

PLANNING

MRA

PLATFORM 20011

51 & 52/3 Eastcastle Street
London W1W

DRAFT DECISION LETTER

Address: 52 - 53 Eastcastle Street, London, W1W 8ED,

Proposal: Dual/alternative use of the basement and ground floors as either an e-gaming facility with restaurant, bar and retail functions (Sui Generis) or for continued use of the basement and ground floor of No. 51 as retail (A1) and the basement and ground floor of Nos. 52-53 as a restaurant (Class A3).

Reference: 20/02457/FULL

Plan Nos: Delivery and Servicing Plan (Busaba), Drawings: 20011-PL01, 20011-PL05, 20011-PL04, 021-003-01RevB, 021-003-02.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641
07866040155

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 3 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)

- 4 If you choose to implement the restaurant use hereby approved the delivery and take-away service must be carried out in accordance with the approved delivery and servicing plan.

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet TACE8 of our Unitary Development Plan that we adopted in January 2007, and because of the special circumstances of this case.

- 5 If you choose to implement the restaurant use hereby approved any bar area provided must not take up more than 15% of the floor area of the property. You must use the bar to serve restaurant customers only, before, during or after their meals.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 6 If you choose to implement the restaurant use hereby approved you must not allow more than 200 customers into the property at any one time.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 7 Customers shall only be permitted within the restaurant or e-sports centre between 07.00 and 00.00 (midnight) Monday to Saturday and 07.00 to 23.00 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 TACE8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 8 The high level extract duct currently installed at the property and as shown on drawings 021-003-01RevB and 021-003-02 must be retained and maintained in situ for as long as the restaurant or e-gaming facility are in use.

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)

- 9 If you choose to implement the restaurant use hereby approved all servicing activity must take place in accordance with the approved servicing management strategy

unless otherwise agreed in writing by the local planning authority.

Reason:

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

- 10 The openable panel element of the shopfront at 52-53 Eastcastle Street must be closed between the hours of 21.30 and 09.00 daily.

Reason:

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

- 11 If you choose to implement the e-gaming centre (Sui Generis) use hereby approved you must provide the separate stores for waste and materials for recycling shown on drawing number 20011.PL04. You must clearly mark them and make them available at all times to everyone using the property. (C14FB)

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)

- 12 If you choose to implement the e-gaming centre (Sui Generis) use hereby approved you must not sell any hot-food take-away or drink on the premises, nor operate a delivery service, even as an ancillary part of the primary Sui Generis use.

Reason:

We cannot grant planning permission for unrestricted use because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007, and because of the special circumstances of this case.

- 13 If you choose to implement the e-gaming centre (Sui Generis) use hereby approved you must not allow more than 400 customers into the property at any one time.

Reason:

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

- 14 If you choose to implement the e-gaming centre (Sui Generis) use hereby approved any bar area provided must not take up more than 15% of the floor area of the property.

Reason:

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

- 15 If you choose to implement the e-gaming centre (Sui Generis) use hereby approved you must apply to us for approval of a management plan to show how you will prevent customers who are leaving the premises from causing nuisance for people in the area, including people who live in nearby buildings. You must not occupy the approved e-sports centre use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the operation is in use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

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 You must register your food business with the Council, please use the following link: www.westminster.gov.uk/registration-food-business. Please email the Environmental Health Consultation Team (Regulatory Support Team 2) at ehconsultationteam@westminster.gov.uk for advice on meeting our standards on ventilation and other equipment. Under environmental health legislation we may ask you to carry out other work if your business causes noise, smells or other types of nuisance.
- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: www.westminster.gov.uk/street-naming-numbering (I54AB)

- 4 Buildings must be provided with appropriate welfare facilities for staff who work in them and for visiting members of the public. Detailed advice on the provision of sanitary conveniences, washing facilities and the provision of drinking water can be found in guidance attached to the Workplace (Health, Safety and Welfare) Regulations 1992.
www.opsi.gov.uk/SI/si1992/Uksi_19923004_en_1.htm. The following are available from the British Standards Institute - see shop.bsigroup.com/, BS 6465-1:2009: Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances, BS 6465-3:2009: Sanitary installations. Code of practice for the selection, installation and maintenance of sanitary and associated appliances. (I80HA)
- 5 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.
- 6 You are advised that a neighbouring occupier has commented on the application in relation to existing odour issues from the operational restaurant impacting on their business operation. You are advised that the full height extract duct should be working properly at all times and if there are odour issues this needs to be rectified and the City Council can take action to ensure a nuisance is not being caused.

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.