

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 29 November 2022	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	9-11 Langley Court, London, WC2E 9JY		
<b>Proposal</b>	Erection of additional second floor level extension, installation of kitchen extract duct from basement to roof level, and associated works in connection with use of the building as a restaurant (Class E).		
<b>Agent</b>	Spencer Architecture Ltd		
<b>On behalf of</b>	Adelaide Estates Ltd		
<b>Registered Number</b>	22/02426/FULL	<b>Date amended/ completed</b>	21 April 2022
<b>Date Application Received</b>	8 April 2022		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Covent Garden		
<b>Neighbourhood Plan</b>	N/A		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY & KEY CONSIDERATIONS

9-11 Langley Court is a former warehouse which was converted to retail use in the 1980s but is now vacant. The building comprises basement, ground floor and a first floor with retail frontage at ground floor, metal windows above and a rendered facade. The building lies within a pedestrian passageway which extends from Long Acre to Floral Street. The building lacks character and architectural quality and makes a neutral contribution to the Covent Garden conservation area.

The application proposes to erect an additional second floor level extension, install a kitchen extract duct from basement to roof level, with associated works in connection with use of the building as a restaurant (Class E).

The application originally proposed a smaller second floor extension with the remainder of roof converted to a terrace for external dining. The terrace has been removed from the scheme and replaced with a full width second floor extension.

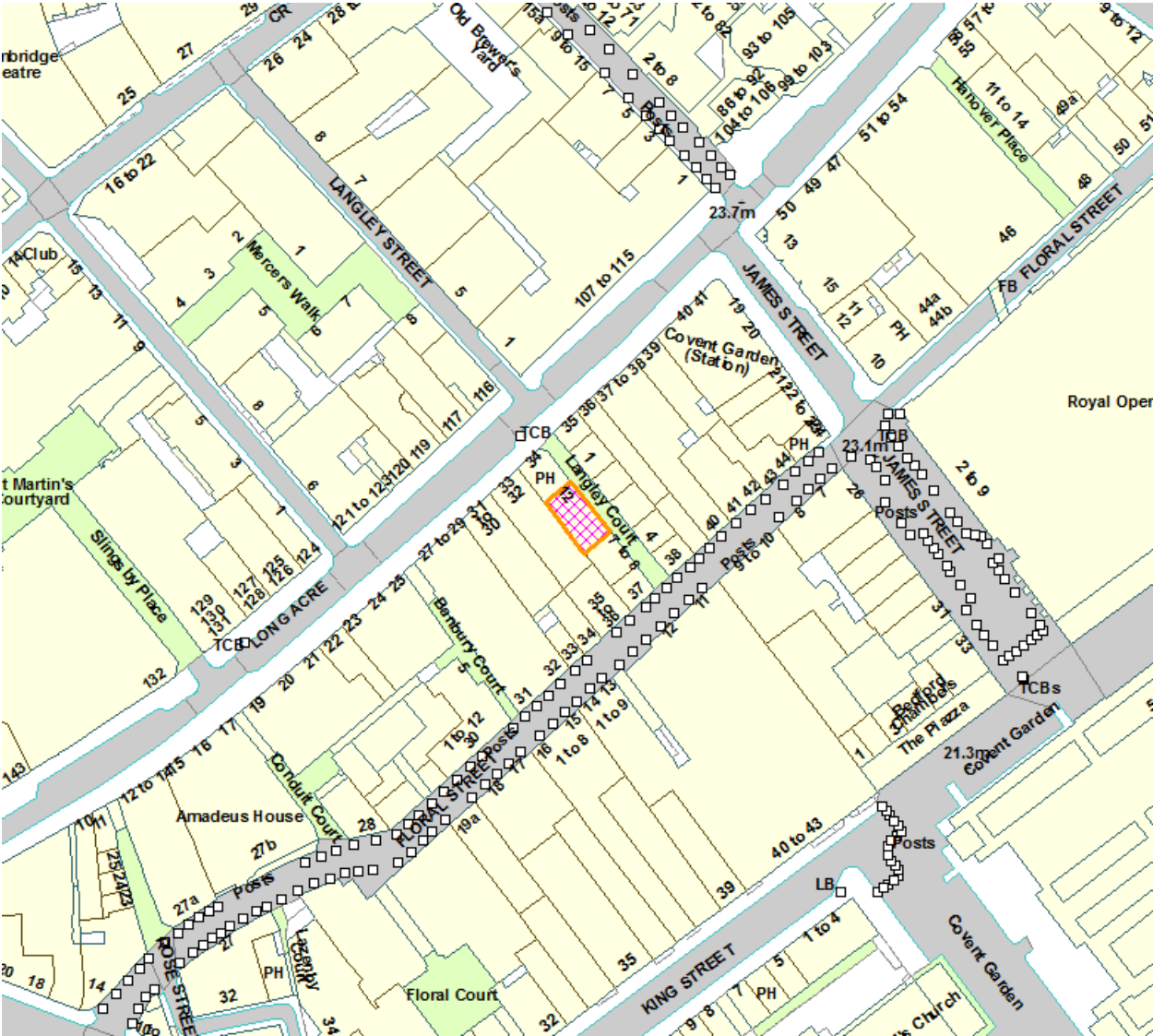
The key considerations in this case are:

- The acceptability of an enlarged restaurant (Class E) in this location in land use terms;
- The impact of the use and kitchen extract duct on the amenity of neighbouring residential properties and local environmental quality; and
- The impact of the proposed alterations upon the appearance of the building and the character and appearance of the Covent Garden Conservation Area.

Objectors are primarily concerned about the building being used as a restaurant and its potential to generate noise and disturbance that will harm nearby residents.

As set out in this report and following amendments to the proposal (including removal of a second floor outdoor terrace dining area), the proposed development accords with the relevant policies in the Westminster's City Plan 2019 – 2040 (the City Plan). The application is therefore considered acceptable in land use, design, heritage, and amenity terms, and is recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



9 - 11 Langley Court (Front elevation)



**View towards rear/ flat roof of 9 -11 Langley Court**

## 5. CONSULTATIONS

### 5.1 Application Consultations

#### **Second consultation: 18 July 2022**

**Amendments were made to the original proposals, including:**

- **removal of roof terrace for external dining; and**
- **a proposed full width second floor level extension in lieu of the roof terrace.**

COVENT GARDEN COMMUNITY ASSOCIATION:

No further response.

COVENT GARDEN AREA TRUST:

No further response.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 124

Total No. of replies: 2

No. of objections: 2

No. in support: 0

Objections on some or all of the following grounds:

Land Use/ Residential Amenity:

- Objection to use as a restaurant;
- Noise and disturbance from open windows;
- Noise and disturbance from customers coming and going throughout the day and night;
- Likelihood of troublesome odours.

Other

- Noise and disturbance from construction works; and
- Neighbouring property values will decrease.

#### **First consultation: 28 April 2022**

**Original proposals included. a half width second floor extension with the remainder of the roof being used as a terrace for outdoor dining.**

COVENT GARDEN COMMUNITY ASSOCIATION:

Object to the proposed roof terrace dining area on grounds it would cause considerable disturbance to the local area and residents.

As this is proposed to be a large restaurant diners should be dispersed to Long Acre rather than Floral Street, deliveries should not take place before 8am, bottles should be disposed of by bin swop and no bottle tipping, and roof top plant should be turned off at the restaurant's closing time.

COVENT GARDEN AREA TRUST:

Object to the proposed roof terrace dining area in such a quiet, narrow, and modestly

proportioned residential area.

**ENVIRONMENTAL SCIENCES:**

No objection subject to conditions to control noise from plant.

**HIGHWAYS PLANNING MANAGER:**

No objection subject to conditions relating to cycle parking, a servicing management plan (SMP), and deliveries.

**WASTE PROJECTS OFFICER:**

Object on grounds the waste details are insufficient. A revised drawing is required to show area of waste storage, bin capacity, and bins for recycling, food waste, and general waste.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 124

Total No. of replies: 7

No. of objections: 7 (incl. 3 responses from one address)

No. in support: 0

Objections on some or all of the following grounds:

**Land Use/ Residential Amenity:**

- Rooftop terrace dining area would cause considerable disturbance to local residents to rear;
- A more suitable use would be ground floor retail with residential flats above;
- Noise and disturbance from restaurant use;
- Noise and disturbance from extract duct;
- Overlooking of flats to rear from outdoor diners using roof terrace;
- Loss of light to flats to rear;
- Noise and disturbance from deliveries.

**Other**

- Neighbouring property values will decrease.

**PRESS NOTICE/ SITE NOTICE:**

Yes

## **5.2 Applicant's Pre-Application Community Engagement**

Formal pre-application engagement is not required for a development of this scale although it is encouraged by the City Council for all development. Therefore, whilst details of any pre-application engagement with neighbours that may have taken place has not been submitted, this is not contrary to the expectations of the guidance for development of this scale.

## **6. WESTMINSTER'S DEVELOPMENT PLAN**

### **6.1 City Plan 2019-2040 & London Plan**

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

### **6.2 Neighbourhood Planning**

The application site is not located within an area covered by a Neighbourhood Plan.

### **6.3 National Policy & Guidance**

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

## **7. BACKGROUND INFORMATION**

### **7.1 The Application Site**

Langley Court is a pedestrian passageway, which extends from Long Acre to Floral Street, and is located within the Covent Garden Conservation Area, and Central Activities Zone.

9-11 Langley Court is a former warehouse which was converted to retail use in the 1980s but is now vacant. The building comprises basement, ground floor and a first floor with retail frontage at ground floor, metal windows above and a rendered facade. The building lacks character and architectural quality and makes a neutral contribution to the conservation area.

### **7.2 Recent Relevant History**

24 September 1987, permission granted for:  
'Change of use from warehouse to retail'  
(ref. 87/00923/FULL)

28 November 1998, permission granted for:



'Use of first floor offices and erection of new second floor to provide design studio and showroom with balcony to rear. Relocation of air conditioning units to rear elevation' (ref. 98/08055/FULL).

## 8. THE PROPOSAL

The applicant seeks to convert the vacant retail building to a restaurant (Class E), together with a second floor extension and new kitchen extract duct.

The kitchen will be located in the basement, with restaurant dining areas at ground, first and new second floor level. The kitchen extract runs from the basement kitchen up the rear (West) wall to the roof above the proposed second floor extension where the extract fan will be located.

The application originally proposed a smaller/ half width second floor extension with the remaining roof converted to a terrace for external dining. The terrace/ outdoor dining area was removed from the scheme as it would have created unacceptable noise and disturbance for neighbouring residents to the rear in Floral Street, Long Acre, and Banbury Court. Subsequently, the terrace area has been replaced with a larger full width second floor extension.

**Table: Existing and proposed land uses.**

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Retail (Class E)	232		
Restaurant (Class E)		316	+84

## 9. DETAILED CONSIDERATIONS

### 9.1 Land Use

#### Land Use Policy Overview

City Plan Policy 1 (*Westminster's spatial strategy*) seeks to balance the competing functions of the Central Activities Zone (CAZ) as a retail and leisure destination, visitor attraction, global office centre, and home to residential neighbourhoods.

City Plan Policy 2 (*Spatial Development Priorities: West End Retail and Leisure Special (WERLSPA)*) seeks improved leisure experiences and a diverse evening and night-time economy.

City Plan Policy 16(A) (*Food, drink, and entertainment*) states proposals for food and drink and entertainment uses will be of a type and size appropriate to their location. The over-concentration of those uses will be further prevented where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the town centre. Applications for entertainment uses will need to demonstrate wider benefits for the local community, where appropriate.

### **Related residential amenity policies**

City Plan Policy 7(B) (*Managing development for Westminster's people*) requires new development to be neighbourly by protecting, and where appropriate enhancing local environmental quality.

City Plan Policy 33 (C) (*Local environmental impacts*) relates to noise and states development should prevent adverse effects of noise, with particular attention to:

- i. minimising noise impacts and preventing noise intrusion to residential developments and sensitive uses;
- ii. minimising noise from plant machinery and internal activities;
- iii. minimising noise from servicing and deliveries; and
- i. protecting the relative tranquillity in and around open spaces.

City Plan Policy 33 City Plan Policy 33 (D) (*Local environmental impacts*) relates to Odour, and states development will effectively address the adverse impact of odour through the incorporation of appropriate mitigation measures using a precautionary approach.

### **Legislation**

Class E (*Commercial, Business and Service*) of the Use Classes Order 1987 (as amended) was introduced on 1st September 2020. It amalgamates a number of uses that previously fell within Classes A1, A2, A3, B1, D1 and D2; shops, restaurants, financial and professional services, indoor sport, recreation or fitness, health, or medical services, creche, nursery or day centre principally to visiting members of the public, an office, research and development, or any industrial process that can be carried out in any residential area without detriment to amenity.

### **Proposed restaurant (Class E)**

Langley Court has a prominently commercial character, typical of the WERLSPA and this part of the CAZ. However, to the rear there are residential units on the upper floors of buildings on Floral Street, Long Acre, and Banbury Court.

Objectors are concerned about the building being used as a restaurant, primarily on the grounds that there will be noise and disturbance from customers coming and going throughout the day and night, and also from the building itself (open windows). In addition, concerns have been raised about potential odours from the new kitchen extract duct.

Food, drink, and entertainment uses need to be carefully managed to prevent harmful impacts on residential amenity and local environmental quality. They have the greatest potential to generate noise and disturbance in nearby streets and to adversely affect local amenity. Although, there can be considerable variation between the effects of different types of food / drink / entertainment uses.

The proposal involves converting the existing vacant retail unit to a restaurant. Both these uses now fall within Class E.

The existing vacant retail unit comprises 232 sqm and could change to a restaurant without planning permission and providing there is no further extension.

The proposal would provide an enlarged Class E restaurant comprising 316 sqm (an additional 84 sqm of restaurant floorspace with the new second floor extension).

The restaurant would operate over four floors. The plans show that the kitchen and staff facilities will be located in the basement, with a dining area and bar at ground floor, a dining area at first floor, and a bar and dining area at new second floor level. The plans show that the restaurant would be capable of hosting circa 120 covers.

A condition is recommended in respect of the use, to restrict it to a restaurant or non-food retail purpose only. This will ensure that the building would not change to another Class E use that has potential to cause nuisance (for example, a food retailer that may result in daily increased servicing).

A condition is also recommended to limit the size of any bar and bar seating area so that it takes up no more than 15% of the floor area, and also so that it's used to serve restaurant customers only.

### **Noise**

A condition is recommended requiring an Operational Management Plan to show the operators will prevent customers from causing nuisance for people in the area, including people who live in nearby buildings.

No hours of use are specified within the application. A condition is recommended requiring the proposed restaurant to operate within the hours of 8am and midnight, which broadly aligns with similar restaurant operating hours in the wider area.

In terms of noise outbreak and to prevent noise and disturbance to those residents to the rear, it is recommended that all rear doors and windows are fixed shut permanently or during restaurant opening hours. The proposed second floor extension includes two new high level windows in the rear elevation. A condition is recommended requiring that these are permanently fixed shut. The existing building has a rear door and balcony at first floor level. A condition is recommended requiring that the doors are fixed shut and the balcony not used during restaurant operating hours.

Conditions are also recommended to prevent the use of the second floor extension roof as a balcony, as well as a requirement that no live or recorded music to be played in the Class E use that is audible externally or in the adjacent properties.

To the front elevation, the plans show the provision of an internal ground floor lobby which is welcomed as it will help prevent noise breaking when customers are coming and going. This is also secured by condition.

### **Odours**

The proposed kitchen extract runs from the basement kitchen and up the rear (West)

wall to the roof above the proposed second floor extension, where the extract fan will be located.

The application is supported by an Odour Control Assessment in relation to the kitchen extract duct. This assessment assess the proposal in accordance with guidance set out by the Institute of Air Quality Management (IAQM) 'Guidance on the assessment of odour for planning', and the council's recommendation for a hot food use operation 'Prevention of odour and fume nuisance from commercial kitchen exhaust systems'.

The kitchen extract duct is designed to discharge at roof level and clear of all windows in the vicinity. In addition, mitigation measures for odour control are proposed at the base of the duct, where it is easily accessed for maintenance purposes.

The applicant is advised by informative that they must register a food business with the council, where under environmental health legislation, the food business must meet our standards on ventilation and other equipment so it does not cause noise, smells, or other types of nuisance.

### **Conditions**

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021), it is considered both appropriate and necessary to impose conditions to control the use of the building and operation of the restaurant. The recommended conditions are set out below:

#### Conditions for use

- Restrictive Class E use for restaurant or non-food retail purposes only (con. 4)
- Operational Management Plan to show the operators will prevent customers from causing nuisance for people in the area, including people who live in nearby buildings (con.5)
- No live or recorded music to be played in the Class E use that is audible externally or in the adjacent properties (con.6)
- Hours of use, 8am – Midnight (con.7)
- Rear second floor windows and doors permanently fixed shut or during opening hours (cons. 8 and 9).
- Restricting use of the extension roof as a terrace (con.10)
- Details of a Servicing Management Plan (con.12)
- No delivery service (con.14)
- Waste storage (con.15)
- Kitchen Extract Ventilation (cons. 16, 17 and 18)
- Restriction on size of ancillary bar to 15% of floorspace (con. 19)
- Internal/ acoustic lobby (con 20)

### **Land use conclusion**

The restaurant is located within a predominately commercial part of the CAZ, typical of the WERLSPA. However, residential units can be found to the rear on the upper floors of buildings on Floral Street, Long Acre, and Banbury Court.

In this case, with appropriate conditions to control its operation, it is considered that the restaurant could operate without causing notable harm.

This planning application also provides an opportunity through the recommended conditions to gain greater control over the use of the unit, which would not otherwise have been possible if the existing building without an extension is converted into a restaurant. In these circumstances, the proposed change of use to a restaurant is considered acceptable.

## 9.2 Environment & Sustainability

The applicant states that the existing roof of the building is devoid of modern insulation and this proposal gives the opportunity to enhance the insulation levels at the top of the building where heat loss is at the maximum. In addition, the applicant proposes high quality durable materials.

## 9.3 Biodiversity & Greening

The proposals do not increase biodiversity/ provide greening.

## 9.4 Townscape, Design & Heritage Impact

### Legislative & Policy Context

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires that "*In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*"

Section 72 of the LBCA Act requires that "*In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*"

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 requires that where development will have a visibly adverse effect upon a conservation area's recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as

relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The relevant design related City Plan policies are 38 (*Design Principles*), 39 (*Westminster's Heritage*), and 40 (*Townscape and architecture*).

## Design

9-11 Langley Court is a former warehouse which was converted to retail use in the 1980s. The building comprises basement, ground floor and a first floor with retail frontage at ground floor, metal windows above and a rendered facade. The building lies within a pedestrian passageway which extend from Long Acre to floral Street. The building lacks character and architectural quality and makes a neutral contribution to the conservation area.

Key considerations from a design townscape perspective are the impact upon the appearance of the building and the character and appearance of the conservation area, taking into account the established building heights and townscape scale of the buildings with the immediate context of the site.

The proposal seeks to erect an additional storey at second floor level. The neighbouring buildings extend a further two storeys above the application site, suggesting that the property could comfortably accommodate an additional storey. Initial proposals sought a half width extension allow for an adjacent accessible roof terrace. The unbalanced composition of the extension was considered visually awkward and revisions were suggested. Subsequently the revised scheme proposes a sheer storey across the whole of the site, which would align with the parapet on no. 7-8. Its facade treatment will replicate the fenestration pattern and details of the first floor, including the raised panelling. The facade will feature a substantial parapet, which is not considered unusual on a building of this type.

From a townscape perspective, it would have been desirable to enhance the appearance of the building and introduce some character. However, reproducing the ground floor at first floor level is not a unsound approach and would maintain the buildings appearance and preserve the character and appearance of the conservation area.

To the rear, the kitchen extract runs from the basement kitchen up the rear (West) wall to the roof above the proposed second floor extension where the extract fan will be located. The treatment of the back of the building is less of a concern given its enclosed nature.

Subject to conditions ensuring that the windows and render match the existing, the proposals are supported in townscape and design grounds.

## 9.5 Residential Amenity

### Residential Amenity Policy Overview

City Plan Policy 7(A) (Managing development for Westminster's people) requires new development to be neighbourly by protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

City Plan Policy 7(B) (*Managing development for Westminster's people*) requires new development to be neighbourly by protecting, and where appropriate enhancing local environmental quality.

City Plan Policy 33 (A) (Local environmental impacts) states that the council will make sure that quality of life and health and wellbeing of existing and future occupiers, and the natural environment are not adversely affected by harmful pollutants and other negative impacts on the local environment.

City Plan Policy 33 City Plan Policy 33 (C) (*Local environmental impacts*) relates to noise and states development should prevent adverse effects of noise, with particular attention to:

- ii. minimising noise impacts and preventing noise intrusion to residential developments and sensitive uses;
- ii. minimising noise from plant machinery and internal activities;
- iii. minimising noise from servicing and deliveries; and
- ii. protecting the relative tranquillity in and around open spaces.

Policy 38 (C) (*Design principles*) states that all development will place people at the heart of design, creating inclusive and accessible spaces and places, introducing measures that reduce the opportunity for crime and anti-social behaviour, promoting health, well-being and active lifestyles through design and ensuring a good standard of amenity for new and existing occupiers.

The Environmental Supplementary Planning Document (SPD (Feb 2022)) also builds upon environmental policy within the City Plan 2019-204.

### Daylight & Sunlight & Sense of Enclosure

The proposal seeks to erect an additional storey at second floor level. The neighbouring buildings, either side on Langley Court, extend a further two storeys above the application site.

To the rear there are, residential units on the upper floors of buildings on Floral Street, Long Acre, and Banbury Court. It is considered that the proposed application site is sufficiently distant from these neighbouring residential units. In this respect the additional storey will not have an unacceptable impact in terms of daylight and sunlight, and sense of enclosure.

## Privacy

The existing building has rear openings including patio doors and a balcony at rear first floor level. The additional second floor extension includes high level windows. It is considered that these windows would not have an unacceptable impact in terms of overlooking, given the distance and orientation of rear neighbouring residential units.

## Noise & Vibration

The proposals includes an extract duct that will exit the kitchen at basement level and run vertically up the rear façade to the second floor roof, through the parapet wall to the extract fan and silencer before turning vertically to the top of the party wall. There will also be odour control at the base of the duct where it is easily accessed for maintenance purposes.

The application is supported by way of an acoustic report that demonstrates the equipment can comply with Westminster's noise criteria. The acoustic report has been reviewed by Environmental Sciences who raise no objection on environmental noise or nuisance grounds subject to the recommended conditions.

Issues of noise breakout from the proposed residential use are addressed in section 9.1 with conditions recommended to require the rear second floor windows and doors to be permanently fixed shut or fixed shut during opening hours (conditions 8 and 9).

## 9.6 Transportation, Accessibility & Servicing

### Highway Impact

The site is well served by public transport and there is no significant change in pedestrian or vehicular traffic expected from the change from retail (Class E) to restaurant use (Class E). It is considered that in terms of people arriving and departing, the levels would not be significant in highways planning terms. The site is also within a Control Parking Zone which means anyone who does drive to the site will be subject to those controls.

### Servicing and Waste & Recycling Storage

Policy 29 (D) (Freight and Servicing) requires servicing, collection and delivery needs to be met in such a way that minimises adverse effects on other highway and public realm users, and other residential or commercial activity.

The change to restaurant use (Class E) could alter the servicing needed. Given the sites location it is felt that any change in servicing and deliveries may impact on the operation of the highway network. The Highways Planning Manager recommends a condition requiring Servicing Management Plan to demonstrate how the proposed development would minimise adverse effects on the highway network.

Policy 37(B) (*Waste Management*) states all new developments (including extensions and change of use) must provide appropriate facilities for the storage of separate waste



streams which are safe and convenient to access for deposit and collection, with sufficient capacity for current and projected future use.

The Waste Projects Officer objects on grounds the waste details are insufficient. A condition is recommended requiring details (revised drawing) to show the area for waste storage, bin capacity, and bins for recycling, food waste, and general waste.

### **Cycling & Cycle Storage**

Cycle parking will help encourage workers away from less sustainable transport modes. A development of this size requires a minimum of two long-stay cycle spaces for employees. A condition is recommended requiring details of cycle parking, which should be secure, accessible, weatherproof and within the development site.

## **9.7 Economy including Employment & Skills**

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy through the generation of increased opportunities for local employment, procurement, and spending.

## **9.8 Other Considerations**

None.

## **9.9 Environmental Impact Assessment**

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

## **9.10 Planning Obligations & Pre-Commencement Conditions**

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

## **10. Conclusion**

The restaurant is located within a predominately commercial part of the CAZ, typical of the WERLSPA. However, residential units can be found to the rear on the upper floors of buildings on Floral Street, Long Acre, and Banbury Court. In this case, with appropriate conditions to control its operations, it is considered that the restaurant could operate without causing notable harm.

This planning application also provides an opportunity through the recommended conditions to gain greater control over the use of the unit, which would not otherwise have been possible if the existing building without an extension is converted into a restaurant. In these circumstances, the proposed change of use to a restaurant is

considered acceptable.

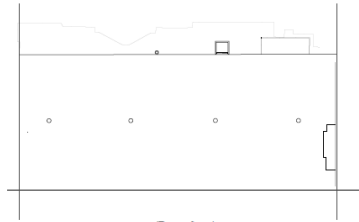
As set out in this report and following amendments to the proposal (including removal of a second floor outdoor terrace dining area), the proposed development accords with the relevant policies in the Westminster's City Plan 2019 – 2040 (the City Plan). The application is therefore considered acceptable in land use, design, heritage, and amenity terms, and is recommended for approval subject to the conditions set out in the draft decision letter.

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

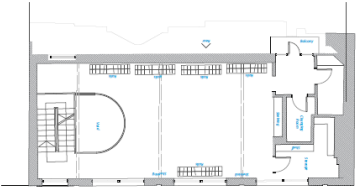
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT [mmason@westminster.gov.uk](mailto:mmason@westminster.gov.uk)

11. KEY DRAWINGS

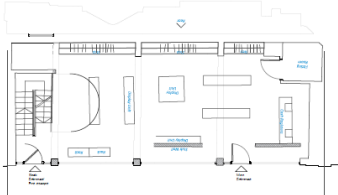
Existing plans & elevations



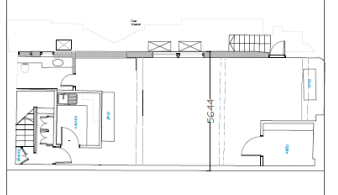
Roof plan



First floor plan



Ground floor plan

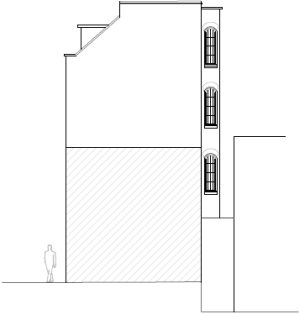


Basement plan

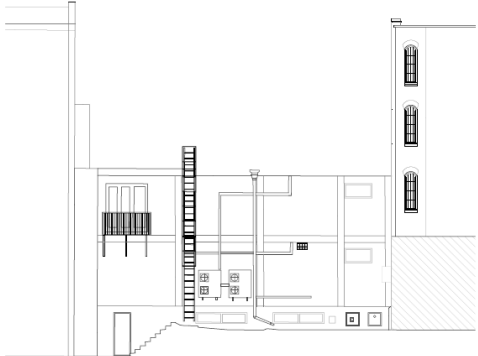


Front Elevation - 12 Langley Court

Front Elevation



Side Elevation



Rear Elevation - 12 Langley Court

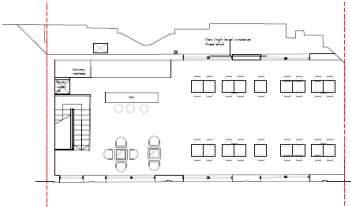
Rear Elevation

PLANS & ELEVATIONS - AS EXISTING

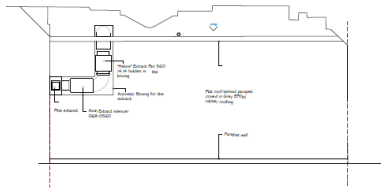
Revised elevation added and edgeless windows 22/04/20

<b>SPENCER</b>			
ARCHITECTS			
<small>100 COLLEGE STREET, SYDNEY NSW 2000</small>			
<small>TEL: (02) 9232 4000 FAX: (02) 9232 4001</small>			
<small>WWW.SPENCERARCHITECTS.COM.AU</small>			
PROJECT			
9-11 Langley Court, Covent Garden			
CLIENT			
Adelaide Estates Limited			
DRAWN BY			
Plans & Elevations - As Existing			
DATE	SCALE	DATE	SCALE
01/22	DF	11/00@41	500 002

Proposed plans & elevations



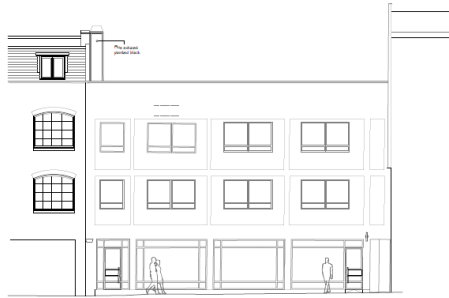
Second floor plan



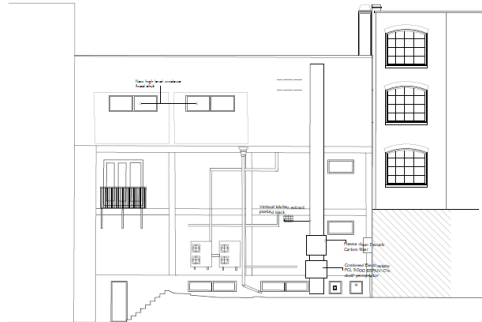
Roof plan



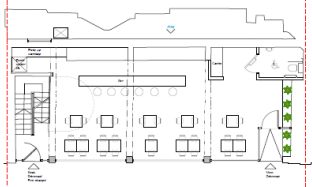
First floor plan



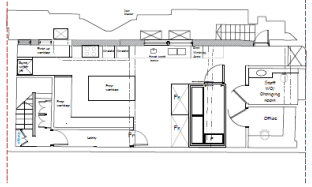
Front Elevation



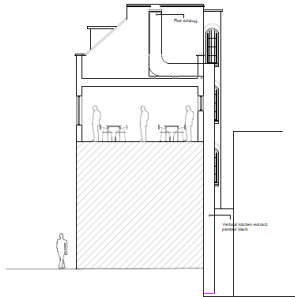
Rear Elevation



Ground floor plan



Basement floor plan



Side Elevation

Rev.0: Roof service replaced by full storey, 22.02.13  
 Rev.1: Scale elevation added and adjusted, 22.04.20  
 Rev.2: Internal layout changes, 22.03.20  
 Rev.3: Window sillwork adjusted, 22.03.20

<b>SPENCER</b> ARCHITECTS	
CONSULTING ARCHITECTS, 100, GOWER STREET, LONDON, WC1E 6BT, ENGLAND, U.K. TEL: 020 7639 3300 FAX: 020 7639 3301	
PROJECT: 9-11 Langley Court, Covent Garden, London	
CLIENT: Adelaide Estates Limited	
DRAWING: Plans & Elevations - As Proposed	
DATE: 07/22	SCALE: 1/100 @ A1

PLANS & ELEVATIONS - AS PROPOSED

**DRAFT DECISION LETTER**

**Address:** 9-11 Langley Court, London, WC2E 9JY

**Proposal:** Erection of additional second floor level extension, installation of kitchen extract duct from basement to roof level, and associated works in connection with use of the building as a restaurant (Class E).

**Reference:** 22/02426/FULL

**Plan Nos:** Location Plan;  
001 Rev A - Block Plan  
002 Rev A - Existing plans & elevations;  
101 Rev D - Proposed plans & elevations.

For information:  
Design & Access Statement Incorporating Sustainable Design Statement & Heritage Statement, prepared by Spencer Architecture, Revision A dated April 2022;  
Planning Compliance Report, prepared by Clarke Saunders Acoustics dated 18 March 2022;  
Odour Control Assessment, prepared by Spencer Architecture;  
Flood Risk Assessment, prepared by Spencer Architecture.

**Case Officer:** David Dorward

**Direct Tel. No.** 07866038730

**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 neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 Notwithstanding the provision within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) (or any equivalent class in any order that may replace it, the development hereby approved at ground, first and second floor must be used for restaurant or non-food retail purposes only.

Reason:

To ensure that the development is carried out in accordance with the use sought and assessed, to ensure that the parts of the building are not used for other uses within Class E that may have different or unacceptable waste storage, servicing, amenity or transportation requirements and / or impacts in accordance with Policies 16, 18, 24, 25, 26, 27, 28, 29, 32, 33 and 37 of the City Plan 2019 - 2040 (April 2021).

- 5 You must apply to us for approval of an operational management plan (OMP) for the restaurant premise to show how you will prevent customers from causing nuisance for people in the area, including people who live in nearby buildings. You must not occupy the restaurant until the Council have approved the submitted OMP. The restaurant use hereby permitted must be operated in accordance with the approved OMP.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 6 No live or recorded music shall be played in the Class E use that is audible externally or in the adjacent properties.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies

7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 7 Customers shall not be permitted within the restaurant premises before 0800 hours or after midnight each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 8 The new high level second floor windows in the rear elevation must be fixed permanently shut.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 9 The rear first floor door must be fixed shut and the rear balcony must not be used during restaurant operating hours. You can however use the door and balcony to escape in an emergency.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 10 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 11 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 Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 12 You must apply to us for approval of details of a Servicing Management Plan. You must not occupy the development until we have approved what you have sent us. Thereafter you must service the restaurant in accordance with the approved plan, unless otherwise agreed in writing by the City Council as local planning authority.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in

neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 13 You must apply to us for approval of details of secure cycle storage for the restaurant use. You must not start any work on this part of the development until we have approved in writing what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to everyone using the restaurant. You must not use the cycle storage for any other purpose. (C22HA)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 14 You must not operate a delivery service, even as an ancillary part of the primary restaurant use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 15 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. You must not occupy the restaurant use hereby approved until we have approved what you have sent us. You must then provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark them and make them available at all times to everyone using the restaurant. You must not use the waste and recycling store for any other purpose. (C14GB)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 16 (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 in writing 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 in writing 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 written 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.
- (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 17 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

**Reason:**

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

- 18 The plant/machinery hereby permitted shall not be operated except between 0700 hours and 2300 hours daily. (C46CA)

**Reason:**

To safeguard the amenity of occupiers of noise sensitive receptors and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) the Environmental Supplementary Planning Document (February 2022). (R46CC)

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

**Reason:**

We cannot grant planning permission for unrestricted restaurant/ café use because it would not meet Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05CD)

- 20 You must provide the internal lobby to the ground floor main entrance as shown on drawing 101 Rev D prior to occupation of a restaurant use. You must then maintain the ground floor internal lobby when the building is in use as a restaurant.

**Reason:**

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

**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 the City Plan 2019 - 2040

(April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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](http://www.westminster.gov.uk/registration-food-business). Please email the Environmental Health Consultation Team (Regulatory Support Team 2) at [ehconsultationteam@westminster.gov.uk](mailto: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 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)) to make sure that you meet all the requirements before you draw up contracts for demolition and building work.  
When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974).  
British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work.  
An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

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.