

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 24 January 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>	<b>6 Bedford Street, London, WC2E 9HZ</b>		
<b>Proposal</b>	Use of ground floor and basement as public house (sui generis). External and internal alterations including new entrance doors and modifications to windows/ shopfronts including installation of awnings; replacement ventilation system and installation of plant.		
<b>Agent</b>	Nineteen47 Ltd - Carl Stott		
<b>On behalf of</b>	JD Wetherspoon PLC - Simon Barratt		
<b>Registered Number</b>	22/01596/FULL and 22/01873/LBC	<b>Date amended/ completed</b>	10 November 2022
<b>Date Application Received</b>	10 March 2022		
<b>Historic Building Grade</b>	Grade II		
<b>Conservation Area</b>	Covent Garden		
<b>Neighbourhood Plan</b>	Not applicable		

## 1. RECOMMENDATION

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

## 2. SUMMARY & KEY CONSIDERATIONS

The application building comprises 4-6 Bedford Street and 1-5 Chandos Place, it is grade II listed and is within the Covent Garden Conservation Area. The application relates to part ground and basement levels of 6 Bedford Street and seeks to change the use from a restaurant unit (formerly TGI Fridays) to a public house, with internal and external alterations, the installation of a replacement ventilation system and new plant equipment.

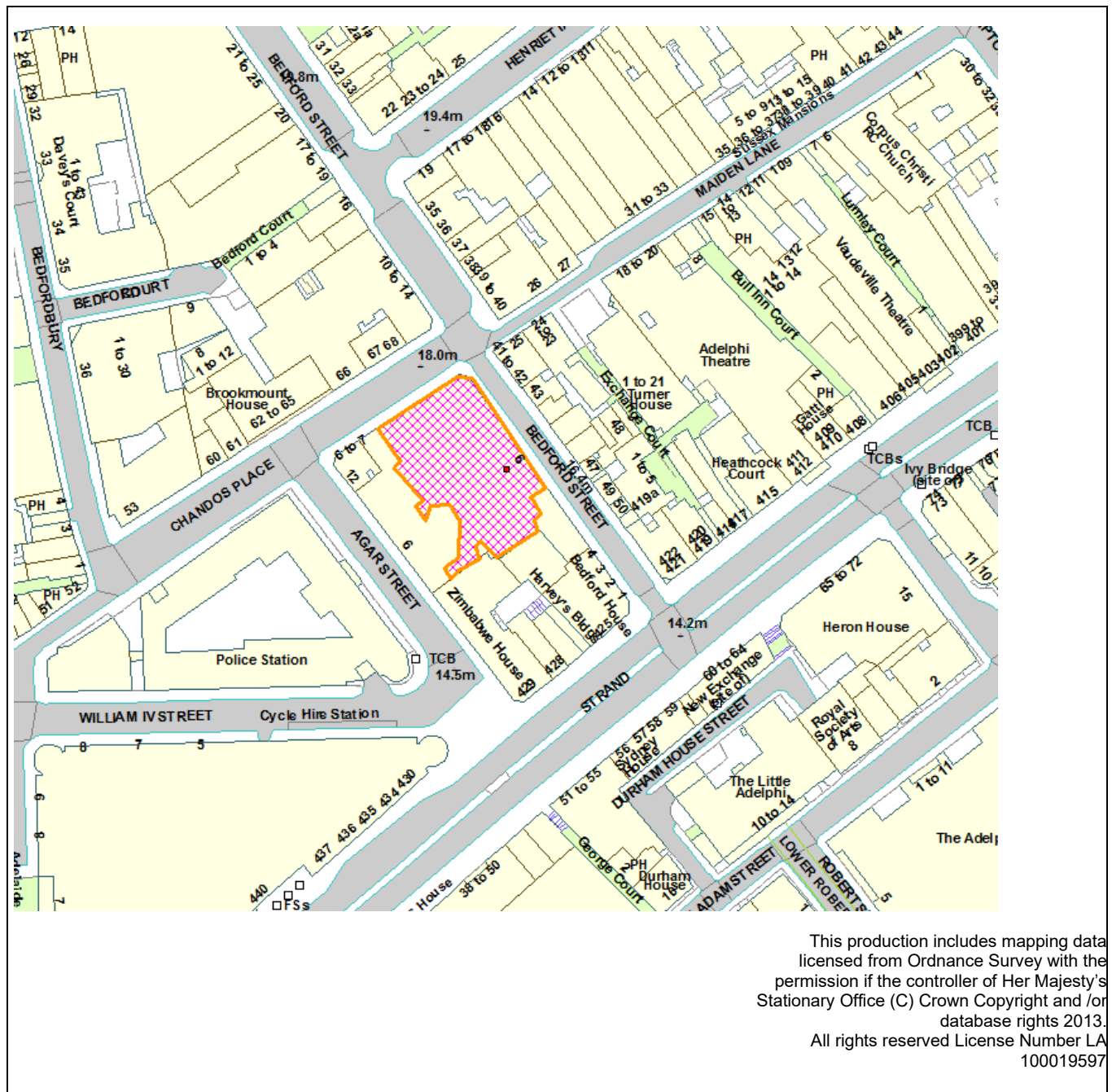
The application was scheduled to be considered at the Planning Applications Sub-Committee (2) meeting on 1 November 2022. Following further representations, the application was withdrawn from the agenda by officers. The report has been updated and the applicant has updated their management plan, acoustic information and reduced the proposed capacity of the public house. The police have been consulted and residents have been re-consulted.

The key considerations in this case are:

- The acceptability of a public house in this location in land use terms;
- The impact of the use and proposed equipment on the amenity of neighbouring residential properties and local environmental quality;
- The impact of the proposed alterations on the significance of the listed building and the character and appearance of the Covent Garden Conservation Area.

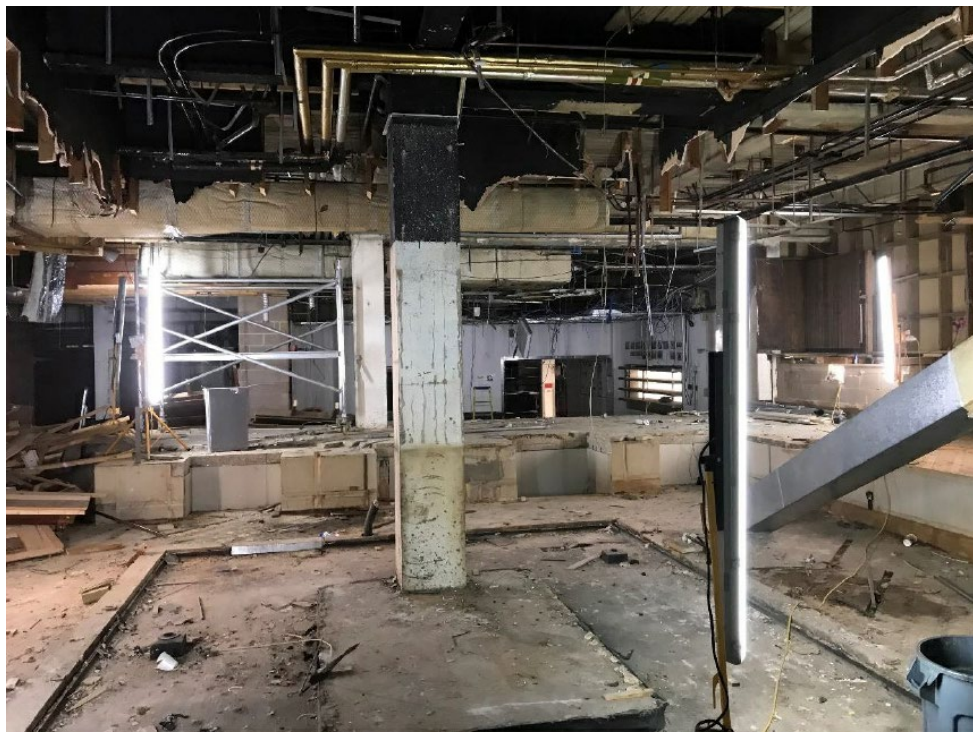
As set out in this report and following amendments to the proposal, the proposed development accords with the relevant policies in the Westminster's City Plan 2019 – 2040 (the City Plan), the London Plan and the guidance set out in the Mayor's Culture and the Night Time Economy Supplementary Planning Guidance (SPG). 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



## 5. CONSULTATIONS

### 5.1 Application Consultations

#### COVENT GARDEN AREA TRUST:

The Covent Garden Area Trust objects. The proposals are contrary to the London Plan and Westminster's City Plan, particularly City Plan Policy 16. The proposals would:

- Impact on residential amenity through an increase in noise and anti-social behaviour. There would be a significantly different impact on noise and anti-social behaviour levels between the restaurant and public house.
- Over-concentration of public house / bar uses within the area. There are 9 within 150m of the site.
- Impact on existing businesses and public houses within area. This type of public house which offers low-cost drinking would put pressure on smaller, traditional and historic public houses in the area.

If the Council chooses to grant permission for change of use despite these significant issues, it should restrict its hours of operation to the hours within which it is proposing to serve food 08.00-23.00 daily. This will shift the inevitable negative impacts of noise and anti-social behaviour disturbances to an earlier time.

#### COVENT GARDEN COMMUNITY ASSOCIATION:

Covent Garden Community Association objects. Extraordinary to suggest a public house will not have a significantly different impact on neighbours compared to a restaurant – this public house will impact residential amenity.

The public house will lead to an over-concentration of this type of use within the area. There are 9 within 150m of the site and adding to this would lead to an over-concentration of that type of use. A management plan has not been provided. The application is contrary to various relevant London Plan and Westminster City Plan policies.

The noise assessment is inadequate in terms of assessing existing noise levels. Concern raised regarding noise escape, even though there are lobby doors (as both can be left open). Concern also raised regarding the impact of servicing. If the Council is, despite this, minded to grant permission for a change of use then it should restrict the hours of operation of the premises to those during which they are proposing to serve food, that is 08:00-23:00 on all days of the week. This will reduce the negative impact because customers will at all times at least be able to choose to consume food, even if they do not do so. It should also impose conditions on the hours for deliveries and waste collection as set out above.

In relation to the previously published report, concern raised regarding its accuracy in relation to hours, the existing licence and consideration of the capacity of the premises [the report was subsequently withdrawn by officers].

**METROPOLITAN POLICE:**

The top reported crimes in the area are theft, violence and sexual offences and anti-social behaviour. When it comes to a safe and secure environment for the visitors of 6 Bedford Street it's imperative that a good Management Plan is in place. This covers security, training of staff (Ask Angela & CT Awareness) and excellent CCTV.

At peak times, especially in the evening, security should be placed at the entrance/exit and wear Body Cams, to record any incidents. Provisions should be in place for any vulnerable mentally or physically ill persons (away from public view), with adequately trained staff. The roller shutter is of concern for staff. It has been suggested all staff with a pedal cycle should use the shutter when entering or exiting. This makes staff vulnerable when entering as they are waiting for the shutter to open and staff will not wait for shutters to fully close which means tailgaters may enter unnoticed.

**ENVIRONMENTAL HEALTH:**

The kitchen and extract information is acceptable, although details of the system should be secured by condition and the applicant should be advised on requirements to discharge the condition. The hours of operation should be limited to 08:00 to 00:00hrs (midnight) Monday to Saturday and to 23:30hrs Sunday. No objections to the capacity. The windows should be controlled so not to open expect between 08:00 and 22:00hrs.

**WASTE PROJECT OFFICER:**

Waste and recycling storage should be labelled R for mixed recycling, W for general waste, and O for food waste on the proposed drawings.

**HIGHWAYS PLANNING TEAM:**

The proposed site is well served by public transport and there is no significant change in pedestrian or vehicular traffic expected from the use as a public house (sui generis). It is considered that in terms of people arriving and departing, the levels would not be significant in highways planning terms.

Details of waste and cycle storage arrangements should be provided (could be secured by condition)

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

No. Consulted: 91

Total No. of replies: 32

No. of objections: 32

No. in support: 0

In summary 32 neighbours/ representatives of local groups/ resident associations and landowners (Capital and Countries and the Mercers' Company) object on the following summarised grounds:

**Land use:**

- The proposals would lead to an over concentration of public houses in the area;
- A drinking establishment would harm the character of the area;
- A public house of this size and type is out of place in the area;
- This public house is 'low brow' compared to the rest of the area;
- Is a drinks led operation not a food led one.

**Amenity:**

- Would harm residential, business, cultural and religious amenity;
- The public house would result in a significant increase in noise in the area, in particular a cumulative impact;
- The late opening would worsen noise and anti-social behaviour (which is already a significant issue);
- Would worsen safety in the area.

**Environmental Quality:**

- Low level extract system could harm local environmental quality, and a full height option to reduce existing has not been properly investigated.

**Highways:**

- Would cause further congestion in the area;
- Servicing and deliveries would result in noise.

**Other:**

- Lack of public engagement or consultation.

**PRESS NOTICE/ SITE NOTICE:**

Yes

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

The applicant did not carry out pre-application community engagement. The council has published guidance to assist applicants and developers, their agents, and community representatives to more clearly understand the council's expectations for planning pre-application engagement. The guide supports developers to deliver earlier, more inclusive and more transparent and responsive community engagement in Westminster on their emerging development proposals.

Community engagement should occur at the earliest possible stage and prior to initial engagement with the council through its planning pre-application advice service. It provides communities with a meaningful role in shaping their places and allows developers to benefit from the insight that communities can provide through their unique local knowledge, test and refine ideas at an early stage and gather support for the general principles of their development proposal. Early community engagement can improve trust and relationships between developers and local communities, building greater overall support for development and a greater appreciation of the positive benefits that can be delivered for existing local communities by well-designed development.

It is therefore disappointing that the applicant did not carry out early community engagement. The applicant's agent has been reminded that in future the applicant ought to carry out this engagement because of the benefits it can bring both to them and the community. The planning and listed building applications must be considered on their merits, however.

## **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**

The application building is located at the junction of Bedford Street and Chandos Place. It comprises 4-6 Bedford Street and 1-5 Chandos Place. The building, which was built in 1876/7, is grade II listed and is within the Covent Garden Conservation Area. The building suffered a fire in the 1980s, gutting it internally. Externally, the front facades have been restored.

The application site is 6 Bedford Street and it comprises part of the ground and basement floor levels of the building. It is a restaurant unit (class E) that is currently vacant. It was formerly a TGI Fridays. The upper floors of the building are offices. Other parts of the ground floor are used as communal areas for all tenants of the building. The site is within the Central Activities Zone, the West End Retail and Leisure Special Policy Area (WERLSPA) and West End Strategic Cultural Area.

### **7.2 Relevant History**

On 14 July 1986, the City Council granted permission for use as a restaurant (RN: 86/00743/FULL). This permission refers to the site as being 425 Strand, and the proposed restaurant as being to the rear (i.e. the application site). A condition restricted the opening hours to be between 9:00 to 00:00 hours daily.



## 8. THE PROPOSAL

The application proposes to change the use of 6 Bedford Street from a restaurant (class E) to a public house (sui generis). The applicant is JD Wetherspoon PLC, and they propose to operate this site like their other public houses. This includes offering food, opening in the morning and playing no music. The application also proposes internal and external alterations, including the installation of a new ventilation system (involving the removal of an existing duct) alterations to the ground floor shopfronts and internal alterations.

The application has been revised during the course of the application (including after it was scheduled to be considered at the 1 November planning committee meeting), and this report has been updated.

The applicant has revised their operational management plan, including reducing the hours and capacity of the proposed public house. The applicant now proposes opening hours of 08:00 to 00:00hrs (midnight) Monday to Saturday and to 23:30hrs Sunday; with a capacity of 450 customers. Acoustic information has also been updated

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

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Restaurant (Class E)	1,118	0	-1,118
Public House (Sui Generis)	0	1,118	+1,118
Total	1,118	1,118	0

## 9. DETAILED CONSIDERATIONS

### 9.1 Land Use

#### Land Use Policy Overview

The NPPF supports positive planning for the provision of community facilities including public houses. The London Plan also recognises the important role that public houses can play in the social fabric of communities, meeting local needs, and supporting the night-time economy in the CAZ (London Plan Policies HC6 and HC7). The Mayor's Culture and the Night Time Economy SPG is also a material consideration in planning decisions. This promotes the night-time economy, particularly in the CAZ, and states boroughs should support proposals for new public houses, where appropriate.

City Plan Policy 1 sets out Westminster's spatial strategy, it seeks to ensure the competing functions of the CAZ are balanced and supports the intensification of the CAZ and the West End to provide growth in leisure. Policy 2 relates to the WERLSPA and seeks improved leisure experiences and a diverse evening and night-time economy.

City Plan Policy 16 relates to food, drink and entertainment and 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. In relation to public houses specifically, the supporting text notes they can play an important role as social hubs at the heart of communities, add to the diversity of commercial areas, and make a positive contribution towards townscape and local identity. The policy protects existing public houses, and notes the loss of public houses throughout the city in recent years, despite the fact that they help make the city a desirable place.

City Plan Policy 7 and 38 states development will be neighbourly, including by protecting neighbouring amenity. City Plan Policy 33 state the council will make sure that quality of life and health and wellbeing of existing occupiers are not adversely affected by harmful pollutants and other negative impacts on the local environment.

### **Consideration**

The site is between the Strand and Covent Garden CAZ Retail Clusters. Bedford Street is largely commercial at ground level and has a predominantly commercial character, typical of the WERLSPA and this part of the CAZ. However, residential units can be found on the upper floors of some of the buildings on the street and adjacent streets. This does not include the application building but does include some of the opposing buildings on Bedford Street, including 43, 44, 46 and 49, and nearby Bedford House (2-3 Bedford Street), 25 Maiden Lane, 12 Agar Street and other properties on Exchange Court.

In terms of existing nearby public houses and bars, there are numerous. This includes a themed bar Mr Fogg's at 1 Bedford Street, the Porterhouse at 21-22 Maiden Lane, All Bar One at 19 Henrietta Street, Bedford Street Wines at 33 Bedford Street, Blame Gloria at 20 Bedford Street, Lady of the Grapes at 16 Maiden Lane, The Maple Leaf on Maiden Lane, Punch and Judy on 40 Henrietta Street, the Marquis at 51-52 Chandos Place, Retro Bar on George Court, the White Swan on New Row, The Nell Gwynne Tavern on Bull Inn Court, the Round House on Garrick Street, the Lemon Tree on Bedfordbury and the Harp on Chandos Place. Bedford Street and the area also contains numerous restaurants, although typically smaller than the vacant restaurant unit this application relates.

The proposal involves losing the existing restaurant to create a large public house, approximately 1,118 sqm (GIA). The principle of losing the restaurant to another use that serves visiting members of the public would accord with the aims of the City Plan, but in this case that is subject to the acceptability of the alternative large drinking establishment use. Larger uses of this type can have a disproportionate impact on residential amenity and local environmental quality and can contribute to the loss of character, and unacceptably change the function of an area. 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 objectors contend the proposed public house would result in noise disturbance, nuisance and other environmental impacts harmful to residents and others in the area. Some contend it would lead to an over-concentration of public houses/ bars in the area.

Some consider it would negatively impact on the character and quality of the area.

During the course of the application, the applicant updated their submission with new acoustic information, a management plan and environmental performance statement to better justify their proposals.

During engagement with one of the City Council's Environmental Health Officers, and following objections, the applicant agreed to revisions to their operations including a reduction in the opening hours. The applicant's originally proposed operating hours were 08:00 to 00:30hrs Monday to Thursdays; to 01:30hrs Fridays and Saturdays, and to 00:00hrs Sundays, but have since agreed to 08:00 to 00:00hrs Monday to Saturday and to 23:30hrs Sunday. The applicant has also reduced the proposed capacity from 590 to 450 customers.

The proposed terminating hour Monday to Saturday matches that of the restaurant use allowed under the July 1986 planning application (RN: 86/00743/FULL) (i.e 00:00hrs). It is understood that TGI Fridays operated within the planning condition relating to hours attached to the July 1986 planning permission (it is understood the restaurant normally closed at 23:00hrs). This is earlier than that which TGI Fridays was allowed to operate under their license, licensing records indicate that TGI Fridays operated under a licence that allowed them to be open between 10:00 to 00:30hrs Monday to Thursday, to 01:30hrs Friday to Saturday and to 00:00hrs Sunday. Although, the sale of alcohol was permitted within a shorter time frame and was associated with the sale of food. The other licensable activities authorised by that licence, in addition to the sale of alcohol, include playing of recorded music and private entertainment consisting of dancing, music or other entertainment. The July 1986 planning permission did not restrict these activities nor did it restrict capacity (although if those activities became more than ancillary to the restaurant use, planning permission would have been required for a new use). The proposed public house would be open earlier than the former restaurant, opening at 08:00hrs - under the July 1986 planning permission it a restaurant was allowed to open at 09:00hrs (although it is understood TGI Fridays opened at 10:00hrs).

While the City Council's licencing policy (which is separate to planning – and so this information is for reference) is to refuse applications for new licenses for public houses/bars within the West End Cumulative Impact Zone (which 6 Bedford Street is a part), the existing license would already allow the premises to operate as a public house (although the applicant may need to vary the licence, and again this would be a separate process to a planning application). In planning terms however, because the lawful use of the site is as a restaurant, planning permission must be obtained to use the premises as a public house (as it is a 'sui generis' use).

Given the size of the floorspace, the public house would constitute a large drinking establishment use. However, the area to be used by public house customers would be smaller as the basement is not accessible to customers and there would be significant back of house areas at ground floor (not all of which is within the applicant's sole control as it is shared with other users of the building). The customer area is approximately 450 sqm, so over half of the unit is not areas for customers to sit. The applicant states that the premises would have maximum capacity of 450 customers. Some objectors have made comparison to the Porterhouse nearby on Maiden Lane – that premise has a similar overall floorspace, but a larger licensed capacity of 868. That public house also

plays music and has a dance floor. Nonetheless, the size and capacity of the proposed public house at 6 Bedford Street is larger than a typical public house in the area.

The proposed public house at 6 Bedford Street would have a capacity of 450 and provide 216 seats although because the tables and chairs would cover most of the area it would be unlikely that the 450 capacity would be reached. It is acknowledged that this notional capacity is greater than the number of customers the former restaurant would receive at any one time because all of its customers were seated to eat (it had a similar number of seats). The applicant's submission explains that on average, more than half (59%) of all visits to their public houses involve both food and drink purchases, whilst its wet-to-dry split of sales in new openings is approximately 50:50.

During the course of the application, the applicant amended the design of the shopfront to reduce the number of openable windows. In total, five small shopfront windows at high level would have the capability to partially open during periods of warm weather. In discussion with one of the City Council's Environmental Health Officers, it was agreed that these remaining openable windows should be restricted to opening between 08:00 and 22:00hrs to limit noise escape. The applicant confirms that their public houses do not play amplified music.

The applicant also updated their acoustic information and their assessment of noise breakout. The acoustic information assesses the existing minimum background noise level outside various residential properties within the area. The City Council's Environment SPD requires the noise level generated from new uses and plant equipment to be below the existing minimum external background noise level at the nearest noise sensitive receptor. The applicant has calculated the breakout noise level at various receptors. Their calculations, which assume the five small windows are open, demonstrate the noise generated would be below the SPD's required noise level at the nearest noise sensitive properties, and City Council's Environmental Health Officers are satisfied with this.

The unit would not benefit from an external area for customers, and therefore customers wishing to smoke would do so outside the front of the building. Customers would not be allowed to drink outside. The management plan submitted by the applicant commits staff to ensuring this area is checked and cleaned on a regular basis throughout the trading day, and that customers who are loud or otherwise generating a nuisance are reminded to be quiet, or if it persists are ordered to leave.

The management plan explains there are likely to be up to 30 staff on duty at any one time, and during peak trading times, the public house would include door staff who will manage the entrance to the premises and the areas to the frontages of the public house. This allows customer numbers and the doors to be managed and to allow proper management of the area outside the entrance and to minimise the risk of noise disturbance. The management plan also sets out procedures for security, dealing with any complaints and a process to liaise with neighbours to manage operational issues with engagement of those nearby. The management plan accords with recommendations made by the Metropolitan Police in relation to security and training of staff.

The impacts in terms of noise and odour from plant and the kitchen extract system is

discussed in section 9.5 of this report, where it is explained that these elements would not harm the amenity of neighbours or local environmental quality. The impacts in terms of servicing and deliveries are discussed in section 9.6, where it is explained these could be carried out without harm to the amenity of neighbours or local environmental quality.

### **Land use conclusion**

While generally public houses have greater potential to generate noise disturbance and other nuisances when compared to restaurant uses, in this case, with appropriate conditions to control its operations, it is considered that the public house could operate without causing notable harm.

The public house is located within a predominately commercial part of the CAZ. While there are existing food and drink and entertainment uses in the area, the proposals would not lead to an increase in the number of these because the site is already a large restaurant. Objectors are of course correct however that the development would lead to an increase in the number of public houses / bars in the area.

While public houses can have the capacity to generate more harmful impacts when compared to a restaurant, in this case the terminal hour of operation would match that which the former restaurant operated under. Further, food provision is a significant portion of the applicant's business, they would not play music and the applicant has agreed to suitable procedures to manage the premises – all of which would militate the impact of the change of use and so these elements of the proposed operations are recommended to be secured by condition. This includes requiring the applicant to make substantial food available to customers from the start of opening until one hour before closing.

Concern has been raised regarding the behaviour of customers, particularly in conjunction with the other premises in the area; and that the pattern of use of a public house during the day and night differs significantly to a restaurant. There would be an increase in capacity over the restaurant use and the proposal is for a public house, and therefore drinking would be the most significant part of the business which would differ to a restaurant. However, this difference in activity does not necessitate that there would be a harmful impact on residential amenity or the character and function of the area. In the context of a busy commercial area, people drinking within and leaving these premises is not likely to make a perceivable difference to the levels of noise or disturbance in the area. The applicant's acoustic information demonstrates that the internal noise would not be audible to neighbours in their homes, there would be no external drinking allowed and customers leaving the premises would be well absorbed into this predominately commercial area where the streets are already busy.

Numerous other restaurants and public houses in the area have external seating associated with them, in particular on and the streets around the Covent Garden Market Building, which allow customers to eat and drink outside, often in close proximity to residential units. In contrast, a condition is recommended to this public house which would prevent external drinking and no external seating is proposed (and even if a separate application were to be made proposing external seating, the condition would remain). In comparison therefore, this public house would likely generate less external noise than these other premises.

The nearby premises listed toward the beginning of this section vary in terms of their licensed opening hours depending on the premises and the day of the week. In general, on a Friday and Saturday these premises in the area close between 23:30 and 00:30 hours (an exception to this is Mr Fogg's which can close at 02:30 hours). In terms of opening times, this generally varies from 07:00 to 10:00 hours on Fridays and Saturdays. In this context, the opening hours proposed by the applicant is consistent with the pattern of opening hours in the area and is not considered unreasonable.

While concern raised about the cumulative impact of drinking establishments in the area is understood, it should be noted that Westminster has lost a significant number of public houses, as the City Plan and the Mayor of London have noted. The 2017 GLA published report 'Closing time: London's public houses' explains Westminster lost over 150 public houses between 2000 and 2017, a trend which has likely continued since 2017 – particularly considering the effects of the COVID-19 pandemic on the West End and hospitality businesses in general.

Given the circumstances described throughout this section of the report and the conditions recommended relating to capacity, hours of operation, restrictions to the windows and doors, food provision and to prevent the playing of music and drinking outside, the change of use to a public house would not represent a significant worsening of the situation as compared to the existing restaurant in terms of impact on residential amenity or local environmental quality; and would be compatible with the character and function of this predominately commercial area. As such, it is considered to be of a type and size appropriate to this location, and in these circumstances, the proposals would accord with the NPPF, the City Plan, the London Plan and the Mayor's Culture and the Night Time Economy SPG and so is considered acceptable in land use terms.

## **9.2 Environment & Sustainability**

City Plan Policies 36 and 38 expects all development to reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change and seek to ensure development responds to the likely risks and consequences of climate change by incorporating principles of sustainable design, including providing flexible spaces, enabling incorporation of future services/ facilities, optimising resource and water efficiency and minimising the need for plant and machinery.

The applicant has provided an Environmental Performance Statement to support their proposals, which explains how the applicant has designed the alterations to the building to achieve improved energy efficiency, following the energy hierarchy. The statement details the baseline energy requirements for the site and the reduction in energy demand as a result of energy efficiency measures. These energy efficiency measures include the installation of heat pumps and insulation. These measures accord with the aims of the City Plan and are therefore acceptable.

## **9.3 Biodiversity & Greening**

The proposals do not increase biodiversity / provide greening. While unfortunate it is recognised that there is no scope to provide this on this site.

## 9.4 Townscape, Design & Heritage Impact

### Legislative and Policy Overview

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 66 of the LBCA Act requires that “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, 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.”

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.

City Plan Policy 38 states new development will incorporate exemplary standards of high quality, sustainable and inclusive urban design. And, respond to Westminster's context by positively contribution to Westminster's townscape and streetscape.

City Plan Policy 39 states that works to listed buildings will preserve their special interest, relating sensitively to the period and architectural detail of the building and protecting or, where appropriate, restoring original or significant detail and historic fabric. Conservation Areas must also have their character and appearance preserved or enhanced by development.

City Plan Policy 40 states that development will sensitively designed, having regard to the prevailing, scale, heights, character, building lines and plot widths, materials, architectural quality, and degree of uniformity in the surrounding townscape.

### Consideration

The building was built between 1876-77 by the Bradford practice of Lockwood and Mawson for the Civil Service Supply Association. As the building was gutted internally by fire in the 1980s, the listed building's special interest primarily relates to its external façades which have been retained and restored. The facades are red brick and

terracotta. The building has a solid pedimented corner entrance with incised ornament and the ground floor windows that are recessed between brick piers. The facades have a Roman Renaissance style, plus the building contains roof storeys.

The proposed alterations externally to the ground floor frontage would seek to restore a more historically appropriate frontage to the building with a more traditional entrance door arrangement to the corner and the reintroduction of properly moulded shopfront detailing such as raised and fielded timber panels under the windows.

In keeping with the historic elevation, it is also proposed to remove the later granite infill from under the windows and replace this with bespoke faience tile details, which are recommended to be secured by condition to ensure an acceptable appearance. In concert, the works would enhance the historic significance of the building by returning it closer to its pre-fire appearance and thereby would enhance the conservation area.

To the rear, the proposals involve the removal of a high level duct, which is within a group of high level ducts. The remaining ducts are unconnected to the application site. The removal of a duct would constitute an improvement as the existing ducting is unsightly, although there are no public vantage points from which it is visible and they are connected to modern fabric. The replacement equipment would be located to the rear and would overall have a neutral impact on significance to the listed building and conservation area given what it replaces.

The application drawings show the installation of awnings, these would not harm the character and appearance of the area or the significance of the listed building. The applicant states the awnings would include advertisements, although the drawings show them to comprise a blank canvas. Blank awnings would require planning and listed building consent, but if an advertisement is included planning permission would not be required – they would require express advertisement consent if illuminated and would have deemed advertisement consent if not. Because they are shown on the application drawings, planning permission is recommended to be granted for them subject to condition to amend their design to ensure that the awnings adhere to the City Council's guidance regarding vertical clearances from the pavement and horizontal clearance from the carriageway. An informative is also added to advise regrading advertisements.

## **9.5 Residential Amenity**

### **Noise, Vibration and Odours from Equipment**

The applicant has provided details of the equipment to be associated with the public house, including ventilation and extraction equipment and heating and cooling equipment. The applicant has also assessed the impact of internal noise associated with the use as a public house which is discussed in section 9.1 of this report.

In relation to ventilation and extraction for cooking, a report has been submitted with the application relating to the proposed bespoke system for the proposed food operation which would discharge at a low level– this will replace the full height duct. An objector considers a full height duct should be used, as existing. The applicant explains the existing duct has been inspected and it was determined that it had never been cleaned from top to bottom and was a potential fire hazard due to a build-up of grease. The



applicant attributes this poor maintenance due to limited access which meant cleaning of it was impractical. This is why the applicant proposes an alternative bespoke system.

During the course of the applications, the alternative bespoke system was discussed between the City Council's Environmental Health Officer and the applicant. Subject to a condition to ensure the details of the system are provided, and an informative explaining what will be required, the City Council's Environmental Health Officer raised no objection to it. Full height ducts are the starting point for ventilation systems, however the applicant's submission has demonstrated that this can be operated without undue harm to neighbours and the Environmental Health Team accept this. Nonetheless, because the full height extract is not being maintained/ replaced, an additional condition is recommended to ensure that the applicant submits a post-commissioning report to demonstrate that the alternative bespoke system does not in fact cause a nuisance to neighbours - particularly those within Bedford House who reside closest to it.

Other plant equipment is proposed in the rear courtyard. The applicant has assessed the noise and vibration impact within their noise assessment report and the City Council's Environmental Health Officer agrees it demonstrates there would be no harmful impact on nearby noise sensitive properties.

## **9.6 Transportation, Accessibility & Servicing**

### **Highway Impact**

The Highway Planning Manager notes the site is well served by public transport and there would not be significant change in pedestrian or vehicular traffic expected from changing the use from a restaurant to public house.

### **Servicing and Waste & Recycling Storage**

The existing restaurant benefits from the use of a shared off-street delivery bay accessed from Chandos Place, although it does not accommodate vehicles internally. Therefore, vehicles will set down on-street and the deliveries will then be wheeled in and out of the delivery bay area, as was the case with the former restaurant operation. The refuse collection will continue to occur on street. The applicant explains the servicing frequency will be similar to the former restaurant. The applicant anticipates that there will generally be three to four deliveries per week, with a maximum of five per week. The applicant states that servicing will not be carried out between 22:00 and 07:30hrs the next day. This will mitigate negative impacts from servicing being carried out at anti-social times. While City Plan Policy 29 requires servicing to be off-street, in this case the proposed servicing for the public house will be very similar to the former restaurant operation and therefore it is unreasonable to oppose a continuation of a similar operation.

The Waste Project Officer explains waste and recycling storage details are not in line with the Council's requirements because the drawings have not been labelled correctly, the correct labels are R for mixed recycling, W for general waste, and O for food waste (and not kitchen). The waste storage area is sizeable and this area is generally as per that previously used by the former restaurant operator, and therefore a condition is recommended to require the applicant submit a revised drawing containing the correct

labels. The applicant explains that no glass crushers will be utilised, and no glasses will be emptied from the public house into the large glass bins within this designated area between 23:00 and 08:00 hours.

### **Cycling & Cycle Storage**

During the course of the application, the applicant amended their submission to include to include details of London Plan complaint long-stay cycle parking spaces (seven spaces) inside the unit. A condition is recommended to ensure it is provided. Following a comment from the police, the management plan has be updated to clarify staff with bicycles will not use the roller shutter entrance to the servicing area. No short-stay cycle parking would be provided. Given the physical nature of the site (the only option would be for customers to bring their bicycles inside the customer area of the unit) and that the proposal is for a drinking establishment, this is not opposed.

### **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 during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

The new public house will be staffed by approximately 150 full and part-time employees. While it is unlikely that this is significantly different to the former restaurant when it was operating, it would increase jobs compared to the current vacant situation. The jobs supported by this site will help to promote opportunities for local employment and will lead to increased spending in existing nearby shops and services and other town centre uses in the area.

### **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**

Public houses contribute to the vitality of the city and support the evening/ night-time economy. While public houses can also negatively impact on residential amenity and local environmental quality if they are of a type and size inappropriate to their location, in this case the proposed operations and controls, which are recommended to be secured by condition, would mean the impacts would not significantly worsen when compared to the former restaurant use, and given the existing context, it would be compatible with the

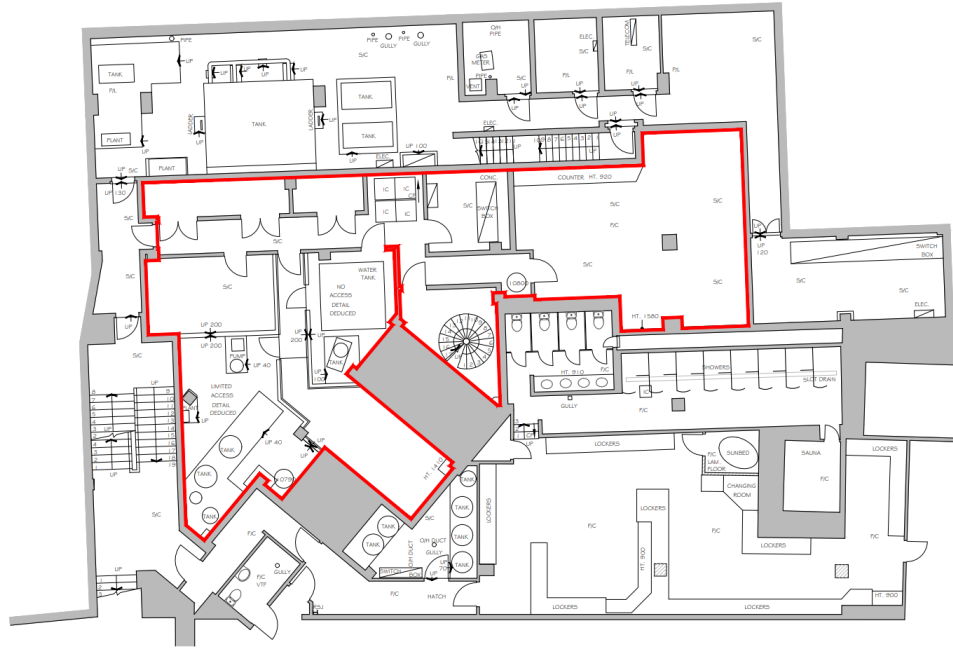
character and function of the area. The alterations to the building would be sympathetic and would not harm the special interest of the listed building or harm the character and appearance of the conservation area.

As such, the proposal is considered acceptable, and therefore, a recommendation to grant conditional permission and listed building consent would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

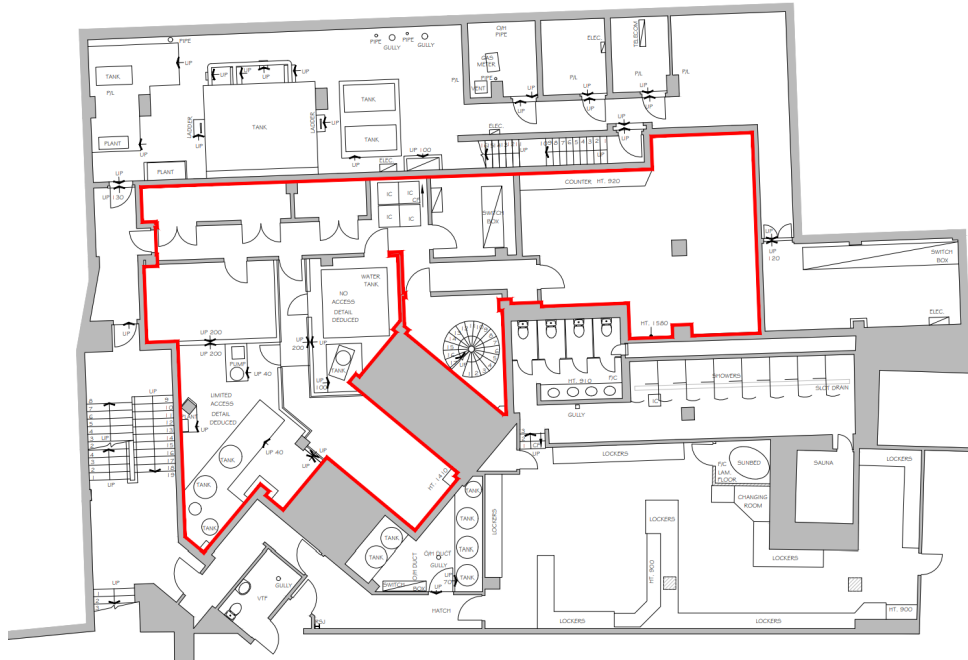
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JULIA ASGHAR BY EMAIL AT [jasghar@westminster.gov.uk](mailto:jasghar@westminster.gov.uk)

11. KEY DRAWINGS



EXISTING BASEMENT PLAN  
scale 1:100

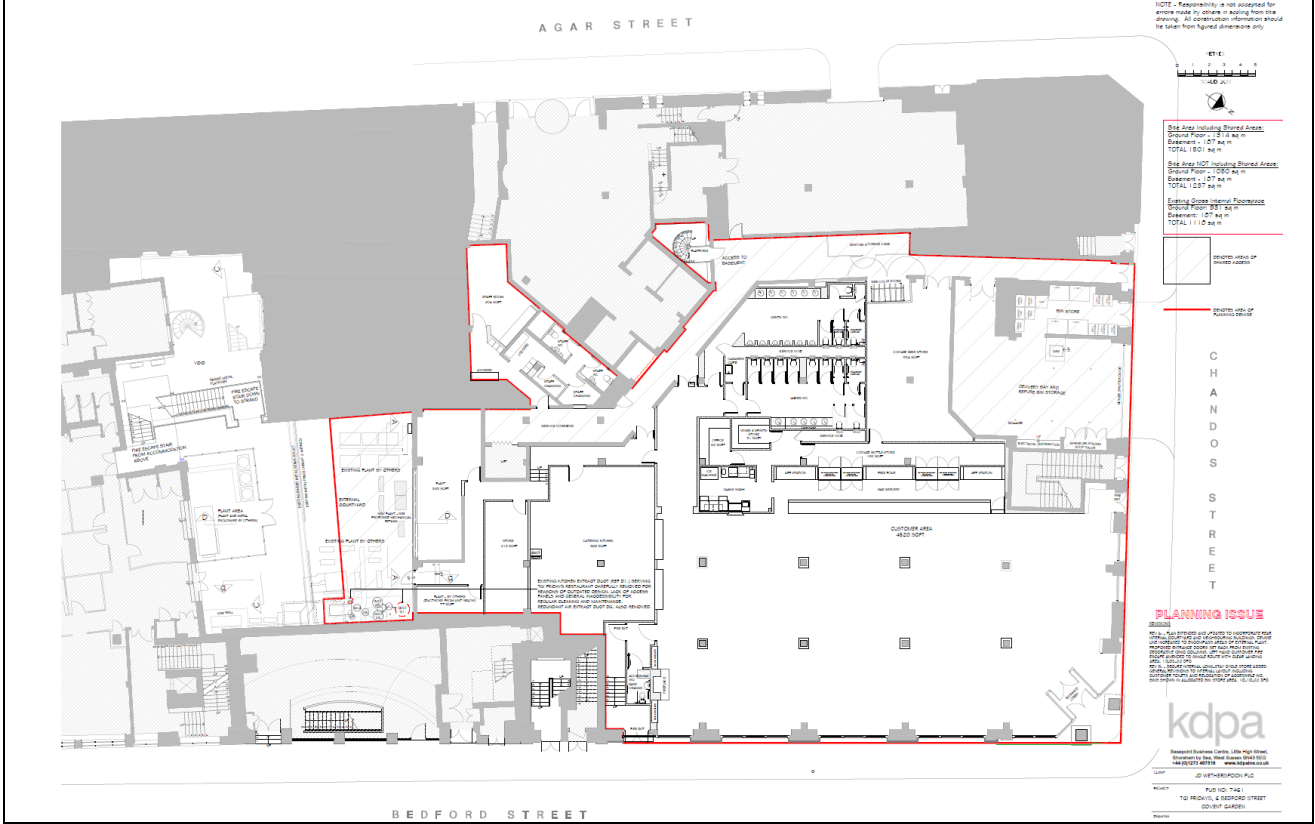
Existing (above) and Proposed (below) Basement Floor Plans

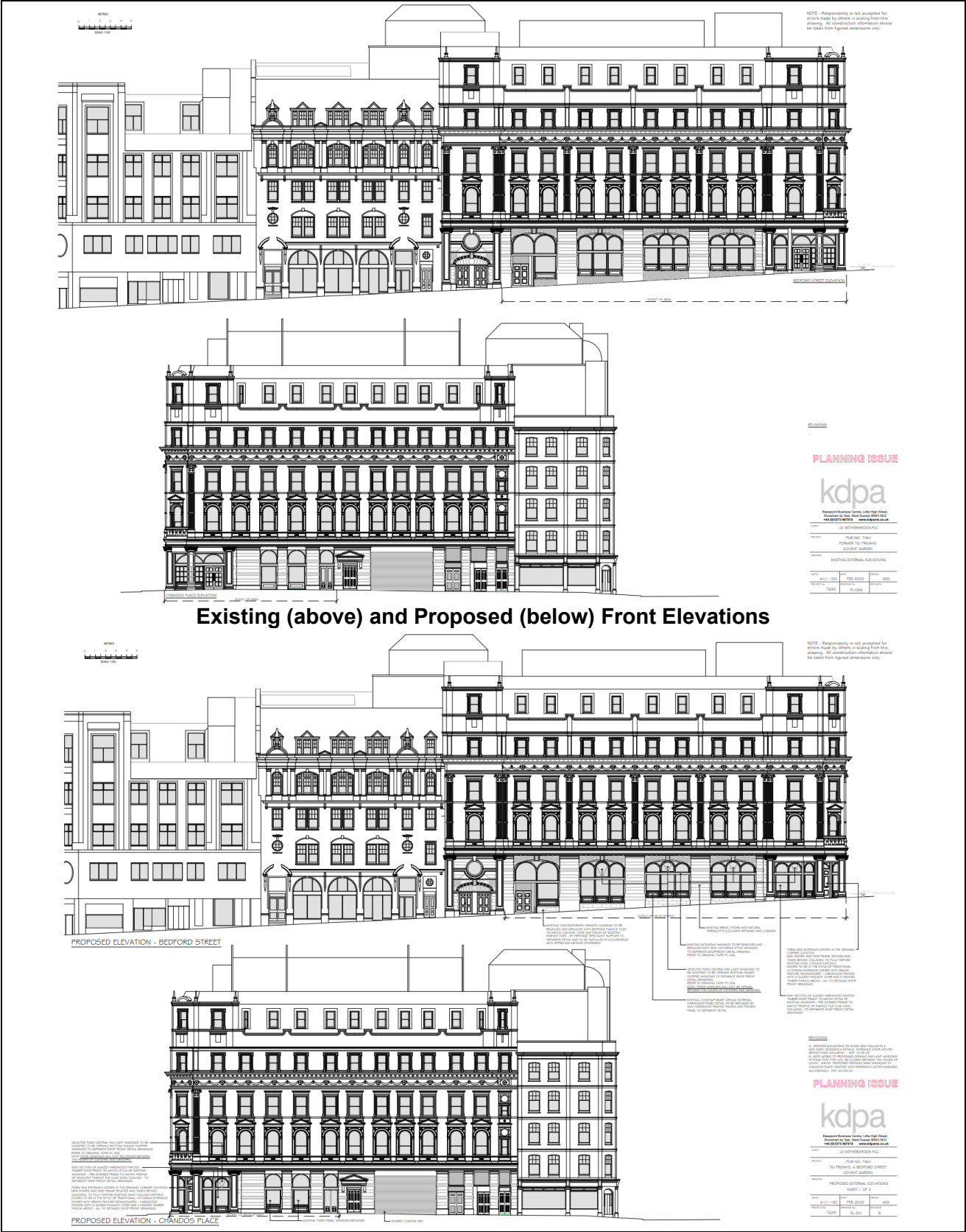


PROPOSED BASEMENT PLAN  
scale 1:100



**Existing (above) and Proposed (below) Ground Floor Plan**





NOTE: Responsibility is not accepted for errors made by others in scaling from this drawing. All construction information should be taken from signed annotations only.

PLANNING ISSUE

**kdp**  
KDP Architects

PROJECT NO. 7421  
PROJECT: 10 PROPOSAL & BEDFORD STREET  
CLIENT: KDP ARCHITECTS

PROPOSAL: EXISTING ELEVATIONS  
SHEET: 1 OF 2

DATE	DESCRIPTION
10/11/2022	ISSUE
10/11/2022	REV
10/11/2022	REV
10/11/2022	REV

Existing (above) and Proposed (below) Front Elevations

NOTE: Responsibility is not accepted for errors made by others in scaling from this drawing. All construction information should be taken from signed annotations only.

PLANNING ISSUE

**kdp**  
KDP Architects

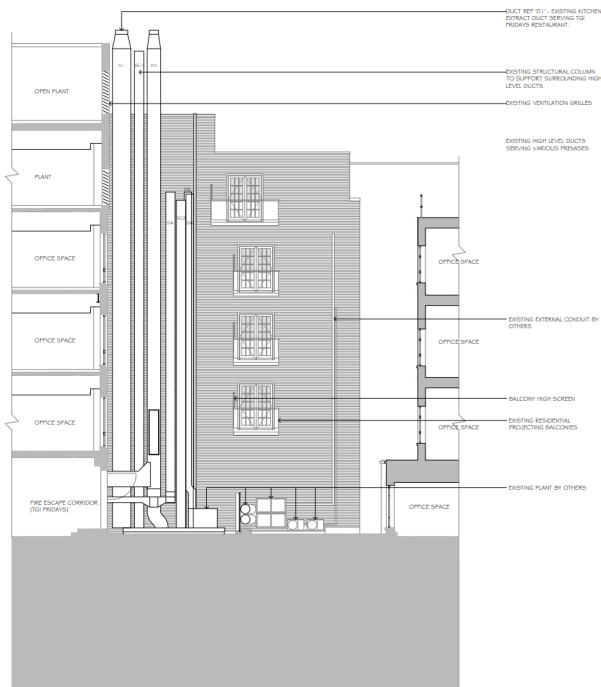
PROJECT NO. 7421  
PROJECT: 10 PROPOSAL & BEDFORD STREET  
CLIENT: KDP ARCHITECTS

PROPOSAL: EXISTING ELEVATIONS  
SHEET: 2 OF 2

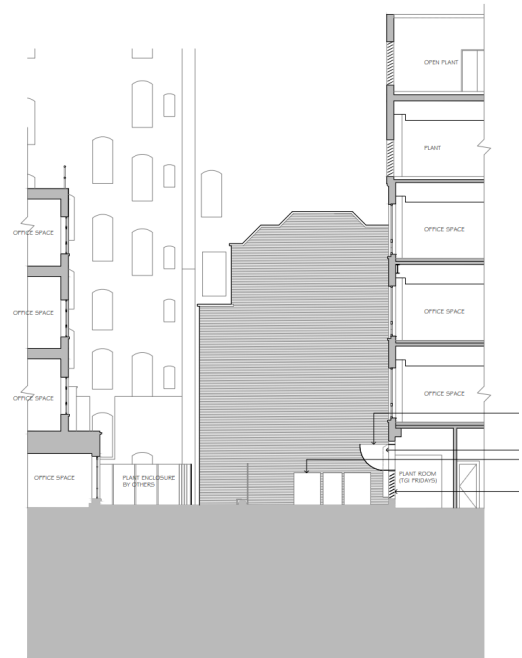
DATE	DESCRIPTION
10/11/2022	ISSUE
10/11/2022	REV
10/11/2022	REV
10/11/2022	REV

PROPOSED ELEVATION - BEDFORD STREET

PROPOSED ELEVATION - CHANDOS PLACE

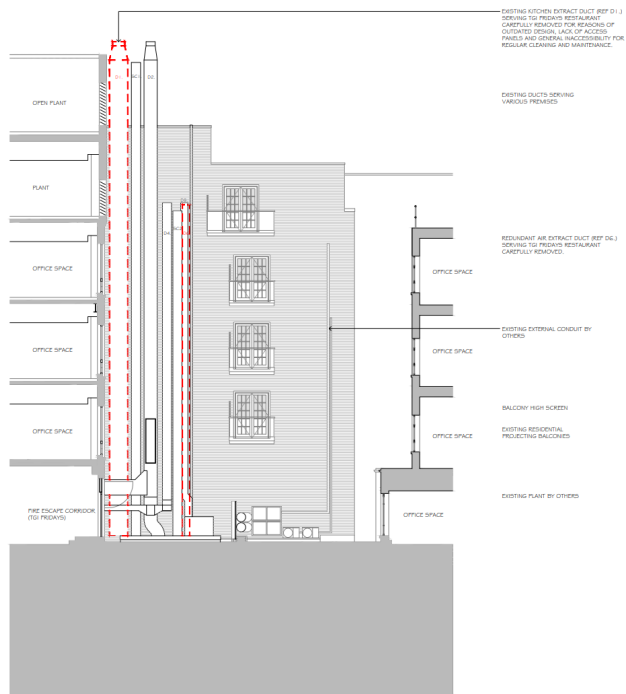


EXISTING REAR INTERNAL COURTYARD - ELEVATION B

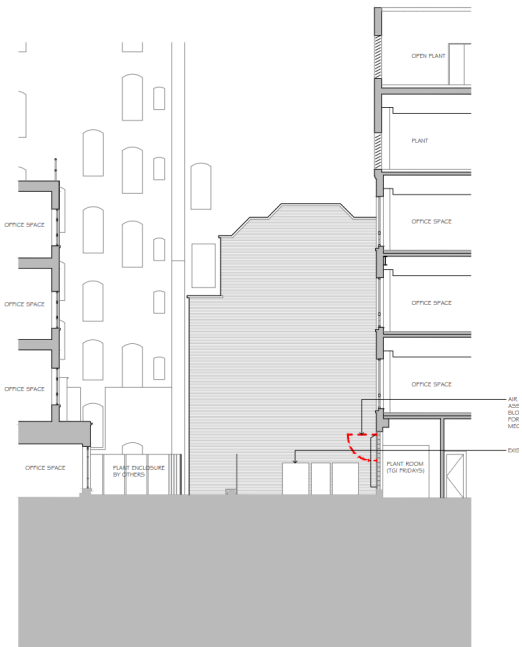


EXISTING REAR INTERNAL COURTYARD - ELEVATION D

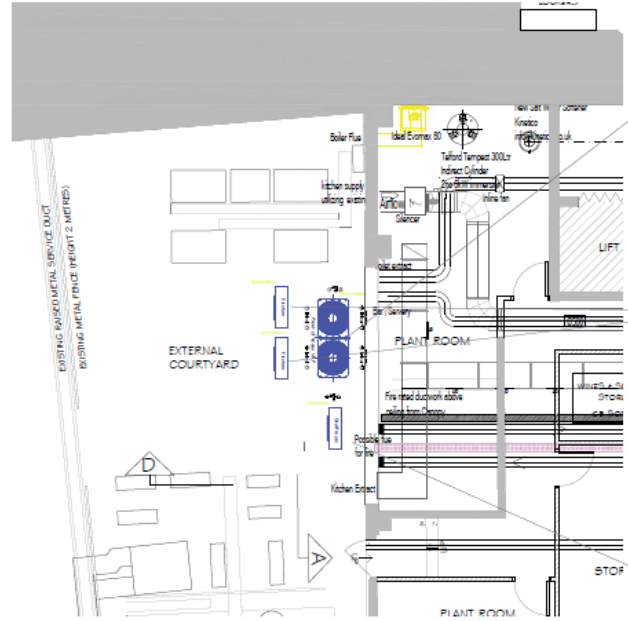
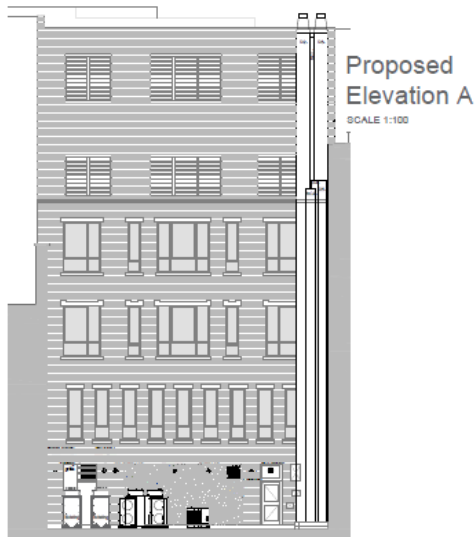
**Existing (above) and Proposed showing removal in red (below) Courtyard Elevations**



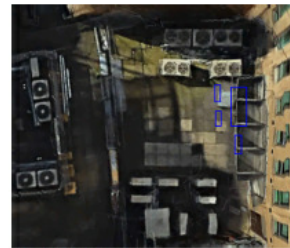
PROPOSED REAR INTERNAL COURTYARD - ELEVATION B



PROPOSED REAR INTERNAL COURTYARD - ELEVATION D



Proposed Rear Internal Courtyard Plan  
SCALE 1:50



Aerial View

Proposed rear elevation and plan showing plant equipment



**DRAFT DECISION LETTER – Planning Application**

**Address:** 6 Bedford Street, London, WC2E 9HZ

**Proposal:** Use of ground floor and basement as public house (sui generis). External and internal alterations including new entrance doors and modifications to windows/shopfronts including installation of awnings; replacement ventilation system and installation of plant.

**Reference:** 22/01596/FULL

**Plan Nos:** 7695 PL-001A; 7695 PL-002A; 7695 PL-004A; 7695 PL-005A; 7695 PL-007; 7695 PL-008; 7695 PL-009; 7695 PL-101A; 7695 PL-201B; 7695 PL-301B; 7695 PL-302B; 7695 PL-303; 7695 PL-304; 7695 PL-305; 7695 PL-306A; 7695 PL-307; 7695 PL-308; 7695 PL-309; M0002\_0 10.2.2022; M001\_R1 13.5.22; JDH002M\_0 13.5.2022; Noise Impact Assessment (RK3321/21462/Rev 1 20.05.2022) and note (04 Nov 2022); Specification & EMAQ Report (3 February 2022) Premises Management Plan (January 2023).

For Info:

Environmental Performance Statement (v4 19th May 2022); Planning Statement (March 2022); Design and Access Statement (February 2022); Cover Letter (1 March 2022); Heritage Assessment (February 2022).

**Case Officer:** Joshua Howitt

**Direct Tel. No.** 07866038007

**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 You must apply to us for approval of details of the following parts of the development:

- i) new entrance doors and side frames (scale at 1:10 including sections)
- ii) shopfront including raised and fielded panel (scale at 1:10 including sections)
- iii) photographic schedule and manufacture specifications of the faience tiles

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details (C26DB)

Reason:

To protect the special architectural or historic interest of this listed 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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

4 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 listed 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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

5 You must carry out the measures included in your management plan dated January 2023 at all times that the public house is in use. (C05KA)

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)

6 You must not allow more than 450 customers into the property at any one time, and you must maintain 216 seats for customers at all times the public house is in use.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05AC)

- 7 You must not play live or recorded music on your property. (C13IA)

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13AD)

- 8 Customers shall not be permitted within the Public House premises before 08:00 or after 00:00hrs on Monday to Saturday and before 08:00 or after 23:30hrs on Sundays.

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 You must not sell any take-away food or drink on the premises and you must not operate a delivery service, even as an ancillary part of the primary public house use.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05AC)

- 10 (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)

- 11 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/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)

- 12 (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 public house 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 in writing 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 public house 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 in writing 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 written 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. (C47AC)

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. (R47AC)

13 You must apply to us for approval of details of the ventilation system to get rid of cooking

smells, including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 14 You must not operate the ventilation system that we have allowed (other than to carry out the requirements of this condition) until you have carried out and sent us a post-commissioning report showing it has been installed in accordance with the design submitted (under condition 13), demonstrating that no nuisance is being caused after cooking commences, and we have approved the details of this report in writing.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 15 You must not open the windows before 08:00 and after 22:00 hrs each day.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13AD)

- 16 The public house use allowed by this permission must not begin until you have fitted an extra set of doors between the main corner entrance from the street and the customer area, as shown on approved drawing PL-201 rev A. Customers may not use any other doors. The doors fitted to this lobby shall be self-closing doors and you must not leave these doors open except in an emergency or to carry out maintenance. This lobby shall be retained in situ for the life of the development (C13NB)

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13AD)

- 17 You must not allow customers to drink on the pavement outside the premises.

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)

- 18 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 public house 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 building. 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)

- 19 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

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)

- 20 You must make available substantial food to customers from the start of opening until one hour before closing.

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)

- 21 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

- Alteration to awnings to ensure a minimum vertical clearance of 2.3 metres at the building face and 2.14 elsewhere and a minimum horizontal clearance from the kerb edge.

You must not start on these parts of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings. (C26UC)

Reason:

To protect the special architectural or historic interest of this listed 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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

**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 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 visit our website at [www.westminster.gov.uk/guide-temporary-structures](http://www.westminster.gov.uk/guide-temporary-structures).

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 at [www.westminster.gov.uk/contact-us-building-control](http://www.westminster.gov.uk/contact-us-building-control)

3 i. The best solution to prevent odour nuisance for any food operation is a scheme consisting of 'full height' discharge - see guidance at;

o <https://www.westminster.gov.uk/media/document/westminster-guidelines-for-kitchen-extract-ventilation-systems-mar-2021>

In this case the low discharging scheme submitted with the application (in the Specification & EMAQ Report from Purified Air, dated 3 February 20220) is considered to be acceptable as it complies with 'Best Practicable Means' standards for the food operation proposed. As food operations and intensity of use are always difficult to precisely define at the outset final acceptance of the scheme as being sufficient to prevent odour nuisance may therefore require further mitigation works to be carried out if nuisance is being caused post-installation. In addition if in the future the food operation changes significantly you must assess if the scheme is still adequate to prevent nuisance - see the guidance above.

ii. Any installed scheme should also contain the following elements:

o All cookline equipment must be placed under the extraction canopy

o The general ventilation within the kitchen must be designed to achieve an upper ambient temperature of 25 centigrade and provide sufficient air changes within the workspace in compliance with Building & Engineering Services Association (BESA) guidance DW172 -2018



or as updated

- o The kitchen extract ducts must be fitted with doors/hatches for cleaning and maintenance, at approximately 2-3 metre intervals or be in compliance with the BESA document TR19 for cleaning and maintenance
- o Any cladding must be made of non-flammable materials (approved by Building Control and/or Fire Brigade) and still allow access to any cleaning and maintenance doors/hatches.
- o Access to the ducting must comply with the Health & Safety safe access standards

In relation to condition 13, you must ensure the kitchen extract ventilation scheme to prevent odour from the kitchen shall be to at least the standard described in the Specification & EMAQ Report from Purified Air, dated 3 February 2022.,

- 4 If the proposed awnings contain advertisements, you must get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if they are illuminated. If they are not illuminated they would benefit from deemed consent.
- 5 Westminster is an Air Quality Management Area (AQMA) under the Clean Air Acts and the Council's Action Plan requires controls that offer the best mitigation against poor air quality (eg particulates etc). Thus, premises intending to use solid fuels e.g. charcoal, wood etc must comply with AQMA requirements where only 'Authorised Fuels' and /or 'Exempt Appliances' can be employed. Further information can be found on the DEFRA website at the following link: <https://www.gov.uk/smoke-control-area-rules>
- 6 The public house we have approved is referred to as being 'sui generis'. This means that the use is not in any particular class. Any future plans to materially (significantly) change the use that we have approved will need planning permission.
- 7 You are reminded that the conditions attached to this permission require that you (or any other future operator) must operate the public house as set out in the management plan and in accordance with the other conditions to this permission. Any alteration in operations that do not adhere to the management plan/ conditions will need our permission.

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.

**DRAFT DECISION LETTER – Listed Building Consent**

**Address:** 6 Bedford Street, London, WC2E 9HZ

**Proposal:** External and internal alterations, including new entrance doors and modifications to windows/ shopfronts; installation of awnings and replacement ventilation system and plant, all in connection with use as a Public House (sui generis).

**Reference:** 22/01873/LBC

**Plan Nos:** 7695 PL-001A; 7695 PL-002A; 7695 PL-004A; 7695 PL-005A; 7695 PL-007; 7695 PL-008; 7695 PL-009; 7695 PL-101A; 7695 PL-201B; 7695 PL-301B; 7695 PL-302B; 7695 PL-303; 7695 PL-304; 7695 PL-305; 7695 PL-306A; 7695 PL-307; 7695 PL-308; 7695 PL-309; M0002\_0 10.2.2022; M001\_R1 13.5.22; JDH002M\_0 13.5.2022;

For Info:

Planning Statement (March 2022); Design and Access Statement (February 2022); Cover Letter (1 March 2022); Heritage Assessment (February 2022).

**Case Officer:** Joshua Howitt

**Direct Tel. No.** 07866038007

**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:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 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 Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 3 You must apply to us for approval of details of the following parts of the development:
- i) new entrance doors and side frames (scale at 1:10 including sections)
  - ii) shopfront including raised and fielded panel (scale at 1:10 including sections)
  - iii) photographic schedule and manufacture specifications of the faience tiles.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details (C26DB)

**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 Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 4 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

- Alteration to awnings to ensure a minimum vertical clearance of 2.3 metres at the building face and 2.14 elsewhere and a minimum horizontal clearance from the kerb edge.

You must not start on these parts of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings. (C26UC)

**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 Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (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 (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF., , In reaching this

decision the following were of particular relevance:, Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 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)

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.