

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 March 2015	Classification For General Release	
Report of Operational Director Development Planning		Wards involved West End	
Subject of Report	24 Brewer Street, London, W1F 0SN		
Proposal	Use of basement, ground, first and second floors as restaurant (Class A3). Installation of replacement shopfront and window at front first floor level, alterations at roof level to replace flat roof with part 'M-shaped' and part hipped roof, and erection of extract duct at roof level.		
Agent	Pegasus Planning Group Ltd		
On behalf of	Chilango Mexican Kitchen		
Registered Number	14/09900/FULL	TP / PP No	TP/5738
Date of Application	23.09.2014	Date amended/ completed	07.10.2014
Category of Application	Other		
Historic Building Grade	Unlisted		
Conservation Area	Soho		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Within Core Central Activities Zone		
Stress Area	Within West End Stress Area		
Current Licensing Position	Premises licence allows for the following opening hours: 10.00 – 23.00 Monday to Friday, 10.00 – 00.00 on Saturdays and 12.00 – 22.30 on Sundays		

1. RECOMMENDATION

Grant conditional permission.





24 BREWER STREET, W1

2. SUMMARY

No. 24 Brewer Street is an unlisted building located within the Soho Conservation Area, the Core Central Activities Zone and the West End Stress Area. The entire property currently has lawful use as an adult cinema. Permission is sought for the change of use of the premises to a restaurant (Class A3), the installation of associated plant including an internal extract duct which will vent at main roof level and air conditioning units at rear first floor level. Alterations are also proposed to the front and rear elevations and to the roof structure.

Planning permission was granted in March 2010 for the loss of the cinema. Following the grant of planning permission unauthorised works including the operation of a restaurant, the installation of ductwork and works to the roof were carried out. This proposal would remove some of the unauthorised alterations and reinstate the property to its previous condition.

The key issues for consideration are:

- The loss of the adult cinema.
- The impact of the proposed plant equipment on residential amenity.
- The impact of the proposed restaurant operation on residential amenity.

The loss of the adult cinema is considered acceptable taking into account the history of the premises. Subject to appropriate conditions, the proposed restaurant and external alterations are also considered acceptable in design, land use, highways and amenity terms and will accord with the relevant Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan) policies.

3. CONSULTATIONS

COUNCILLOR GLANZ

- Requests the application is determined at Planning Applications Committee.
- Supports the objections raised by neighbours.

SOHO SOCIETY

Objection on the following grounds:

- Potential impact upon residential amenity resulting from the servicing hours, glass crushing and the opening hours of the premises.
- They consider the rear first floor flat roof area should only be used as a means of escape.

CLEANSING MANAGER

No objection.

HIGHWAYS PLANNING MANAGER

No objection.

ENVIRONMENTAL HEALTH

No objection.

THAMES WATER

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 114; Total No. of Replies: 6.

Six letters (two from the same person) of objection raising the following:

Amenity

- Noise disturbance to residents from restaurant patrons.

- Noise disturbance to residents resulting from the servicing of the restaurant (specifically deliveries and rubbish collection).
- Noise disturbance to residents resulting from the operation of the plant.
- Concern that the rear flat roof area will be utilised for smoking / entertainment purposes.
- Concern that the submitted acoustic report is flawed as there is unlawful plant currently operating at a neighbouring premises which may have artificially elevated the background noise levels.
- Potential odour issues.

Other

- Lack of public consultation.

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION

4.1 The Application Site

Brewer Street is a mixed use street, with a variety of retail, restaurant and bar uses at ground floor level with office and residential uses on the upper floors. No. 24 Brewer Street is an unlisted building situated within the Soho Conservation Area, the Core Central Activities Zone and the West End Stress Area. The existing property comprises of basement, ground and two upper floors. The property is currently vacant, but has lawful use as an adult cinema.

Extensive building works have taken place at the property including the installation of an extract duct at the rear of the property, demolition of the rear walls and the rebuilding of the roof. Some of these works formed part of a planning approval granted in March 2010 while other works are unauthorised.

The rear of the site is overlooked by a number of residential flats (some including balconies) along Green's Court and Peter Street.

4.2 Relevant History

Planning approval was granted on 7 February 2002 for the use of the building as a cinema showing adult films. The officer's report concludes that the use of the building as an adult cinema would be preferable to the existing (at the time) use of the building as a strip show. Photographs taken at the time show advertisements on the building advertising 'live exotic peep show'. Previous to this granting of permission the property had a nil use due to the extensive enforcement action and refused applications for the use of the property as a peep show over an extended period of years.

Planning permission was granted on 1 May 2003 for a variation of Condition 2 of permission dated 7 February 2002 (RN: 01/02697) for the use of the building as a cinema showing adult films; namely, to vary opening hours to 10.00-00.00 hours.

The adult cinema stopped operating in July 2008.

A Certificate of Lawful Existing Use for the use of the ground, basement and first floor as a drinking establishment was refused on the 3 August 2009. Insufficient evidence was submitted to support the claim that the property had been used as such for the preceding ten years and the Council also held conflicting evidence that indicated it had been lawfully used as an adult cinema for a period of that time.

Planning permission was granted on the 4 March 2010 for the dual/alternative use of basement, ground and part first floor as retail (Class A1) or restaurant (Class A3) measuring

159m²; use of part first and second floors as a two bedroom residential unit (Class C3); installation of plant within acoustic enclosure at first floor roof; and installation of extract duct rising to high level.

A restaurant did operate from the site for approximately six months between January 2013 and July 2013. However, none of the pre-commencement conditions attached to the March 2010 planning permission were discharged. It is therefore considered the above planning permission was not implemented.

5. THE PROPOSAL

Permission is sought for the use of the entire building as a restaurant (Class A3). The basement will be used as a store area with a separate waste / recycling area, the ground floor will include a kitchen / servery with seating and a disabled toilet. Additional seating and toilets are proposed at first floor level with associated staff and office accommodation at second floor level. Permission is also sought for the erection of a high level extract duct to terminate above the height of the main roof level and the installation of four air conditioning units under the existing metal stair leading to the flat roof area at rear first floor level. Works are proposed to re-instate the historical roof pitch and to re-instate the rear walls of the property which have been demolished.

The total floorspace of the proposed restaurant would match that of the existing lawful cinema (as there are no proposed extensions) and would amount to 251m².

	Existing Cinema	Approved restaurant	Proposed restaurant
Floorspace (m ²)	251	159	251
Covers	Un-restricted	30	80
Hours of opening	10:00 – 00:00 Daily	N/A	08:00 – 23:00 Monday to Friday; 08:00 – 00:00 Saturdays and 09:00 – 22:30 on Sundays.
Licensing hours granted	N/A	07:00 – 23:30 Daily	Monday to Friday 10:00 to 23:00 Saturday 10:00 to 00:00 Sunday 12:00 to 22:30.
Ventilation / extraction plant	Existing plant on rear first floor flat roof.	N/A	Air conditioning plant on the rear first floor flat roof; extract duct terminates at high level, adjacent to 22 Brewer Street.
Waste storage	Provided at basement level.	Air intake duct housed on the first floor roof, extract duct terminates at high level, adjacent to 22 Brewer Street.	Provided at basement level.

6. DETAILED CONSIDERATIONS

6.1 Land Use

Overview

Planning permission was granted on the 4 March 2010 for the use of the basement, ground and part first floors as either retail or restaurant accommodation and a residential unit at part first and second floor levels with associated plant and a high level extract duct. There were a number of conditions attached to this permission both in respect of the restaurant / retail use and the approved residential unit. Five of the conditions relating to the restaurant use were 'pre-commencement conditions' which meant they required further information to be submitted to the City Council for approval before the restaurant use could commence. However, none of these conditions were discharged before the restaurant began trading. As none of the pre-commencement conditions were discharged, it is not considered that the restaurant use was lawful, nor was the March 2010 planning permission implemented. This permission has now expired.

6.1.1 Loss of Adult Cinema

Permission was granted for the use of the whole building as an adult cinema in February 2002. The cinema stopped operating from the property in July 2008. As the 2010 permission was not considered to be implemented, the lawful use of the property is still considered to be as a cinema.

Policy TACE5 of the UDP seeks to protect arts and cultural uses, of which cinemas are included. Part A(1) stipulates that planning permission will not be granted for change of use from an arts or cultural use. The reasoning for the policy is that these uses "represent a valuable amenity for residents, workers and visitors to the city." It also states that "smaller-scale arts and cultural facilities and activities in particular can add to the vibrancy and quality of life of local communities."

It is difficult to extend this protection to an adult cinema, and as the loss of the adult cinema has previously been considered in 2010, its loss is therefore considered acceptable.

6.1.2 New restaurant use

As the proposal is for a new entertainment use comprising 251m² it needs to be considered under the TACE policies. Policy TACE 9 of the UDP states that permission for restaurant uses (Class A3) of between 150m² – 500m² of gross floorspace inside the Core CAZ and designated West End Stress Area, may be permissible, where the proposed development will have no adverse impact on residential amenity or local environmental quality, and no adverse effect on the character or function of its area. Policy S24 of the City Plan also relates to new entertainment uses and has similar policy requirements for units of this size.

Objections have been received from nearby residential occupiers and the Soho Society to the additional restaurant floorspace in the West End Stress Area. However, taking into consideration the current lawful permission for use as an adult cinema with an unrestricted capacity and the manner in which it previously operated, it is considered that the restaurant use with planning restrictions will improve amenity. Furthermore, as permission has previously been granted for a restaurant, the objections to the principle of the restaurant use are not considered sustainable.

The existing lawful use has no conditions restricting the capacity of the premises. The applicant has stated that if permitted they intend to provide a sit-down restaurant with 80 covers, a condition is recommended to restrict the capacity to this number.

An objection has been received on noise and disturbance from patrons leaving the restaurant. The latest terminal hour is proposed as midnight on a Saturday. This is considered acceptable and in accordance with Paragraph 8.88 of the UDP which states that *'as a general rule, the Council expects that, in entertainment uses in predominantly residential areas, it will impose planning conditions that no customers will be allowed to remain on the premises after midnight on Sundays to Thursdays, and after 00.30 on the following morning on Friday and Saturday nights'*. In order to further ensure the protection of residential occupiers in the vicinity, a condition is proposed requiring the submission of an Operational Management Plan to ensure the restaurant is managed effectively. On this basis the objection is not considered sustainable.

There is a rear flat roof at first floor level and the Soho Society has commented it should only be used for emergency purposes. It is considered that the use of this area for sitting out could have an adverse impact on neighbouring residential properties and a condition preventing its use for dining/smoking etc. is recommended.

A neighbouring residential occupier to the rear within Peter Street has commented on the potential for noise and disturbance from the premises if the windows on the rear elevation are left open. These are considered legitimate concerns and a condition is recommended requiring the windows on the rear elevation to be fixed shut at all times.

Environmental Health consider the high level extract duct proposed suitable to enable the discharge of cooking odours without detriment to neighbouring residential amenity. An objection has been received to potential cooking odours, the proposed duct will terminate at a higher level than the nearby residential windows and this complies with the City Council standards for dispersing cooking odours. It should also be noted that the proposed extract terminates at a higher level than the extract duct which was previously approved in 2010.

Due to the close proximity of Piccadilly Circus Underground Station and the multiple bus routes which run along Shaftesbury Avenue and Regent Street, the proposed restaurant would be located in an area with very high accessibility to public transport, and it is therefore unlikely that it would result in any increase in traffic or parking demand which would be harmful.

The Cleansing Manager has confirmed the waste store as shown on the submitted drawing in the basement of the premises will be sufficient for the requirements of the restaurant. A condition is therefore attached to ensure that this waste store is provided and retained.

In order to protect residential amenity and ensure the noise of the restaurant is contained within the premises, a condition is proposed to ensure the single door shown on the drawings is only utilised in case of emergency and is not used as a standard access point for customers. A condition is also proposed to ensure any music played within the premises is not audible outside the premises to further protect the amenity of neighbouring residential occupiers.

The principle of the proposed restaurant is therefore considered to be in accordance with UDP Policy TACE9 and City Plan Policy S24.

6.2 Townscape and Design

Reinstatement of the building to the form it was in prior to demolition is acceptable, and routing the new extract duct through the building will minimise its visual impact. It should be

noted that this is a significant design improvement on the scheme previously approved in 2010 where the extract duct ran horizontally along the rear flat roof at first floor level before rising vertically up the rear elevation of the property. The air conditioning plant located under the external metal stairs at the rear will have no adverse impact on the appearance of the building or surrounding conservation area given the highly enclosed nature of the space and other plant on neighbouring buildings.

Alterations to the street façade including a new shopfront and reinstated first floor sash window will improve its appearance and the proposal as a whole accords with Policies S25 and S28 of the Westminster City Plan and Policies DES 1, DES 5 and DES 9 of the 2007 UDP.

6.3 Amenity

The application has been considered in the context of Policies ENV6 and ENV7 of the UDP and S32 of the City Plan. These policies seek to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance.

The acoustic report specifies that the plant will only be in operation between the hours of 08.00 and 00.00. There is unauthorised plant currently in operation at a nearby restaurant (28 Brewer Street – Janetaria) which is the subject of on-going planning enforcement action. A neighbouring objector has commented that the unauthorised plant would have artificially elevated the measured background noise levels and this is not consistent with the revised guidance within BS 4142. The Environmental Health officer dealing with the application was alerted to this issue, and they have concluded that the background noise measurements do include the unauthorised plant on the neighbouring property. From the noise readings it is evident that the unauthorised plant is switched off at 22:00 as there was a significant drop in the background noise measurements at this time. After 22:00 the background noise levels followed a similar trend to what would be expected in this area and stayed at a near continuous level through the early hours of the following morning.

The lowest background noise level is taken from 00:00 (when the unlawful plant had been switched off) and is measured as 46dB which is consistent with what Environmental Health would expect in this area. To accord with City Council policies the noise levels from the plant would have to be no greater than 36dB at the nearest noise sensitive property which was identified as being the rear windows of 10 Green's Court at a distance of 3.2m from the nearest plant items.

The expected noise levels from the air conditioning units is 50dB, which would not comply with the standard noise conditions. The applicant has recommended that the air conditioning units are fixed on anti-vibration mounts and are housed within an acoustic enclosure. Environmental Health has no objection to the proposal on the basis that the acoustic enclosure is secured by condition, in addition to the City Council's standard noise conditions on this basis, neighbouring residents amenity will be protected.

6.4 Transportation/Servicing

The Highways Planning Manager considers that the number of people arriving and departing from the proposed restaurant would be comparable to the lawful cinema use. The site is located within a Controlled Parking Zone which means that single and double yellow lines in the vicinity allow loading and unloading to occur. The original information submitted by the applicant stated that servicing would take place between 00:00 and 04:00 daily. Objections were received from neighbouring residents concerned that noise from deliveries would adversely impact upon their amenity. The applicant has subsequently confirmed that to accord with the conditions on the premises licence, servicing would take place between 07:00 and 23:00. The Soho Society considers servicing should take place between 08:00 and 22:00

daily, however, the hours requested by the applicant are considered reasonable and it is not considered necessary to restrict them further. It is not considered servicing of the restaurant between these hours would impact upon neighbouring residents and the objections with regard noise from servicing are not considered sustainable.

The applicant is not intending for the restaurant to provide a delivery service and a condition will be attached to control this.

Taking into account the size of the restaurant, to accord with the requirements of Policy TRANS10 of the UDP, three cycle parking spaces must be provided. A condition is proposed requiring the submission of amended drawings to show this cycle parking provision and it is considered this could easily be provided in the basement of the premises.

6.5 Economic Considerations

Any economic benefits generated are welcome.

6.6 Access

A number of improvements are proposed including level access to the ground floor. A disabled toilet is also proposed at ground floor level for restaurant patrons.

6.7 Other UDP/Westminster Policy Considerations

An objection has been received to the lack of consultation for the application. The objector states that they have not received a letter and that the only notification of the planning application was on a lamp post and not on the premises itself. City Council records indicate that a consultation letter was sent to this property. It is unfortunate that this was not received by the occupant. Taking into account the number of objections which were received to the scheme, it is concluded that letters were received by neighbouring residents. The City Council did send out further consultation letters during the course of the application following amendments to the scheme.

Site notices are nearly always fixed to a lamp post close to the application site. It is very rare that site notices will be fixed to buildings as these may be removed. It is considered that the City Council has carried out its duties with regards to public consultation and therefore the objection on these grounds is not considered sustainable.

An objection has been received on the grounds that this will be a chain restaurant which will impact on the character of Soho. Planning policies do not allow us to consider the user, only the use. Therefore, the objection is not considered sustainable.

6.8 London Plan

The proposal does not raise strategic issues and does not have significant implications for the London Plan.

6.9 National Policy/Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

6.10 Planning Obligations

The application does not raise a requirement for a planning obligation.

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

The scale of the proposed development does not require the submission of an Environmental Impact Assessment or provide opportunities for additional sustainability measures.

6.12 Conclusion

The proposals are considered acceptable in land use, transport, amenity and design terms and accord with the relevant City Council UDP and City Plan policies. The application is therefore recommended for conditional planning approval.

BACKGROUND PAPERS

1. Application form.
2. Email from Councillor Glanz dated 20.11.2014.
3. Memoranda from Environmental Health dated 28.11.2014, 04.02.2015 and 24.02.15.
4. Memorandum from the Highways Planning Manager dated 21.10.2014.
5. Memorandum from the Cleansing Manager dated 06.11.2014.
6. Email from the Soho Society received 06.11.2014.
7. Email from Thames Water dated 24.10.2014.
8. Email from the residential occupier of 15 St. James Residences, 23 Brewer Street, London received 10.11.2014.
9. Email from the residential occupier of Flat 3, 10 Green's Court, London dated 05.12.2014.
10. Emails from the residential occupier of 52 St. James Residences, 23 Brewer Street, London dated 16.12.2014.
11. Emails from the residential occupier of 2 Salvo House, 20 Peter Street, London dated 21.12.2014 and 22.02.14.
12. Email from residential occupier of 3 Salvo House, 20 Peter Street, London dated 20.02.15

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT HELEN MACKENZIE ON 020 7641 2921 OR BY E-MAIL – hmackenzie@westminster.gov.uk

DRAFT DECISION LETTER

Address: 24 Brewer Street, London, W1F 0SN

Proposal: Use of basement, ground, first and second floors as restaurant (Class A3). Installation of replacement shopfront and window at front first floor level, alterations at roof level to replace flat roof with part 'M-shaped' and part hipped roof, and erection of extract duct at roof level.

Plan Nos: Site Location Plan, Acoustic Report dated 22nd December 2014, Drawings: CHI-BRE-M01 RevB, CHI-BRE-M02 RevB, (12037_PL) 115 Rev4, 116 Rev5, 117 Rev6.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

Recommended Condition(s) and Reason(s):

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 You must carry out any building work which can be heard at the boundary of the site only:
 - * between 08.00 and 18.00 Monday to Friday;
 - * between 08.00 and 13.00 on Saturday; and
 - * not at all on Sundays, bank holidays and public holidays.Noisy work must not take place outside these hours. (C11AA)
Reason:
To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)
- 3 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 12037_PL_116 Rev05. You must clearly mark them and make them available at all times to everyone using the restaurant. (C14FB)
Reason:
To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)
- 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must install the 'brick-slip outer cladding to match existing building' as shown on drawing 12037_PL_117 at the same time as the high level extract duct is installed. It must thereafter be maintained in this position for as long as the extract duct remains in place.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must not allow more than 80 customers into the property at any one time. (C05HA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 7 Customers shall not be permitted within the restaurant premises before 08:00 or after 23:00 on Monday to Friday; before 08:00 or after 00:00 (mid-night) on Saturday and before 09:00 or after 22:30 on Sundays.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 8 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 9 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in

S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 10 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 11 You must not use the rear first floor flat roof area of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency or for maintenance of the building / plant.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 12 All servicing must take place between 07:00 and 23:00 on Monday to Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

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

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

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, 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.

- 15 The plant/machinery hereby permitted shall not be operated except between 08:00 hours and 00:00 (mid-night) hours daily.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties 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 S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted

in January 2007.

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

Reason:

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

- 17 No music shall be played within the premises that is audible outside the premises.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 18 You must not operate a food delivery service from the premises.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 19 The single entrance door to the east of the main entrance doors at ground floor level to Brewer Street is not to be used by customers for access to the restaurant premises except in the case of an emergency and must be kept closed at all other times.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 20 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 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 premises. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 21 You must apply for approval of amended drawings to show the provision of the required acoustic enclosure for the units at rear first floor level, you must also provide the manufacturers specification of the enclosure and calculations to show that it will provide the

required acoustic mitigation. You must not install the plant at rear first floor level until we have approved these details. You must thereafter install the enclosure at the same time as the plant; finish / paint the enclosure dark grey and maintain it in this form for as long as the plant remains in place.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 22 You must implement all the acoustic mitigation requirements as stated in the acoustic report dated December 2014 at the same time as the plant is installed. The plant must thereafter be maintained in this form for as long as it remains in place.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 23 The windows at rear first and second floor levels must be fixed shut and maintained in this form in perpetuity.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 24 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 property as more than one unit. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 25 You must apply to us for approval of a management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant is in use. (C05JB)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 26 The Class A3 use allowed by this permission must not begin until you have fitted self-

closing doors to the Brewer Street entrance. You must not leave these doors open except in an emergency or to carry out maintenance work.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 27 The high level extract duct hereby approved must be installed before the restaurant use can commence, it shall thereafter be permanently retained in situ and maintained for as long as the restaurant is in use.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 28 You must apply to us for approval of detailed drawings of the following parts of the development - proposed new shopfront. 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 detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. They further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, 'Best Practices for Catering Establishments' which can be requested by telephoning 020 8507 4321.

- 3 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 4 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 5 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. If you would like more information, you can contact Ray Gangadeen on 020 7641 7064. (I54AA)
- 6 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained. Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
 - * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
 - * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
 - * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
 - * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
 - * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

- 7 Buildings must be provided with appropriate welfare facilities for staff who work in them and for visiting members of the public.

Detailed advice on the provision of sanitary conveniences, washing facilities and the provision of drinking water can be found in guidance attached to the Workplace (Health, Safety and Welfare) Regulations 1992.

www.opsi.gov.uk/SI/si1992/Uksi_19923004_en_1.htm

The following are available from the British Standards Institute - see <http://shop.bsigroup.com/>:

BS 6465-1:2006: Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances

BS 6465-3:2006: Sanitary installations. Code of practice for the selection, installation and maintenance of sanitary and associated appliances. (I80HA)

- 8 If licensable activities are proposed in the commercial premises a new application for a Premises Licence will have to be submitted to the Licensing Service under the Licensing Act 2003. The applicant should have regard to the City of Westminster Statement of Licensing Policy with regard to operation of the licensed premises.

The premises should be constructed to ensure the requirements of the Workplace (Health Safety and Welfare) Regulations 1992, and BS 6465-1:2006: Tables 10.

There is more guidance available in the following publications

' Workplace (Health Safety and Welfare) Regulations 1992 (L24) (Approved Code of Practice and Guidance)(1992). See the Health and Safety Executive website at www.hse.gov.uk.

' BS6465-1:2006, Sanitary Installations Part 1: Code of Practice for the Design of Sanitary Facilities and Scales of Provision of Sanitary Appliances.

- 9 Conditions 14 and 15 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

Existing

Existing ductwork extracting above neighbouring parapet

Existing neighbouring building

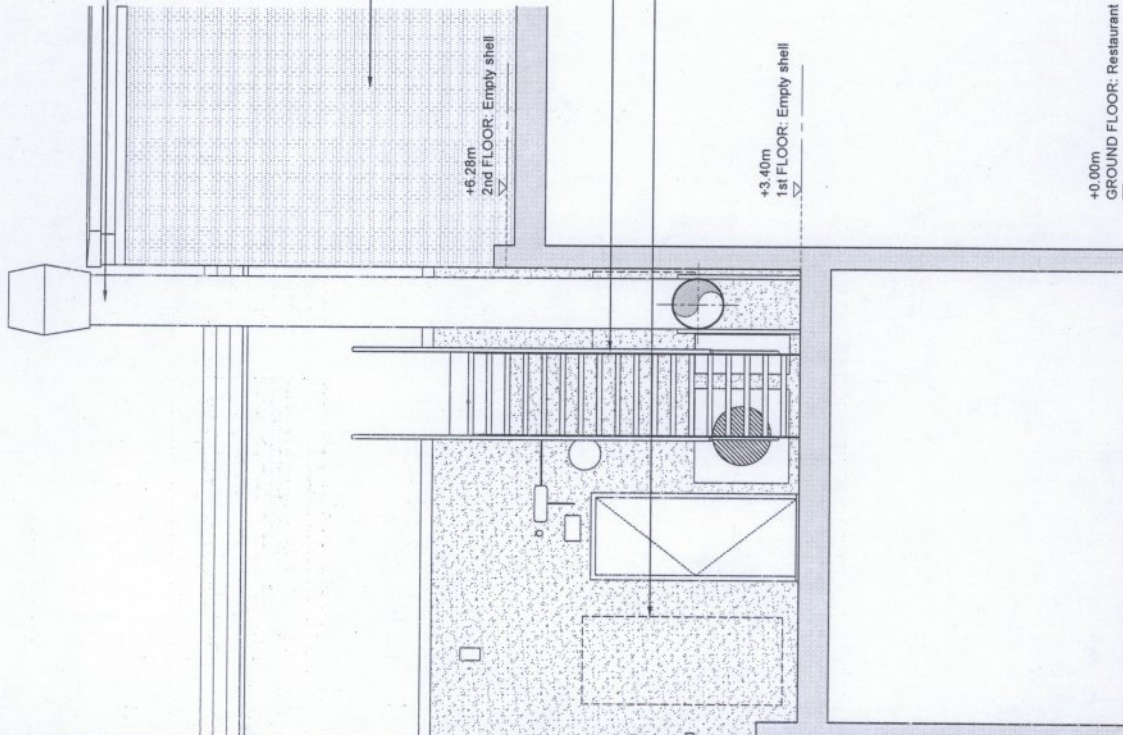
Existing steel stairs

Blocked in door/window

+6.28m
2nd FLOOR: Empty shell

+3.40m
1st FLOOR: Empty shell

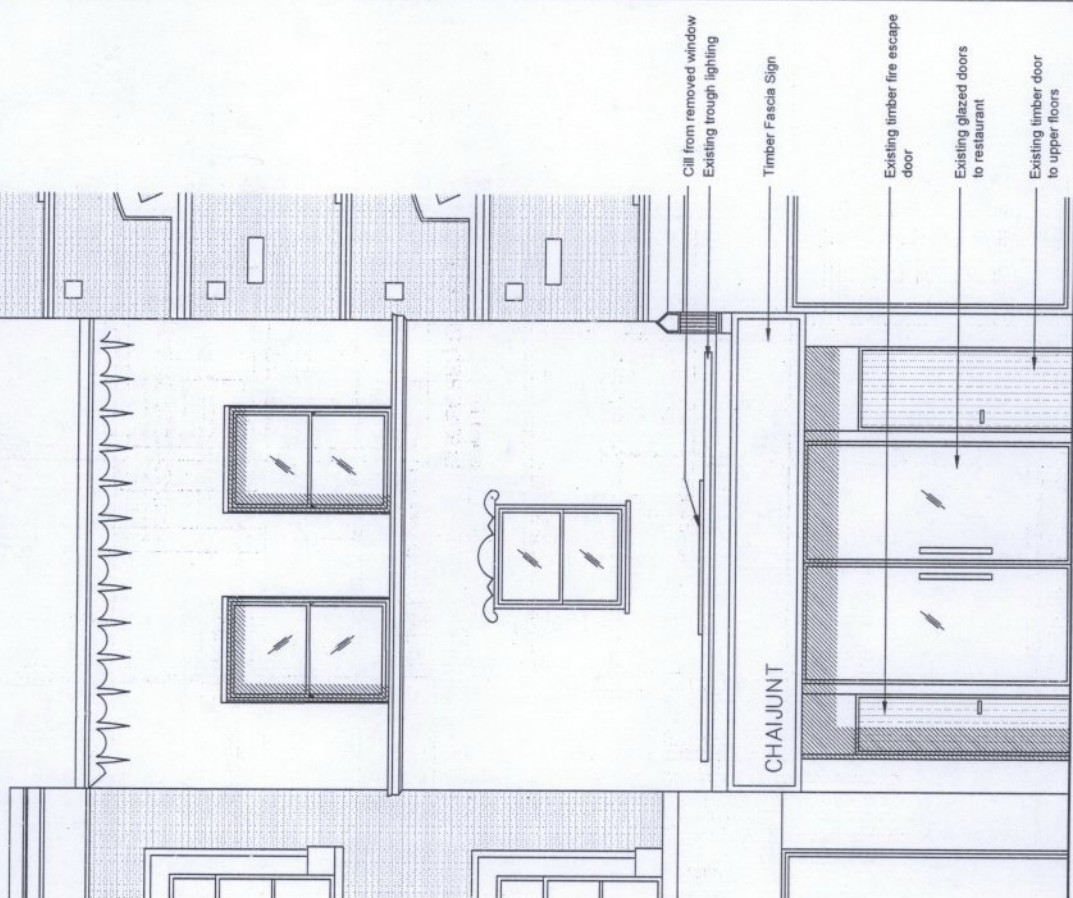
+0.00m
GROUND FLOOR: Restaurant



REAR ELEVATION
Scale 1:50

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The design of all fire protection elements must always be checked against the relevant codes of practice and standards.
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The design of all other elements must always be checked against the relevant codes of practice and standards.

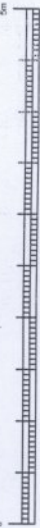


FRONT ELEVATION
SCALE 1:50

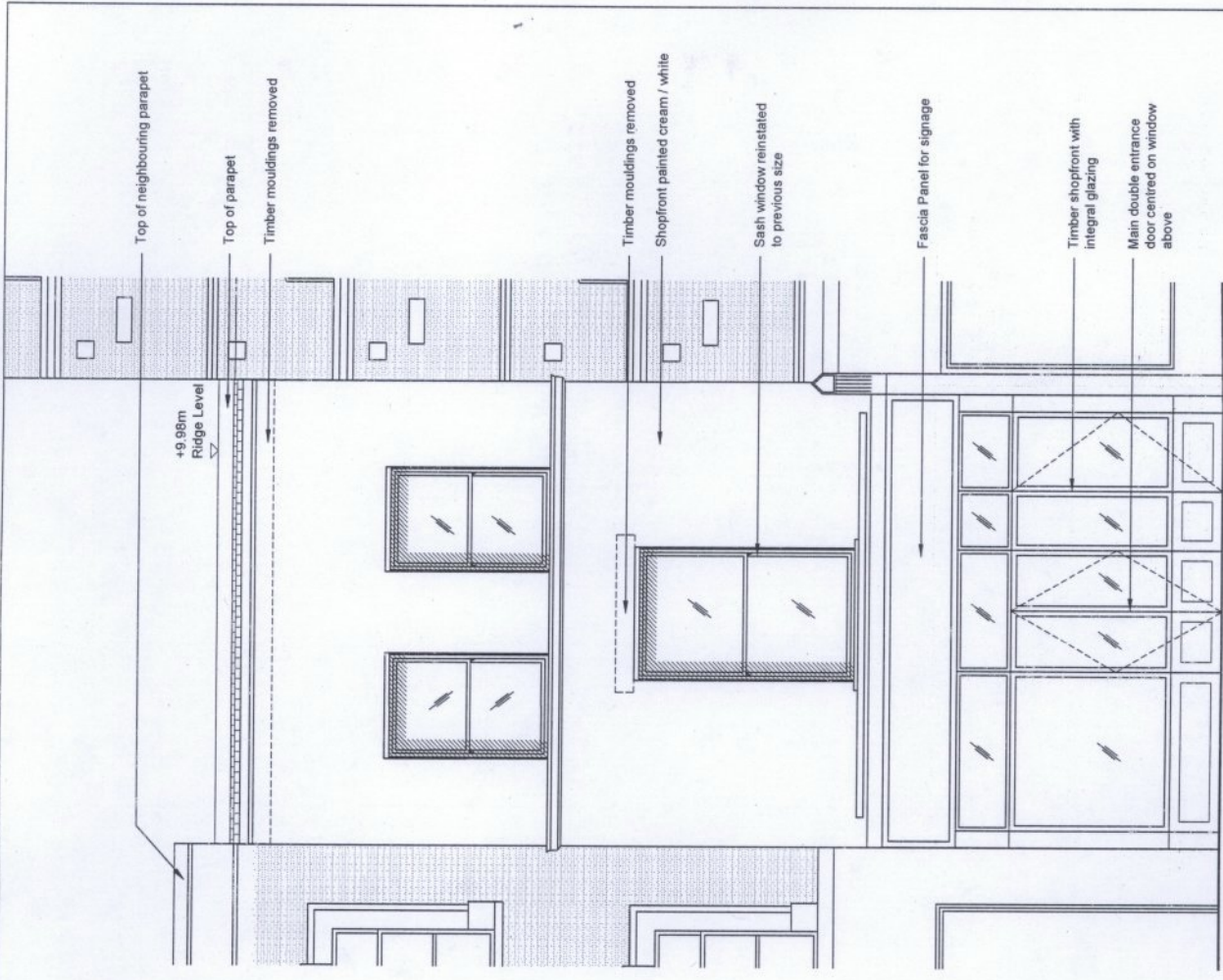
REV	DATE	BY	DATE	REVISION
1	28/04/17			Final Issue

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Checked	GH
Approved	GH

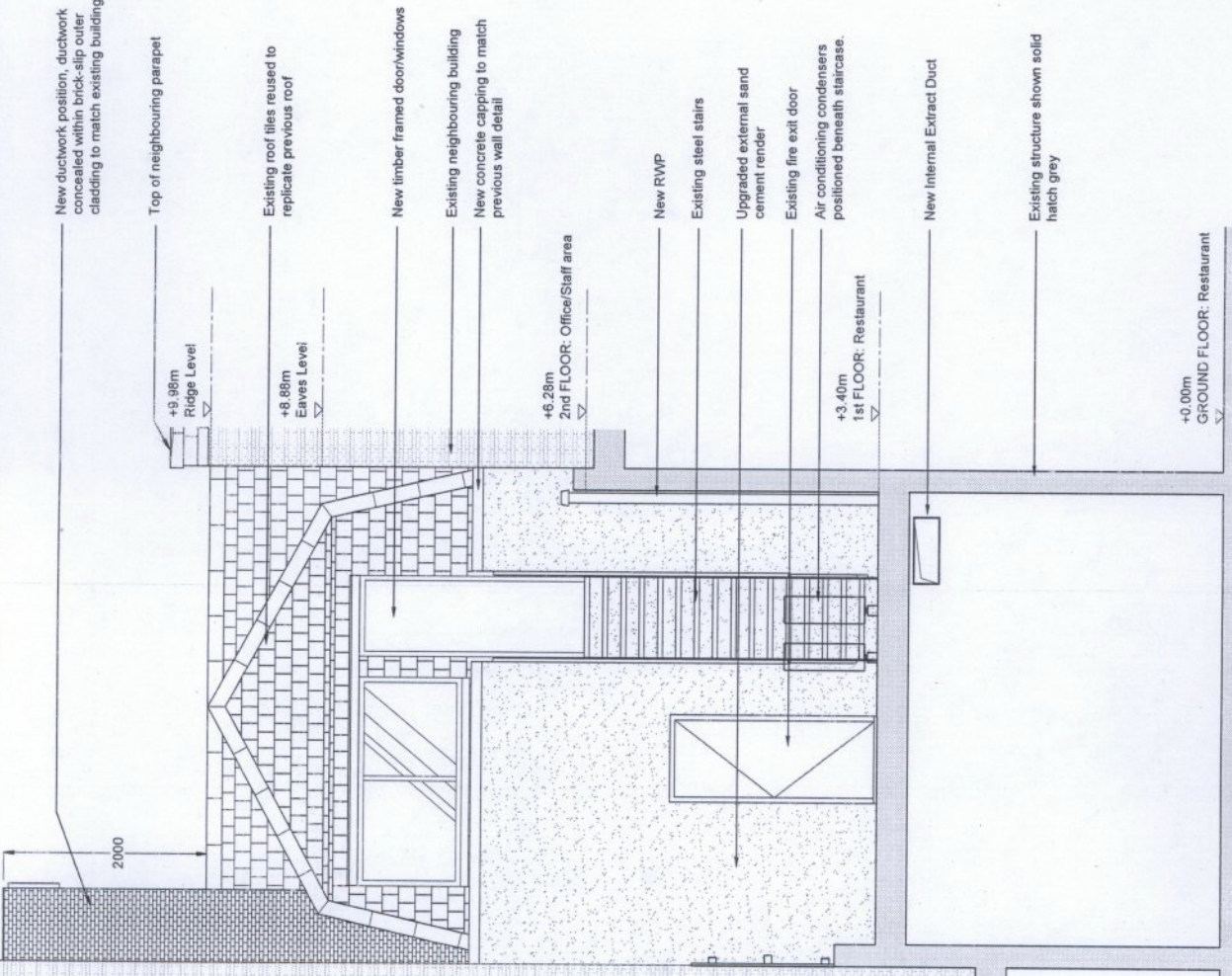
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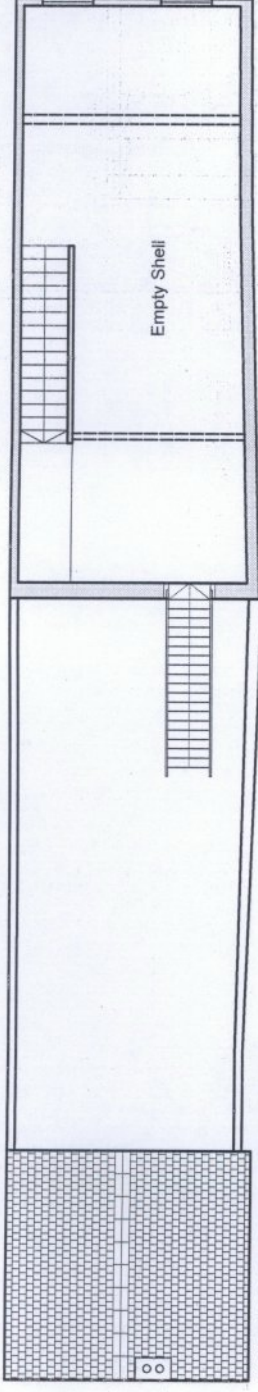
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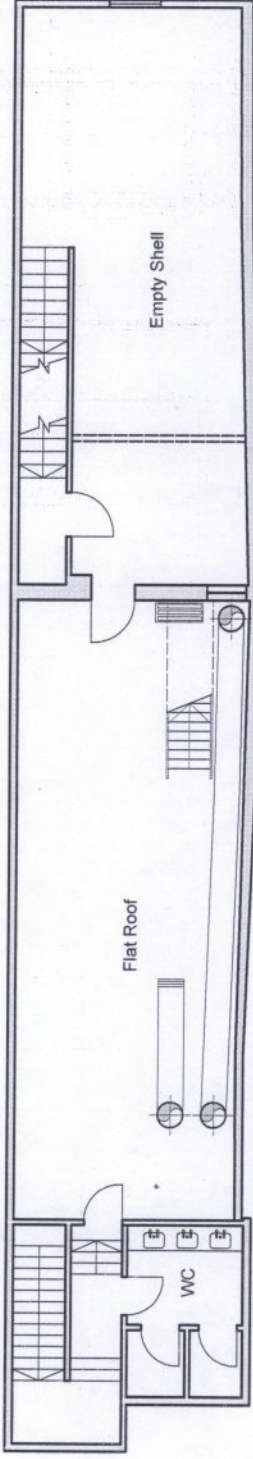
PROPOSED REAR ELEVATION
SCALE 1:50

<p>Scale 1:50@A3</p>		<p>1 20/04/14 Final Design</p> <p>2 04/05/14 Revised Blueprint</p> <p>3 22/05/14 Updated comments from LPA</p> <p>4 06/06/14 Updated comments from LPA</p> <p>5 16/06/14 Updated planning comments from LPA</p> <p>6 25/11/14 Comments shown beneath external steel</p>	<p>Project # 12037_PL_117</p> <p>Project Name Brewer Street</p> <p>Client DC</p> <p>Designer MDC</p> <p>Architect MDC</p> <p>Proposed Elevations with HVAC GH</p> <p>Checked BMA</p> <p>Scale @ A3 1:50</p>
<p>www.mailendesign.com info@mailendesign.com</p> <p>MAILEN DESIGN Architecture Interiors Urban Design</p>		<p>Do not scale from drawing</p> <p>The author of this drawing takes no responsibility for any description, omitted by reference to any other drawing, or for any error or omission in this drawing. The user of this drawing is responsible for its accuracy and for any error or omission in this drawing.</p> <p>This drawing is for reference only and should not be used for construction purposes. It is not to be used for any other purpose without the written consent of the author.</p> <p>All dimensions are in millimeters and rounded off to the nearest millimeter. They relate to the top edge of the drawing unless otherwise stated. All dimensions are in millimeters unless otherwise stated. All dimensions are in millimeters unless otherwise stated.</p> <p>Report of drawing errors, omissions and discrepancies to the architect.</p>	<p>Project # 12037_PL_117</p> <p>Project Name Brewer Street</p> <p>Client DC</p> <p>Designer MDC</p> <p>Architect MDC</p> <p>Proposed Elevations with HVAC GH</p> <p>Checked BMA</p> <p>Scale @ A3 1:50</p>

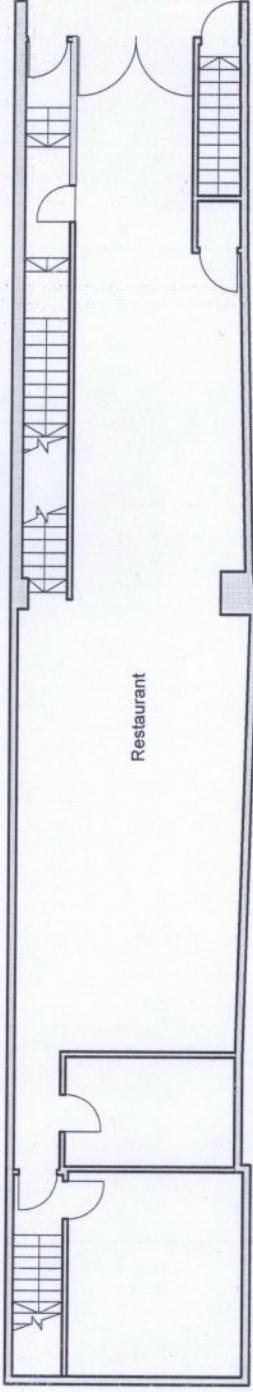
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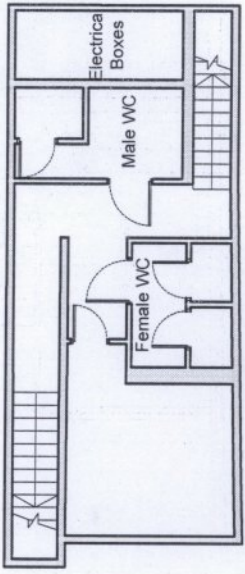
EXISTING SECOND FLOOR PLAN
Scale 1:100



EXISTING FIRST FLOOR PLAN
Scale 1:100



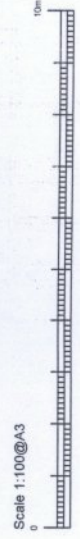
EXISTING GROUND FLOOR PLAN
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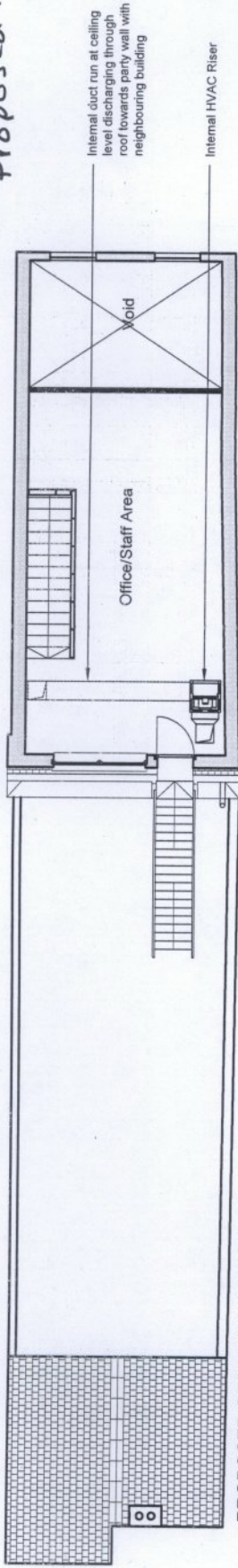
EXISTING BASEMENT PLAN
Scale 1:100

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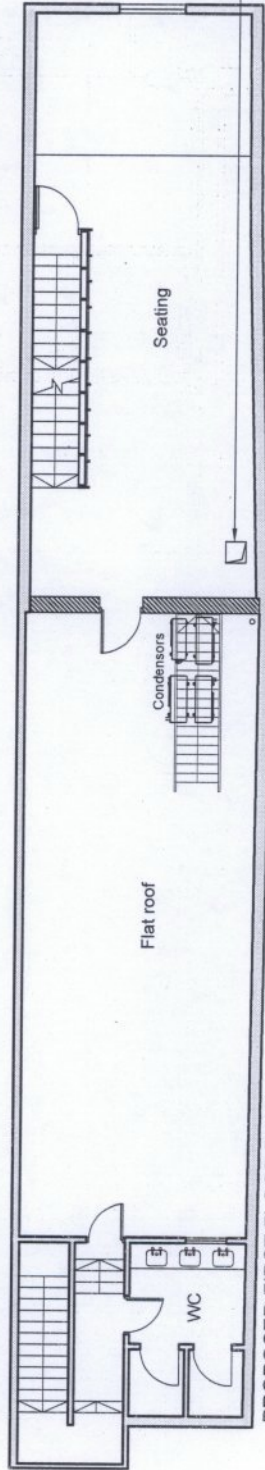
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Check Name	Existing Floor Plans	Checked	BMA
Drawing No.	12037_PL_100		



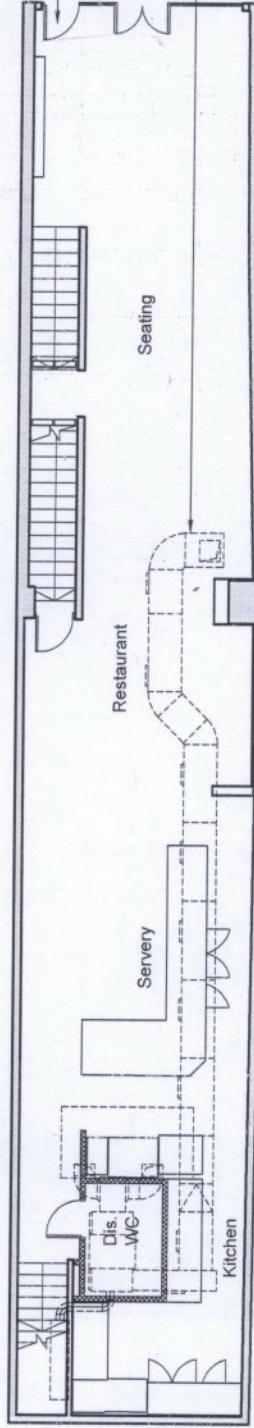
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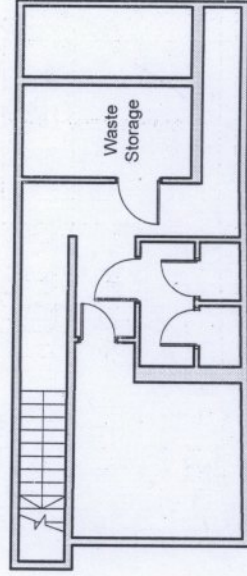
PROPOSED SECOND FLOOR PLAN
Scale 1:100



PROPOSED FIRST FLOOR PLAN
Scale 1:100



PROPOSED GROUND FLOOR PLAN
Scale 1:100



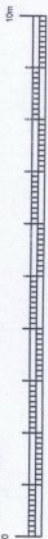
PROPOSED BASEMENT PLAN
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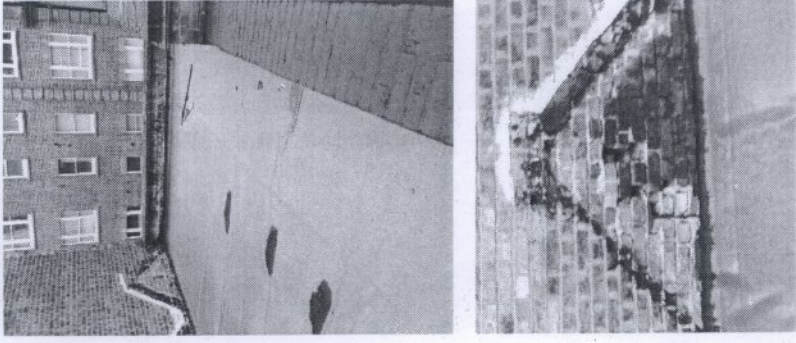
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211	DCI	DCI	Checked
212	DCI	DCI	BMA
Drawing no.			12037_PL_116

REV	DATE	DESCRIPTION
1	20/04/14	Final Issue
2	24/05/14	Revised Duchovnik Route
3	11/06/14	Revisions as recommended by LPA
4	10/07/14	Revisions as recommended by LPA
5	25/11/14	Condensator positions added to drawing

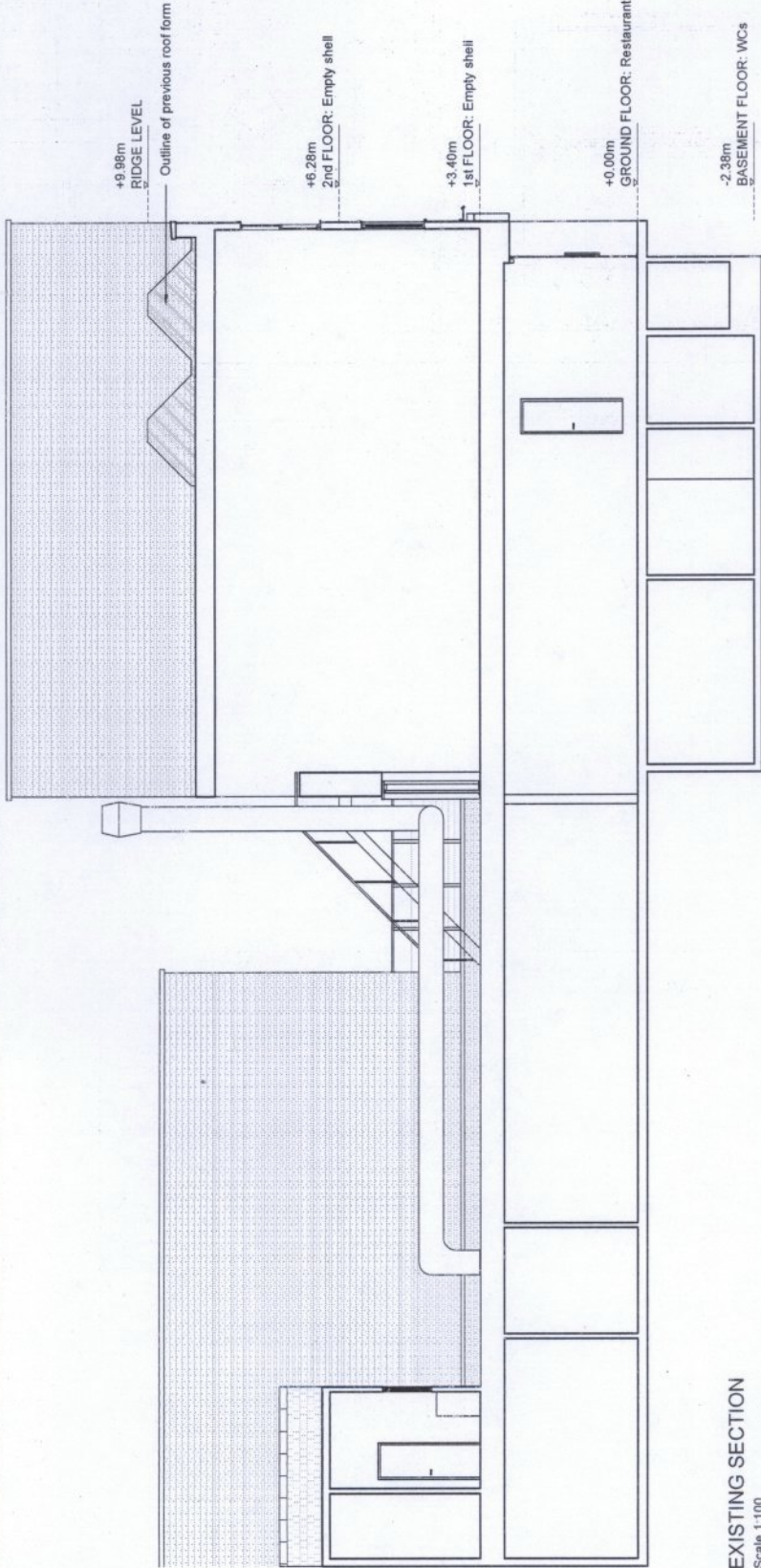
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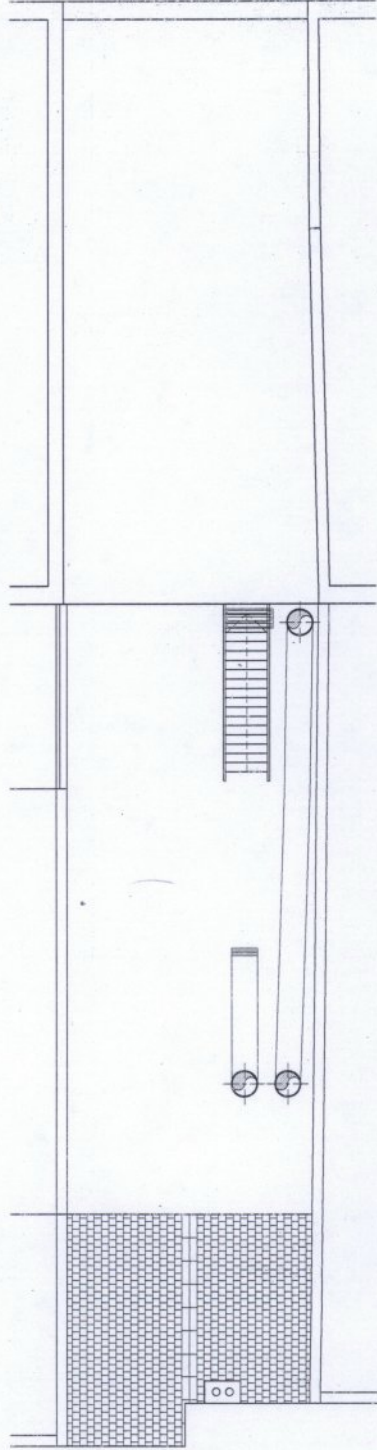
Existing



PREVIOUS ROOF FORM PHOTOS



EXISTING SECTION
Scale 1:100



EXISTING ROOF PLAN
Scale 1:100

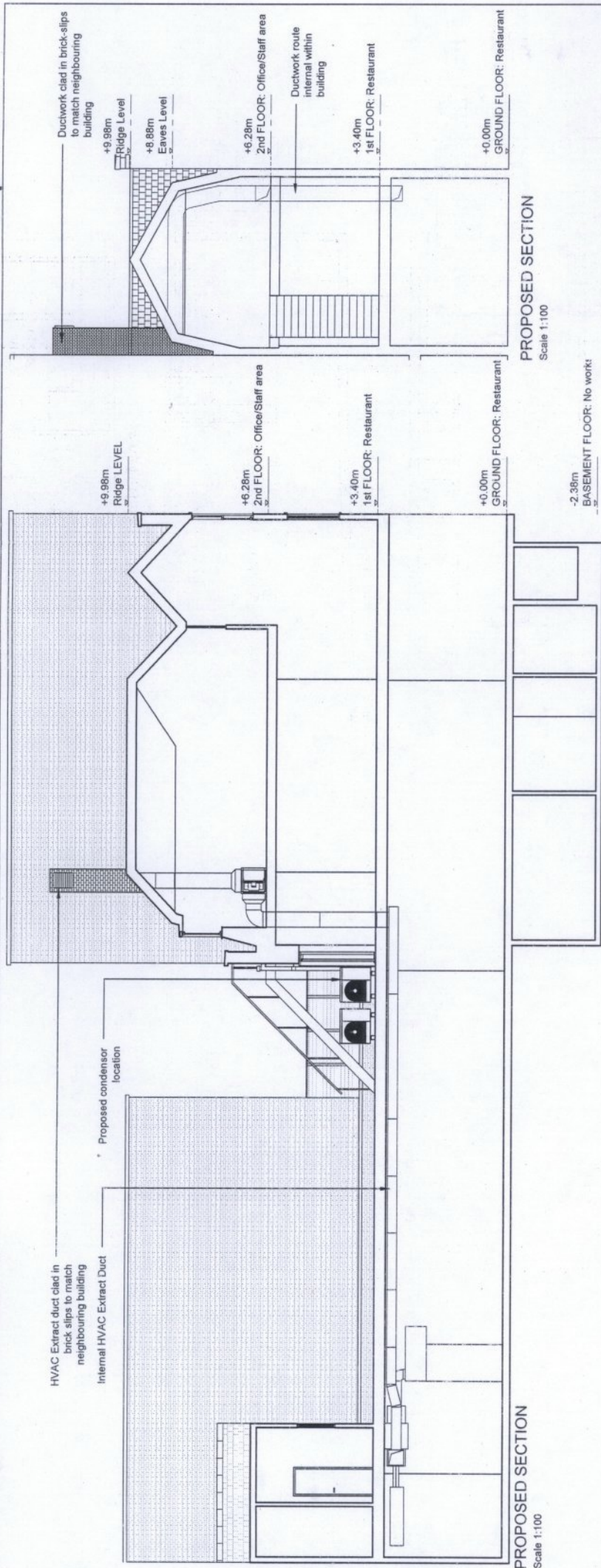
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REV	DATE	NOTES
1	20/04/14	First Issue

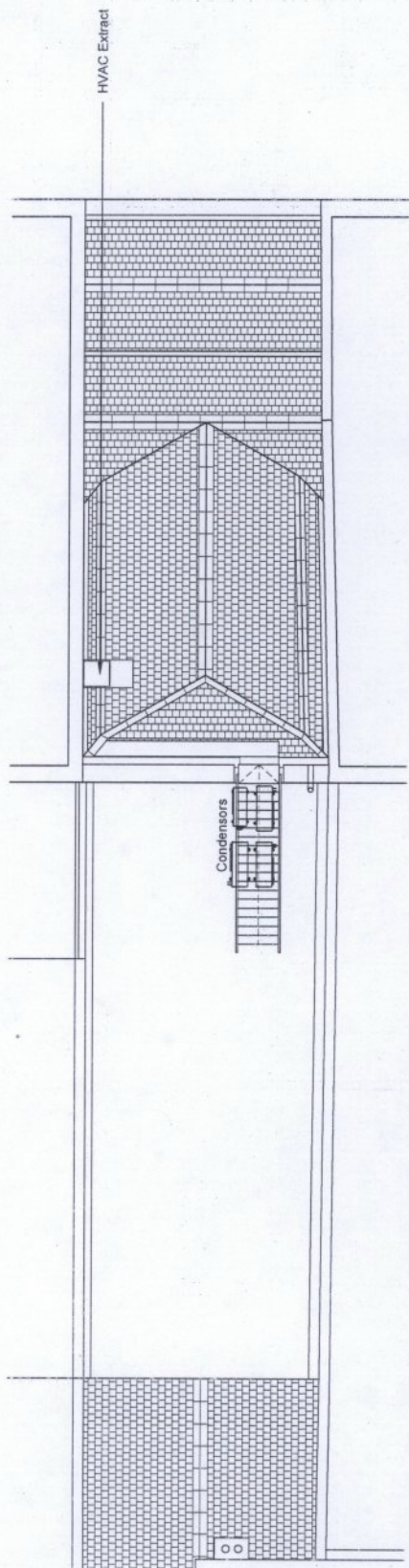
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	Client	BMA	Drawn
	Drawing No	12037_PL_102	Checked

Proposed



PROPOSED SECTION
Scale 1:100

PROPOSED SECTION
Scale 1:100



PROPOSED ROOF PLAN
Scale 1:100

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PROPOSED SECTIONS WITH HVAC

Drawn by: 12037_PL_115

REV	DATE	NOTES
1	20.04.14	1st Issue
2	11.05.14	Revised Ductwork Route
3	11.05.14	Revised Ductwork Route LPA comments
4	20.11.14	Condensator locations added to drawing

Scale @ A3
1:100