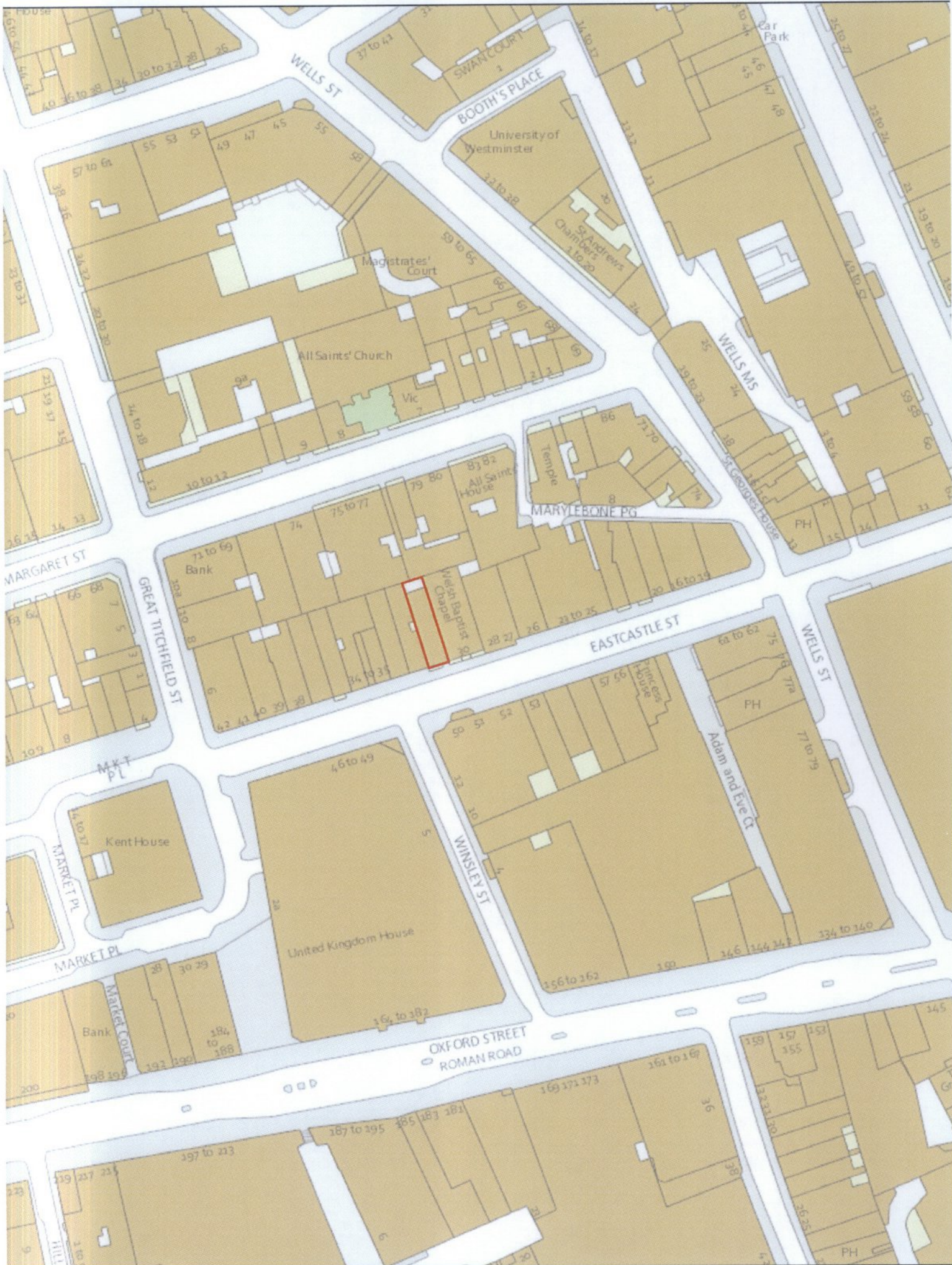


CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 27 October 2015	Classification For General Release	
Report of Director of Planning		Wards involved West End	
Subject of Report	31 Eastcastle Street, London, W1W 8DL		
Proposal	Use of the lower ground and ground floors as a restaurant (Class A3); installation of a high level extract duct to rear; new access to front; replacement balustrade to front lightwell and alterations to the shopfront. Installation of plant within an enclosure in the rear lightwell at lower ground floor level.		
Agent	Clifford Rance Associates		
On behalf of	Shelana Investments Ltd		
Registered Number	15/04232/FULL	TP / PP No	TP/6186
Date of Application	13.05.2015	Date amended/ completed	13.05.2015
Category of Application	Other		
Historic Building Grade	Unlisted		
Conservation Area	East Marylebone		
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 Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.





31 EASTCASTLE STREET, W1

2. SUMMARY

The application premises is located on the northern side of Eastcastle Street. The building which comprises basement, ground and four upper floors is in commercial use. The basement is occupied by a post production media company (Class B1), the ground floor is a clothing showroom (Sui Generis). Permission is sought for the use of the basement and ground floors as a restaurant use (Class A3). External alterations include the installation of a new shopfront, plant and a rear high level rear extraction duct.

The key issues in this case are:

- The impact in land use terms, of the loss of the existing uses and proposed restaurant on the character and function of the area;
- The impact on residential amenity;
- The impact in design terms.

Subject to appropriate conditions, the proposal is considered acceptable in land use, transport, design and amenity terms. The application is therefore recommended for approval being in compliance with the relevant Unitary Development Plan (UDP) and City Plan policies.

3. CONSULTATIONS

FITZROVIA NEIGHBOURHOOD ASSOCIATION

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

Acceptable subject to conditions.

HIGHWAYS

Acceptable subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 62; Total No. of Replies: 2.

Two objections received (from the same agent on behalf of the occupants of the basement and grounds) on the following grounds:

Land Use

- Loss of the showroom at ground floor level.
- Loss of the light industrial use at basement level.
- Proposed restaurant is unacceptable.

Design

- Alterations would be detrimental to the appearance of the building, and would adversely impact the character and appearance of the East Marylebone Conservation Area.

Amenity:

- Noise nuisance.
- Odour nuisance.

Other Issues:

- Partial implementation would result in noise nuisance to the occupant of the basement.
- The freeholder has not consulted with existing tenants. The application is 'premature' taking into account the remaining length of the lease for the basement occupier.
- Insufficient information has been provided to determine the application which includes errors and omissions.
- Lack of cycle parking.

- Disabled access provision is not sufficient.

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION

4.1 The Application Site

31 Eastcastle Street is an unlisted building located within the East Marylebone Conservation Area and the Core Central Activities Zone but outside of any designated Stress Area. The building comprises of basement, ground and four upper floors. The ground floor is in use as a clothing showroom (Sui Generis), the basement floor is occupied by a post-production media company (Class B1), whilst the lawful use of the upper floors of the property appears to be a mix of offices and showrooms.

4.2 Relevant History

Planning permission was granted on the 27th June 1980 for the 'demolition of 31 and 32 Eastcastle Street, W1 and erection of a basement, ground and four upper storey building comprising showrooms at basement, ground and first floor levels, light industrial use at second and third floors and offices on the fourth floor.

Planning permission was subsequently granted on the 20th July 1984 for the 'use of basement as light industrial accommodation and second and third floors as offices' It should be noted there was a condition attached to this permission stating 'this permission shall be personal to Shelana Fashions Ltd and shall not endure for the benefit of the land'.

Planning permission was granted on the 10th December 2012 for the 'replacement of the existing ground level façade'.

5. THE PROPOSAL

Permission is sought for the use of the basement and ground floors as a restaurant premises (Class A3). Alterations are also proposed to the front which include the installation of a new shopfront and a new balustrade to the front lightwell. It is also proposed to install plant with an enclosure in a rear lightwell at lower ground floor level and a full high level extract duct terminating at main roof level.

The total floorspace of the proposed restaurant would be 441m².

	Proposed restaurant incorporating basement and ground floor level
Total A3 Floorspace (m2)	441m ²
No. of covers in restaurant	146
Hours of Operation	08.00 - 00.00 Monday to Thursday, 08.00 – 00.30 on Friday and Saturday and 08.00 - 23.00 on Sundays
Ventilation arrangements	Full height kitchen extract duct and air conditioning units.
Refuse Storage arrangements	To be stored within separate refuse and recycling storage areas at basement level.

6. DETAILED CONSIDERATIONS

Detailed objections have been received on behalf of the occupiers of the ground and basement raising primarily land use, design and amenity issues.

6.1 Land Use

6.1.1 Loss of showroom

Ground Floor:

The ground floor is currently in use as a wholesale showroom (Sui generis) UDP policy COM12 seeks to retain wholesale showrooms at ground and basement level within the East Marylebone Special Policy Area (SPA). The adopted City Plan; Strategic policies reduce the size of the East Marylebone Special Policy Area (SPA). The site now lies outside the SPA. Accordingly the application needs to be assessed against policy which deals with the loss of showrooms outside the SPA.

UDP Policy COM 12 B is relevant. The policy states that 'permission for change of use from a wholesale showroom at ground floor will not normally be granted where the showroom contributes to the character and function of the area. In other cases, planning permission will be granted where the proposed use is as a retail shop, or a use appropriate for a street level location, generating passing trade and providing a direct service to customers, if the proposed use is within an area which would benefit from its introduction.'

Since 2012 permission has been granted for the loss of showrooms at four separate locations on Eastcastle street namely at 34-35 Eastcastle Street, 16-19 Eastcastle Street, 51 Eastcastle Street and 36 Eastcastle Street. The principle of loss of showrooms outside the East Marylebone SPA has therefore been firmly established. As the proposal will retain a 'service use' on site the loss of the ground floor showroom use is considered acceptable.

6.1.2 Loss of light Industrial use

Basement:

Planning permission was granted on the 20 July 1984 for the use of the basement as light industrial accommodation which was made personal to Shelana Fashions Limited. This permission was implemented and there have been no subsequent permissions relating to the use of the basement.

The basement is currently occupied by Jumbuck Limited as a mix of office accommodation and audio post-production facilities. Upon vacation of the premises by Shelana Fashions the basement would have had a nil planning use.

As already stated objections have been received on behalf of the current occupants of the basement and ground floors. One of the grounds for objection is that the proposal would result in the loss of a light industrial use, within the Creative Industry SPA. The objection refers to this being contrary to UDP policies COM 8 and COM 10. Policy COM 8 seeks to retain light industrial floorspace within the Creative Industries Special Policy Area. UDP Policy COM 10 seeks to retain light industrial floorspace outside the SPA where the existing use meets local service and employment needs and has no adverse impact on residential amenity.

The Creative Industries Special Policy Area is not carried forward into the adopted City Plan; Strategic Policies, furthermore given that the basement would have had a nil planning use when Shelana Fashions Ltd vacated in 1984, and there are no planning controls which would prevent the loss of the light industrial use. In the circumstances permission could not reasonably be withheld on the grounds that light industrial floorspace should be retained.

The objector makes reference to the noise sensitive nature of the current basement occupier, being an audio post-production facility. They advise that there is an informal agreement between the ground floor and the basement occupier to ensure the ground floor is operated in a manner considerate of the noise sensitive work of the basement occupier. An objection is made on the basis that partial implementation of permission would result in noise from a ground floor restaurant detrimentally affecting the operation of the audio post-production company in the basement. Whilst these concerns are noted if the layout of the proposed restaurant would preclude its partial implementation. Plant equipment is shown in the basement lightwell and the cycle parking and waste storage are also shown internally within the basement. A condition is recommended which requires their provision before the restaurant use can be implemented. This objection is not therefore considered to be sustainable.

6.1.3 New restaurant use:

City Plan Policy S24 and UDP Policies TACE 8-10 deal with entertainment uses. City Plan Policy S24 requires proposals for new and extension to existing entertainment uses to demonstrate that they are appropriate in terms of type and size of use, scale of activity, and relationship to any existing concentrations of entertainment uses.

The policies aim to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the City, while acknowledging that they provide important services in the City and contribute to its role as an entertainment centre of national and international importance.

As the proposal is for a new restaurant comprising 441m² outside a stress area and needs to be considered against UDP Policy TACE8. The policy presumption where TACE 8 is applicable is that restaurants will generally be permissible, where the proposal will have no adverse impact on residential amenity or local environmental quality, and no adverse effect on the character or function of its area.

Impact on amenity

Whilst the application is purely speculative at this stage, the applicant confirms that given the size of the premises, the restaurant capacity would be limited to 146 covers. The proposed opening hours of the premises are 08.00 to 00.00 Monday to Thursday, 08.00 to 00.30 Friday and Saturday (the following morning) and 08.00 to 23.00 on Sundays.

The nearest residential units are located at second and third floor levels within the demise of the Welsh Baptist Chapel, which is the adjoining building to the east. There is also an extant permission for residential flats on the upper floors of 34-35 Eastcastle Street approximately 17m to the west of the proposed restaurant.

Objections have been received that the proposed restaurant would result in noise nuisance, including noise emanating from music that may be played within the premises. Given the intended capacity and opening hours proposed, it is considered that any activity associated with the restaurant would not be harmful to residential amenity. Both the capacity and opening hours can be controlled through the imposition of conditions. Conditions are also recommended which would:

- i) prevent music being played within the restaurant being audible outside the premises and requiring windows to be fixed shut;
- ii) restrict any bar area to a maximum of 15% of the total bar area and require that drinks can only be served to customers dining;
- iii) require the use to be carried out in accordance with an Operational Management Plan.

The objections received also refer to potential nuisance from cooking odours.

A high level extract duct is proposed which will disperse of cooking smells from the premises. Environmental Health consider raise no objection to this advising that the proposed duct is suitable to enable the discharge of cooking odours without detriment to neighbouring residential amenity. This aspect of the application is considered acceptable.

Subject to the imposition of conditions referred to it is considered that the restaurant would not adversely impact on residential amenity and the proposal would comply with Policy S24 of the City Plan and Policies TACE8, ENV6 and ENV13 of the UDP.

Impact on character and function of the area

The area is mixed use in character comprising commercial offices and entertainment uses and a significant number of residential properties. There are some licensed premises in the vicinity although it is not considered that the area is 'saturated' with such uses. The nearest licensed premises are restaurants at 10-12 Winsley Street and 48 Eastcastle Street. The terminal hour of these premises is 00.30 the following morning on Saturdays (as proposed at the application site). It is considered that the provision of a new restaurant would not be harmful to the character and function of this part of the East Marylebone Conservation Area

6.2 Townscape and Design

No.31 Eastcastle Street is a red-brick structure of modest architectural ambition which makes a neutral contribution to the street and surrounding conservation area, and its role is also neutral in forming part of the setting of the neighbouring Grade II listed Welsh Chapel. The street façade is of harsh and uniform colour only moderately relieved by basic detailing and the shopfronts are quite unremarkable and partly set behind crudely supported glass balustrading. The rear facade is similarly dreary.

Objections to the proposal have been received relating to the design of the shopfront, railings, and plant installation, and to the use as being out of character with the conservation area.

The existing shopfront is of no particular merit, and neither is the entrance to the building which has been altered in recent years. In design and heritage asset terms there is no objection in principle to the shopfront alterations, although the glass screen should be omitted as this is incongruous in the street and out of character with the conservation area which is not noted for glass balustrades. Black-painted metal railings are considered to be more appropriate to the character and appearance of the conservation area. This may be dealt with by condition. This would accord with UDP policy DES 5 and the City Council's supplementary planning guidance 'Shopfronts, Blinds and Signs', and the proposed advertisement's location accords with the advice given in the 'Advertisement Design Guidelines' SPG. There is a wide variety of signage in the street and conservation area, and the proposal in its current form (a modest fascia logo) is acceptable in principle. Any incoming tenant would be required to obtain 'express consent' for illuminated advertisement and any such application would be considered on its merits. Therefore, the objection to these aspects of the proposal is not considered sustainable.

At the rear, there is no objection in principle to the proposed plant which has been sited to minimise its visual impact and is acceptable subject to suitable visual screening. In particular, the duct must be clad to match the brickwork in order to maintain the setting of the neighbouring Grade II listed chapel when seen from the upper floors of surrounding properties. This may be dealt with by condition.

Mechanical plant can be found on many buildings in the conservation area and UDP policies set out the requirements for plant installations (DES 5), maintaining the character and appearance of conservation areas (DES9) and the setting of listed buildings (DES10). In this

case, subject to visual screening, the new rear duct would maintain the appearance of the building and the character and appearance of the conservation area as well as the setting of the neighbouring listed building. Therefore the objection is not considered sustainable.

6.3 Amenity (Daylight/ Sunlight/ Sense of Enclosure/ Privacy)

The proposal does not involve any extensions to the building other than the full height rear extract duct which would not impact on the amenity of occupants of surrounding properties.

6.4 Transportation / Servicing

Policy TRANS 20 states that the City Council will require convenient access to premises for service vehicles and will normally require that 'vehicular servicing needs of developments are fully accommodated on-site and off street ... sufficient to cater for the size, type and frequency of arrival of the vehicles likely to be servicing the development'. No off street servicing is proposed for the proposed use and the site is located within a Controlled Parking Zone, where single yellow lines allow for the loading and unloading of vehicles.

There is no opportunity for off street servicing in this location, however, it is common for premises within this area to be serviced on-street. The application site is within a Controlled Parking Zone (Monday to Friday 08.30 to 18.30) and directly outside the site there are single yellow lines which will allow for loading and there is pay and display parking on the opposite side of the street. The site is also well served by public transport. No objections have been raised by the Highways Planning Manager in relation to impact on parking levels.

In order for the development to accord with the requirements of FALP three cycle parking spaces are required within the demise of the premises. Whilst originally no cycle parking was shown on the drawings, the application has been amended to show cycle parking provision. A condition is proposed to ensure these cycle parking spaces are provided and retained. An objection was received to the lack of cycle parking but as detailed this issue was resolved during the course of the application.

The Highways Planning Manager has expressed concern with regard home deliveries from the proposed restaurant use which can reduce the availability of parking in the locality and increase noise and fumes. Therefore a condition is proposed to ensure no delivery service or any hot food takeaway provision is provided.

The drawings have been amended during the course of the application to include the provision of waste and recycling storage facilities. This is considered acceptable and is secured by condition.

The Highways Planning Officer sought confirmation that the lightwell at the front of the premises is not to be increased in size and the applicant has confirmed this is the case.

6.5 Economic Considerations

Any economic benefits generated are welcome.

6.6 Access

Level access will be provided to the ground floor of the premises (via a new ramp) and a disabled access toilet is shown on the submitted drawings within the restaurant premises at ground floor level. The objector has queried whether the proposed disabled access provision could be improved upon but any implemented proposal would have to be DDA compliant and taking into account the proposed improvements it is not considered permission could be reasonably withheld on these grounds.

6.7 Other UDP/Westminster Policy Considerations

6.7.1 Noise

6.7.2 Plant

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 states the plant will be in operation between the hours of 08:00 and 00:30 daily, which accords with the opening hours of the restaurant.

The area has been identified in the Acoustic Report as having background noise levels which are above WHO guideline levels during the daytime and nighttime. To accord with Policy ENV7 of the UDP the noise levels emitted by the plant will have to be 10dB below background at the nearest noise sensitive windows. The report identified a design level criteria of 36dB which is 10dB below the lowest recorded background noise level over the proposed operational period.

The residential windows within the Welsh Baptist Chapel at 30 Eastcastle Street are 18m distant from the plant in the rear lightwell, 6m distant from the fan in the rear extract duct and 12m distant from the grilles in the front basement elevation.

In order to ensure the plant noise is compliant with the City Council criteria, Environmental Health require that certain mitigation measures are installed as detailed within the submitted acoustic report. This includes acoustic screening for the units located on the rear lightwell and the installation of 'in-duct attenuators' to the ductwork. With these acoustic mitigation measures in place Environmental Health have confirmed that the application will be compliant with the Council noise criteria and have raised no objection to the proposal subject to conditions.

The objector is concerned that there was no consultation between the freeholder and the leaseholders before the submission of the application. However, there is no statutory requirement for the freeholder to notify the leaseholders unless they have in excess of seven years remaining on their leases which is not the case in this instance.

The objector has picked up on a number of minor errors and omissions within the documentation submitted by the applicant as part of the planning application. Whilst it is acknowledged that there are some errors in the application such as the suggestion that the ground and basement floors are currently vacant, the application has been determined on its own merits and there is no justification for refusing the application due to some minor errors in the submission which have not materially impacted upon the determination of this application.

Concern is also raised by the objector that the lease for the basement does not expire until 2019. They therefore consider the application to be 'premature' as any consent would only be extant for three years. Whilst this is noted this is a private matter between the freeholder and the leasehold and does not materially impact upon the acceptability of the application.

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.

7 Conclusion

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

BACKGROUND PAPERS

1. Application forms.
2. Memorandum from Environmental Health dated 17 September 2015
3. Memorandum from the Highways Planning Manager dated 7 October 2015
4. Letter from the representative of the commercial occupier of the basement dated 18 June 2015.
5. Letter from the representative of the commercial occupier of the ground floor dated 18 June 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT MIKE WALTON ON 020 7641 2521 OR BY E-MAIL – mwalton@westminster.gov.uk

DRAFT DECISION LETTER

Address: 31 Eastcastle Street, London, W1W 8DL

Proposal: Use of the lower ground and ground floors as a restaurant (Class A3); installation of a high level extract duct to rear; new access to front; replacement balustrade to front lightwell and alterations to the shopfront. Installation of plant within an enclosure in the rear lightwell at lower ground floor level.

Plan Nos:

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 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)

- 4 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

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

- 5 You must not sell any hot-food take-away or drink on the premises, nor operate a delivery service, even as an ancillary part of the primary Class A3 use.

Reason:

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

- 6 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 3058/101 RevA. You must clearly mark them and make them available at all times to everyone using the premises. (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)

- 7 If you choose to provide the bar and bar seating as shown on the submitted drawings, 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.

Reason:

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

- 8 You must not allow more than 146 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 TACE8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 9 Customers shall not be permitted within the restaurant premises before 08.00 or after 00.00 (midnight) on Mondays to Thursdays (not including bank holidays and public holidays), before 08.00 or after 00.30 on Fridays and Saturdays (not including bank holidays and public holidays) and before 08.00 or after 23.00 on Sundays and bank holidays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 10 Prior to the occupation of the premises for restaurant purposes, you shall submit and have approved in writing by the local planning authority 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.

Reason:

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

- 11 The high level extract duct hereby approved must be installed before the restaurant use commences, 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)

- 12 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 East Marylebone 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)

- 13 You must apply to us for approval of a sample of the GRP cladding for the ductwork (as required to be installed by Condition 14 of this permission). 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 approved details.

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 East Marylebone 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)

- 14 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme (1) Installation of black painted metal railings to the front lightwell instead of a glass balustrade. (2) The new rear duct to be clad in GRP to match the adjacent brickwork. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings.

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 East Marylebone 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)

- 15 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.

- 16 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved 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 L A90, 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.

- 17 The plant/machinery hereby permitted shall not be operated except between 08:00 hours and 00:30 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.

- 18 You must install the acoustic mitigation measures as detailed in the approved acoustic report at the same time as the plant is installed. These measures must be retained in the approved 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)

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 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.

- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. If you would like more information, you can contact Ray Gangadeen on 020 7641 7064. (I54AA)
- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 5 The term 'clearly mark' in condition means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 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 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

- 8 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

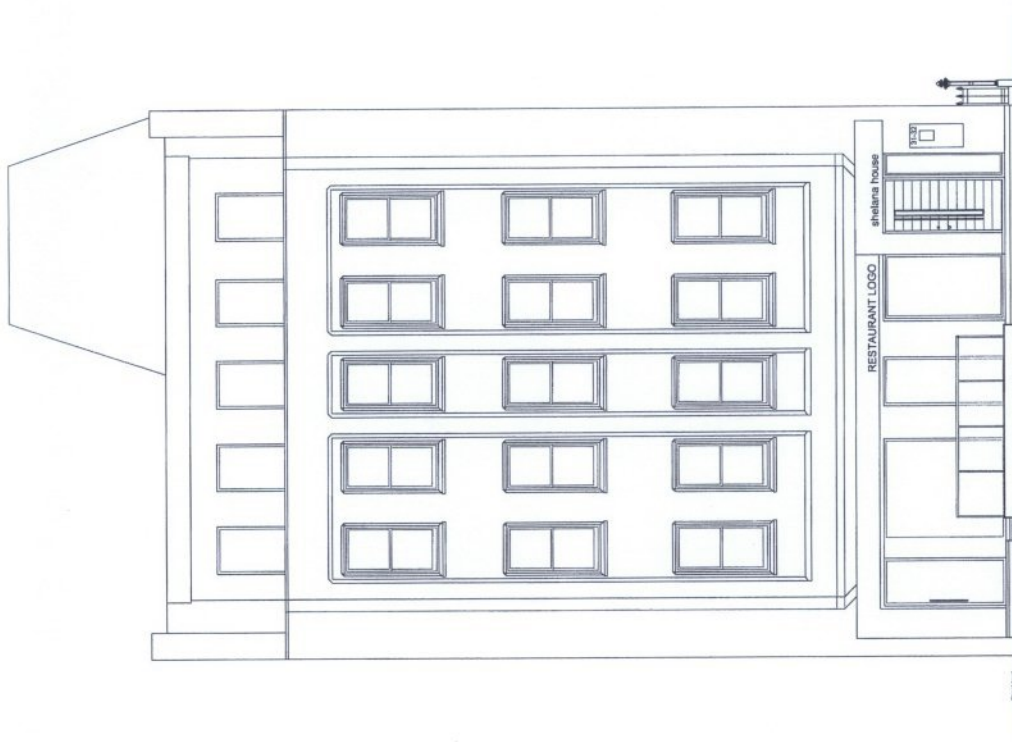
The following are available from the British Standards Institute - see <http://shop.bsigroup.com/>:

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

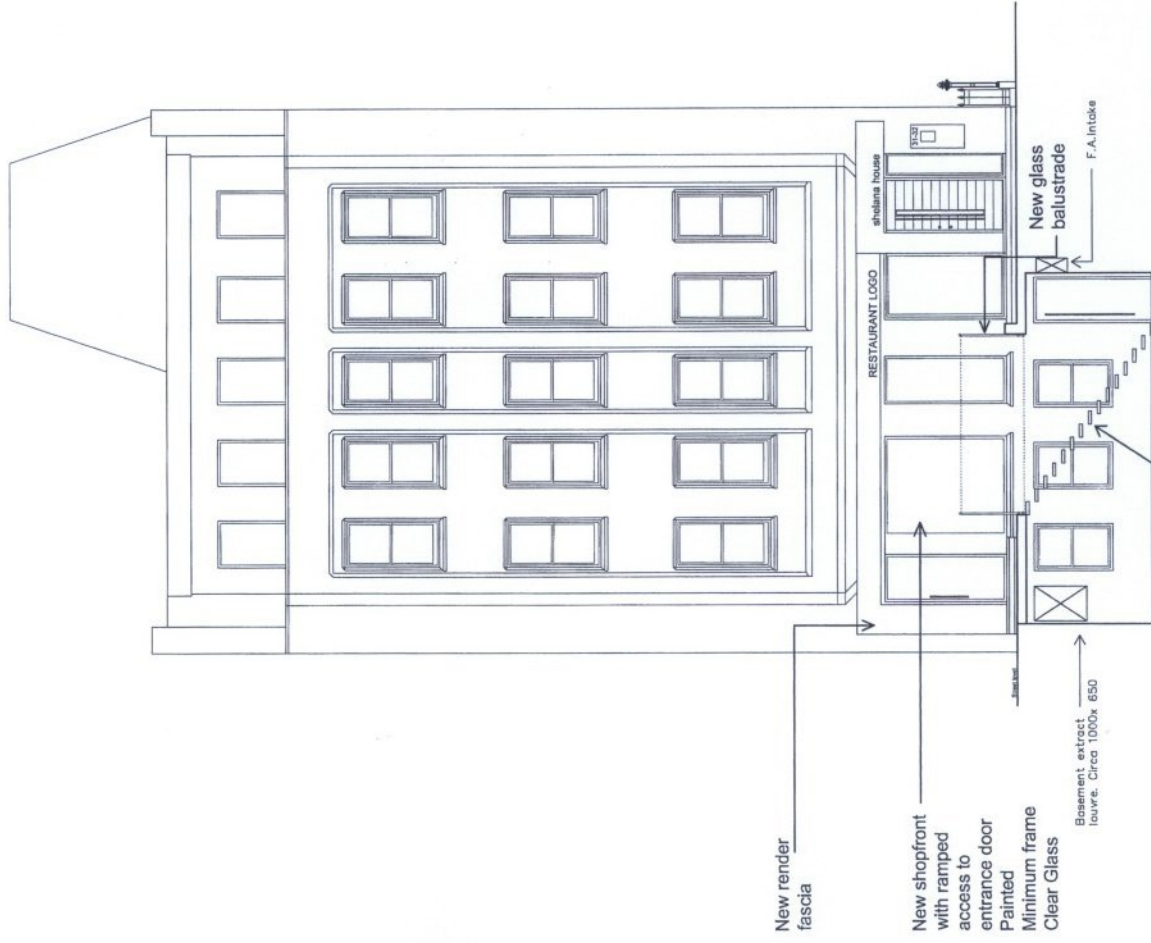
BS 6465-3:2006: Sanitary installations. Code of practice for the selection, installation and maintenance of sanitary and associated appliances. (I80HA)

- 9 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 cause noise, smells or other types of nuisance. (I06AA)

- 10 All kitchen extract ducts must be fitted with doors/hatches for cleaning, at 3 metre intervals, complying with the H&S safe access standards.



STREET ELEVATION



SECTION THROUGH LIGHTWELL

New render fascia

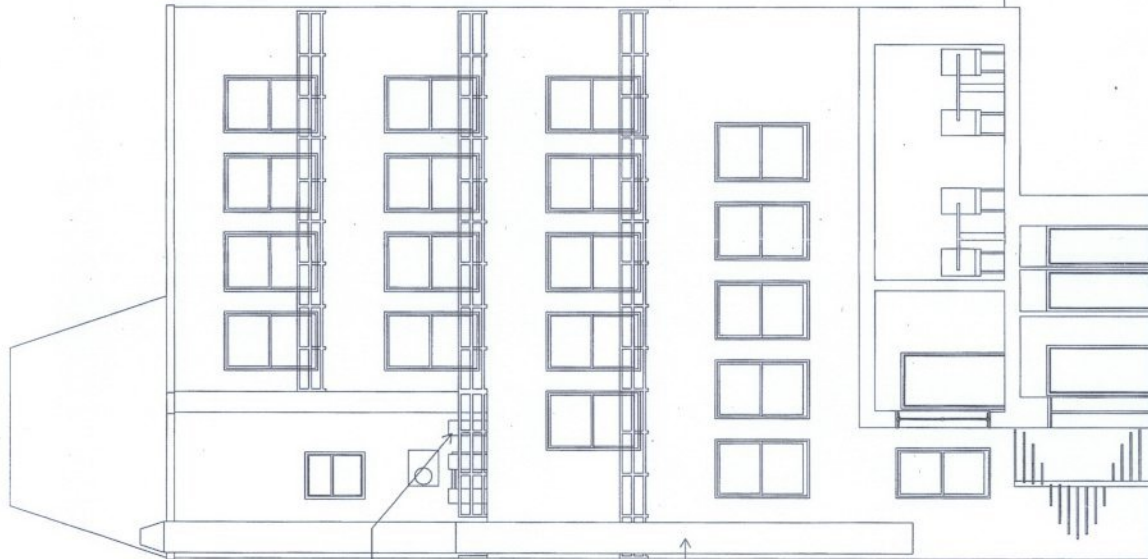
New shopfront with ramped access to entrance door
Painted Minimum frame Clear Glass

Basement extract louvre. Circa 1000x 650

New glass balustrade

F.A. Intake

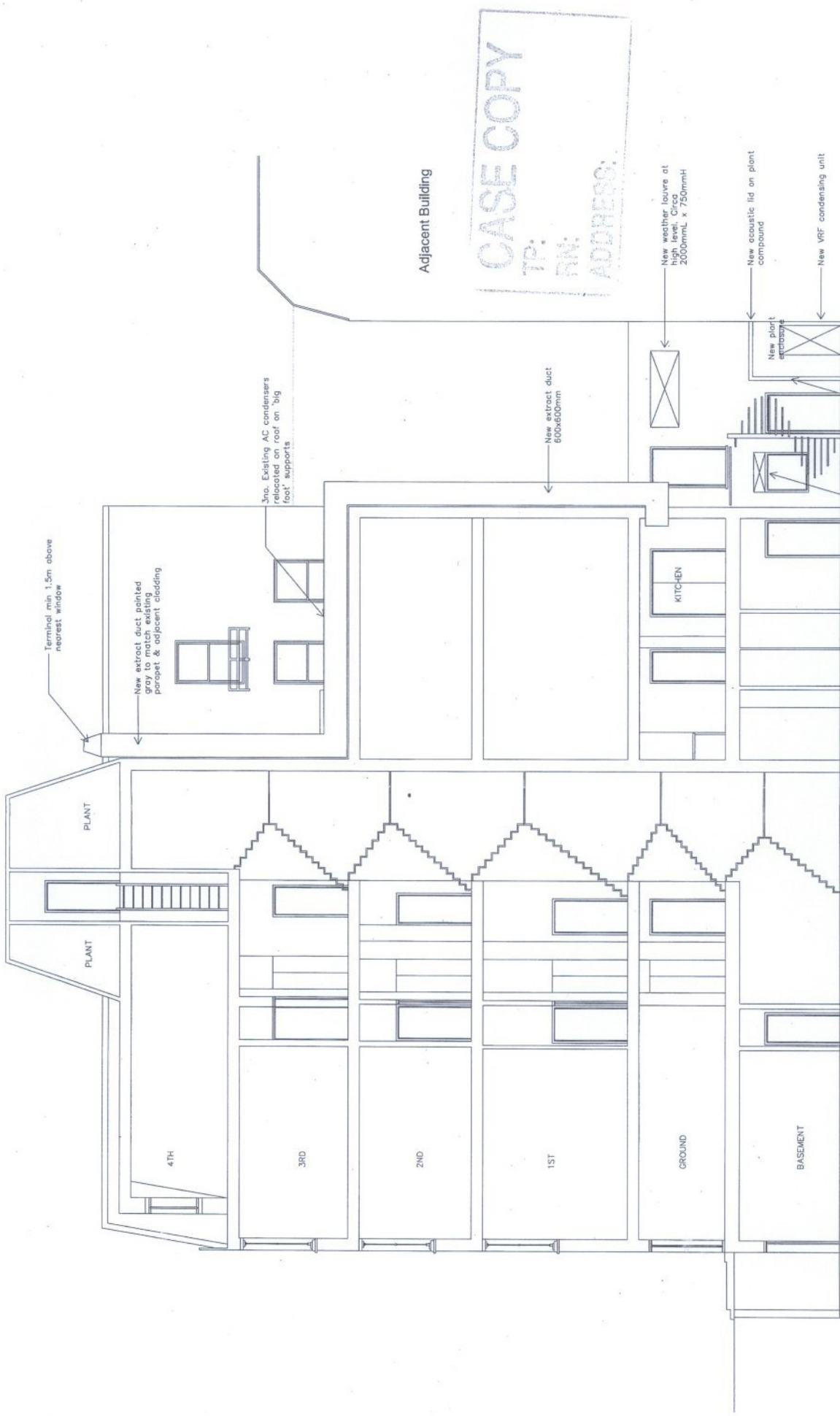
Relocate existing stair

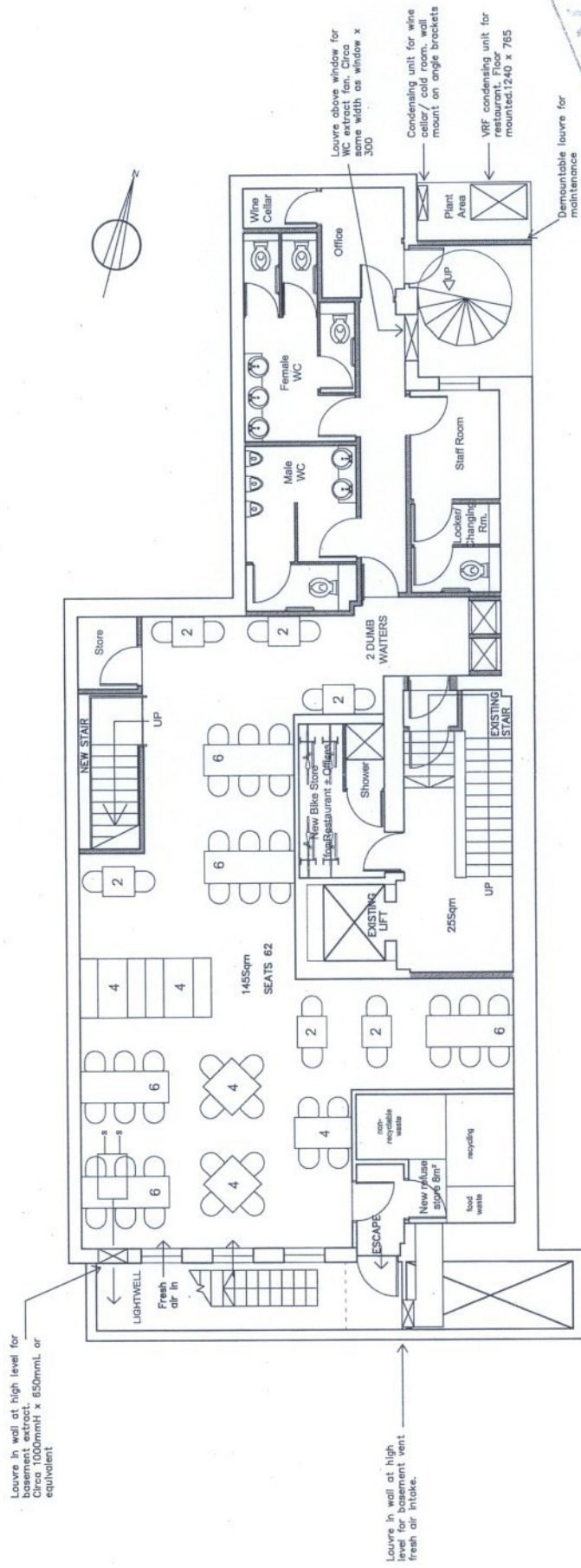


3no. Existing AC condensers
relocated on roof on 'big
foot' supports

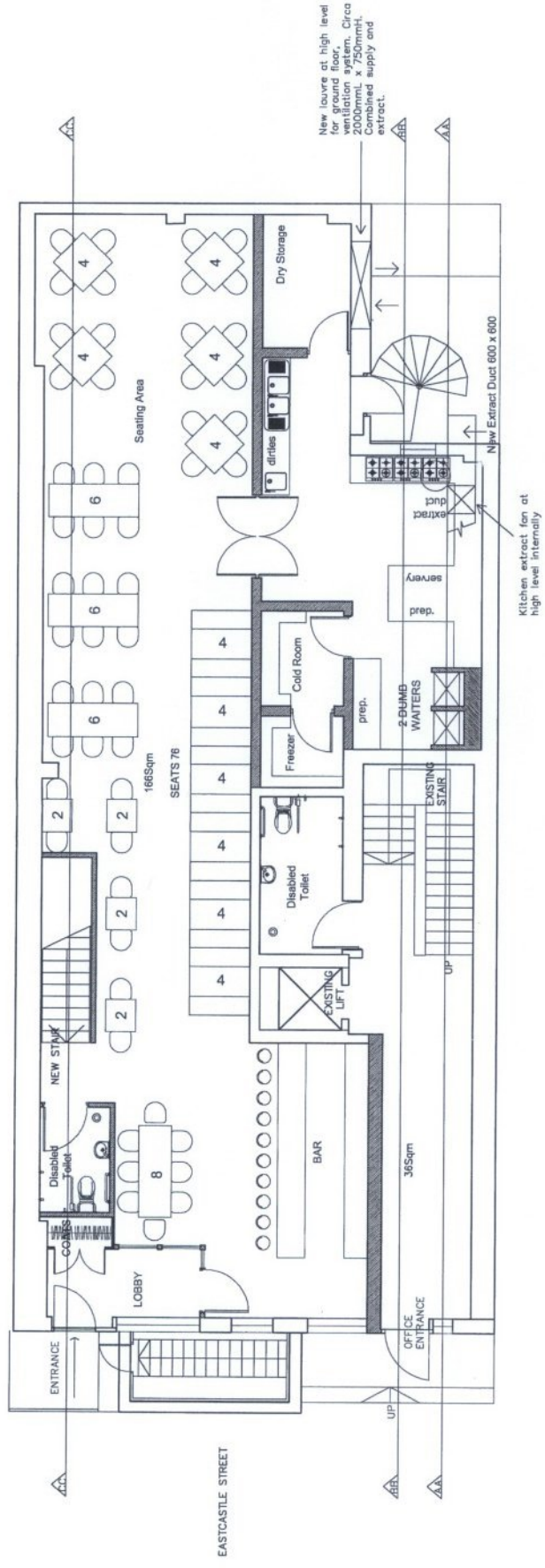
New extract duct 600x600
painted grey

CASE COPY
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RN: [illegible]
ADDRESS: [illegible]



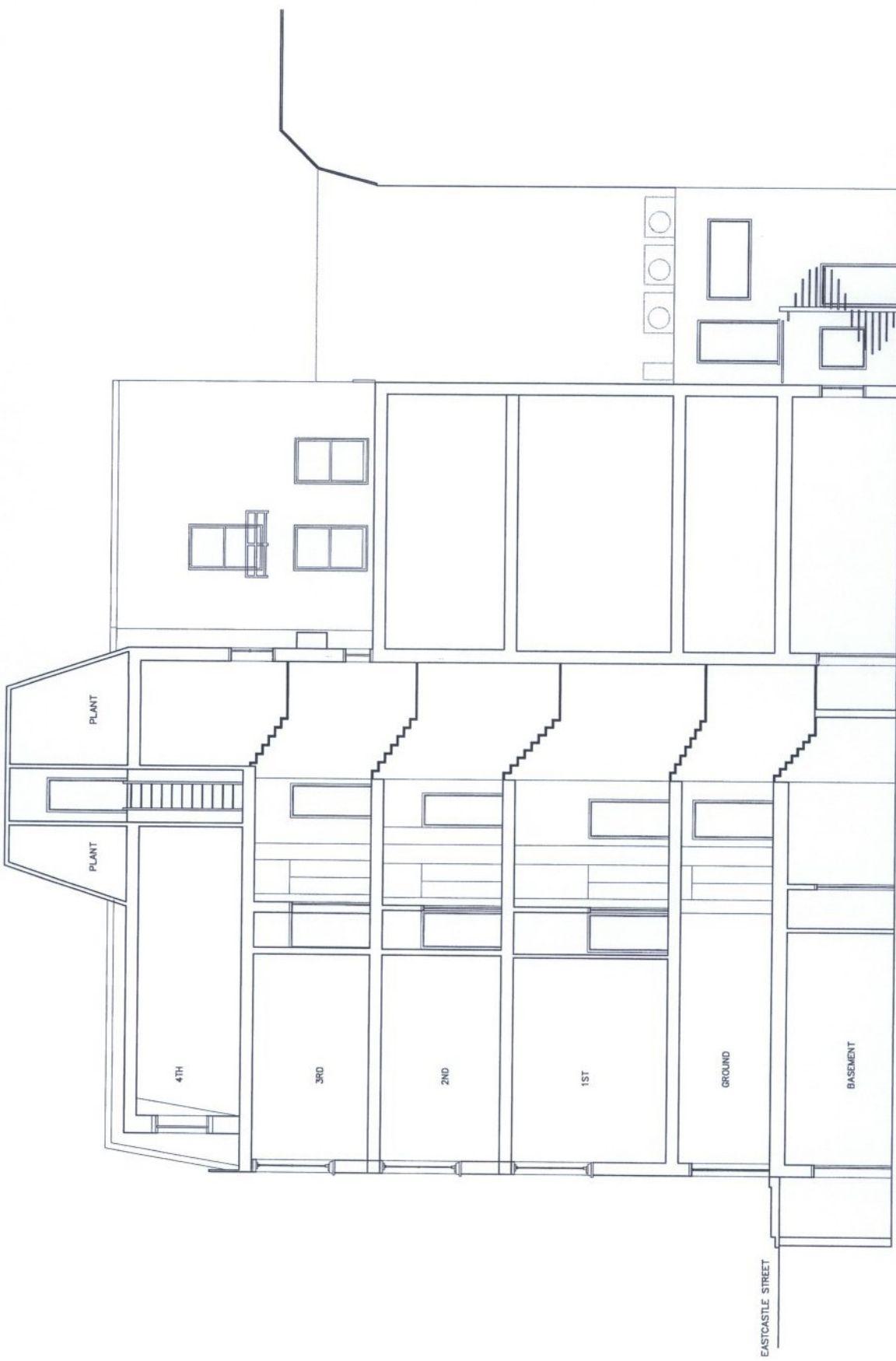


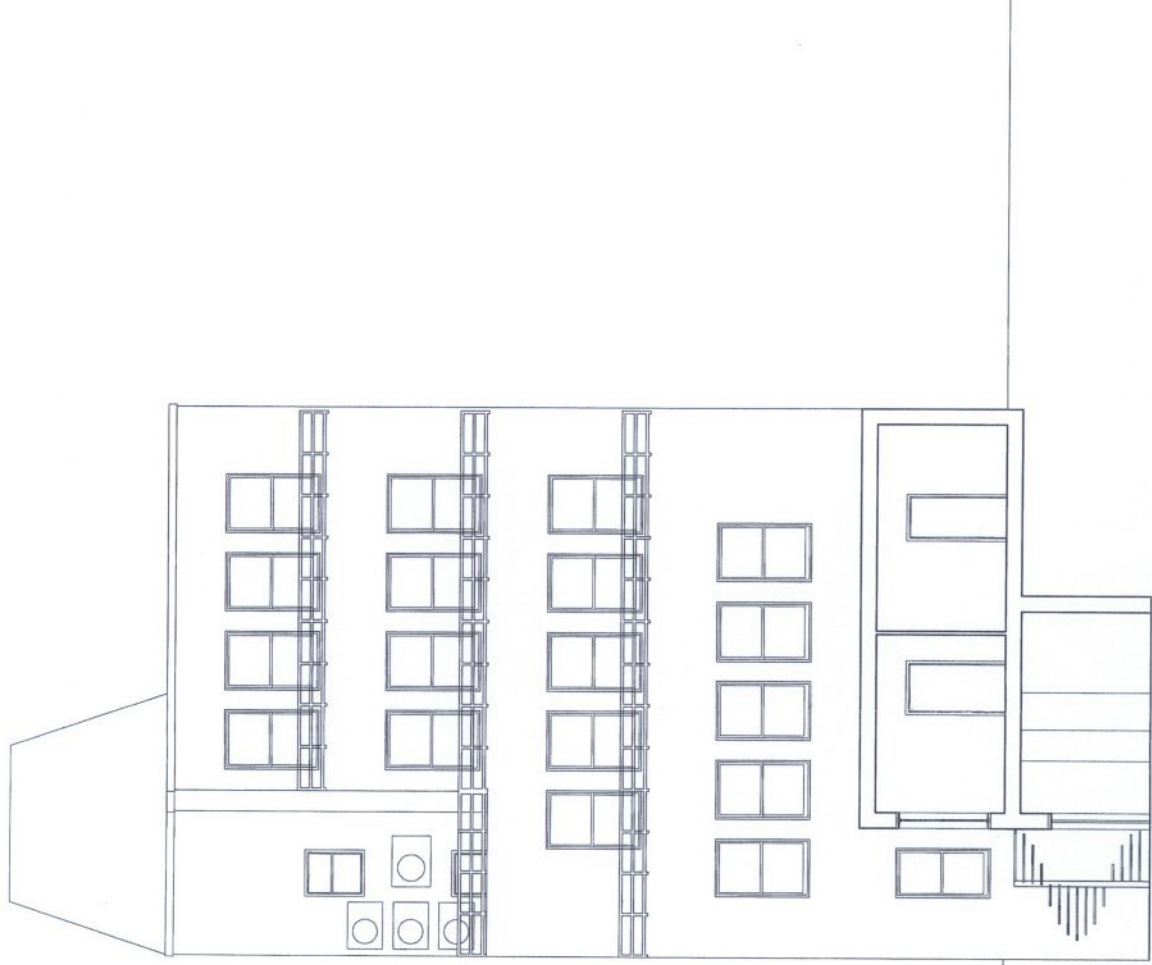
CASE COPY
 DATE: 17/03/2015
 TIME: 10:00 AM



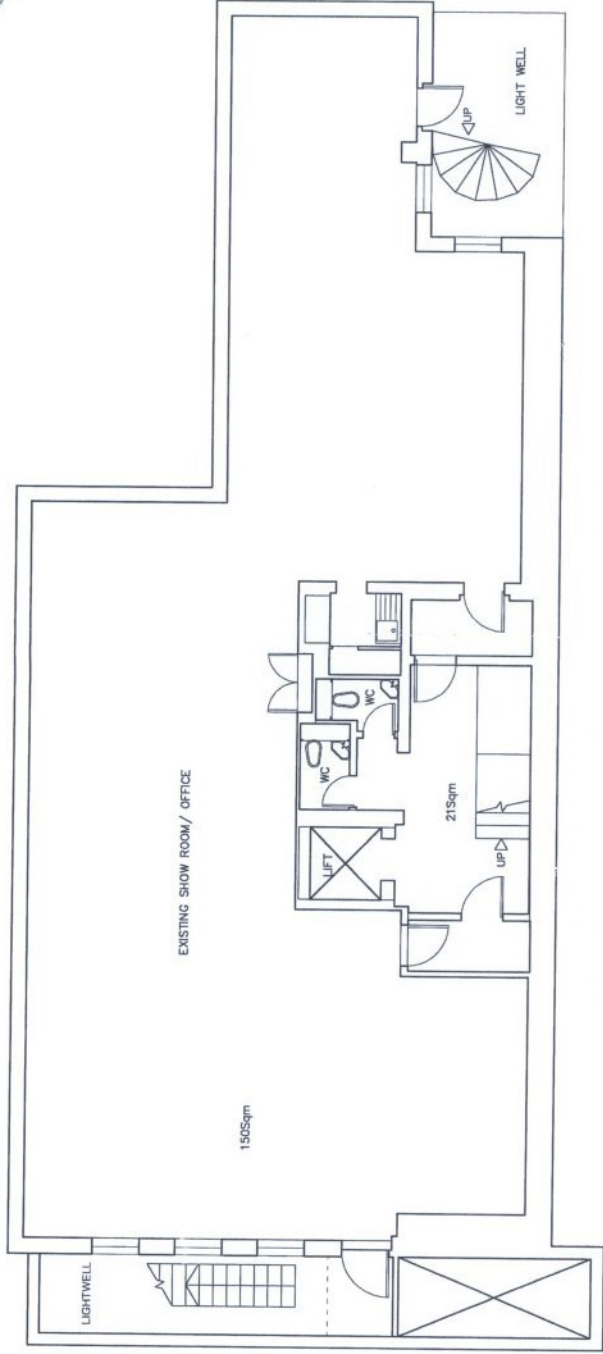
EASTCASTLE STREET

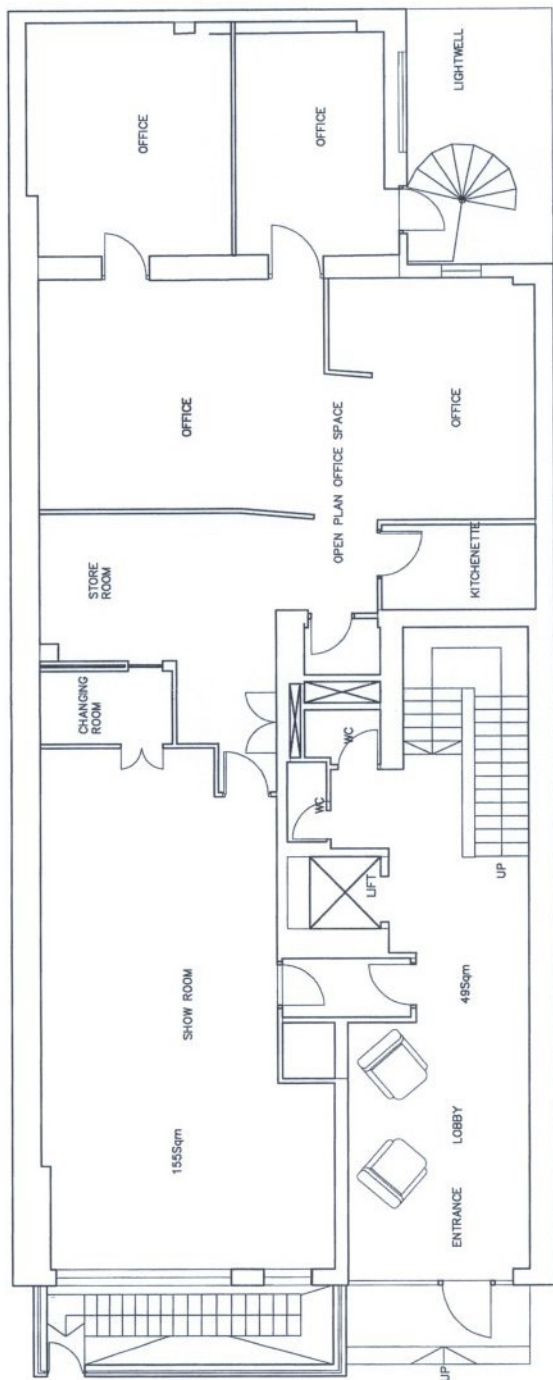






CASE COPY
13 MAY 2015





EASTCASTLE STREET
GROUND FLOOR