

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 8 December 2015	Classification For General Release	
Report of Director of Planning		Wards involved St James's	
Subject of Report	The Adelphi, 1-11 John Adam Street, London, WC2N 6HT		
Proposal	Variation of Condition 23 of planning permission dated 30 July 2014 (RN: 14/03021/FULL) to allow the restaurant to operate between the hours of 08.00 to 00.00 Monday to Thursday, 08.00 to 00.30 Friday to Saturday (not including bank holidays and public holidays), and 08.00 to 23.00 Sundays, bank holidays or public holidays.		
Agent	Bidwells		
On behalf of	Smith & Wollensky		
Registered Number	15/08903/FULL	TP / PP No	TP/1788
Date of Application	22.09.2015	Date amended/ completed	24.09.2015
Category of Application	Minor		
Historic Building Grade	Grade II Listed Building		
Conservation Area	Adelphi		
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	Premises licence granted 20 October 2015 with opening hours Monday to Thursday 08.00 to 00.00, Friday to Saturday 08.00 to 00.30 and Sunday 08.00 to 23.00.		

1. RECOMMENDATION

Grant conditional permission.





THE ADELPHI, 1-11 JOHN ADAM STREET, WC2

2. SUMMARY

The Adelphi, 1-11 John Adam Street is a Grade II listed building located in the Adelphi Conservation Area. The building rises to 10 storeys on John Adam Street and 13 to the rear as the land drops towards the Thames. The rear of the building which faces Victoria Gardens is accessed from both Adelphi Terrace and Savoy Place which is set two storeys below.

The application proposes an extension to the approved opening hours of 08.00 on Monday to Saturday and 08.00 to 22.30 on Sundays and Bank Holidays to allow the restaurant to operate between the hours of 08.00 to 00.00 Monday to Thursday, 08.00 to 00.30 Friday to Saturday (not including bank holidays and public holidays), and 08.00 to 23.30 Sundays, bank holidays or public holidays.

The key issue to consider in this case is:

- * The impact on residential amenity as a result of the extended hours to the restaurant.

The proposals are considered to comply with relevant policies in Westminster's City Plan: Strategic Policies (the City Plan) and the Unitary Development Plan (UDP).

3. CONSULTATIONS

WESTMINSTER SOCIETY

Any response to be reported verbally at Committee.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 174; Total No. of Replies: 14

14 letters of objection raising the following points:

Amenity

- * Increased noise levels and other inconvenience is caused by customers leaving the restaurant.
- * Already noise and disturbance from this establishment, further extension of hours would make this worse.
- * Pollution caused by additional traffic.

Highways

- * Increased traffic and parking on evenings.
- * Drivers waiting near restaurant.
- * Impact on emergency access due to increased traffic, parking and congestion.

Other

- * Current approved hours were to protect residents, nothing has changed.
- * Drunk and disorderly behaviour at night - doormen of restaurants and pubs in vicinity have done nothing to prevent this.
- * The extension would create a dangerous precedent for other entertainment uses in the area, with the consequence that the area will end up as a noisy and crowded extension of Villiers Street.
- * Once customers leave a restaurant, staff have no further interest in where they go or what they do.
- * Respect character of area which still features in film making - the present conditions should be maintained.

- *Would surely result in a further request a few months down the line.
- *Restrictions to opening hours should be expected in this area.
- *Restaurant is being downgraded to casual dining.
- * Hours requested are longer than other pubs and restaurants in the vicinity.

ADVERTISEMENT/SITE NOTICE: Yes.

4. BACKGROUND INFORMATION

4.1 The Application Site

The Adelphi, 1-11 John Adam Street is a Grade II listed building located in the Adelphi Conservation Area. The building comprises 10 storeys on John Adam Street and 13 to the rear where the ground levels fall. The Adelphi lies within the Core CAZ but outside of the West End Stress Area.

4.2 Recent Relevant History

Planning permission was granted in July 2014, for the variation of a 2013 permission allowing the use of part of the basement and ground floors for a restaurant and separate cafe (both Class A3 use), to increase the size of the approved restaurant by 77m² to 1,377m².

Planning Applications Committee resolved at this time that increasing the hours would be unacceptable in the absence of any evidence that the restaurant could operate without undermining residential amenity and an informative was attached to this permission advising that extended opening hours may be reconsidered in light of at least six months experience of active use which would allow the applicant the opportunity for further engagement with the local residential community.

The restaurant opened on 17 June 2015 and is operated by Smith & Wollensky, a high-end American steakhouse catering for business and social dining. The applicant has sought to further engage with the local residents, both before and after the restaurant opened. This has included actively inviting residents to a series of meetings/a tour of the restaurant and responding to any comments or issues raised, along with being given a 24 hour telephone number for management at the restaurant should residents need to call. Further meetings are also planned to be held.

5. THE PROPOSAL

The application proposes the variation of Condition 23 of planning permission dated 30 July 2014 (RN: 14/03021/FULL) to allow the restaurant to operate between the hours of 08.00 to 00.00 Monday to Thursday, 08.00 to 00.30 Friday to Saturday (not including bank holidays and public holidays), and 08.00 to 23.30 Sundays, bank holidays or public holidays.

The current hours of opening are 08.00 to 23.00 Monday to Saturday (not including bank holidays and public holidays), and, 08.00 to 22.30 Sundays, bank holidays or public holidays.

The applicant has been operating under the current planning hours which they consider to be overly restrictive, and have advised that there is a commercial need to apply again for an extension to their hours. The current restrictions mean that whilst not required to under their licence, they do not take meal orders past 20:30 and do not serve drinks past 22.30 to allow 30 minutes for people to finish their meals and drinks. The amendment to the operational hours

would help to ensure the long term success of the restaurant and allow a better dispersal of customers over the course of the evening.

The application will bring the planning opening hours for customers in the restaurant in line with the opening hours approved under licensing, consistent with the City Council's core hours. The extension of planning hours sought is offered on a trial run basis for 12 months. The applicant is confident that in the 12 month duration of the trial run they will demonstrate no adverse impacts.

6. DETAILED CONSIDERATIONS

6.1 Land Use

No change to the approved land use is proposed.

6.2 Townscape and Design

No external or internal alternations are proposed.

6.3 Amenity

There are residential units to the north-west of the application site at Little Adelphi on John Adam Street, and also on Robert Street to the west. The closest residential units are located approximately 50m away from the restaurant entrance.

Since July 2014 the applicant advises that they have proactively sought to engage with local residents to both maintain an open dialogue and seek to minimise any impact on their amenity as a result of the new restaurant. This has included actively inviting and meeting with key objectors, hosting a pre-opening drinks/tour event at the restaurant and hosting five residents' meetings to date (three since opening on 17 June 2015). Throughout this period of engagement the applicant has advised that they have listened to residents' comments and feedback and have sought to deal with the two very minor operational issues arising very promptly.

The application has attracted 14 letters of objection that raise a number of issues relating to the impact on the amenity of local residents.

Objections have been raised on the generalised grounds of potential noise and disruption from the restaurant and created as customers leave the premises. There is a strict Operational Management Plan in place which the applicant must continue to implement. Some of the key points it stipulates are that no live music is played in the restaurant and that any recorded music played is inaudible to outside of the premises. The entry and exit of guests is also strictly controlled by the door staff to ensure minimal disturbance to residents. It is understood that there have been very few if any complaints received on these grounds since the restaurant operation commenced.

The applicant has indicated that a 'trial run' would be appropriate since it would allow the Council to fully assess the impact of the proposed extended hours. This would accord with national advice in Planning Policy Guidance which states "circumstances where temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area...". At the end of the 12 month period the hours would revert to those previously approved.

6.4 Transportation/Parking

Objections have also been received on the grounds of impact on traffic/parking. No changes to the approved servicing arrangements are proposed. The site is located within an area with excellent accessibility to public transport and the majority of patrons arrive by such means. Guests are encouraged to hail taxis from the taxi rank on the Strand and guests are managed to ensure minimal disruption to residents. The applicant has further emphasised the request to not drive to the venue via their social media channels and they have added a note to their booking confirmation emails and to their website.

6.5 Economic Considerations

The economic activity and employment provided by the restaurant use is welcomed.

6.6 Equalities and Diversities (including Disabled Access)

No changes to the approved access arrangements are proposed.

6.7 Other UDP/Westminster Policy Considerations

None relevant.

6.8 London Plan

The proposal does not raise any strategic issues.

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 2014 application which this application seeks to vary was the subject of a S106 legal agreement to secure the works to the highway and public realm via a separate agreement required under Section 278 of the Highways Act 1980.

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

No changes to efficiency measures proposed.

6.12 Other Issues

The applicant has asked that a number of other claims made in the objections are clarified, including that the restaurant was transitioning to 'informal/casual' dining which is inaccurate. The applicant is not proposing to offer informal/ casual dining as such operations are prohibited by the strict conditions of their licence which requires patrons to order food with any drinks purchased on the premises.

The hours sought would be the same as those permitted by the licence, save for Sundays when it is intended to reduce the closing time applied for to 23:00 by condition to align with the licence.

An objection was made stating that the application proposed reconfiguration of plant, which is inaccurate. This application simply seeks to align the opening hours within the approved licensing hours and no external alterations to the building or plant are proposed.

6.13 Conclusion

The proposed extension of hours is likely to result in later vehicular and pedestrian movements than the current hours do but, subject to the recommended conditions, the impacts associated with these later vehicular and pedestrian movements would not be materially harmful to the amenity of local residents. Provided the servicing is operated in accordance with the submitted details and the extended opening hours are controlled, and subject to the 12 month trial period, the proposals are considered acceptable with regard to the relevant sections and policies of the NPPF, Westminster's City Plan: Strategic Policies and UDP.

BACKGROUND PAPERS

1. Application form
2. Letter from owner/occupier of Flat 16, The Little Adelphi, 10-14 John Adam Street dated 18.10.15
3. Letter from owner/occupier of Flat 2, John Adam House, 17-19 John Adam Street dated 20.10.15
4. Letter from owner/occupier of Flat 44, The Little Adelphi, 10-14 John Adam Street dated 22.10.15
5. Letter from owner/occupier of Flat 33, The Little Adelphi, 10-14 John Adam Street dated 22.10.15
6. Letter from owner/occupier of Flat 10, John Adam House, 17-19 John Adam Street dated 28.10.15
7. Letter from owner/occupier of Flat 36, The Little Adelphi, 10-14 John Adam Street dated 28.10.15
8. Letter from owner/occupier of Flat 10, John Adam House, 17-19 John Adam Street dated 28.10.15
9. Letters from owner/occupier of Flat 11, The Little Adelphi, 10-14 John Adam Street dated 28.10.15 and 29.10.15.
10. Letter from owner/occupier of Flat 45, The Little Adelphi, 10-14 John Adam Street dated 29.10.15
11. Letter from owner/occupier of Flat 1, John Adam House, 17-19 John Adam Street dated 29.10.15
12. Letter from owner/occupier of Flat 9, John Adam House, 17-19 John Adam Street dated 01.11.15
13. Letter from owner/occupier of Flat 5, 4 York Buildings dated 02.11.15
14. Letter from Little Adelphi Freehold Company Ltd dated 03.11.15
15. Letters from owner/occupier of Flat 27, The Little Adelphi, 10-14 John Adam Street dated 04.11.15 and 14.11.15

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT AMANDA JACKSON ON 020 7641 2934 OR BY E-MAIL – ajackson@westminster.gov.uk

DRAFT DECISION LETTER

Address: The Adelphi, 1-11 John Adam Street, London, WC2N 6HT

Proposal: Variation of Condition 23 of planning permission dated 30 July 2014 (RN: 14/03021/FULL) to allow the restaurant to operate between the hours of 08.00 to 00.00 Monday to Thursday, 08.00 to 00.30 Friday to Saturday (not including bank holidays and public holidays), and, 08.00 to 23.30 Sundays, bank holidays or public holidays.

Plan Nos: As previously approved:
 Location plan, 21008-01AR-07-100, 21008-01AR-07-101, 21008-01AR-07-102, 21008-01AR-07-103, 21008-01AR-07-104, 21008-01AR-07-105, 21008-01AR-07-106, 21008-01AR-07-107, 21008-01AR-07-108, 21008-01AR-07-109, 21008-01AR-07-110, 21008-01AR-07-111, 21008-01AR-07-112, 21008-01AR-07-113, 21008-01AR-07-114, 21008-01AR-07-120, 21008-01AR-07-121, 21008-01AR-07-122, 21008-01AR-07-123, 21008-01AR-07-124, 21008-01AR-07-125, 21008-01AR-07-126, 21008-01AR-07-127, 21008-01AR-07-130, 21008-01AR-07-131, 21008-01AR-07-140, 21008-01AR-07-141, 21008-01AR-07-142, 21008-01AR-07-143, 21008-01AR-07-144, 21008-01AR-07-145, 21008-01AR-07-146, 21008-01AR-07-147, 21008-01AR-07-148, 21008-01AR-07-149, 21008-01AR-07-150, 21008-01AR-07-151, 21008-01AR-07-152, 21008-01AR-07-153, 21008-01AR-07-154, 21008-01AR-07-160, 21008-01AR-07-161, 21008-01AR-07-162, 21008-01AR-07-163, 21008-01AR-07-164, 21008-01AR-07-165, 21008-01AR-07-166, 21008-01AR-07-167, 21008-01AR-07-170, 21008-01AR-07-171, 21008-01AR-07-175, 21008-01AR-07-176, 21008-01AR-07-177, 21008-01AR-07-180, 21008-01AR-07-182, 21008-01AR-07-184, 21008-01AR-07-186, 21008-01AR-07-187, 21008-01AR-07-188, 21008-01AR-07-189, 21008-01AR-07-190, 21008-01AR-07-191, 21008-01AR-07-193, 21008-01AR-07-194, 21008-01AR-07-196, 21008-01AR-07-197, 21008-01AR-07-198, 21008-01AR-07-199, 21008-01AR-07-308C, Covering letter dated 5 April 2013, Planning Statement, Design and Access Statement, Heritage Assessment, Transport Assessment / Delivery & Servicing / Waste Strategy, Outline Servicing Management Strategy dated 25.06.13, Framework Travel Plan, Environmental Noise Assessment. Covering letter dated 13 December 2013, 21008-01AR-07-140 A, 21008-01AR-07-141 A, 21008-01AR-07-142 A, 21008-01AR-07-143 B, 21008-01AR-07-144 A, 21008-01AR-07-145 A, 21008-01AR-07-146 A, 21008-01AR-07-147 A, 21008-01AR-07-148 A, 21008-01AR-07-149 A, 21008-01AR-07-150 A, 21008-01AR-07-151 A, 21008-01AR-07-152 A, 21008-01AR-07-153 A, 21008-01AR-07-154 A, 21008-01AR-07-160 A, 21008-01AR-07-161 A, 21008-01AR-07-162 A, 21008-01AR-07-163 A, 21008-01AR-07-164 A, 21008-01AR-07-165 A, 21008-01AR-07-166 A, 21008-01AR-07-167 A, 21008-01AR-07-170 A, 21008-01AR-07-171 A, 21008-01AR-07-182 A, 21008-01AR-07-184 A, 21008-01AR-07-186 A, 21008-01AR-07-187 A, 21008-01AR-07-188 A, 21008-01AR-07-189 A, 21008-01AR-07-192, 21008-01AR-07-193 A, 21008-01AR-07-194 A, 21008-01AR-07-198 B, 21008-01AR-07-201, 21008-01AR-07-308D. Covering letter dated 31 March 2014, 21008-01-AR-13-126, 21008-01-AR-13-123, GA-B2-01-02.

As amended by:

PL-EX-00 Rev E; Planning and Design Statement dated September 2015, prepared

by Bidwells; Statement of Community Involvement dated September 2015 and Addendum Report, prepared by Belgrave.

Case Officer: Sebastian Knox

Direct Tel. No. 020 7641 4208

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 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 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 Adelphi 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)

- 4 The development shall only be carried out in accordance with the samples of the new window glazing submitted with application 14/04947/ADFULL unless new samples are submitted for approval by the City Council. You must carry out the work in accordance with the 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 Adelphi 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 apply to us for approval of detailed drawings at 1:20 and 1:5 of the following parts of the development:
- i) The framing and door furniture details, including details of finishes of the new windows and external doors of the new restaurant and café unless the development is carried out in accordance with the details approved under applications 14/04947/ADFULL and 14/12598/ADFULL;
 - ii) The new entrance doors to the Savoy Place entrance, including details of ramps;
 - iii) The new rooflights unless the development is carried out in accordance with the details approved under application 14/10161/ADFULL;
 - iv) New planters to Savoy Place, including details of finish and showing relationship to existing fabric unless the development is carried out in accordance with the details approved under application 14/10949/ADFULL;
 - v) New fixed furniture and planting to the level 6 terrace;
 - vi) External lighting to Savoy Place and external stairwells.

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 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 Adelphi 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 provide the waste store shown on drawing 21008-01-AR-67-308 Rev C before either the cafe or restaurant are first brought into use. You must clearly mark it and make it available at all times. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose.

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling 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. (R14CC)

- 7 The existing off-street loading bay on Robert Street shall remain in situ and operational until the new service bay on Lower Robert Street has been provided in full accordance with the submitted plans.

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)

- 8 The existing off-street loading bay on Robert Street shall remain in situ and operational until the changes to the existing on-street car parking arrangements on Savoy Place have been implemented in accordance with the Transport Assessment / Delivery & Waste Servicing / Waste Strategy document including plan VN50259-ECC-TR-0003 B.

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)

- 9 A minimum of 90 cycle parking spaces shall be installed and made available to future occupiers of the building in accordance with plan 21008-01-AR-07-140 prior to either the cafe or restaurant use being first brought into operation and they shall thereafter be made available at all times.

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.

- 10 You must not allow more than 300 customers into the restaurant (basement and ground floor) at any one time.

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Adelphi Conservation Area. This is in line with S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 9 of our Unitary Development Plan that we adopted in January 2007. (R05FC)

- 11 Servicing to the restaurant and cafe must only be carried out in accordance with the revised Service Management Plan approved under application 15/05243/ADFULL unless a further Service Management Plan is submitted to and approved by the City Council.

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)

- 12 Servicing processes from both Lower Robert Street and Savoy Place must be staffed in accordance with the revised Operational Management Plan approved under application 14/12117/ADFULL unless a further Operational Management Plan is submitted to and approved by the City Council.

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 Servicing must only take place from Lower Robert Street and from Savoy Place and from no other locations.

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)

- 14 There shall be no servicing provided to either the restaurant or cafe uses between the hours of 19.00 and 07.00.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 15 The servicing bay accessed from Lower Robert Street shall be kept clear for servicing purposes only at all times.

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)

- 16 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)

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

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Adelphi Conservation Area. This is in line with S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 9 of our Unitary Development Plan that we adopted in January 2007. (R05FC)

- 18 You must not play live or recorded music which is audible outside the premises.

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 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 19 (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 applicant 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.

- 20
- (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.
 - (2) The emergency plant and generators hereby permitted may be operated only for essential

testing, except when required by an emergency loss of power.

(3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

- 21 Provision for heat exchanges and any other equipment necessary for connection to a District Energy system must be made in accordance with the details approved under application 14/07919/ADFULL unless further details are submitted to and approved by the City Council.

Reason:

To make sure that the development provides appropriate environmental sustainability features as set out in S40 or S28, or both, of Westminster's City Plan: Strategic Policies adopted November 2013.

- 22 Customers shall not be permitted within the cafe premises before 07.00 or after 19.00 on Monday to Saturday (not including bank holidays and public holidays) and before 08.00 or after 18.00 on Sundays, bank holidays and public 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 TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 23 Customers shall not be permitted within the restaurant premises before 08.00 or after 00.00 on Monday to Thursday (not including bank holidays and public holidays), before 08.00 or after 00.30 Friday to Saturday (not including bank holidays and public holidays) and before 08.00 or after 23.00 on Sundays, bank holidays and public holidays. These hours are allowed for a temporary 12 month period from the date of this permission, after which time they must revert to the originally approved hours and customers shall not be permitted within the restaurant premises before 08.00 or after 23.00 on Monday to Saturday (not including bank holidays and public holidays) and before 08.00 or after 22.30 on Sundays, bank holidays and public 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 TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 24 You must not cook raw or fresh food on the cafe premises.

Reason:

The plans do not include any kitchen extractor equipment. For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells. This

is as set out in S24 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

- 25 Apart from the entrances to the cafe and restaurant annotated on the approved drawings, the ground floor windows shall be fixed permanently shut.

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 TACE10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 26 The restaurant shall only be operated in accordance with the management plan submitted with application 14/03146/ADFULL unless a further management plan is submitted for approval by the City Council.

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 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 27 Prior to either the cafe or restaurant being first brought into use the sustainability measures identified in the design and access statement shall be implemented in full accordance with the submitted details.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

- 28 The development must only be carried out in accordance with the appropriate arrangements approved under application 15/04176/ADFULL, to secure the necessary alterations to the highway to facilitate the public realm improvements as shown on the approved drawings unless further appropriate arrangements are submitted to and approved by the City Council.

Reason:

To make sure that the development provides the public realm enhancements that have been agreed, as set out in S33 of Westminster's City Plan: Strategic Policies adopted November 2013.

- 29 The groundworks for the new lift shaft shall only be undertaken in full accordance with the programme of archaeological investigation in accordance with a written scheme of investigation approved under application 13/11190/ADFULL. No development shall take place other than in accordance with the written scheme of investigation.

Reason:

To avoid damage to any archaeological remains on site as set out in S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32AC)

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

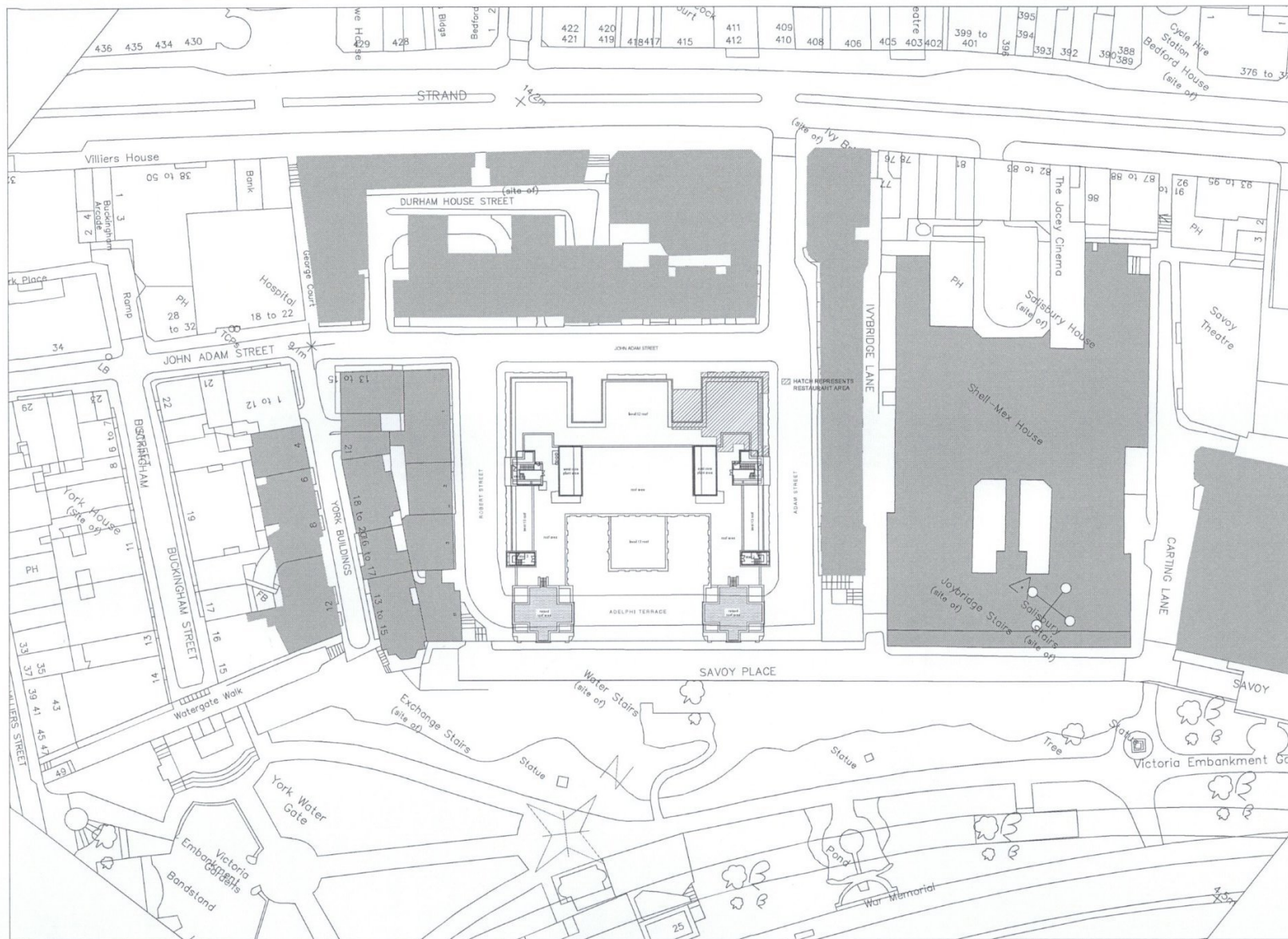
It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

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 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

- 6 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. For more advice, please phone 020 7641 2920.
- 7 The applicant will need technical approval for the works to the highway (supporting structure) prior to commencement of development. The applicant should contact Andy Foster (020 7641 2541) in Engineering & Transportation Projects to progress the applicant for works to the highway.
- 8 Conditions 19 and 20 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. (182AA)
- 9 The details required under Condition 28 should be in the form of a completed Section 106 Agreement.



EXISTING LOCATION PLAN
SCALE 1:500

Revision	Date	Comment
A	08.12.14	AWNING SIZE REDUCED TO PLANNING CONSULTANTS ADVISE
B	06.01.15	UPDATED TO VARIOUS CONSULTANTS COMMENTS SENT DEC 2014
C	09.01.15	UPDATED TO VARIOUS CONSULTANTS COMMENTS JAN 2015
D	14.01.15	UPDATED TO INCLUDE GENERAL DIMS AND EXTERIOR LANTERN SIZES ON
E	03.02.15	UPDATED ANNOTATION ON PAGES 2&3

DESIGN DEVELOPMENT

- Notes**
- SEE SEPARATE FINISHERS SCHEDULE FOR ALL ARCHITECTURAL FINISHES.
 - THE DRAWING SHOWS DESIGN INTENT ONLY. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION OR PRODUCTION. SHOP DRAWINGS TO BE ISSUED BY CONTRACTOR/MANUFACTURERS FOR MBDS APPROVAL. ANY DISCREPANCIES TO BE RELAYED TO MBDS BEFORE WORKS CONTINUE.
 - DESIGN/DRAWINGS IS NOT TO BE SCALED FOR PRODUCTION AND CONSTRUCTION PURPOSES.
 - ALL MATERIALS AND CONSTRUCTION TO BE MANUFACTURED TO A HIGH QUALITY OF WORKMANSHIP SUITABLE FOR COMMERCIAL USE AND FIT FOR PURPOSE.
 - ALL FINISHES TO BE APPROVED BY MBDS VIA SAMPLING PROCEDURE ADVISED BY MBDS.
 - CONTRACTOR/MANUFACTURER SHOP DRAWINGS TO SHOW ALL EQUIPMENT INCLUDING ALL ELEMENTS OF MEP, COORDINATED WITH OTHER CONSULTANTS COMMENTS OF WORKS.
 - GENERAL CONTRACTOR TO COORDINATE WITH ELECTRICAL CONTRACTOR FOR LOCATION AND METHOD OF MOUNTING ALL LIGHT FIXTURES, WHETHER STOCK OR CUSTOM MADE.
 - DESIGNS ARE TO BE CONSTRUCTED/MANUFACTURED TO COMPLY WITH STATUTORY REQUIREMENTS. CONTRACTOR/MANUFACTURER TO ENSURE THAT THE FINAL PRODUCT COMPLIES WITH ALL RELEVANT STATUTORY REGULATIONS.
 - WHERE GLASS, MIRROR OR OTHER POTENTIALLY DANGEROUS MATERIALS ARE TO BE USED, THE MANUFACTURER IS TO ENSURE THAT RELEVANT HEALTH AND SAFETY REGULATIONS ARE MET OR EXCEEDED IN THE PRODUCTION PROCESS.
 - MANUFACTURER TO INSURE THE STABILITY, FUNCTIONALITY AND FIT FOR PURPOSE OF EACH ITEM, MAKING ANY CONCERNS DIRECTLY WITH MBDS IMMEDIATELY.
 - MANUFACTURER TO ENSURE THAT SITE ACCESS IS SUFFICIENT FOR DELIVERY AND CONSTRUCTION.
 - OTHER 'SPECIALIST' CONTRACTORS MAY BE NOMINATED AND RETAINED DIRECTLY BY MBDS OR THE CLIENT. IN EACH CASE, THE RESPONSIBILITY FOR THE OVERALL CO-ORDINATION REMAINS WITH THE GENERAL CONTRACTOR.
 - ALL DESIGN CONCEPTS AND DRAWINGS ARE THE PROPERTY OF MARTIN BRUDNIZKI DESIGN STUDIO LTD AND ARE COVERED BY COPYRIGHT. NO REPRODUCTIONS, ADAPTATIONS AND/OR COPIES MAY BE MADE WITHOUT WRITTEN PERMISSION BY MARTIN BRUDNIZKI DESIGN STUDIO LTD.

MARTIN BRUDNIZKI DESIGN STUDIO
Unit 10 Chelsea Reach 79-81 Lill Road London SW10 0RN
+44 (0) 20 7376 7555 www.mbdsl.com

Client
DANU PARTNERS
Project
SMITH AND WOLLENSKY LONDON
Title
**EXTERIOR PLANNING PROPOSAL
EX LOCATION PLAN PAGE 1 OF 4**

Date	Scale	Sheet Size
15/09/14	AS SHOWN	A1
Project No.	Drawing No.	Rev.
13042	PL-EX-00	E