

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 14 June 2016	Classification For General Release	
Report of Director of Planning		Ward involved West End	
Subject of Report	Oxford House, 70-88 Oxford Street, London W1D 1BS		
Proposal	Demolition of rear first floor car parking deck and associated car lift, stair and ventilation shaft. Erection of replacement two storey structure for use, together with part existing basement, as new restaurant (Class A3). Excavation beneath part of north-west of site to enlarge existing basement level to provide cycle parking and associated facilities to serve the retained office (Class B1) floorspace over second to ninth floor level. Use of part ground as a new retail (Class A1) unit and use of first floor as retail (Class A1) floorspace to extend existing retail units at basement and ground floor levels. Removal and replacement of the existing cladding and associated facade alterations including alterations to shopfronts to create two storey retail frontage to Oxford Street. Alterations to rear courtyard and other associated works.		
Agent	Gerald Eve LLP		
On behalf of	Pontsarn Investments Ltd		
Registered Number	16/01073/FULL	Date amended/ completed	8 February 2016
Date Application Received	8 February 2016		
Historic Building Grade	Unlisted		
Conservation Area	No		

1. RECOMMENDATION

<p>1. Grant conditional permission subject to a legal agreement to secure the following:</p> <p>(a) A payment towards the City Council's Affordable Housing Fund of £1,846,000 (index linked and payable prior to commencement of development) in lieu of providing residential provision on site in order to fund the provision of affordable housing elsewhere in the City.</p> <p>(b) The costs of monitoring the S106 legal agreement.</p> <p>2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:</p> <p>a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;</p> <p>b) The Director of Planning shall consider whether the permission should be refused on the grounds</p>
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that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

The application site is situated on the northern side of Oxford Street at its corner with Newman Street and it is located within the West End Special Retail Policy Area and the Tottenham Court Road Opportunity Area (TCROA) as defined in the City Plan, and is also within the Strategic Viewing Corridor - Parliament Hill to Palace of Westminster.

It comprises a 1960s building sited on the Oxford Street frontage behind which there is a raised parking/loading deck backing onto the former Royal Mail distribution centre which abuts the site in Newman Street/Rathbone Place to the north. The building is nine storeys above ground with two basement levels and a rooftop plant room, and it is mainly in office use except for the ground floor and first basement levels which are in retail use. The surrounding buildings are mainly in commercial use, including the development currently under construction on the former Royal Mail site which has office floorspace abutting the application site.

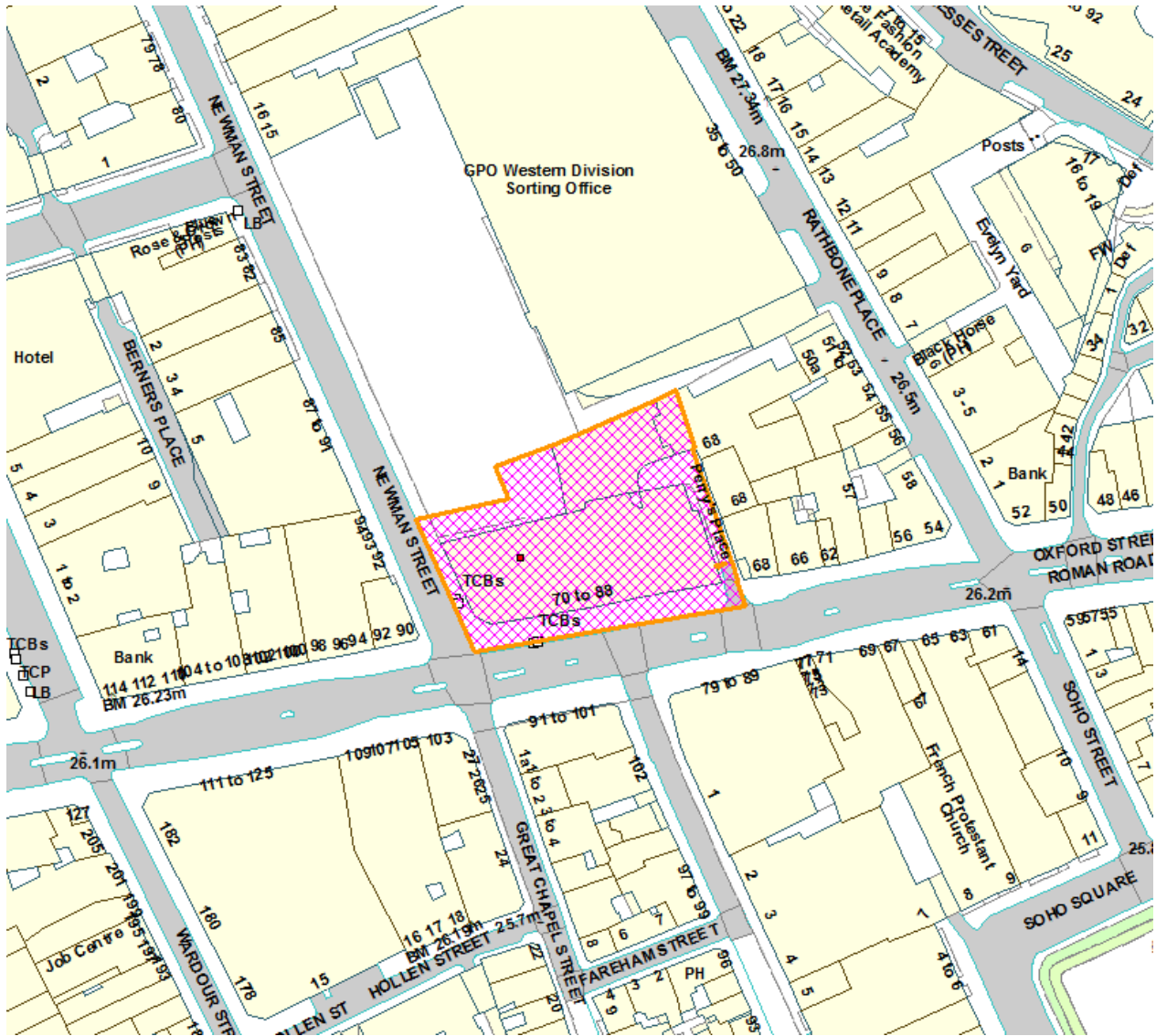
Permission is sought to convert the existing office (Class B1) floorspace at first floor level into additional retail (Class A1) floorspace. The existing car parking deck and associated car lifts and access stair are proposed to be demolished and replaced by a two storey structure to provide a ground floor entrance and first floor private dining to the proposed restaurant (Class A3) at basement, ground and first floor level. The existing basement is proposed to be enlarged in the north-western corner of the site to provide cycle parking and associated facilities to serve the retained office (Class B1) floorspace over second to ninth floor level. The entrance to the retained office floorspace will be relocated to the rear. This will allow the existing entrance to be converted to retail (Class A1) floorspace so that there is an unbroken run of shops on the Oxford Street elevation. Minor alterations are proposed at roof level. Finally, the façade of the building is proposed to be radically altered and double height shopfronts created on the Oxford Street frontage.

The key issues for consideration are:

- The proposed increase in shopping provision in this location.
- The impact of the proposals on the strategic viewing corridor.
- The urban design quality of the proposals.
- The acceptability of the proposed new restaurant.
- Access, servicing and parking.
- Whether a policy-compliant payment towards the City Council's Affordable Housing Fund is an acceptable substitute for the provision of housing on site.

The proposal is considered acceptable in land use and amenity terms, complying with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). For these reasons it is recommended that conditional planning permission be granted subject to a legal agreement securing the items listed within Section 8.10 of this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

THE MAYOR OF LONDON

- The proposal will have a negligible impact upon the London View Management Framework and the proposal does not raise any strategic planning issues.
- Authorisation for the City Council to determine the application without further reference to the Greater London Authority.

HISTORIC ENGLAND

Recommended that the application be determined in accordance with national and local policy guidance, and on the basis of the City Council's specialist conservation advice.

FITZROVIA NEIGHBOURHOOD ASSOCIATION

Any response to be reported verbally.

LONDON BOROUGH OF CAMDEN

Any response to be reported verbally.

LONDON BOROUGH OF LAMBETH

Any response to be reported verbally.

BUILDING CONTROL

Any response to be reported verbally.

CLEANSING

No objection

ENVIRONMENTAL HEALTH

No objection subject to conditions.

HIGHWAYS PLANNING MANAGER

- No objections to the loss of the existing car parking facilities.
- Welcomes that servicing, including waste collection, is to be undertaken off-street.
- Welcomes the Servicing Management Plan.
- While accepts that the existing office does not have any cycle parking and that the offer of 80 spaces is a big improvement on that situation, would welcome the provision of further cycle parking and, in particular, short-stay visitor parking. This could be accommodated in the rear courtyard.

LONDON UNDERGROUND LIMITED

No objection.

CROSSRAIL 2

No comment.

TRANSPORT FOR LONDON

- The removal of an existing vehicle access on Oxford Street (i.e. Perry's Place) is welcome.
- A Delivery and Service Plan should be secured by condition.
- The Council should consider whether it is necessary to provide additional on street/on

- site blue badge parking.
- Cycle parking should accord with London Plan (2015) standards, in addition to the provision of cycle changing facilities (such as showers/changing rooms).
 - Expects that a Construction and Logistics Plan be secured
 - Expects that a revised Travel Plan is secured for the site.

LONDON UNDERGROUND

- No comment.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 261;

Total No. of Replies: 0.

ADVERTISEMENT/SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is situated on the northern side of Oxford Street at its corner with Newman Street and it is located within the:

- Core CAZ;
- West End Special Retail Policy Area;
- Primary Frontage of the West End International Shopping Frontage;
- West End Stress Area;
- Tottenham Court Road Opportunity Area; and
- Strategic Viewing Corridor (Parliament Hill to Palace of Westminster).

The site is not located within a conservation area, although the East Marylebone, Soho and Hanway Street are immediately to the west, south and east, respectively.

The site comprises a 1960s building sited on the Oxford Street frontage behind which there is a raised parking/loading deck backing onto the former Royal Mail distribution centre (currently being redeveloped). The building is nine storeys above ground with two basement levels and a rooftop plant room. It is mainly in office use except for the ground floor and first basement levels which are in retail use. The lower basement level accommodates plant.

Access to the parking/loading area is from Newman Street. There is also a narrow access into the site from Oxford Street, suitable only for cars and not large vehicles. This access route is known as Perry's Place and terminates at the site with no-through access. Perry's Place is one-way with no entry from Oxford Street but, given the difficulty of exiting onto Oxford Street, it is generally gated shut and seldom used except for pedestrian access.

The surrounding buildings are mainly in commercial use. The site opposite on the south side of Oxford Street is being redeveloped as part of the Crossrail project and will accommodate a mixed use scheme with residential flats fronting Oxford Street.

The southern part of the sites lies beneath a London Underground tunnel (the Central Line). Approximately the eastern two-thirds of the site are within the Cross Rail 2 Safeguarding Area.

6.2 Recent Relevant History

Permission was granted on 3 January 1958 for the redevelopment of the site including the erection of a twelve storey building comprising ground, basement, sub-basement and nine upper floors. Second to ninth floors and part first floor are used for Class B1 office purposes and there are Class A1 retail units at ground and basement level. The remainder of the basement, ground and first floors are used as car parking for the commercial occupants of the building. Various conditions were attached to the decision including Condition 2 that ensured that the car parking accommodation is 'provided and retained permanently for the accommodation of the vehicles of the occupiers and users of the building only and shall not be used for any other purpose.'

Permission was granted on 18 April 2008 (Ref: 08/01869/FULL) to vary Condition 2 to allow more flexibility in the use of the car parking accommodation through allowing alternative uses provided this is in agreement with the City Council.

Planning permission was granted on 16 September 2016 (Ref: 13/01594/FULL) for, 'Extensions and alterations to the building including demolition and replacement of the top three levels with remodelled and extended three floors plus new rooftop plant floor and additional basement excavation, to provide retail (Class A1) floorspace at basement, ground and first floor levels with 89 residential flats (Class C3) on the floors above; car/cycle parking facilities, servicing area, storage, plant and landscaping; associated external alterations'. This permission was not been implemented but remains extant.

7. THE PROPOSAL

Permission is sought to demolish the rear first floor car parking deck and associated car lift, stair and ventilation shaft and erect a replacement two storey structure that, together with the part of the existing basement currently used for car parking, will form a new restaurant (Class A3). Kitchen extract will be directed to roof level above the office floors using an existing shaft location in the main building stair core.

It is proposed to excavate to the north-west of the site to enlarge the existing basement level to provide cycle parking and associated facilities to serve the retained office floorspace over second to ninth floor level. The office entrance is proposed to be relocated from the front of the building to the rear. This will allow the creation of an additional retail unit on Oxford Street. The first floors are also proposed to be converted into retail (Class A1) accommodation to enlarge the existing retail units at basement and ground floor levels.

The removal of the car parking deck allows the creation of a courtyard to the rear of the site that will be accessible to pedestrians throughout the day. Replacement gates will be installed at the entrance from Newman Street and Oxford Street to secure the area late at night and early in the morning. This area will also act as the location for servicing and refuse collection.

Finally, the facades of the building will be re-clad, replacement plant installed at rear first and roof level, and replacement shopfronts installed.

8. DETAILED CONSIDERATIONS

8.1 Land Use

A summary table of the proposed land use implications of the proposal is set out below.

	Existing (gross floorspace sq.m)	Proposed (gross floorspace sq.m)	Change (gross floorspace sq.m)
Office (Class B1)	8,267	7,562	-705
Retail (Class A1)	2,444	3,644	+1,200
Restaurant (Class A)	0	564	+564
Total	10,711	11,770	+1,059

Proposed retail floorspace

The relocation of the office entrance to the rear and its replacement with an additional retail unit will result in an unbroken run of retail units. This, combined with the conversion of the first floor into additional retail accommodation, will result in an increase in Class A1 floorspace on site of 1,200 m². This will enhance the unique status and offer of the West End Special Retail Policy Area, improve the contribution that this site makes to the character and function of the West End International Shopping Frontage and contribute towards one of the priorities within the Tottenham Court Road Opportunity Area, in accordance with City Plan Policies S5, S6, S7, S21 and UDP Policies SS3 and SS4.

Proposed new restaurant

The proposal would see the creation of a new restaurant on site measuring 564 m². The majority of this floorspace will be at basement floor level, with the ground forming the reception and the first a small private dining area.

Whilst City Plan Policy S6 states that the Core CAZ is an appropriate location for a range of commercial uses (amongst others), UDP Policies TACE 8-10 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 (whilst acknowledging that they provide services to people living in, working in and visiting Westminster and contribute to its role as an entertainment centre of national and international importance). Further, City Plan Policy S24 states, '*New entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area. New large-scale late-night entertainment uses of over 500 m² floorspace will not generally be appropriate within Westminster*'.

As the site is location with the West End Stress Area and has a floorspace exceeding 500 sq.m, the relevant policy for its assessment is UDP Policy TACE 10 where there is a

presumption against such entertainment premises, with exceptional circumstances having to be demonstrated for such premises to be acceptable.

Such exceptional circumstances are considered to exist in this case. The restaurant is located on the immediate northern boundary of the Stress Area. It is not within the bulk of the West End Stress Area, which is to the south of Oxford Street. There are no other restaurants in the immediate vicinity of the site, and the restaurant would not in any way therefore add to an existing concentration of entertainment uses.

The bulk of Oxford House itself will further separate the restaurant from the activity of Oxford Street itself. In reality, it is anticipated that any additional activity generated by the restaurant will be imperceptible when compared with the volume of activity on Oxford Street.

It is proposed that a managed delivery and servicing plan will be implemented that will restrict servicing to 03:00 – 08:00 and 10:00 – 12:00.

A kitchen extract flue will be provided to the top of the main Oxford House building. The flue is marked on the proposed application drawings. This high level flue will ensure that odours are adequately dispersed.

The proposed opening hours are 08.00 to 00.00 (daily). These are within core hour for predominately residential areas. This, combined with the central location of this site and the absence of any residential properties within the immediate vicinity of the proposed restaurant, means that these operating hours are considered to be acceptable in terms of the impact upon residential amenity.

Given the above, it is considered that the proposed restaurant will not give rise to any amenity concerns and will complement the retail function of the primary Oxford Street frontage.

Mixed use policies

Policy 2.11(A)(a) of the London Plan requires that where there are increases in office floorspace in the CAZ they should provide for a mix of uses including residential. City Plan Policy S1 is more specific and requires an equivalent amount of housing floorspace to be provided where there are increases in commercial floorspace of over 200 sq.m where this is deemed to be appropriate and practicable. UDP Policy CENT 3 provides additional context to this strategic policy, stating that the City Council's preference for housing from mixed use development to be provided on-site in the first instance, with off-site provision or payment in lieu acceptable only when it can be demonstrated that on-site provision is not appropriate or practical.

The City Council is in the process of making changes to its 'mixed use' policy. The emerging policy only relates to increases in office floorspace rather than to increases in all commercial floorspace. As no increase in office floorspace is proposed, if the application was determined under the emerging policy there would be no requirement to provide any housing. The proposed changes to the current 'mixed use' policy were subject to an

examination in public on 9 March 2016. Following this examination, the proposed changes are subject to further public consultation until 5 June 2016. The Inspector will then determine whether or not this replacement policy is sound.

At the time of writing the report the emerging policy can be afforded little material weight. This may however have altered by the time this application is determined. An update on the status of the emerging replacement policy will be reported verbally at committee.

Currently the policy requirement is that the commercial increase should be matched by an equivalent amount of residential floorspace, provided this is appropriate and practical. No residential accommodation is proposed on site. It is not considered practical or desirable to include residential accommodation in this location given the existing priority placed on the delivery of additional retail space. In addition, the introduction of an additional core would significantly reduce the quality of the proposed office floors and the efficiency of the building. This is not desirable. The applicant does not have any sites within the vicinity of the proposed development on which additional residential floorspace could be delivered.

In view of the strong strategic support for both additional office and retail development in this location, a financial payment towards the City Council's Affordable Housing Fund in lieu of residential accommodation is considered to be acceptable.

The applicant disputes the method for calculating the increase in gross commercial floorspace. Despite the definition of 'gross floorspace' with the glossary of the UDP (2007) excluding car parking, the applicant argues that this floorspace should be added to the existing building given the strong policy support for the loss of surplus commercial car parking which reflects the desire to move towards more sustainable modes of transport. Such a position is not accepted. Using the adopted definition, the increase in gross commercial floorspace is 1,059 m². Based on the formula set out within the reasoned justification to Policy CENT3 of the UDP, this equates to a policy compliant payment in lieu of on-site residential provision of £1,846,000. Including the basement car parking within the existing floorspace of the building would result in a lower payment of £1,190,000 and the applicant has agreed to make this payment.

8.2 Townscape and Design

The existing building was built circa 1960 and is one of the tallest at the eastern end of Oxford Street. It is not of architectural merit and it does not contribute positively to the character and appearance of this end of Oxford Street. It is outside but adjacent to, and affects the setting of and views of, the East Marylebone Conservation Area and the Soho Conservation Area. Ideally the existing building would be demolished and replaced with a lower, higher quality building which responded positively to its context. However, it is acknowledged that this is unrealistic for economic reasons and the proposal is therefore to retain most of the existing structure and re-clad it.

Height and bulk

The height and bulk at roof level would remain largely unchanged, although there will be an area of screened plant. The London View Management Framework view from Parliament Hill (Protected vista 2A.2) is already infringed by the top of the existing building. The proposed building has a very similar impact on the view and is acceptable.

Design

The proposed building would comprise a fully glazed two storey base (housing the retail units), with a precast stone (concrete) framed façade from second to sixth floor levels, with two recessed floors and plant area at roof level. The main façade is divided into bays with square proportions, each containing two windows framed with decorative metalwork columns and panels. The windows are recessed, giving the façade a significant degree of modelling and richness. At sixth floor level the framework extends above the windows to create a brise soleil. The fully glazed double height shopfronts are framed in a dark stone.

The west façade above the office entrance is treated slightly differently, with the use of the dark stone framework. The rear façade, which faces on to the side of the new Rathbone Place redevelopment, is largely glazed. The two roof storeys are also largely glazed. The plant area is screened by metal louvres.

This proposal is considered to be of high quality, relatively simple, but elegant, design which would improve the appearance of the building and contribute positively to the regenerated townscape evolving at the eastern end of Oxford Street. It complies with urban design and conservation policies in the Core Strategy and Unitary Development Plan, Policies CS28, DES 1, DES 4, DES 14 and DES 15 in particular.

8.3 Residential Amenity

The development being built out on the former Royal Mail site to the north of the application site is mixed use but the residential element does not abut the application site, with offices being proposed. This, together with the reasonable distance between the proposed terraces and the residential properties proposed above the new Crossrail station opposite, means that the proposed new restaurant or the new terraces associated with the offices do not raise any amenity concerns in respect to noise and disturbance or overlooking.

8.4 Transportation/Parking

The removal of the office car parking on site is welcome through reducing commuting by private motor vehicles.

Whilst the Highways Planning Manager notes that the provision of 72 spaces falls short of the requirements set out in the London Plan, the increased quantum of cycle parking over the existing provision is welcome.

All deliveries, servicing and waste collection will occur off-street within Newman Yard. It is intended that servicing will be restricted to 03:00 – 08:00 and from 10:00 – 12:00. Rising bollards will restrict access outside of these hours. This will ensure that servicing occurs outside of peak times of arrival/departure of pedestrians for the office building. This, combined with adherence to the Servicing Management Plan, will ensure that any potential for conflict between vehicles and pedestrians in the Newman Yard is minimised.

The Newman Yard servicing area will be gated overnight with gates closed from 00.00 – 06.00 in order to prevent inappropriate use.

8.5 Economic Considerations

There are no overriding economic considerations that are relevant to the determination of this application.

8.6 Access

Level access is provided to the retail units, new restaurant and the office building.

8.7 Other UDP/Westminster Policy Considerations

Plant

Subject to conditions, Environmental Health has no objection to the proposed plant in respect to noise or vibration.

Refuse /Recycling

Following discussion with the City Council's Cleansing Manager, the proposed arrangement for the storage of waste and recyclable materials is acceptable.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

The draft 'Heads' of agreement are proposed to cover the following issues:

- (a) A payment towards the City Council's Affordable Housing Fund of £1,846,000 (index linked and payable prior to commencement of development) in lieu of providing residential provision on site in order to fund the provision of affordable housing elsewhere in the City.
- (b) The costs of monitoring the S106 legal agreement.

This is, however, subject to an update at committee in respect to the weight that should be afforded to the City Council's emerging replacement City Plan Policy S1 (as set out in more detail in Section 8.1 of this report).

8.11 Environmental Impact Assessment

The scheme is of insufficient scale to require an Environmental Impact Assessment.

8.12 Other Issues

None of particular relevance.

9. BACKGROUND PAPERS

1. Application form.
2. Response from the Greater London Authority, dated 14 April 2016.
3. Response from Historic England, dated 23 March 2016.
4. Response from Environmental Health, dated 21 April 2016.
5. Response from Highways Planning, dated 28 April 2016.
6. Response from Cleansing, dated 28 April 2016.
7. Response from Transport for London, dated 1 March 2016.
8. Response from Transport for London (in its capacity as administrators to the Crossrail 2 Safeguarding Direction), dated 3 May 2016.
9. Response from London Underground Infrastructure Protection, dated 5 May 2016.

Selected relevant drawings

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT MARK HOLLINGTON ON 020 7641 2523 OR BY EMAIL AT CentralPlanningTeam@westminster.gov.uk

KEY DRAWINGS





Existing



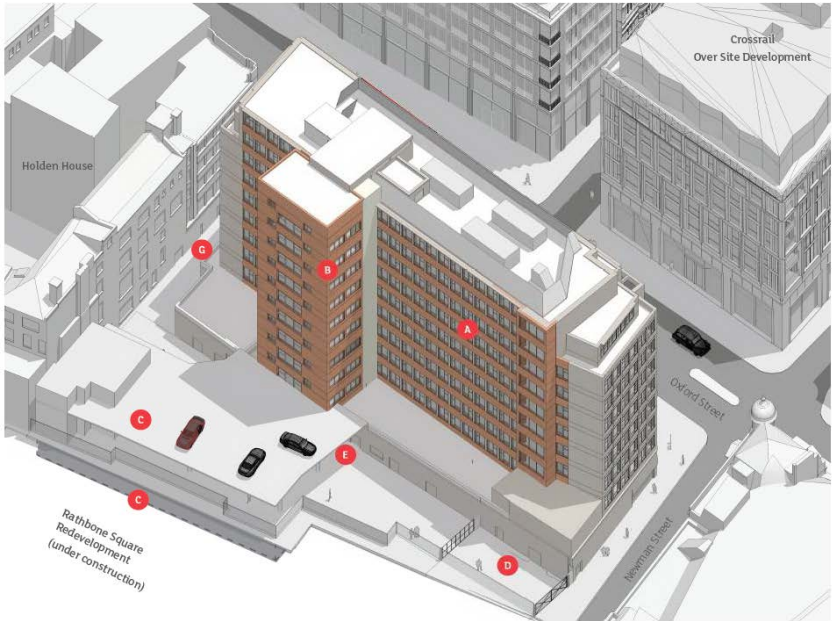
View from Newman Street towards Newman Yard (illustrative view)



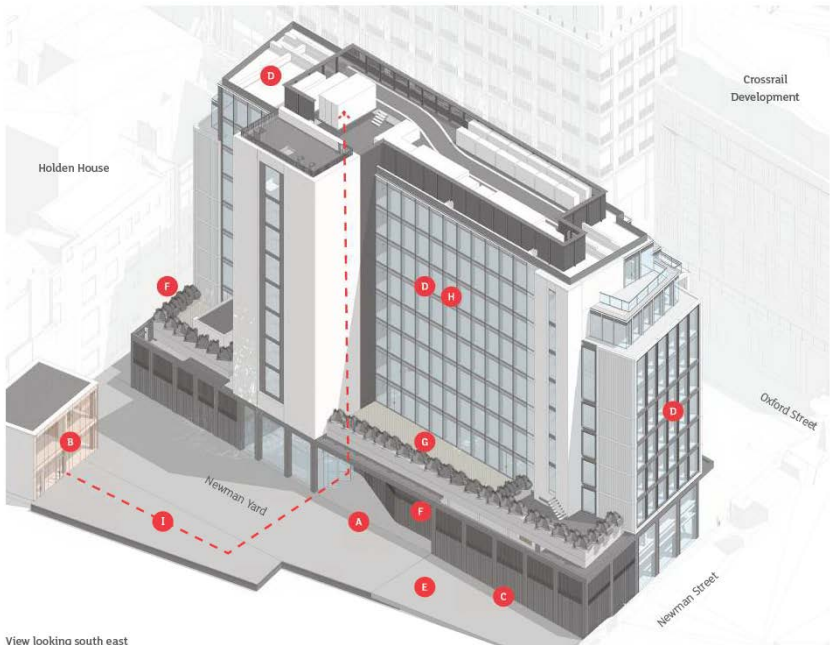
Existing



Proposed view from Dean Street (illustrative view)



South east view from Newman Street



View looking south east

DRAFT DECISION LETTER

Address: Oxford House, 76 Oxford Street, London, W1D 1BS,

Proposal: Removal and replacement of the existing cladding and associated facade alterations, an extension of retail (Class A1) floorspace to the first floor, the creation of a two storey retail frontage to Oxford Street, creation of restaurant floorspace (Class A3) at part basement, ground and first floor, improved vehicular access to create a courtyard and other associated works.

Reference: 16/01073/FULL

Plan Nos: 1990_X_GA(B2)01_XX Rev. P05, 1990_X_GA(B1)01_XX Rev. P08, 1990_X_GA(00)01_XX Rev. P04, 1990_X_GA(01)01_XX Rev. P05, 1990_X_GA(02)01_XX Rev. P05, 1990_X_GA(03)01_XX Rev. P05, 1990_X_GA(04)01_XX Rev. P04, 1990_X_GA(05)01_XX Rev. P04, 1990_X_GA(06)01_XX Rev. P04, 1990_X_GA(07)01_XX Rev. P05, 1990_X_GA(08)01_XX Rev. P05, 1990_X_GA(09)01_XX Rev. P05, 1990_X_GA(B2)01_XX Rev. P05, 1990_X_GA(RF)01_XX Rev. P05, 1990_X_GS(AA)01_XX Rev. P05, 1990_X_GS(BB)01_XX Rev. P04, 1990_X_GS(CC)01_XX Rev. P04, 1990_X_GE(NO)01_XX Rev. P05, 1990_X_GE(WE)01_XX Rev. P05, 1990_X_GE(EA)01_XX Rev. P05, 1990_X_GE(SO)01_XX Rev. P05, 1990_X_GE(WE)02_XX Rev. P03, 1990_X_EE(NO)01_XX Rev. P03, 1990_X_EE(NO)02_XX Rev. P03, 1990_X_EE(TY)01_XX Rev. P03, 1990_X_EE(TY)02_XX Rev. P03, 1990_X_EE(SO)01_XX Rev. P05 and 1990_X_EE(WE)01_XX Rev. P05; and Delivery and Servicing Management Plan (as set out within Transport Strategy (April 2016)).

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

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 apply to us for approval of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. 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 using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 4 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)

- 5 Except for basement excavation work, 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.

You must carry out basement excavation work only:

- * between 08.00 and 18.00 Monday to Friday; and
- * not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11BA)

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)

- 6 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 7 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

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.

- 7 (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.

- 8 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.

- 9 (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.

- 10 Customers shall not be permitted within the restaurant premises before 08.00 or after 00.00 each day. (C12AD)

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)

- 11 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 Policy 6.9 (Table 6.3) of the London Plan 2015.

- 12 All delivery and servicing shall take place in accordance with the Delivery and Servicing Management Plan hereby approved.

Reason:

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

- 13 You must provide the waste store shown on drawing 1990_X_GA(B1)01_XX Rev. P08 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. 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. (C14DC)

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)

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 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. (I54AA)

3 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)

4 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

5 The term 'clearly mark' in condition 13 means marked by a permanent wall notice or floor markings, or both. (I88AA)

6 Conditions 6, 7 and 9 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

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Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.