

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 19 June 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	16-17 Hay Hill, London, W1J 8NY,		
Proposal	Use of lower ground, ground and first floors as a restaurant (Class A3) and minor works to connect to existing riser.		
Agent	Firstplan		
On behalf of	Midas Ltd.		
Registered Number	17/07518/FULL	Date amended/ completed	21 August 2017
Date Application Received	21 August 2017		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The site is part of a large block along the south eastern side of Hay Hill. Permission is sought to allow a restaurant (Class A3) at lower ground, ground and first floors.

The key issues for consideration are:

- The loss of existing retail floorspace; and,
- The impact of the proposed restaurant use on the amenity of neighbouring residential properties.

The scheme is considered acceptable in land use terms as the applicant has provided evidence to demonstrate that the existing retail unit is not viable despite reasonable attempts to let it. It is not considered the proposed use would negatively impact on residential amenity nor detract from the character and function of the area. The scheme is therefore recommended for approval and complies with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan).

### 3. LOCATION PLAN



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## 4. PHOTOGRAPHS



## 5. CONSULTATIONS

### RESIDENTS SOCIETY OF MAYFAIR AND ST JAMES'S

Any response to be reported verbally

### CLEANSING

Objection- no waste storage provision

### HIGHWAYS PLANNING

Objection- no cycle or waste storage provision

### ENVIRONMENTAL HEALTH

No objection subject to conditions

### ADJOINING OWNERS AND OCCUPIERS:

No. consulted: 88

No. responded: 3

Three objections (all from the same person on the same grounds) raising the following concerns:

- increased traffic
- impact on amenity
- over-saturation of restaurant uses in area

SITE AND PRESS NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is an unlisted building located within the Mayfair Conservation Area, the Core Central Activities Zone (CAZ) and the Mayfair Special Policy Area (SPA). The building comprises basement, ground and seven upper floors. The basement, ground and first floors are currently vacant but were last used as retail (Class A1). The upper floors are in residential use and form part of Berkeley House, 15 Hay Hill, which contains 44 flats.

### 6.2 Recent Relevant History

None applicable

## 7. THE PROPOSAL

Planning permission is sought to allow the use of basement, ground floor and first floor as a restaurant (Class A3) and minor works to connect to the existing riser for the kitchen extract. The existing and proposed floorspace figures are set out in the table below.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
<b>Retail (Class A1)</b>	479.8	0	-479.8
<b>Restaurant (Class A3)</b>	0	479.8	+479.8
<b>Total</b>	479.8	479.8	0

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Loss of Retail (Class A1) use

City Plan Policy S21 states that *"existing A1 retail will be protected throughout Westminster except where the council considers that the unit is not viable, as demonstrated by long-term vacancy despite reasonable attempts to let"*. UDP Policy SS5 seeks to provide an appropriate balance of town centre uses within the Core CAZ and states that A1 uses at ground, basement and first floors will be protected. The introduction of non-A1 town centre uses at these floors will only be granted where the proposal would not be detrimental to the character and function of an area. Furthermore, proposals for non-A1 uses must not lead to, or add to, a concentration of three or more consecutive non-A1 uses, or cause or intensify an existing over-concentration of A3 and entertainment uses in a street or area. Hill Street is not identified as a shopping frontage, which would add extra protection to the retail use. The UDP glossary identifies long term vacancy as premises which have been vacant for at least 18 months.

City Plan Policy CM2.5 protects The Mayfair Special Policy Area (SPA) and seeks to protect existing art galleries and antiques traders as well as encouraging the provision of further uses of these types. The policy states that development in the SPA will *"support and enhance its international reputation as a centre for the art trade, complemented primarily by other commercial uses."* The policy recognises that art galleries may fall under one of two use classes, depending on their primary purpose and how they function (Class D1 Non-residential Institutions for larger public viewing galleries, and Class A1 Retail for galleries whose primary function is the display of art for sale to the general public). It is also recognised that existing lawful A1 galleries may be able to change to other A1 uses without planning permission. As a result, new A1 galleries in the SPA would be secured by legal agreement where appropriate.

The unit subject to this application was previously occupied by a furniture store and prior to that it was occupied by a printing shop. The unit is isolated on this side of the street with the neighbouring unit being occupied by the private members' Rififi Club, and the frontage next to that being the entrance to Berkeley House, with more retail units beyond that. There is a retail (clothes) shop to the north of the application site (on the corner with Dover Street). The opposite side of Hill Street does have a number of small units which appear to be retail in character.

At the time the application was submitted (August 2017), the unit was vacant and the applicant advised it had been since July 2017. However, during the determination of the application a temporary tenant has been secured by the applicant who has operated a pop up store in the unit. This occupier was a women's clothes shop, trading as HIGH by

Claire Campbell. The applicant advises that this tenant was provided with a lease at a severely reduced rate (almost 50% below the asking price) to cover the continued costs of maintaining the vacant unit. This occupier commenced occupation in January 2018 to provide a stop gap location for them while awaiting another unit to be prepared, and have already handed in their notice stating their intention to vacate the premises in June 2018.

As a result of this new tenant, the unit has been vacant from July 2017 to January 2018, a total of 6 months. However, the marketing has continued throughout. An inspection of the site while it was occupied by this temporary tenant showed that an estate agents board was still displayed in the window advertising the retail space. Due to the temporary nature of the tenant and the reduced rates it is considered that this should not be seen as securing a new retail occupier.

The unit has been marketed since July 2016, before it became vacant. A range of marketing evidence has been submitted which shows that the unit has been marketed by different letting agents (Levy Real Estate LLP from July 2016 followed by Jenkins Law from March 2017), all of whom received little to no interest from retail occupiers of the space. Jenkins Law have advised that the interest which was shown was limited to early enquiries for full details and viewings of the property. However, none of these inquiries led to firm interest and feedback indicated that the rent and rates were too high and location didn't benefit for a sufficient volume of footfall compared to neighbouring streets. The asking rent was lowered in June and then again in July 2017 and, while those who previously showed interest were informed of the reduction and the unit was marketed again, there has still been limited interest. Low footfall on the street and high rates were cited as the key issues for leasing the space as retail (Class A1).

Jenkins Law describe that they consider the retail property market is experiencing a general slowdown which is particularly apparent in Mayfair. They have also advised that during the marketing campaign, there were numerous approaches from restaurant operators and considering the lack of retail interest, they consider that a restaurant may be a plausible use for the unit.

These marketing details have been independently assessed by Wilson McHardy (property consultants and marketing advisers) to establish if the marketing of the unit was reasonable. They have concluded that the marketing campaigns undertaken by the letting agents are appropriate and robust for a retail unit of this size. The marketing agents have explored the traditional routes for marketing such properties and consider that the lack of success in marketing the property, despite the reductions in asking rent, reflect the current trend in the retail market in this area.

The report by Wilson McHardy also addresses the new tenant in the unit, advising that it is understood that they have taken a lease whereby nominal rent which is subject to termination on one weeks notice by either party. They advise that this leasing option is often adopted by landlords as a default position to secure some form of rental income and cover rates payable, as an alternative to an empty unit.

In this instance, considering the conclusion drawn by Wilson McHardy and the marketing efforts undertaken by the applicant, it is considered that the loss of the retail (Class A1) in this location is acceptable.

### **Proposed Restaurant (Class A3) use**

City Plan Policy S6 accepts that, in principle, entertainment uses are appropriate for the Core CAZ. City Plan Policy S24 and UDP Policies TACE 8-10 deal with entertainment uses. The TACE policies are on a sliding scale, depending on the size of the proposed entertainment use and its location: where TACE 8 is applicable it would be 'generally' permissible and where TACE10 is applied (where the gross floorspace exceeds 500 sqm), the proposal is only acceptable in exceptional circumstances. The application will create a medium sized restaurant (Class A3) measuring 479.8sqm over lower ground, ground and first floors. Given the size of the development and its location inside the Core CAZ, it needs to be assessed against UDP Policy TACE 8.

City Plan Policy S24 requires proposals for new entertainment uses to demonstrate that they are appropriate in terms of 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. The policy states that new large-scale late-night entertainment uses of over 500 sqm will not generally be appropriate within Westminster.

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. The nearest residential properties are located directly above the application site at Berkeley House, 15 Hay Hill. There is also one residential property opposite the site at 4 Hay Hill (within the building occupying No.1-11 Hay Hill) at upper ground floor. The rest of No. 1-11 is in commercial use.

The applicant has advised that, while there is currently no operator identified for the unit, the opening hours are intended to be between 11:00-23:00 daily and the intended capacity would be 148 people.

There is currently no operator secured for the premises. As a result, only a general Operational Management Plan (OMP) has been submitted on the operation of the premises. Information on the detailed operation of the premises will only become clear once an operator has been secured; therefore a condition will be applied to secure both an OMP and a Servicing Management Plan so as to ensure the operation of the unit does not detrimentally impact the amenity of the area of the operation of the highway.

The applicant has advised that they intend to install a false ceiling at first floor level to ensure that the amenity of the residential flats above is protected. No detailed drawings of this have been submitted at this stage but they can be secured by condition. The installation of this ceiling has been assessed in the submitted acoustic report and Environmental Health have confirmed that this is likely to meet the noise requirements.

The proposals include a very small amount of external works to connect the proposed kitchen area to an existing external extract duct. This existing duct was previously used by Rififi's kitchen in the neighbouring property but is now redundant. This duct

discharges at very high level on the building. Environmental Health have raised no objection to this proposal. The works to connect to the existing duct will be secured by condition to ensure they are undertaken prior to the use commencing.

In addition to the conditions to secure the opening hours and capacity, further conditions restricting the size of any bar area in the unit, ensuring the dining only being for waiter service and the installation of a small entrance lobby with self-closing doors will be imposed. Subject to this, it is considered that the proposed restaurant use (Class A3) would be acceptable.

Three objections (from the same person, on the same grounds) have been received from an occupier of a flat in Berkeley House. The grounds of increased traffic, the impact on amenity and over saturation of restaurant uses in the area were all raised. The conditions outlined above are considered to sufficiently address the point regarding amenity.

A condition will be imposed prohibiting the operation of a delivery service from the proposed use to minimise the impact of the proposed use on the road network as requested by the Highways Planning Manager. They do not consider that the change of use would create any other significant impacts on the highway network nor increase in traffic aside from the possibility of takeaway service, therefore the resident's objection on increased traffic cannot be upheld.

The application site is located in the Core CAZ which is identified as being suitable for a range of uses, including restaurants (Class A3). The site is not located in a stress area where there is considered to be an over saturation of entertainment uses. There are few commercial units on Hay Hill and most of these are small, including a cafe. None of these currently provide large entertainment uses. There is a current planning application for the temporary use of 12 Hay Hill for a mix of uses comprising offices, conference facilities and private members' business club (including café/bar/dining); permission has been granted for a new restaurant at basement, lower ground and ground floor of 20 Berkeley Street, part of the application site's block, on the corner of Hay Hill and Berkeley Street, but this has not been implemented. There are a number of other entertainment uses located close by Berkeley Square and in Berkeley Street, but it is not considered that this is close enough for there to be a cumulative impact in this immediate location. It would therefore be unreasonable to withhold permission on the grounds that this proposal would lead to an oversaturation of such uses and the objection on these grounds is not considered to be sustainable.

It is considered that, with the restrictive conditions detailed above, the proposed use is considered acceptable and complies with TACE 8 of the UDP.

## **8.2 Townscape and Design**

Not applicable.

## **8.3 Residential Amenity**

The impacts of the proposed use on residential amenity have been assessed above.



#### **8.4 Transportation/Parking**

The Highways Planning Manager has assessed the application and raised an objection on the grounds that no cycle storage has been provided. The London Plan would require a minimum of 2 cycle spaces for a proposal of this type. However, considering that the site is limited with regards to having only one point of access (the entrance to the restaurant), it is not considered suitable to impose a condition requesting this provision and it would be unreasonable to refuse permission on such grounds. This objection therefore cannot be upheld.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.6 Access**

Access arrangements to the site will remain unchanged as a result of the proposals.

#### **8.7 Other UDP/Westminster Policy Considerations**

##### **Plant**

The proposed scheme includes connecting a new internal kitchen extract system to an existing extract duct and flue at the rear of the property. An acoustic report has been submitted in support of the application which details existing background noise levels. Environmental Health have assessed this report and confirmed that the calculated noise levels of the proposed plant are likely to comply with the conditions set out by the Council.

As such, they have raised no objection to the application subject to appropriate noise conditions which requires all plant to operate at a level 10dB below background noise levels. The operational hours of the plant will be secured through condition to 09:00-00:00 (midnight) daily.

##### **Refuse /Recycling**

The Highways Planning Manager and the Cleansing Officer have objected on the grounds that no waste storage has been provided. Details of waste storage can be secured through condition therefore these aspects of the objections cannot be upheld.

#### **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**

Planning obligations are not relevant in the determination of this application.

**8.11 Environmental Impact Assessment**

Not applicable

**8.12 Other Issues**

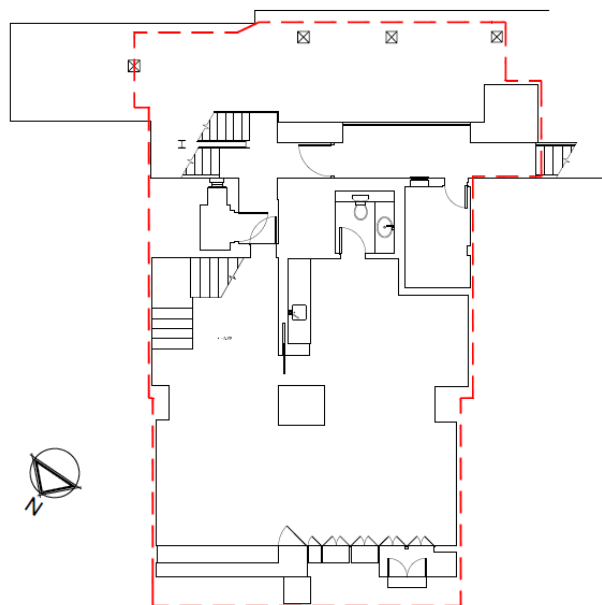
Not applicable

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

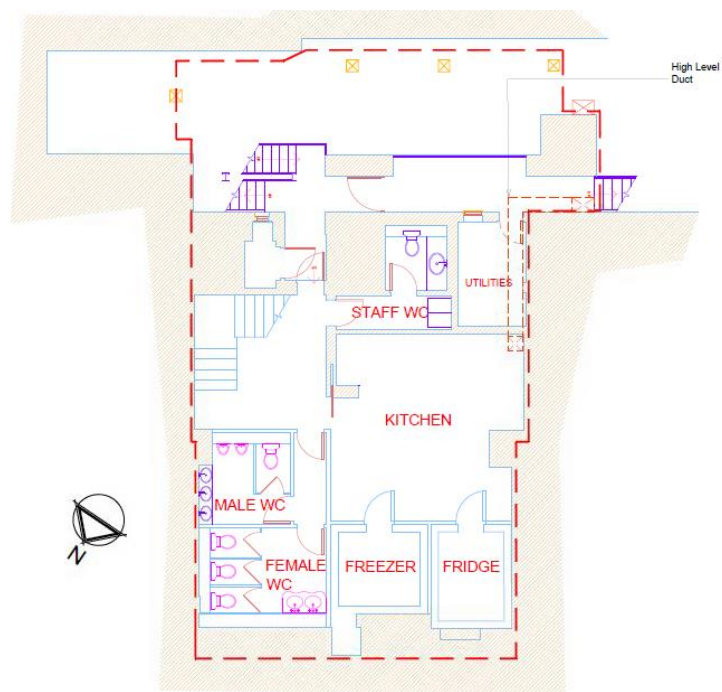
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE, BY EMAIL AT [pquayle@westminster.gov.uk](mailto:pquayle@westminster.gov.uk)

## 9. KEY DRAWINGS

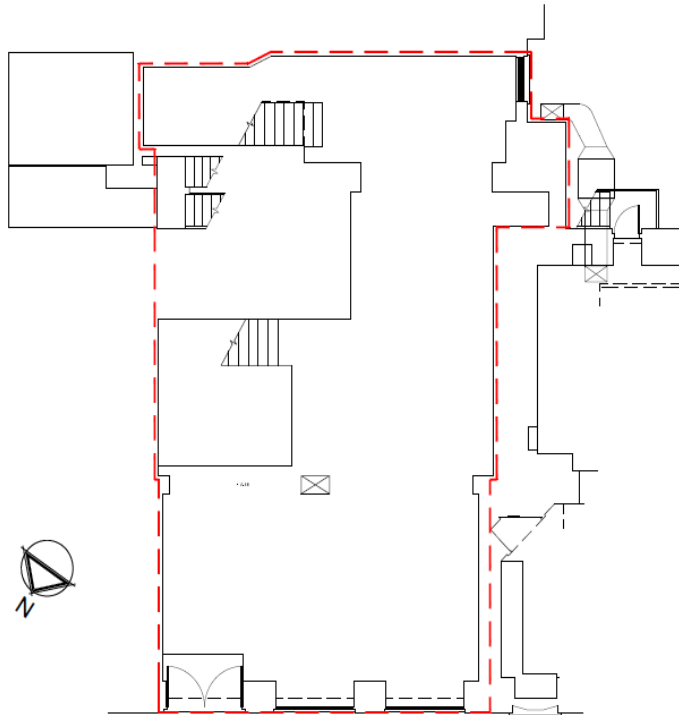
## Existing and Proposed Lower Ground Floor Plan



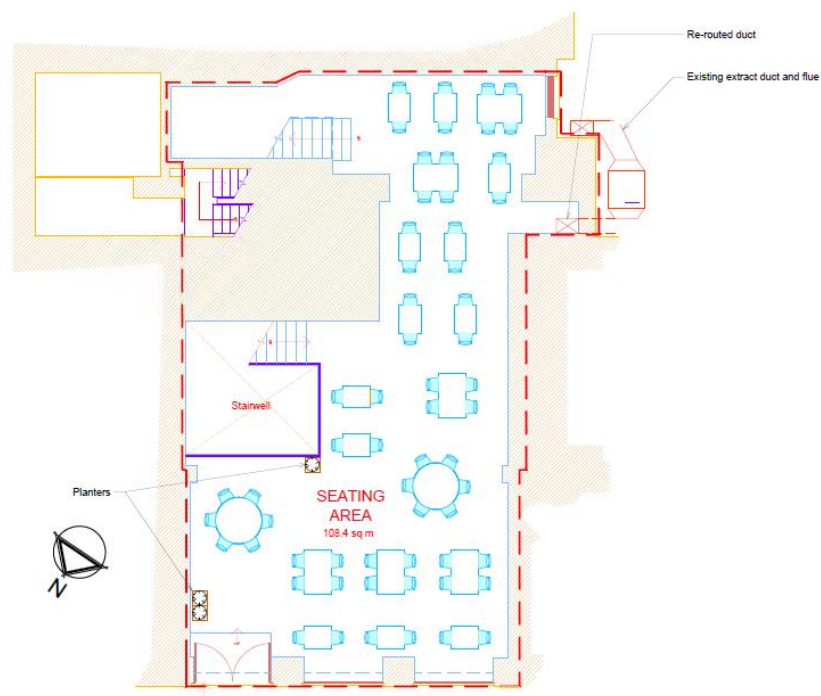
Gross external area - 160.0 sq m



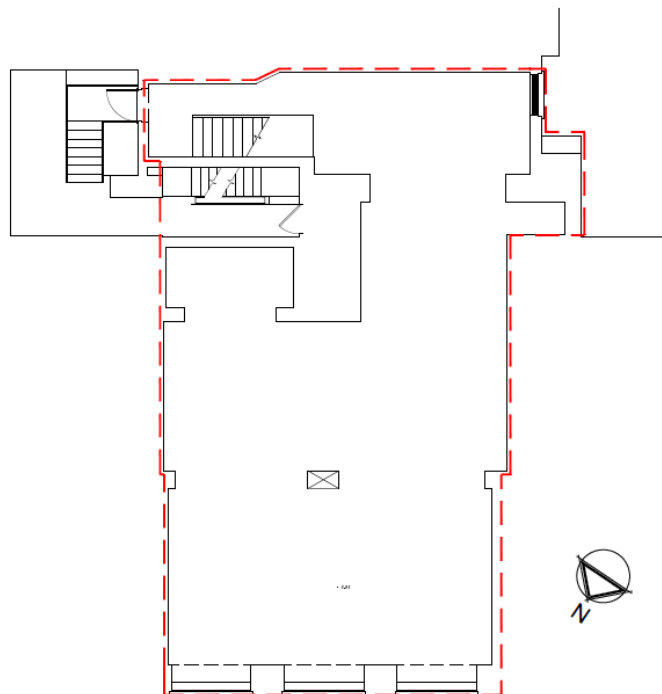
Gross external area - 160 sq m

**Existing and Proposed Ground Floor Plan**

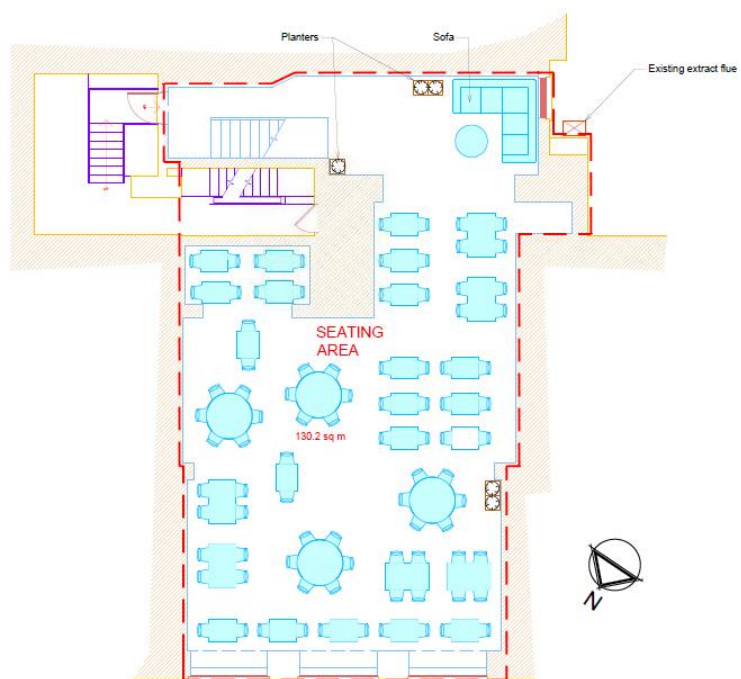
Gross external area -160.1 sq m



Gross external area - 160.1 sq m

**Existing and Proposed First Floor Plan**

Gross external area - 159.7 sq m



Gross external area - 159.1 sq m

**DRAFT DECISION LETTER**

**Address:** 16-17 Hay Hill, London, W1J 8NY,

**Proposal:** Use of lower ground, ground and first floors as a restaurant (Class A3) and minor works to connect to existing riser.

**Plan Nos:** BP350-07C ; BP350-08C ; BP350-09C

**Case Officer:** Adam Jones

**Direct Tel. No.** 020 7641 1446

**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 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
  - o between 08.00 and 18.00 Monday to Friday;
  - o between 08.00 and 13.00 on Saturday; and
  - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

**Reason:**

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) 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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) 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 (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 (November 2016), 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.

- 5 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.

- 6 The plant/machinery hereby permitted shall not be operated except between 09:00 hours and 00:00 (midnight) hours daily.

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 (November 2016), 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.

- 7 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the restaurant (Class A3) use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.

(2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the restaurant (Class A3) use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:



- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
- (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity.

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 (UDP), 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 (November 2016), 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 You must not sell any take-away food or drink on the premises, even as an ancillary part of the primary Class A3 use. You must not provide a delivery service from the A1/B1 'cafe', including no deliveries by any independent delivery operators.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 9 If you provide a bar and bar seating, it must not take up more than 15% of the floor area of the property, or more than 15% of each unit if you let the property as more than one unit. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 10 You must not allow more than 148 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 TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 11 You must only use the property as a sit-down restaurant with waiter service.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 12 Customers shall not be permitted within the restaurant (Class A3) premises before 11:00 or after 23:00 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 (November 2016) and ENV 6, ENV 7 and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 13 You must apply to us for approval of detailed drawings of the following parts of the development

- 1 - an entrance lobby with self-closing doors for the approved restaurant (Class A3);
- 2 - the proposed suspended ceiling at first floor level.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. The entrance lobby and suspended ceiling must be installed prior to the commencement of the approved restaurant (Class A3) use. They must be maintained in the approved form for the life of the development.

You must not use the approved entrance lobby for any activities associated with the restaurant use, you must not put tables and chairs in it.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 14 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the restaurant (Class A3). (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 15 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 (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 16 You must not commence the restaurant (Class A3) use allowed by this permission until an updated Operational Management Plan, incorporating a Servicing Management Plan, has been submitted to and approved by the City Council which includes details of 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), schedule and hours of delivery and storage locations. You must not commence the restaurant (Class A3) use until we have approved what you have sent us. You must then carry out the measures included in the servicing management plan at all times that the restaurant (Class A3) is in use

**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 (November 2016) and TACE 8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 17 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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) 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)

- 18 You must connect any internal extract system to the existing full height extract duct to get rid of cooking smells. You must not begin the restaurant (Class A3) use allowed by this permission until you have done so. The use of this duct must be maintained for the life of the permission unless new full height extract equipment is approved by the City Council.

**Reason:**

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance:

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<b>5</b>

S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 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.
- 3 Conditions 4, 5 and 6 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)
- 4 The service management plan operational management plan required by condition 16 should identify the hours of servicing, delivery process, storage locations, scheduling of deliveries and staffing arrangements; as well detailing how delivery vehicle size will be managed. It should clearly outline how servicing will occur on a day to day basis to avoid obstruction of residential garages and the public highway.
- 5 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 6 The term 'clearly mark' in condition 14 means marked by a permanent wall notice or floor markings, or both. (I88AA)