

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 16 April 2024	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	529 - 533 Oxford Street, London, W1C 2QL		
Proposal	Use of ground floor and mezzanine level as a food court including provision for on- and off-site consumption of food and drinks (Sui Generis) and external alterations, changing shopfront doors on Oxford Street.		
Agent	Savills		
On behalf of	Medra Group		
Registered Number	21/07776/FULL	Date amended/ completed	11 November 2021
Date Application Received	11 November 2021		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		
Neighbourhood Plan	Mayfair Neighbourhood Plan		

1. RECOMMENDATION

Grant conditional planning permission

2. SUMMARY & KEY CONSIDERATIONS

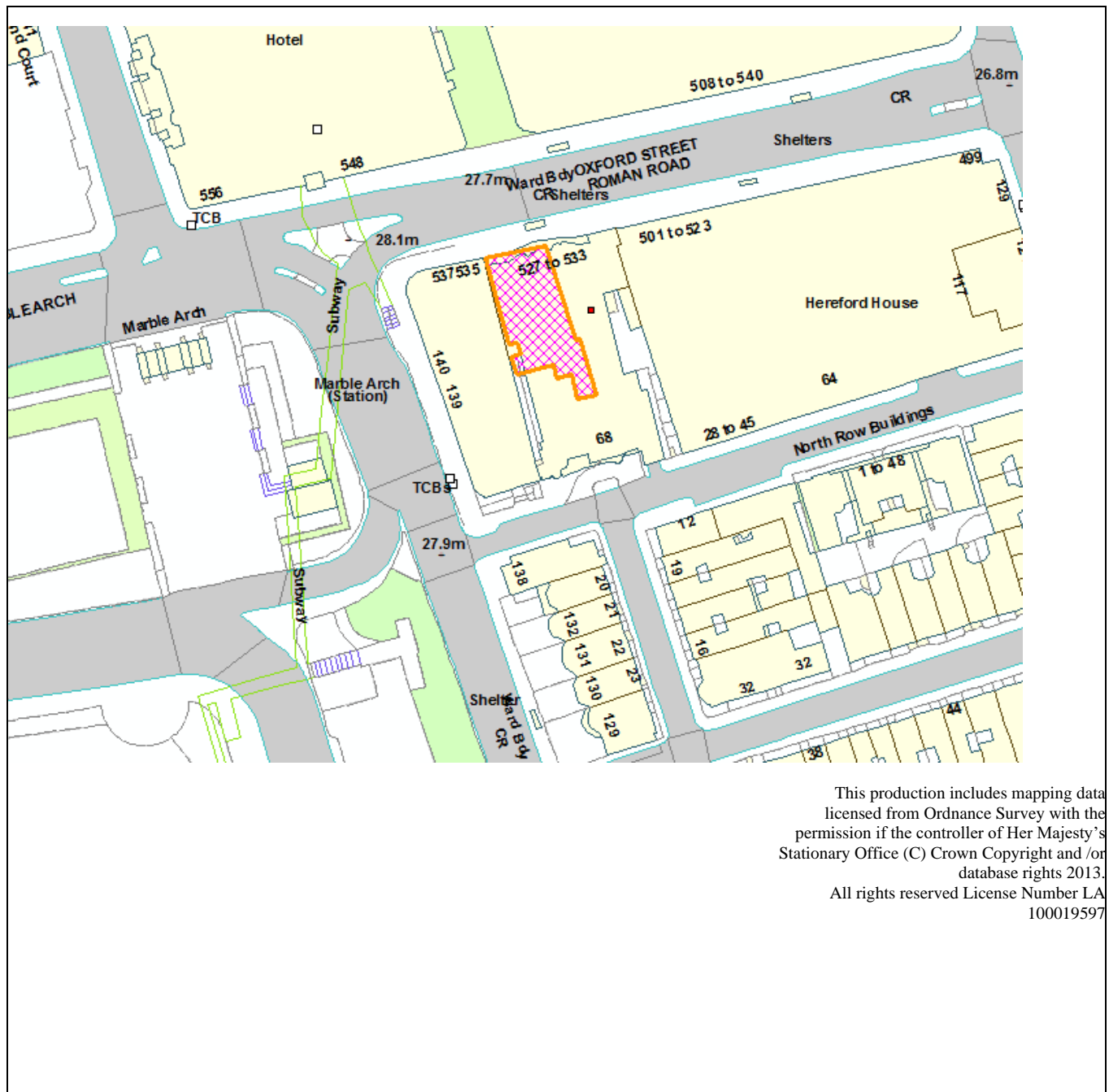
The application premises is a two storey retail unit at the western end of Oxford Street close to Marble Arch. The unit is currently in use as a souvenirs gift shop. Permission is sought for use of the premises as a food court with 19 food stalls with various seated and standing areas for customers.

The key issues for consideration are:

- The acceptability in land use terms
- The impact on residential amenity.

The proposed food court would provide a service use maintaining an active frontage that would support and compliment the main retail offer on Oxford Street. Subject to appropriate conditions the use is considered acceptable in amenity terms. The application complies with development plan policies and accordingly is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

AMENITY SOCIETY (Mayfair Residents Group):
No response received.

AMENITY SOCIETY (Residents Society Of Mayfair & St. James's):
No response received.

AMENITY SOCIETY (Mayfair Neighbourhood Forum):
No response received.

ENVIRONMENTAL HEALTH OFFICER:
Acceptable subject to conditions

HIGHWAYS PLANNING MANAGER:
Acceptable subject to conditions

CLEANSING OFFICER:
Acceptable subject to conditions

ADJOINING OWNERS / OCCUPIERS
No. of consultees: 75
Objections received: 6 (5 of which are on behalf of the Marriott Hotel)

Six objections received raising objections on some or all of the following grounds:

- Noise and odours from plant
- Operation as a restaurant/home delivery service.
- Service Management Plans concerns

SITE AND PRESS NOTICE
Yes.

5.2 Applicant's Pre-Application Community Engagement

No Early Community Engagement was undertaken.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (December 2023) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section

38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, the Mayfair Neighbourhood Plan, adopted in December 2019 (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The council published its draft City Plan Partial Review for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 on 14 March 2024. The consultation continues until 25 April 2024. The Partial Review includes updated policies for affordable housing, retrofitting and site allocations.

An emerging local plan is not included within the definition of “development plan” within s.38 of the Planning and Compulsory Purchase Act 2004. However, paragraph 48 of the NPPF provides that a local authority may give weight to relevant policies in emerging plans according to:

1. the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
2. the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
3. the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Footnote 22 to paragraph 48 states that during the transitional period for emerging plans consistency should be tested against the version of the Framework, as applicable, as set out in Annex 1 (paragraph 230). This means that the consistency of the policies in the City Plan Partial Review must be tested for consistency for the purposes of paragraph 48(c) against the September 2023 version of the NPPF.

Accordingly, at the current time, as the Partial Review of the City Plan remains at a pre-submission stage, the policies within it will generally attract limited if any weight at all.

6.2 Neighbourhood Planning

The Mayfair Neighbourhood Plan includes policies on a range of matters including public realm, directing growth, enhancing retail, commercial and public house uses, residential amenity, commercial growth, cultural and community uses, heritage, design, servicing and deliveries and environment and sustainability.

The plan has been through independent examination and was supported by local residents and businesses in a referendum held on 31 October 2019. It was adopted on 24 December 2019. It therefore forms part of the development plan for Westminster for development within the Mayfair neighbourhood area in accordance with accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (December 2023) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

529-533 Oxford Street is located at the western end of Oxford Street close to Marble Arch. The premises is a two- storey retail unit currently in use as a London souvenirs shop. The building is not listed and is significantly lower than neighbouring properties.

The site is on the southern side of Oxford Street located within the Mayfair Conservation Area, the Central Activities Zone, the West End Retail and Leisure Special Policy Area (WESSPRA) and the West End International Shopping Centre.

7.2 Recent Relevant History

A lawful development certificate was granted on 27 July 2021 confirming use of the premises (ground and mezzanine floors) as use as commercial, business and services Class E (RN 21/03294/CLEUD).

8. THE PROPOSAL

Permission is sought for the use of the ground floor and mezzanine level as a food court comprising 19 booths hosting small restaurants/cafes, with various seated (approximately 75) and standing areas for customers. A customer toilet is provided on the ground floor.

The units within the proposed food court would be for the sale of food for both on and off- site consumption. The takeaway element to the use means that the proposed use would not fall within one of the specified classes and would not fall within Class E b)(for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises) but would be a Sui Generis use falling outside the specified classes.

The proposed hours of operation of the food court are 07:00 and 23:00 daily. All the units will use electric cooking with a recirculation system handling odours. No home delivery service is proposed. An existing small mezzanine level to the rear of the building would facilitate a back of house storage and office area and toilets for staff. External alterations are limited to a change to the entrance door on Oxford Street.

9. DETAILED CONSIDERATIONS

9.1 Land Use

As reference above, the unit is currently in use as a London souvenir shop (Class E) and prior to this was occupied by Evans clothes shop.

Policy

City Plan Policy 14 concerns town centres, high streets and the CAZ, with their intensification supported in principle for main town centre uses. Uses that provide active frontages will be required at ground floor level, with the WERLSPA to provide a wide mix of commercial uses that support the West End's role as a cultural hub and centre for visitor, evening and night-time economy. Policy 14 goes on to state that town centre uses will be supported in principle through the CAZ with a commercial or mixed-use character, having regard to existing mix of land uses. The supporting text (paragraph 14.5, 14.6 and 14.7) acknowledges that, to ensure their long-term sustainability, town centres will need to provide a mix of commercial uses to create an environment which encourages customers to shop, access services, and spend leisure time, whilst also supporting their role as major employment hubs and visitor destinations., "...town centre uses such as pubs and drinking establishments, exhibition spaces, cultural and leisure uses, can all help support the future success of these key clusters of commercial activity...".

City Plan Policy 16 (A) of the City Plan states that proposals for food and drink and entertainment uses will be of a type and size appropriate to their location. The over-concentration of those uses will be further prevented where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the town centre. Applications for entertainment uses will need to demonstrate wider benefits for the local community, where appropriate.

Loss of Retail

Development across the town centre hierarchy should be of a scale, type, and nature that reflects the role of the centre within which it is located.

Within the town centre hierarchy, the West End and Knightsbridge International Centres provide London's prime retail destinations and offer unparalleled specialist and comparison retail of regional and national importance that draws in international visitors. The West End International Centre includes Oxford Street, Regent Street and Bond Street. Comparison retail is the dominant use on Oxford Street characterised by large format stores, often provided over multiple floors.

The policy aim is to maintain a strong retail core at ground floor level and immediately above. Oxford Street is the UK's premier shopping street, in which changes in the retail sector have been felt. Proposals should provide a more attractive shopping environment and user experience.

The loss of retail and the provision of a food court at this ground and mezzanine unit would maintain an active frontage and provide a use serving visiting members of the public in accordance with City Plan policy (14 B). The food and beverage offer would

provide a recognised complementary town centre use which potentially increases customer dwell time supporting the retail offer of Oxford Street.

The supporting text of City Plan policy 14 at paragraph 14.14 state that 'Where provided, non-retail uses should enhance and sustain, rather than dilute the centre's comparison-shopping role'. The proposal accords with this aim as the food and drink would add to the customer shopping/leisure experience and would enhance the character and function of the area.

Impact on amenity

The proposed food court includes communal seating which would be used by customers purchasing food and drink at any of the stalls. Takeaway sales would form a significant element of sales. As already stated, the proposed opening hours are 07.00 to 23.00 daily. The proposal will not result in the provision of a late night entertainment use. All customer activity will be at the front, onto Oxford with only servicing taking place at the rear from an off- street serving bay on North Row.

Given the sites location as would be expected the vast majority of the surrounding properties are in commercial use. There are residential flats to the rear on North Row including at Hereford House located to the east of the site. The London Marriott Hotel is a large 5* hotel to the west on Park Lane.

Objections have been received from a neighbouring resident and from the Marriott Hotel adjacent that the food court with takeaway facility would adversely impact on the character of the area and that low level ventilation into a shared lightwell with the hotel could potentially result in noise nuisance and nuisance from cooking odours (the latter points are discussed in section 9.7 of this report).

Oxford Street has extremely high pedestrian movements. In the light of this use of the premises as food court would not result in a discernible increase in pedestrian activity and would not result in noise disturbance to the occupants of neighbouring properties. A condition is recommended which precludes the food court from operating a home deliver service to ensure that the amenity of residents to the rear of the site is safeguarded.

The scale and activity associated with the use is considered to be wholly appropriate for the site as it would be neither harmful to residential amenity, the local environmental quality or the character and function of the area.

9.2 Environment & Sustainability

The application raises no substantive sustainability issues.

9.3 Biodiversity & Greening

It is accepted that the site provides no real opportunity to provide greening and biodiversity gains.

Townscape, Design & Heritage Impact

The proposed change to the entrance door as part of a glazed shopfront will have no adverse appearance on the building. The rear grilles are existing and raise no design and heritage concerns.

9.4 Residential Amenity (Daylight/Sunlight/ Sense of Enclosure/ Overlooking)

Not applicable

9.5 Transportation, Accessibility & Servicing

Highway Impact

The application initially sought a home delivery service. The Highways Planning Manager raised concerns that this could result in congestion. Further to discussions with Officer's this aspect of the proposal has been deleted from the application and a condition is recommended preventing a delivery service.

A condition is also recommended requiring the replacement entrance door to open inwards and not over the public highway.

Servicing and Waste & Recycling Storage

The site is serviced via a shared loading bay, located to the rear of the site on North Row. A Service Management Plan has been submitted as part of this application. The SMP states that there would be a single delivery per day. The Highways Planning Manager raises no objection to the proposed servicing arrangements. A condition is recommended that servicing is carried out in accordance with the submitted SMP.

The Waste Project officer has requested that further details of proposed waste storage arrangements are provided. It is recommended that waste storage details are secured by condition.

Cycling & Cycle Storage

A condition is recommended requiring the provision of the cycle parking shown on the floorplan.

9.6 Economy including Employment & Skills

The proposal is considered to positively impact the local economy.

9.7 Other Considerations

Odour and noise

In terms of ventilation the proposal is that the food court would utilise a recirculation system. This requires fresh air intake via two existing grilles in a rear lightwell (shared

with the Marriott Hotel). There is also a single existing air discharge grille. Environmental Services have assessed the ventilation system and raise no objections. The recirculation system would result in cooking fumes being adequately dealt with without being discharged at a low level and potentially resulting in nuisance. A condition is recommended requiring the recirculation system to be installed prior to the use commencing and being maintained whilst the food court is operational.

The scheme involves no new external plant, but an acoustic report has been submitted in support of the application assessing the impact of noise associated with the ventilation system. Environmental Services raise no objection to this aspect of the application, subject to imposition of the standard noise condition.

It is considered that compliance with the recommended conditions regarding ventilation and noise would satisfactorily address the objections received from the adjacent hotel referenced earlier in this report.

9.8 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.9 Planning Obligations & Pre-Commencement Conditions

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

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition. No pre-commencement conditions are recommended.

10. Conclusion

The proposal is considered acceptable in accordance with development plan policies therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990."

(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: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

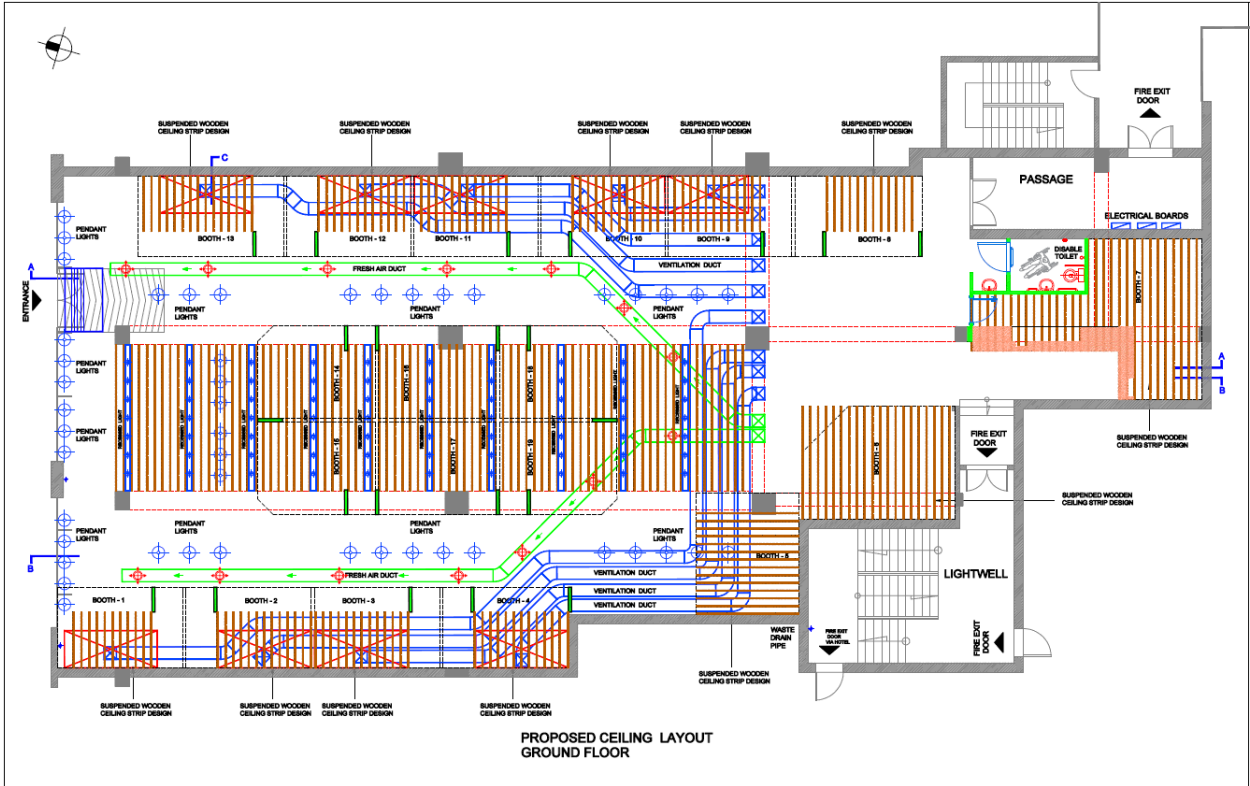
Item No.

11. KEY DRAWINGS

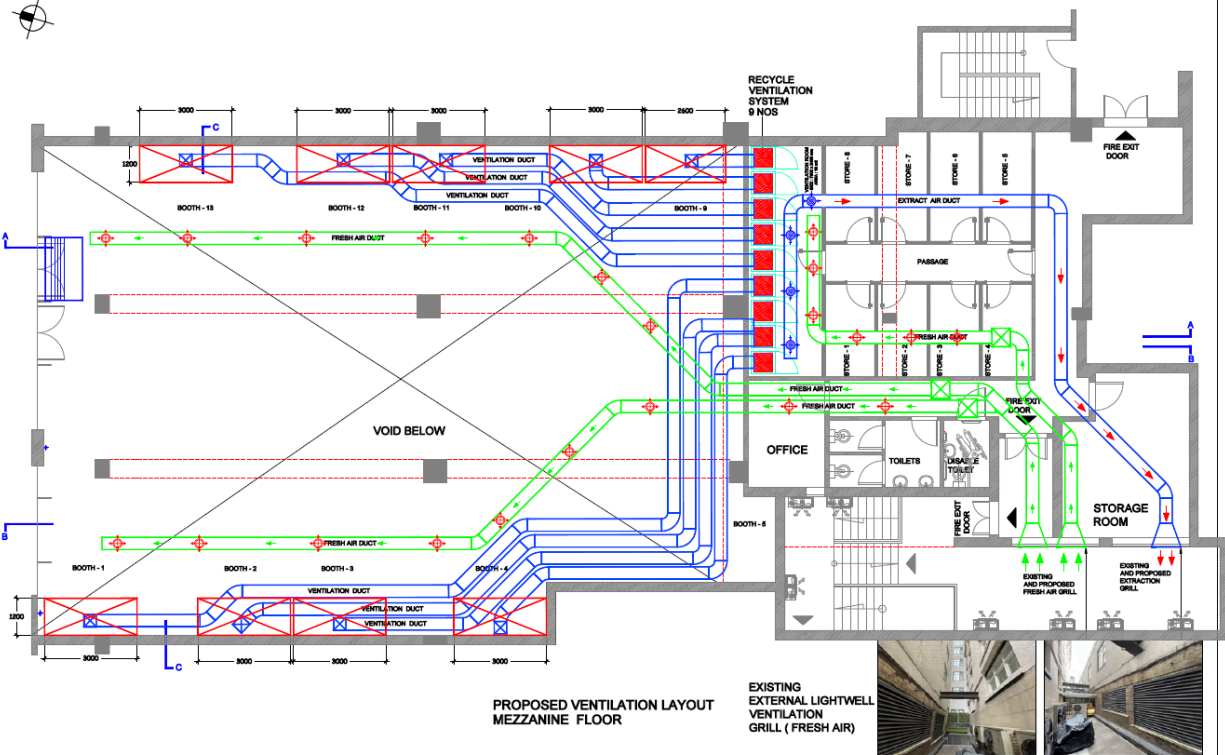
Proposed ground floor plan



Proposed ground floor plan detailing booths and ventilation



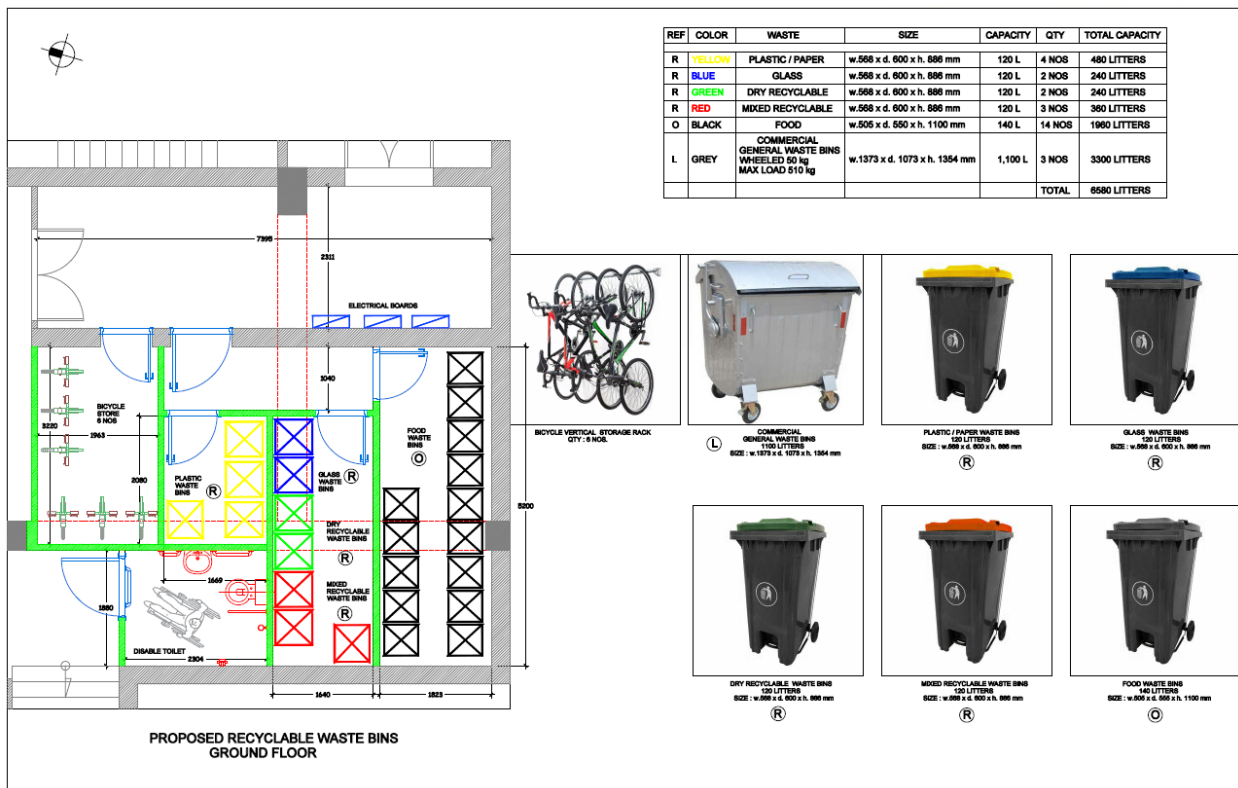
Proposed ventilation layout and mezzanine level plan



PROPOSED VENTILATION LAYOUT
MEZZANINE FLOOR

EXISTING
EXTERNAL LIGHTWELL
VENTILATION
GRILL (FRESH AIR)

Waste and storage arrangements



DRAFT DECISION LETTER

- Address:** 529 - 533 Oxford Street, London, W1C 2QL
- Proposal:** Use of ground floor and mezzanine level as a food court including provision for on and off site consumption of food and drinks (Sui Generis) and external alterations including the removal of a set of entrance doors on the Oxford Street frontage.
- Reference:** 21/07776/FULL
- Plan Nos:** ZDD-W1C 2QL-C: 505 REV C, ZDD-W1C 2QL-C: 504 REV C, ZDD-W1C 2QL-C: 503 REV C, ZDD-W1C 2QL-C: 502 REV C, ZDD-W1C 2QL-C: 501 REV C, , ZDD-W1C 2QL-C: 605 REV C, ZDD-W1C 2QL-C: 604 REV C, ZDD-W1C 2QL-C: 603 REV C, , ZDD-W1C 2QL-C: 705 REV C, ZDD-W1C 2QL-C: 704 REV C, ZDD-W1C 2QL-C: 703 REV C, ZDD-W1C 2QL-C: 702 REV C, ZDD-W1C 2QL-C: 701 REV C, , ZDD-W1C 2QL-F: 401 REV F, ZDD-W1C 2QL-F: 402 REV F, ZDD-W1C 2QL-F: 403 REV F, ZDD-W1C 2QL-G: 404 REV G, ZDD-W1C 2QL-G: 405 REV G, Service Management Plan received 7 June 2023

Case Officer: Shaun Retzback

Direct Tel. No. 07866 039589

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 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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 You must not operate a delivery service from the premises, even as an ancillary part of the food court including provision of on and off site consumption of food and drinks (Sui Generis) use.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 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 in writing 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 in writing 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 written 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.
(C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.
(C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

- 6 The kitchen extract ventilation for the removal of cooking fumes and odours shall consist only of a recirculation system such that the cooking fumes will not be directly discharged externally and where:
- i. All cookline equipment shall operate by electricity only,
 - ii. All cookline equipment shall be placed under the recirculation canopy, and,
 - iii. Prominent signage shall be placed on the recirculation equipment in the kitchen stating no combustible fuel such as gas, charcoal, wood etc. can be utilised within the kitchen.

This arrangement shall be installed prior to commencement of the food court including provision for on and off site consumption of food and drinks (Sui Generis) use hereby approved and shall remain in situ at all times that Sui Generis unit hereby approved is in operation.

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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R05ED)

- 7 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 Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 8 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 9 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. You must not occupy the food court (Sui Generis) use hereby approved until we have approved what you have sent us. You must then provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark them and make them available at all times to everyone using the property. You must not use the waste and recycling store for any other purpose. (C14GB)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 10 You must carry out the measures included in your Service Management Plan received on 7 June 2023 at all times the site is in use as a food court (Sui Generis) .

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 11 Customers shall not be permitted within the food court before 07:00 or after 23:00 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 For advice on how you can design for the inclusion of disabled people please see the guidance provided by the Equality and Human Rights Commission, the Centre for Accessible Environments and Habinteg. The Equality and Human Rights Commission has a range of publications to assist you (www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility' (2012) is a useful guide (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 also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: www.westminster.gov.uk/street-naming-numbering. (I54AB)

- 4 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.

- 5 The term 'clearly mark' in condition 9 means marked by a permanent wall notice or floor markings, or both. (I88AA)

- 6 Under the Construction (Design and Management) Regulations 2015, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
 - * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
 - * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc)

which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant. Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm. It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 7 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 8 Conditions 4 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)
- 9 With regards to condition 6:, - The general ventilation within the kitchen must be designed to achieve an ambient temperature of not more than 25 centigrade and provide sufficient air changes within the workspace in accordance with Building & Engineering Services Association (BESA) guidance DW172-2018., - If there is any intention in the future to utilise combustible fuel within the premises than approval must first be sought on an alternative to the recirculation system via a new planning application. Such applications must submit details of extraction which shall consist of a system discharging at 'full height' of the building housing the commercial kitchen and which is also higher than any buildings within 20m of the discharge point.

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.