

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 15 July 2014	Classification For General Release	
Report of Strategic Director Built Environment		Wards involved St James's	
Subject of Report	The Adelphi, 1-11 John Adam Street, London, WC2N 6HT		
Proposal	Variation of Conditions 1 and 23 of planning permission dated 16 July 2013 (RN: 13/03399/FULL) for: Use of part ground and basement floors for restaurant and cafe (Class A3), internal and external alterations to include formation of two atria in the original lightwell opening positions with glazed rooflights over at level 6, reinstatement of two existing perimeter lightwells for continued use as offices (Class B1), replacement of the glazing to the windows, reconfiguration of the plant and installation of two new generators at roof level within the existing roof plant enclosures, new kitchen extract duct and relocation of the existing boiler flues at roof level, creation of two rooflights at level 5 north terrace area, relocation of the existing servicing area at level 3 to level 1 accessed from Lower Robert Street (off of York Buildings) and associated works, namely to increase the restaurant layout/floorspace by 77m ² to 1,377m ² and to allow opening hours from 08:00 to 23:30 Monday to Thursday, 08:00 to 00:00 Friday and Saturday and 08:00 - 23:00 Sundays and Bank Holidays.		
Agent	Bidwells		
On behalf of	Smith and Wollensky		
Registered Number	14/03021/FULL	TP / PP No	TP/1788
Date of Application	31.03.2014	Date amended/ completed	11.06.2014
Category of Application	Non DCLG		
Historic Building Grade	Grade II Listed Building		
Conservation Area	Adelphi		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Within Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	08.00 – 00.00 Monday – Thursday 08.00 - 00.30 Friday and Saturday 08.00 – 23.00 Sundays and Bank Holidays		

1. RECOMMENDATION

Grant conditional permission.





THE ADELPHI, 1-11 JOHN ADAM STREET, WC2

2. SUMMARY

The Adelphi, 1-11 John Adam Street is a Grade II listed building located in the Adelphi Conservation Area. The building comprises 10 storeys on John Adam Street and 13 to the rear where the ground levels fall. The entirety of the building is in Class B1 office space at present although planning permission has been granted in 2013 for the use of part of the basement and ground floors for a restaurant and separate cafe (both Class A3 use). This application seeks to vary that planning permission by increasing the size of the approved restaurant by 77m² to 1,377m² and by increasing the opening hours.

The key issues to consider in this case are:

- The land use impact of the additional 77m² of restaurant.
- The amenity impact for local residents resulting from the later opening hours.

The additional floorspace would not significantly alter the impact of the restaurant due to its location within the building at basement level and the fact that the number of covers would remain as approved at 300. The proposal to increase the opening hours has resulted in a number of objections from local residents but it is not considered that permission could be withheld on amenity grounds.

3. CONSULTATIONS

RE-CONSULTATION FOLLOWING AMENDMENTS TO PROPOSED OPENING HOURS:

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 34; Total No. of Replies: 0.

ORIGINAL CONSULTATION

ENGLISH HERITAGE ARCHAEOLOGY

No comments.

WESTMINSTER SOCIETY

No objection.

ENVIRONMENTAL HEALTH

No objection.

HIGHWAYS PLANNING MANAGER

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 266; Total No. of Replies: 41.

49 letters of objection from 41 addresses raising the following issues:

Amenity

- The area is residential so the proposals would be harmful to amenity due to traffic and noise.
- Loss of privacy.
- Increased public disorder, crime and disturbance late at night.
- The proposals will encourage other operators to increase their hours.
- Early deliveries from servicing vehicles.
- Just because the restaurant is a premium establishment it does not mean that they will manage residents complaints professionally.
- Signage requesting respect for residents is meaningless.

Traffic

- Increased demand for car parking.
- Large vehicles struggle to negotiate the highway.
- John Adam Street is not designed for entertainment.
- The proposals will increase congestion.
- Increased size of restaurant.
- The licensing application suggests the additional restaurant space will be used for a bar.

Other

- Extending the restaurant will result in more customers.
- The servicing plan submitted for Condition 26 is inadequate.
- The proposals would destroy the character of John Adam Street.

4. BACKGROUND INFORMATION

4.1 The Application Site

The front elevation of the Adelphi building rises to 10 storeys but a pronounced drop in levels towards the rear of the site means that the rear elevation extends to 13 storeys. Access from John Adam Street down to Adelphi Terrace is provided along Robert Street on the south west side and Adam Street on the north east side. Pedestrian access is available via two sets of stairs from Adelphi Terrace down to Savoy Place which is a further two storeys below. This road forms the boundary with Victoria Gardens and can only be accessed by vehicles travelling from the east or via Lower Robert Street, a tunnelled road accessed from York Buildings. The tunnel provides access to a basement area under the building that is used for parking and servicing.

The entire Adelphi building is currently in office use although planning permission has been granted for a restaurant and café (see Section 4.2). The immediate surrounding area is largely utilised for office space but residential use is also prevalent, principally at The Little Adelphi opposite the north west corner of the Adelphi, the surrounding area on John Adam Street and on York Buildings. The Adelphi lies within the Core CAZ but outside of the West End Stress Area.

4.2 Recent Relevant History

14/03146/ADFULL - Detailed Management Plan pursuant to Condition 26 of planning permission dated 16 July 2013 (RN: 13/03399).

13/12737/NMA - Amendments to planning permission dated 16 July 2013 (RN: 13/03399) for use of part ground and basement floors for restaurant and cafe (Class A3), internal and external alterations to include formation of two atria in the original lightwell opening positions with glazed rooflights over at level 6, reinstatement of two existing perimeter lightwells for continued use as offices (Class B1), replacement of the glazing to the windows, reconfiguration of the plant and installation of two new generators at roof level within the existing roof plant enclosures, new kitchen extract duct and relocation of the existing boiler flues at roof level, creation of two rooflights at level 5 north terrace area, relocation of the existing servicing area at level 3 to level 1 accessed from Lower Robert Street (off of York Buildings) and associated works namely, design alterations including changes to Savoy Place entrance, relocation of two roof level generators to basement, design alterations to refuse area on Savoy Place and minor alterations to the internal layouts. APPROVED 04.02.14

13/03399/FULL - Use of part ground and basement floors for restaurant and cafe (Class A3), internal and external alterations to include formation of two atria in the original lightwell opening positions with glazed rooflights over at level 6, reinstatement of two existing perimeter lightwells for continued use as offices (Class B1), replacement of the glazing to the windows,

reconfiguration of the plant and installation of two new generators at roof level within the existing roof plant enclosures, new kitchen extract duct and relocation of the existing boiler flues at roof level, creation of two rooflights at level 5 north terrace area, relocation of the existing servicing area at level 3 to level 1 accessed from Lower Robert Street (off of York Buildings) and associated works. APPROVED 16.07.13

5. THE PROPOSAL

This application proposes a variation to the approved scheme comprising the use of an additional 77m² of existing office space at basement level to serve the approved restaurant at basement and ground floor level. This would increase the size of the restaurant to 1,377m² but would not affect the number of covers which is controlled by condition. The application also proposes an extension to the approved opening hours that are controlled under Condition 23. The hours are currently limited to:

Monday - Saturday 8.00 - 23.00
Sundays and Bank Holidays 8.00 - 22.30.

The application seeks to vary these to:

Monday - Thursday 8.00 - 23.30
Friday - Saturday 8.00 - 00.00
Sundays and Bank Holidays 8.00 - 23.00.

It should be noted that the proposed hours were amended during the consideration of this application. Objectors who provided an address were notified of the changes and given the opportunity to provide additional comments.

6. DETAILED CONSIDERATIONS

6.1 Land Use

With regard to the land use the additional space would be located to the rear of the approved restaurant space in a central position in the basement. The purpose is to provide additional back of house space for the kitchen. Given the location of the area, the intended purpose and the fact that it would not affect the number of customers on the premises, there is no objection in land use terms to the increase. An increase of the amount proposed relative to the size of the approved unit would not materially affect the level of servicing or traffic movements which would be governed by the number of customers that can be accommodated on the premises. There are no policies that would serve to restrict the loss of the current Class B1 office space.

6.2 Townscape and Design

None relevant.

6.3 Amenity

The proposed increase in the opening hours attracted letters of objection from 41 addresses to the original consultation. At the time of writing this report the reconsultation has not attracted any further comments but it is clear from the number and content of the comments received to the first consultation that local residents feel very strongly about any increase to the opening hours. In particular, the representations refer to the character of the area which it is argued is quiet for long periods of the day and especially during the evening, the size of the restaurant and the fact that it has not yet opened. It is suggested that the impact of the approved use is unknown and the Council should not permit longer hours in the absence of direct knowledge about the nature of that impact.

The original Planning Applications Sub-Committee report (RN: 13/03399/FULL) justified the restrictions placed on the opening hours as follows:

'...the area is of a mixed character, is close to busy thoroughfares and is within the CAZ. It is considered that it would be reasonable to allow a restaurant in this location, but not one which would be late-opening in the absence of a specific operator and management plan.'

The operator has now been agreed as Smith and Wollensky who are a premium American steakhouse company. A unit of this size and in this location is only ever likely to be operated by a premium restaurant company that cater for advance bookings rather than casual dining. The City Council has also agreed a detailed operational management statement (secured under Condition 26) that sets out how the restaurant will operate in terms of vehicle movements and how any impact associated with customers leaving the premises would be kept to a minimum. This includes the presence of staff on the doors who will be able to monitor and enforce the measures outlined in the statement.

The hours that were originally conditioned are more restrictive than would generally be permitted for new restaurants. This was in recognition of the character of the area which it is acknowledged is not comparable to areas north of the Strand and in the West End. Although centrally located, the area around John Adam Street is characterised by office and residential uses so that during the evening hours it does not attract large numbers of visitors. However, this is a central London location and there are vehicle movements along John Adam Street in the evening owing to the road layout that provides access for taxis from Embankment Station up to the Strand. The busy underground station and the entertainment uses on Villiers Street also result in pedestrian movements which are increased due to the presence of Gordon's Wine Bar which is accessible from York Buildings, the Theodore Bullfrog pub on John Adam Street and the Retro Bar on George Court.

The information supporting the application suggests that the standard opening hours that are typically permitted for evening economy uses should also be applied in this instance. It should also be noted that the premises has just been granted a licence to open until 00.00 on Monday to Thursday and until 00.30 on Fridays and Saturdays. The information refers to the West End Commission report which notes that evening economy uses tend to be less intrusive than night-time economy uses. Although this is accepted in principle, it is not considered that the position should be applied to every area of central London or that the licensing hours should necessarily accord with the planning permission. It is important to note the individual circumstances of each site and assess not simply whether the entertainment use would impact on the character of an area, but whether it would cause material harm in planning terms. The proposed hours would mean that customers would have left the premises in time for the operating times of Embankment underground station which still attracts people during those hours. They would also be less than the opening hours typically permitted in much of the West End which reflects that fact that the area around the Adelphi is not comparable to the area north of the Strand.

6.4 Transportation/Parking

None relevant.

6.5 Economic Considerations

The economic benefits associated with longer opening hours are welcome.

6.6 Other UDP/Westminster Policy Considerations

None relevant.

6.7 London Plan

The proposals do not raise any strategic issues.

6.8 National Policy/Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

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

6.9 Planning Obligations

The original application was subject to the completion of a S106 legal agreement to secure the works to the highway and public realm via a separate agreement required under Section 278 of the Highways Act 1980. This condition has yet to be discharged so is recommended again.

6.10 Environmental Assessment including Sustainability and Biodiversity Issues

The proposals are not of a sufficient scale to require an environmental assessment.

6.11 Other Issues

Conditions 26 and 29 relating to a restaurant management plan and archaeology respectively have been discharged since the submission of the original application. These conditions can therefore be amended accordingly. The other conditions remain the same as previously recommended.

6.12 Conclusion

Subject to the previous conditions, the impacts associated with the extended opening hours would not be materially harmful to the amenity of local residents. There are existing entertainment uses close to the site and a larger number in the wider vicinity that all have a degree of impact on the character of the area. The site is centrally located and although there is a prevalence of office and residential uses, a degree of impact from the evening economy is to be expected in this location. Provided a condition is imposed to ensure the servicing is operated in accordance with the management plan, the proposals are considered acceptable with regard to the relevant sections and policies of the NPPF, City Plan and UDP.

BACKGROUND PAPERS

1. Application form
2. Letter from English Heritage Archaeology dated 01.05.14
3. Letter from Westminster Society dated 15.04.14
4. Memorandum from Environmental Health dated 16.04.14
5. Memorandum from Highways Planning Manager dated 13.05.14
6. Email from owner/occupier of Flat 33, The Little Adelphi, 10-14 John Adam Street dated 17.04.14
7. Email from owner/occupier of Flat 53, The Little Adelphi, 10-14 John Adam Street dated 17.04.14
8. Email from owner/occupier of Flat 16, The Little Adelphi, 10-14 John Adam Street dated 19.04.14
9. Email from owner/occupier of Flat 7, 17-19 John Adam Street dated 22.04.14
10. Email from owner/occupier of Flat 10, 17-19 John Adam Street dated 22.04.14
11. Email from owner/occupier of Flat 53, The Little Adelphi, 10-14 John Adam Street dated 23.04.14
12. Letter from owner/occupier of Flat 65, The Little Adelphi, 10-14 John Adam Street dated 25.04.14
13. Letter from owner/occupier of Flat 60, The Little Adelphi, 10-14 John Adam Street dated 25.04.14
14. Letter from owner/occupier of Flat 5, 17-19 John Adam Street dated 25.04.14
15. Letter from owner/occupier of Flat 30, The Little Adelphi, 10-14 John Adam Street dated 26.04.14
16. Letter from owner/occupier of Flat 33, The Little Adelphi, 10-14 John Adam Street dated 26.04.14
17. Letter from owner/occupier of Flat 8, The Little Adelphi, 10-14 John Adam Street dated 26.04.14
18. Email from owner/occupier of Flat 9, 17-19 John Adam Street dated 27.04.14
19. Email from owner/occupier of Flat 5, The Little Adelphi, 10-14 John Adam Street dated 28.04.14
20. Letter from owner/occupier of Flat 58, The Little Adelphi, 10-14 John Adam Street dated 28.04.14
21. Letter from owner/occupier of Flat 54, The Little Adelphi, 10-14 John Adam Street dated 28.04.14
22. Letter from owner/occupier of Flat 27, The Little Adelphi, 10-14 John Adam Street dated 29.04.14
23. Two letters from owner/occupier of Flat 44, The Little Adelphi, 10-14 John Adam Street dated 29.04.14 and 12.05.14
24. Letter on behalf of owner/occupier of Flat 9, The Little Adelphi, 10-14 John Adam Street dated 29.04.14
25. Letter from owner/occupier of Flat 43, The Little Adelphi, 10-14 John Adam Street dated 29.04.14
26. Email from owner/occupier of Flat 3, 4 York Buildings dated 30.04.14
27. Letter from owner/occupier of Flat 14, The Little Adelphi, 10-14 John Adam Street dated 30.04.14
28. Letter from owner/occupier of Flat 6, The Little Adelphi, 10-14 John Adam Street dated 30.04.14
29. Letter from owner/occupier of Flat 11, The Little Adelphi, 10-14 John Adam Street dated 30.04.14
30. Email from owner/occupier of Flat 2, 4 York Buildings dated 01.05.14
31. Two emails from owner/occupier of Flat 5, 4 York Buildings dated 01.05.14
32. Email from owner/occupier of Flat 45, The Little Adelphi, 10-14 John Adam Street dated 03.05.14
33. Letter and two emails from owner/occupier of Flat 10, 17-19 John Adam Street dated 04.05.14 and 06.05.14
34. Letter and email from John Adam House Management Company Ltd, 17-19 John Adam Street dated 04.05.14 and 07.05.14
35. Two letters from owner/occupier of Flat 1, 17-19 John Adam Street dated 04.05.14 and 09.05.14
36. Letter from owner/occupier of Flat 36, The Little Adelphi, 10-14 John Adam Street dated 07.05.14
37. Email from owner/occupier of Flat 4, The Little Adelphi, 10-14 John Adam Street dated 07.05.14
38. Letter from owner/occupier of Flat 12, 17-19 John Adam Street dated 07.05.14
39. Three emails from owner/occupier of Flat 25, The Little Adelphi, 10-14 John Adam Street dated 08.05.14 and 09.05.14
40. Letter from Little Adelphi Freehold Company c/o Flat 44, The Little Adelphi, 10-14 John Adam Street dated 08.05.14
41. Letter from owner/occupier of Flat 39, The Little Adelphi, 10-14 John Adam Street dated 08.05.14
42. Letter from owner/occupier of Flat 47, The Little Adelphi, 10-14 John Adam Street dated 08.05.14

- 43. Letter from owner/occupier of Flat 4, 17-19 John Adam Street dated 09.05.14
- 44. Letter from owner/occupier of Flat 50, The Little Adelphi, 10-14 John Adam Street dated 11.05.14
- 45. Letter from owner/occupier of Flat 2, 17-19 John Adam Street dated 12.05.14
- 46. Email from owner/occupier of 23a Villiers Street dated 13.05.14

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE
BACKGROUND PAPERS PLEASE CONTACT MATTHEW MASON ON 020 7641 2926 OR
BY E-MAIL – mmason@westminster.gov.uk

DRAFT DECISION LETTER

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

Proposal: Variation of Conditions 1 and 23 of planning permission dated 16 July 2013 (RN: 13/03399/FULL) for: Use of part ground and basement floors for restaurant and cafe (Class A3), internal and external alterations to include formation of two atria in the original lightwell opening positions with glazed rooflights over at level 6, reinstatement of two existing perimeter lightwells for continued use as offices (Class B1), replacement of the glazing to the windows, reconfiguration of the plant and installation of two new generators at roof level within the existing roof plant enclosures, new kitchen extract duct and relocation of the existing boiler flues at roof level, creation of two rooflights at level 5 north terrace area, relocation of the existing servicing area at level 3 to level 1 accessed from Lower Robert Street (off of York Buildings) and associated works, namely to increase the restaurant layout/floorspace by 77m² to 1,377m² and to allow opening hours from 08:00 to 23:30 Monday to Thursday, 08:00 to 00:00 Friday and Saturday and 08:00 - 23:00 Sundays and Bank Holidays.

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

Case Officer: Michael Drake

Direct Tel. No. 020 7641 4184

Recommended Condition(s) and Reason(s):

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Adelphi Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of a sample of the following parts of the development - new window glazing. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these approved details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Adelphi Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must apply to us for approval of detailed drawings at 1:20 and 1:5 of the following parts of the development:

- i) The framing and door furniture details, including details of finishes of the new windows and external doors of the new restaurant and café;
- ii) The new entrance doors to the Savoy Place entrance, including details of ramps;
- iii) The new rooflights;
- iv) New planters to Savoy Place, including details of finish and showing relationship to existing fabric;
- v) New fixed furniture and planting to the level 6 terrace;
- vi) External lighting to Savoy Place and external stairwells.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Adelphi Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

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

Reason:

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

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

Reason:

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

- 9 A minimum of 90 cycle parking spaces shall be installed and made available to future occupiers

of the building in accordance with plan 21008-01-AR-07-140 prior to either the cafe or restaurant use being first brought into operation and they shall thereafter be made available at all times.

Reason:

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

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

Reason:

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

- 11 A revised Service Management Plan shall be submitted for approval by us. The Service Management Plan must include details of improved signage regarding the access restrictions to Lower Robert Street. The use of the restaurant and cafe shall not commence until we have approved these details and the appropriate signage has been installed. You must then carry out servicing only in accordance with the approved Service Management Plan.

Reason:

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

- 12 Prior to the first occupation of either the cafe or restaurant a revised Operational Management Plan shall be submitted to and approved in writing by the City Council. The plans shall address how the servicing processes from both Lower Robert Street and Savoy Place will be staffed and the Plan shall thereafter be adhered to in full accordance with the approved details.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 16 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

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

Reason:

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

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

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

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

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be

intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that 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.

- 20 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.
- (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.
- (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

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

- 21 Prior to either the cafe or restaurant use being first brought into operation details of provision for heat exchanges and any other equipment necessary for connection to a District Energy system shall be submitted to and approved in writing by the City Council. Provision shall be made in accordance with these details prior to either the cafe or restaurant use being first brought into operation.

Reason:

To make sure that the development provides appropriate environmental sustainability features as set out in CS39 or CS27, or both, of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013).

- 22 Customers shall not be permitted within the cafe premises before 07.00 or after 19.00 on Monday to Saturday (not including bank holidays and public holidays) and before 08.00 or after 18.00 on Sundays, bank holidays and public holidays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 23 Customers shall not be permitted within the restaurant premises before 08.00 or after 23.30 on Monday to Thursday (not including bank holidays and public holidays), before 08.00 or after 00.00 (midnight) Friday and Saturday and before 08.00 or after 23.00 on Sundays, bank holidays and public holidays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

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

Reason:

The plans do not include any kitchen extractor equipment. For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

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

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32

of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 26 The restaurant shall only be operated in accordance with the management plan submitted with application 14/03146/ADFULL which shows how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must carry out the measures included in the management plan at all times that the restaurant 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: Strategic Policies adopted November 2013 and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

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

Reason:

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

- 28 You must not start work on site until we have approved appropriate arrangements to secure the following:

The necessary alterations to the highway to facilitate the public realm improvements as shown on the approved drawings.

You must only carry out the development according to the approved arrangements.

Reason:

To make sure that the development provides the public realm enhancements that have been agreed, as set out in CS32 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013).

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

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk

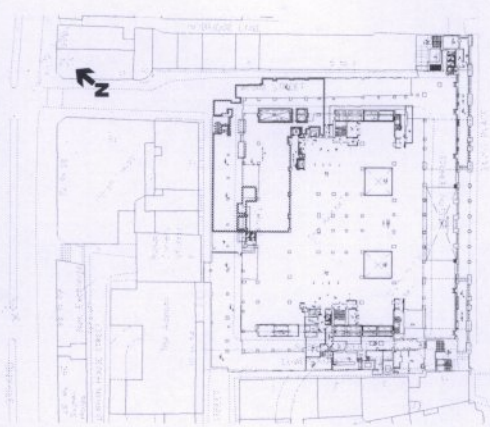
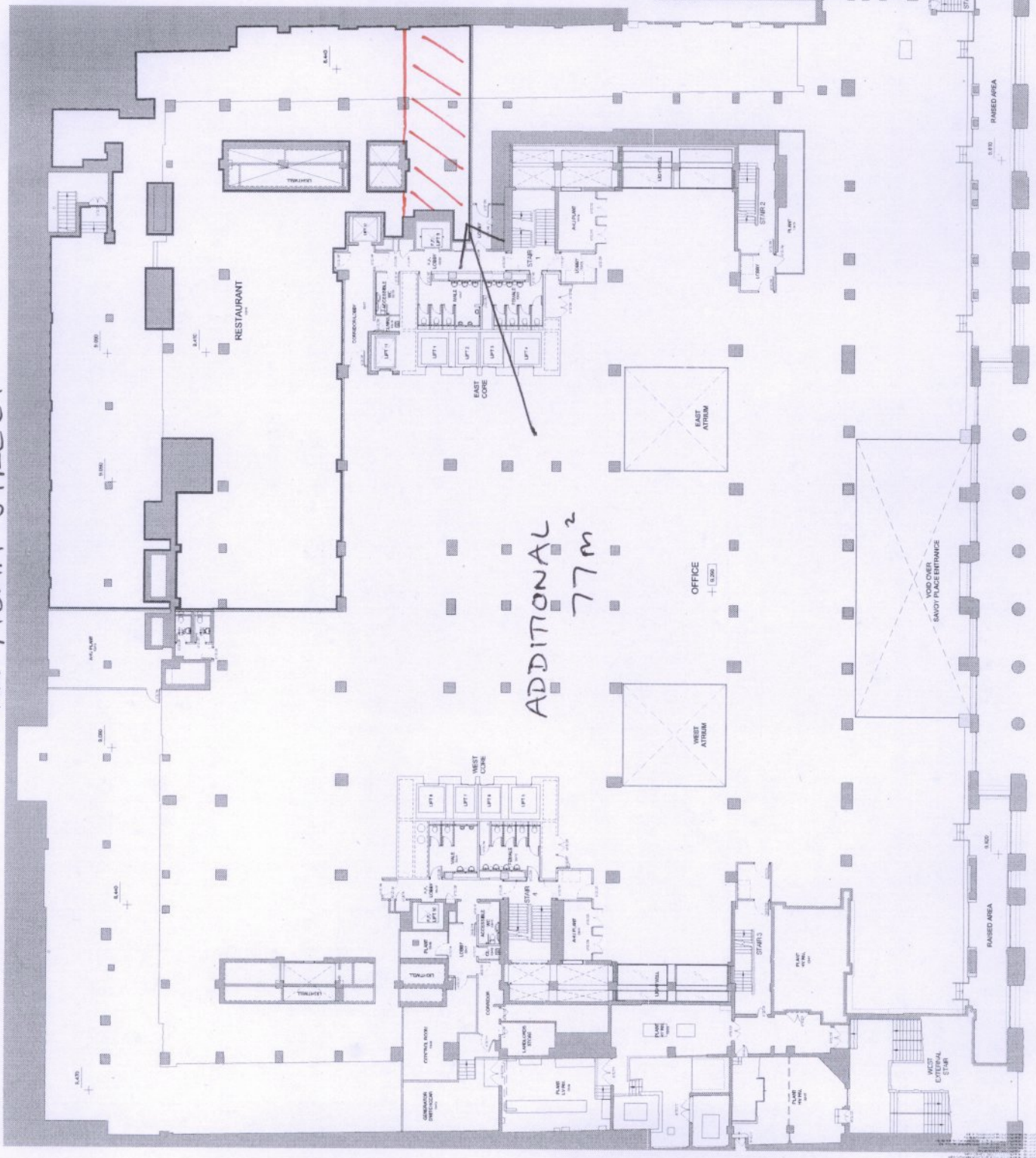
It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. If you would like more information, you can contact Ray Gangadeen on 020 7641 7064. (I54AA)
- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 5 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to

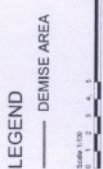
be approved by the City Council (as highway authority). (I09AC)

- 6 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. For more advice, please phone 020 7641 2920.
- 7 The applicant will need technical approval for the works to the highway (supporting structure) prior to commencement of development. The applicant should contact Andy Foster (020 7641 2541) in Engineering & Transportation Projects to progress the applicant for works to the highway.
- 8 Conditions 19 and 20 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 9 The details required under Condition 28 should be in the form of a completed Section 106 Agreement.

JOHN ADAM STREET



SITE LOCATION PLAN - BASED ON ORDINANCE SURVEY MAP
SCALE 1: 500 @ A0 SIZE



Note: scale is 1:280 approx. if printed @ A4

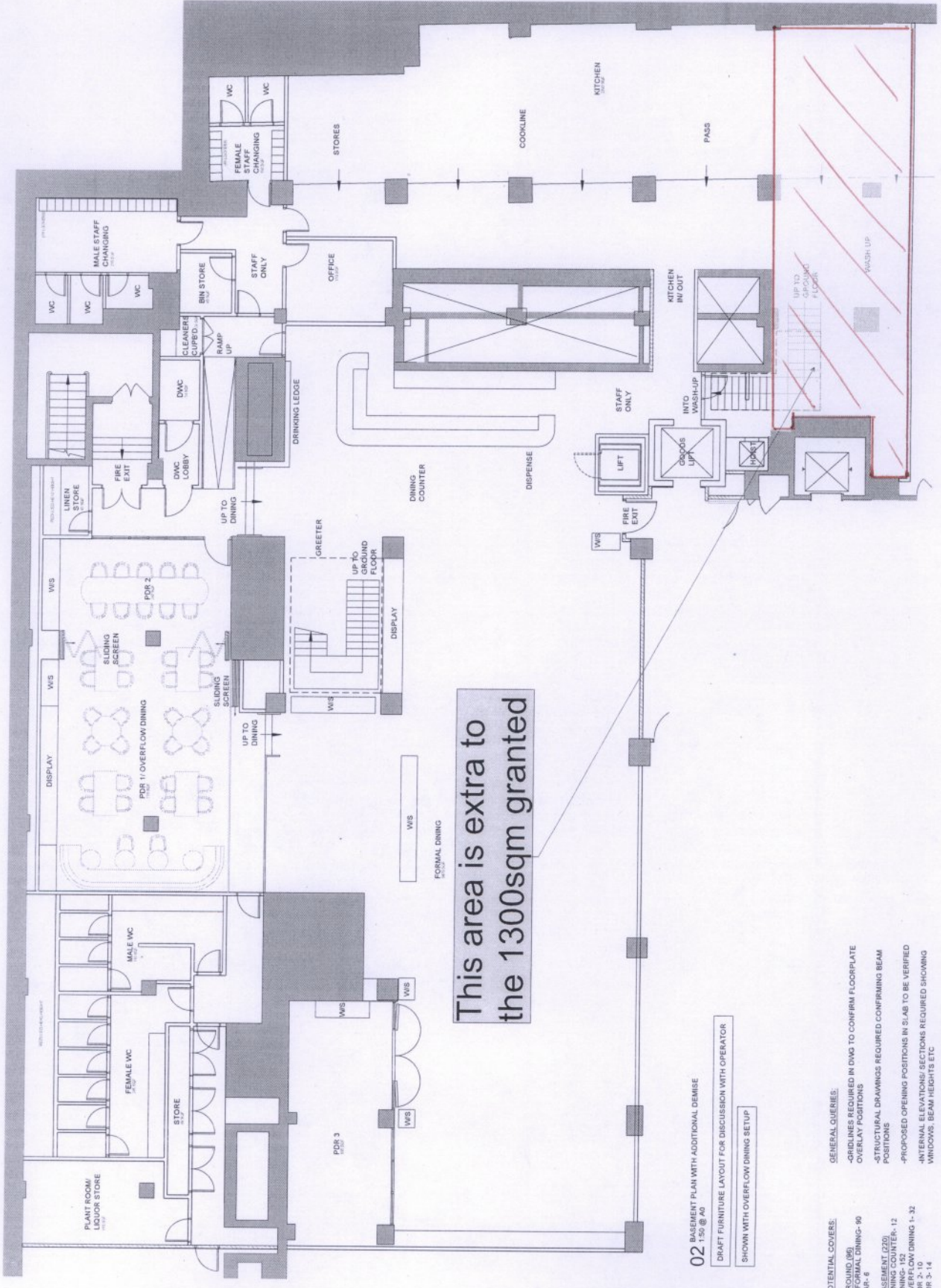
Project: [illegible]
 Date: [illegible]
 Author: [illegible]
 Title: [illegible]
 The Building Group
 The Aulet Building Group

RESTAURANT LEVEL (2nd FLOOR)
 RESTAURANT DEMISE

DATE: 2008-01-13-12:00
 DRAWN BY: [illegible]
 CHECKED BY: [illegible]

FOR INFORMATION
 21008-01-AB-13-12B

JOHN ADAM STREET



REVISIONS	Rev.	Date	Comment
	A	15.10.13	DRAFT LAYOUT FOR DISCUSSION WITH OPERATOR

PRELIMINARY

NOTES

1. SEE SEPARATE FINISH SCHEDULE FOR ALL ARCHITECTURAL FINISHES.
2. THE DRAWING SHOWS DESIGN INTENT ONLY. ALL DIMENSIONS TO BE CHECKED ON SITE AND TO BE CORRECTED BY THE CONTRACTOR. ALL DIMENSIONS TO BE CHECKED BY THE CONTRACTOR AND TO BE CORRECTED BY THE CONTRACTOR.
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Project	SMITH & WOLLENSKY
Title	PROPOSED BASEMENT WITH ADDITIONAL DEMISE P2 OF 2
Date	27/09/13
Scale	1:50 @ A0
Project No	130042
Dwg No	GA-02-01-02
Rev.	7

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This area is extra to the 1300sqm granted

02 BASEMENT PLAN WITH ADDITIONAL DEMISE 1:50 @ A0

DRAFT FURNITURE LAYOUT FOR DISCUSSION WITH OPERATOR

SHOWN WITH OVERFLOW DINING SETUP

- POTENTIAL COVERS:
- GROUND - 00
 - FORMAL DINING - 90
 - BAR - 6
 - BASEMENT (220)
 - DINING COUNTER - 12
 - OVERFLOW DINING 1 - 32
 - PDR 5 - 14
 - TOTAL = 316
- GENERAL QUERIES:
- SPRINKLES REQUIRED IN DMC TO CONFIRM FLOORPLATE OVERLAY POSITIONS
 - STRUCTURAL DRAWINGS REQUIRED CONFIRMING BEAM POSITIONS
 - PROPOSED OPENING POSITIONS IN SLAB TO BE VERIFIED
 - INTERNAL ELEVATIONS / SECTIONS REQUIRED SHOWING WINDOWS, BEAM HEIGHTS ETC
 - SPRINKLER REQUIREMENTS TO BE CONFIRMED