

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 9 February 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>55-57 Great Portland Street, London, W1W 7LQ,</b>		
<b>Proposal</b>	Amalgamation of 55 and 57 Great Portland Street to provide a dual/alternative use of the basement, ground and first floors as either a public house or a restaurant (Class A4/A3) and use of the second to fourth floors as three flats (Class C3). External alterations including the installation of a new shopfront to No. 57, alterations to No. 55 including modifications to the roof height, the installation of replacement plant within an enclosure at rear first floor level, the creation of a residential terrace at rear second floor level and the installation of a full height kitchen extract duct; internal alterations on all floors.		
<b>Agent</b>	Mr Graham Timms		
<b>On behalf of</b>	The Crown Estate		
<b>Registered Number</b>	15/01327/FULL & 15/01328/LBC	<b>Date amended/ completed</b>	16 February 2015
<b>Date Application Received</b>	16 February 2015		
<b>Historic Building Grade</b>	No. 55 - Grade II Listed. No. 57 – Unlisted		
<b>Conservation Area</b>	East Marylebone		

## 1. RECOMMENDATION

1. Grant conditional permission.
2. Grant conditional listed building consent.
3. Agree the reasons for granting listed building consent as set out within Informative 1 of the draft decision letter.

## 2. SUMMARY

The application site comprises 55 Great Portland Street, a Grade II listed public house (Class A4) and 57 Great Portland Street, an unlisted building comprising a restaurant (Class A3) on the basement and ground floors and a single apartment on the first to fourth floors (Class C3). Planning permission and listed building consent are sought for the amalgamation of the buildings to provide either a public house or restaurant use at basement, ground and first floor levels, with three flats on the second to fourth floors. External alterations include the installation of a new shopfront, and alterations to the roofline at No.55, and the removal of an external fire stair, the replacement of plant at rear first floor level, the installation of a full height kitchen extract duct and the creation of a second floor terrace at

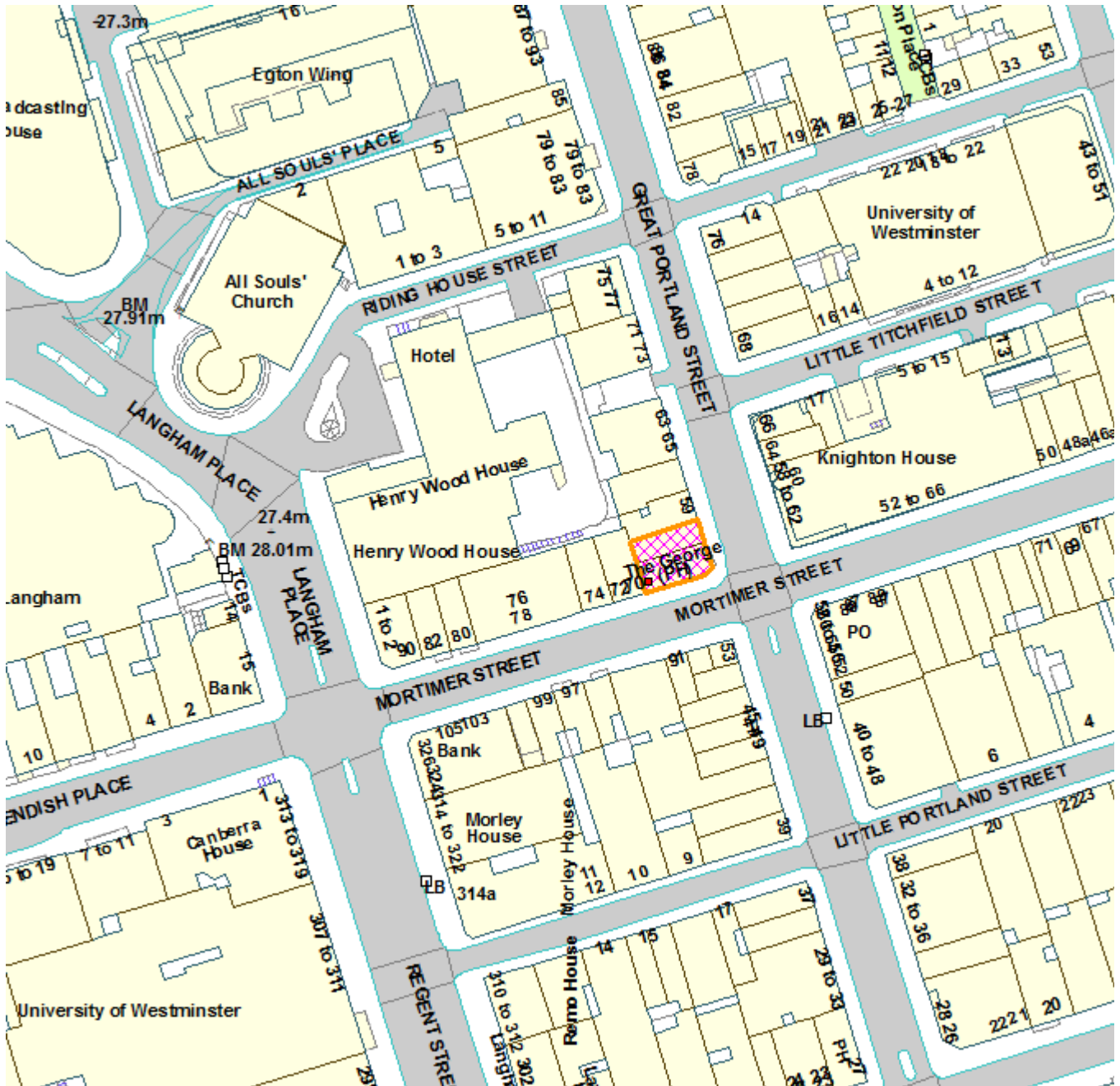
No. 55. Internal alterations are proposed to the listed building, including the formation of openings between the buildings on all floors.

The key issues in this case are:

- \* The potential loss of the existing public house.
- \* The impact of the proposed works upon the special interest of the listed building.
- \* The impact of noise from the proposed plant upon the amenity of nearby residents.

Subject to appropriate conditions, the proposals are considered acceptable in land use, transport, design and amenity terms. The applications accord with adopted policies in the Unitary Development Plan (UDP) and City Plan and are therefore recommended for approval.

### 3. LOCATION PLAN



4. PHOTOGRAPHS



## 5. CONSULTATIONS

### HISTORIC ENGLAND

Flexible authorisation received.

### COUNCIL FOR BRITISH ARCHAEOLOGY

No objection in principle.

### ANCIENT MONUMENTS SOCIETY

Any response to be reported verbally.

### SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally.

### THE GEORGIAN GROUP

Any response to be reported verbally.

### THE VICTORIAN SOCIETY

Any response to be reported verbally.

### THE TWENTIETH CENTURY SOCIETY

Any response to be reported verbally.

### THE MARYLEBONE ASSOCIATION

Any response to be reported verbally.

### ENVIRONMENTAL HEALTH

No objection subject to conditions.

### HIGHWAYS PLANNING MANAGER

Objection to lack of off-street car parking and doors opening onto the highway.

### CLEANSING MANAGER

No objection subject to conditions.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 42; Total No. of Replies: 2

Two objections received on the following grounds:

- Public houses are not suitable for residential accommodation and the use of the upper floors as flats will ultimately lead to the closure of the pub.

- The amalgamation of the buildings of listed and unlisted buildings would damage the character both of the public house and the surrounding area. No. 55 is a substantially complete example of a public house, entirely readable at every level. The proposed works would diminish and prejudice its character and would do substantial harm to the significance of the George Public House as a heritage asset.

- Any public benefits which could be argued to derive from the scheme are marginal.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site comprises two adjoining buildings on the corner of Great Portland Street and Mortimer Street. No. 55, a Grade II listed building, is in use as a public house (Class A4) on basement to fourth floors. No. 57, an unlisted building of merit, contains a restaurant (Class A3) at basement and ground floors and a three bedroom residential unit on the four upper floors.

The site is within the Core CAZ and East Marylebone Conservation Area

### 6.2 Recent Relevant History

None relevant

## 7. THE PROPOSAL

Permission and listed building consent are sought for the amalgamation of 55 and 57 Great Portland Street and for a dual/alternative use of the basement to first floors as either a public house or a restaurant (Class A4/Class A3) and for the use of the second to fourth floors as 3 x 2 bedroom units (Class C3). The flats will be accessed from the ground floor of No. 55.

To facilitate the change in use a number of internal and external alterations are proposed including:

At No. 57:

The replacement of the shopfront

At No. 55:

The alteration of the roof line to match the roof height of No. 57.

The removal of an external fire stair, and an area of existing external plant, and the installation of replacement plant within a plant enclosure at rear first floor level.

The installation of a full height kitchen extract.

The creation of a residential terrace at rear second floor level.

Internal alterations on all floors including the creation of new openings in the party walls, at all levels; the 'boxing-in' of an existing staircase on the first-fourth floors and the lowering of the basement slab to increase headroom.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The schedule of existing and proposed land uses is set out in the table below:

Land Use	Existing m2 (GEA)	Proposed m2 (GEA)	Change m2 (GEA)
Residential (C3)	159	437	+278
Public House (A4)	687	0	-687
Restaurant (A3)	100	0	-100
Dual A3/A4	0	487	+487

#### 8.1.1 Dual/alternative public house (A4) or restaurant use (A3)

The application involves the amalgamation of the buildings and the creation of either a public house or a restaurant on the basement to first floors. At present the whole of No. 55 has lawful use as a public house, measuring 687m<sup>2</sup>. Whilst much of this space is used as ancillary residential accommodation, rather than public drinking/dining areas, there are no planning controls to prevent the entire building from being used for such purposes.

If the lower floors are converted to restaurant use, this would result in the loss of the public house. Until 6 April 2015, the conversion of a public house to a restaurant was automatically permitted development, not requiring planning permission. However, as a result of alterations to the General Permitted Development Order which came into force on that date, if the building has not been nominated as an Asset of Community Value (ACV), the change of use from a public house to a restaurant would constitute permitted development only if:

- Before commencing the development, the developer seeks written confirmation from the City Council as to whether the premises have been nominated as a community asset
- If the developer is notified that the building has been nominated as an ACV, either at the time when they have sought confirmation from the Council of that fact, or at some later date, the development ceases to be permitted development, until the premises have been included either on the list of ACVs or on the list of properties which have been unsuccessfully nominated.
- The development must not begin until the expiry of a 56 day period following the date at which confirmation has been sought by the developer as to whether the premises has been nominated as an ACV, and the development must be completed within 1 year of the date of that request.

If the premises is included on the list of ACVs, different regulations apply.

As the regulations changed after receipt of this planning application, the City Council undertook a further 56 day consultation to allow third parties to make representations or to

nominate the building as an ACV. During this period, no additional representations were received. At the time of writing this report, the building has not been nominated as an Asset of Community Value

Whilst the City Council does not support the loss of public houses, it is considered that this area, within the core CAZ is well served by public houses. The proposals retain the internal bar features and external pub-style shop frontage. The ground floor area will also be retained as a bar rather than provide a dining area, thus ensuring that, at ground floor level, elements of the public house character are retained. In these circumstances, the loss of the public house, in whole or in part, could not reasonably be resisted.

However, permission is required for the use of the first floor of No. 57 for restaurant/public house use as this area is currently part of the existing residential unit. The loss of residential floorspace would not normally be permitted by the City Council. However, the scheme involves an overall increase in residential floorspace across the site, of 278m<sup>2</sup>.. Consequently, the use of the first floor of No.57 as part of either a restaurant or public house use, is considered acceptable in land use terms.

The existing restaurant on the lower floors of No. 57 measures 100m<sup>2</sup>. The proposal would result in a new restaurant or public house use measuring 487m<sup>2</sup>; with an overall reduction in “entertainment” floorspace of 300m<sup>2</sup> across the site. Nevertheless, the proposal creates an entertainment premises within the Core CAZ and is therefore assessed against UDP Policy TACE 9 and S24 of the City Plan which seek to safeguard the amenities of local residents and local environmental quality from the effects of entertainment uses and to safeguard the character and function of the local area. However, given the overall reduction in entertainment floorspace, and the retention of a smaller, but not insubstantial, entertainment use, it is considered that the proposal would maintain the character and function of the area. The impact of the proposed use upon residents’ amenities is considered in Section 6.3 below.

### **8.1.2 Residential use**

The proposal would result in the replacement of a 1 x 3 bed apartment with 3 x 2 bed flats. Overall, there would be a net increase of 278m<sup>2</sup> of new residential floorspace which accords with UDP Policy H3 and S15 of the City Plan. However, this increase is below the 1000m<sup>2</sup> threshold at which on-site affordable housing would be required.

UDP Policy H5 requires 33% of units in new developments to be family sized. Whilst no family sized units are proposed, the applicant has sought to demonstrate that there are design, conservation and amenity factors which compromise the provision of larger units. Given that part of the application site is a listed building, and as the site is constrained in terms of size and layout, it is considered that, on balance, the provision of 3 x 2 bed units sufficiently optimises the number of units on site. The flats are considered to be well designed, would receive good natural light and exceed Mayoral and National space standards. Conditions are proposed to ensure that acceptable internal noise levels would be maintained for new residents.

One objection has been received on the grounds that public houses are not suitable for residential use and that the creation of new flats above the public house will ultimately lead to its closure. The proposal, with a residential use located above an entertainment use,



replicates the existing situation at No. 57. The scheme would, if the existing public house use is retained, rationalise public house functions on the lower floors of the site. Providing sufficient safeguards are in place to ensure that the amenities of future residents are protected, it is not considered that the fact of providing separate residential accommodation on the upper floors would, by itself, prejudice the future of the public house.

Subject to appropriate conditions the proposals are considered acceptable in land use terms.

## **8.2 Townscape and Design**

The Grade II listed public house at No. 55 dates to the mid-19th century. No. 57 is also Victorian and is identified as an unlisted building of merit in the East Marylebone Conservation Area Audit.

No. 55 was listed in 2008; the reasoning for its inclusion in the list is as follows:

- It has special architectural interest for its characterful, Italianate façade of the 1860s and a ground floor frontage with greater ornamentation than is typical of a mid-C19 public house;
- The building has strong streetscape qualities and the architect, or builder, has utilised the advantage of a corner site;
- The interior has special interest in equal measure for its survival of ornate original features including glasswork, panelling, and painted tiles depicting riders and dogs.

The main consideration is the impact that the proposals will have on the special architectural and historical interest and significance of the listed building. The listing description focuses on the external appearance of the building and its surviving original internal features, principally at ground floor level, and these elements are considered to make the greatest contribution to the building's significance. Both buildings make a positive contribution to the conservation area.

### **Internal Alterations and Impact on the special interest of the listed building**

The separation of the retained public house from the accommodation above would result in a number of alterations to the listed building. One of the most significant proposals is the boxing-in of the principal stair. The stair runs from the first to the fourth floors and it is proposed to retain it but enclose it at each level, from second to fourth floors. The building suffered fire damage in 2006, and, although the stair survived, it has been heavily repaired in areas.

It is also proposed to create new internal openings throughout the building. The main areas where this is of concern are the rooms at ground and first floor levels, in particular the proposed openings in the party wall between nos. 55 and 57. The interior of the ground floor of no. 55 is of particular interest, and contributes greatly to the significance of the building. Three new openings are proposed at this level to provide access to no. 57. The two main openings are located within the bar area, and will be fitted with jib doors. It is proposed to create several new openings at first floor level. Most significant are the proposed opening in

the spine walls between the main front rooms and the openings in the party wall, including one immediately adjacent to the chimney breast on the party wall with no. 57.

The creation of openings in a party wall is usually considered contrary to the City Council's historic building policies, due to the potential impact on the buildings' integrity and plan form. The UDP states, at paragraph 10.141, that '*it will not be acceptable to make breaches in the party wall between historic buildings on the ground and first floors or in other sensitive locations.*' However, in this case, the openings being created are small and the loss of fabric is relatively minor. The rooms' appearance will be retained as the existing panelling and dado rails will be replicated on the jib doors, allowing the rooms' appearance to remain unchanged. This will therefore have a limited impact, visually and on historic fabric. Where other openings are being created between rooms, both nibs and downstands will be retained to ensure original plan form can still be read.

It is also proposed to refurbish and repair surviving original features, such as the fire surround to the first floor front room. Modern partitions, which were installed after the fire damage, will be removed. Other, minor, demolition works are also proposed on the upper floors. These works are uncontentious in historic building terms.

### **External Alterations, impact on the special interest of the listed building and character and appearance of the conservation area**

It is also proposed to raise the roof height of the listed building, by 300mm, in order to align with the height of the adjacent roof at no. 57. A large proportion of the roof was damaged in the fire and it appears there is little fabric of interest left. As the appearance of the roof will not significantly be altered, this aspect of the proposals is considered acceptable.

At rear first floor level, it is proposed to remove existing plant and to replace it with new plant, within enclosures. This would consolidate the plant area, and would be beneficial to its appearance. An original window opening at the rear will be blocked up to facilitate this. However, the windows are not original and the existing cill and lintel are to be retained. In general, the rear elevation of the building will be greatly improved.

A new shopfront will be installed at no. 57. The current shopfront is in poor condition, and this is considered to be an enhancement, not only to that building but to the setting of the listed public house and to the wider conservation area.

### **Objection on historic building grounds**

Historic England and the national amenity societies have not objected to the applications. However, a detailed objection has been submitted on behalf of Greene King Plc, who currently operate the public house. The objection maintains that the proposed works will cause substantial harm to the listed building as defined in the National Planning Policy Framework (NPPF), and expanded upon in the supporting guidance, the NPPG. The objector also considers that the benefits are 'marginal'.

The NPPF makes clear that the degree of harm to a heritage asset should affect how decisions are reached and distinguishes between substantial and less than substantial harm. It states that any proposals causing substantial harm should usually be refused consent, unless this harm is necessary to achieve substantial public benefits which outweigh that

harm. The objector's reference a quote from the NPPG which indicates that *'in determining whether works constitute substantial harm, an important consideration would be whether the adverse impact affects a key element of special interest.'*

However, as set out above, officers consider that the alterations are relatively minor and that the most significant elements, which contribute to the special interest of the listed building, will be protected and not harmed by the proposals. Those areas of highest significance within the building are the exterior, and the ground floor bar, and these elements are largely protected and enhanced by the works. Any harm that is caused is certainly less than substantial.

The objector refers to the proposed openings, the loss of plan form and new breaches created within the party wall. However, as stated above, officers consider that the degree of harm caused is small.

The objector also raises concerns about the loss of the historic interconnection between the public house and the second and third floors. The boxing-in of the staircase to the upper floors does cause some harm, but not to the key elements which contribute to the building's significance.

### **Conclusion on heritage assets issues**

Paragraph 134 the NPPG states.

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'.

Taken as a whole the scheme brings some heritage benefits, with refurbishment of the most significant rooms and spaces at first and ground floor, rationalisation of plant and improvements to the rear and cleaning and refurbishment of the exterior. Whilst not part of the listed building, the new shopfront will also enhance the conservation area and the setting of the listed building.

Whilst the applicants have not submitted any financial case to say that the proposal represents the optimal viable use, the scheme does retain the existing historic arrangement of bar use at ground floor level (whether or not the use is public house or restaurant use), the introduction of restaurant at first floor level, and the upper floors remaining in residential use.

In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, officers have had special regard to the preservation of the special architectural and historic interest of the listed building, and conclude that, taken as a whole, the scheme is acceptable in historic building terms, and that it will protect that special interest and will also preserve and enhance the character and appearance of the conservation area.

## **8.3 Residential Amenity**

### **8.3.1 Impact of proposed use**

UDP Policy TACE 9 states that permission will only be granted where the City Council is satisfied that the proposed development has no adverse effect upon residential amenity or local environmental quality as a result of noise, vibration, smells, increased late night activity, increased parking and traffic. In considering proposals for entertainment uses, the Council will have particular regard to the number of customers, opening hours, the arrangements for discharging cooking smells, potential disturbance from noise and vibration disturbance, servicing arrangements and arrangements for the storage and disposal of waste.

The scheme involves a net loss of entertainment floorspace across the two properties, albeit that the upper floors of the existing public house are not currently used as public areas. The continued use of the premises as a smaller public house will have no greater impact on the amenity of neighbouring occupiers.

Neither the public house nor the restaurant use would seek to operate at later terminal hours than the existing public house. These are 11.00 hours – 23.30 hours Monday-Wednesday; 11.00 to 00.30 on Thursdays to Saturdays and 12.00-23.00 on Sundays. The incoming restaurant tenant may seek to operate earlier hours to accommodate breakfast service but, subject to a condition preventing customer access before 07.30, this is considered acceptable.

The restaurant would have a maximum of 180 covers. Subject to the imposition of conditions relating to opening hours, the submission of an Operational Management Plan detailing measures to safeguard residents' amenities, and the submission of a Servicing Management Plan, it is not considered that the creation of a larger restaurant premises would have a significant impact on residents' amenities or local environmental quality.

### **8.3.2 Plant proposals**

The application proposes replacement plant, to supply both the residential and restaurant uses, located within an acoustic enclosure at rear first floor level. This aspect of the scheme has been considered in the context of Policies ENV6 and ENV7 of the UDP and S32 of the City Plan. These policies seek to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance.

This area is subject to background noise levels which are above WHO guideline levels during the daytime and nighttime. To accord with Policy ENV7 of the UDP the noise levels emitted by the plant will have to be 10dB below background at the nearest noise sensitive windows, which have been identified as being 5m from the plant installation.

The Environmental Health Officer has reviewed the submitted acoustic report and considers that, with the noise attenuation provided by the acoustic enclosure, the plant installation is likely to comply with design noise level criteria.

The proposed plant enclosure will not project beyond the rear elevation of the adjoining building to the west, 70 Mortimer Street, and will not result in any loss of light or increased sense of enclosure or cause a loss of light to neighbouring properties.

The scheme also involves the installation of a full height kitchen extract duct. This is considered to be sufficient to allow cooking odours to be dispersed without affecting the amenities of existing future occupiers.

### **8.3.3 Overlooking**

A new residential terrace would be created at second floor level, at the rear of 55 Great Portland Street. The terrace will look to the rear of the application property. As the closest neighbouring windows at No. 59 Great Portland Street supply a stairwell, it is considered that the more distant windows to this property are at a sufficiently oblique angle to prevent any loss of privacy in views from the terrace.

In conclusion, the proposals are considered to comply with UDP Policies ENV13 and S29 of the City Plan which seek to safeguard the amenities of neighbouring occupiers from the effects of proposed developments.

## **8.4 Transportation/Servicing**

The Highways Planning Manager has objected to the proposal on the grounds that no off-street parking will be provided, and that the creation of two additional residential units will result in an increase in demand for on-street car parking, in an area where parking stress levels are already high. Whilst this is regrettable, given the policy objective to provide new housing, and the fact that the area is extremely well served by public transport, it is not considered that permission could reasonably be withheld on these grounds.

In order to ensure that servicing to the extended restaurant premises would not cause obstruction to the public highway, a condition requiring the submission of a full Servicing Management Plan is proposed.

## **8.5 Economic Considerations**

Any economic benefits generated by the scheme are welcome.

## **8.6 Access**

As existing, level access will be provided to the ground floor of the premises.

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

### **8.7.1 Refuse /Recycling**

The proposed arrangements for storage of refuse and recyclable materials are considered acceptable and would be secured by condition.

## **8.8 London Plan**

This application raises no strategic issues.

## **8.9 National Policy/Guidance Considerations**

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

### **8.10 Planning Obligations**

The proposal does not trigger any planning obligations.

### **8.11 Environmental Impact Assessment**

The scale of the proposed development does not require the submission of an Environmental Impact Assessment. However, an energy and sustainability statement has been submitted which states that the roof and windows will be thermally upgraded and secondary glazing provided at the front of the building. Energy efficient heating, ventilation and boiler systems will be installed. A preliminary assessment indicates that the scheme will achieve a reduction on CO2 emissions of nearly 37% and a BREEAM domestic refurbishment rating of "Very Good". Given the site constraints, this is considered acceptable.

### **8.12 Other Issues**

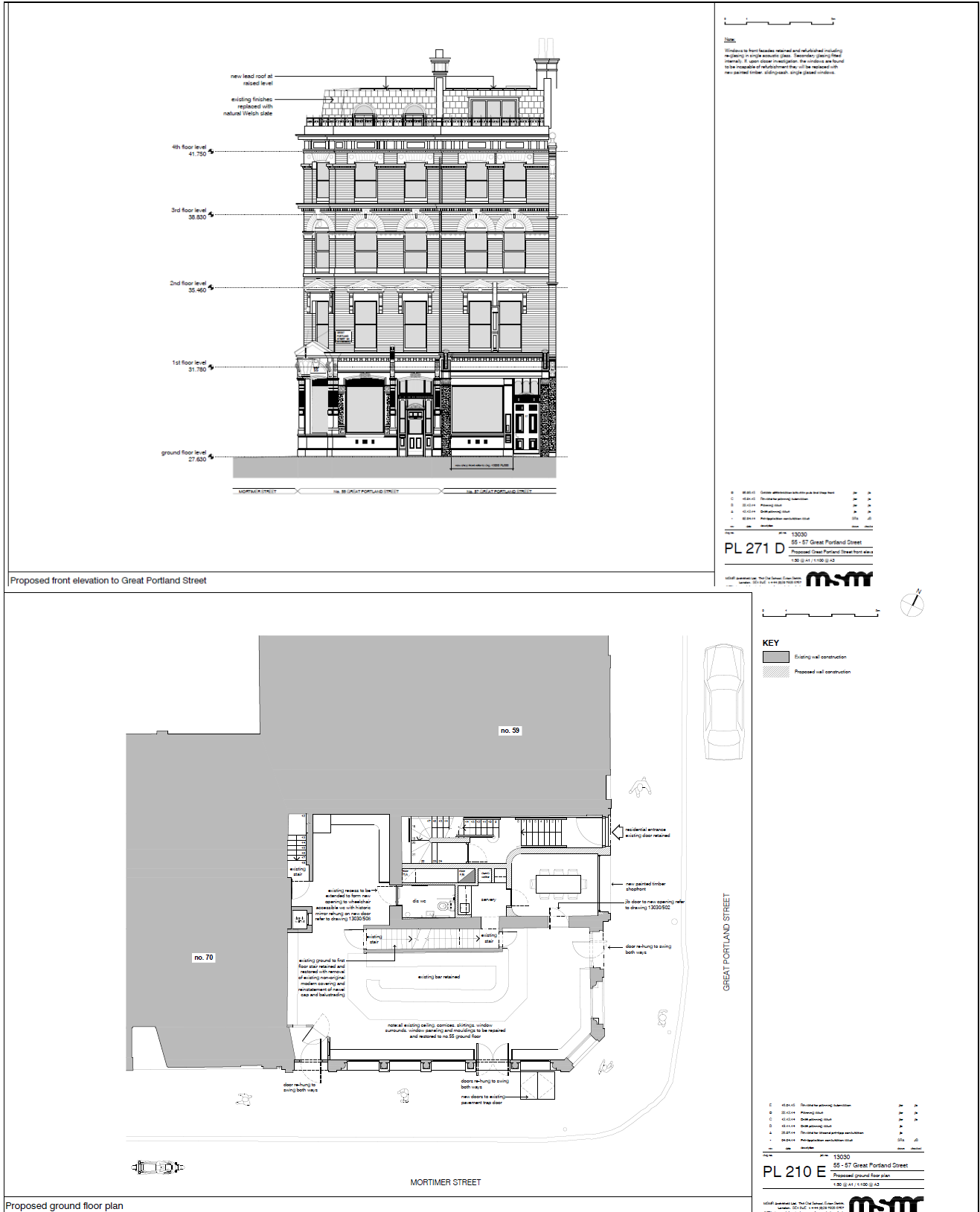
None relevant

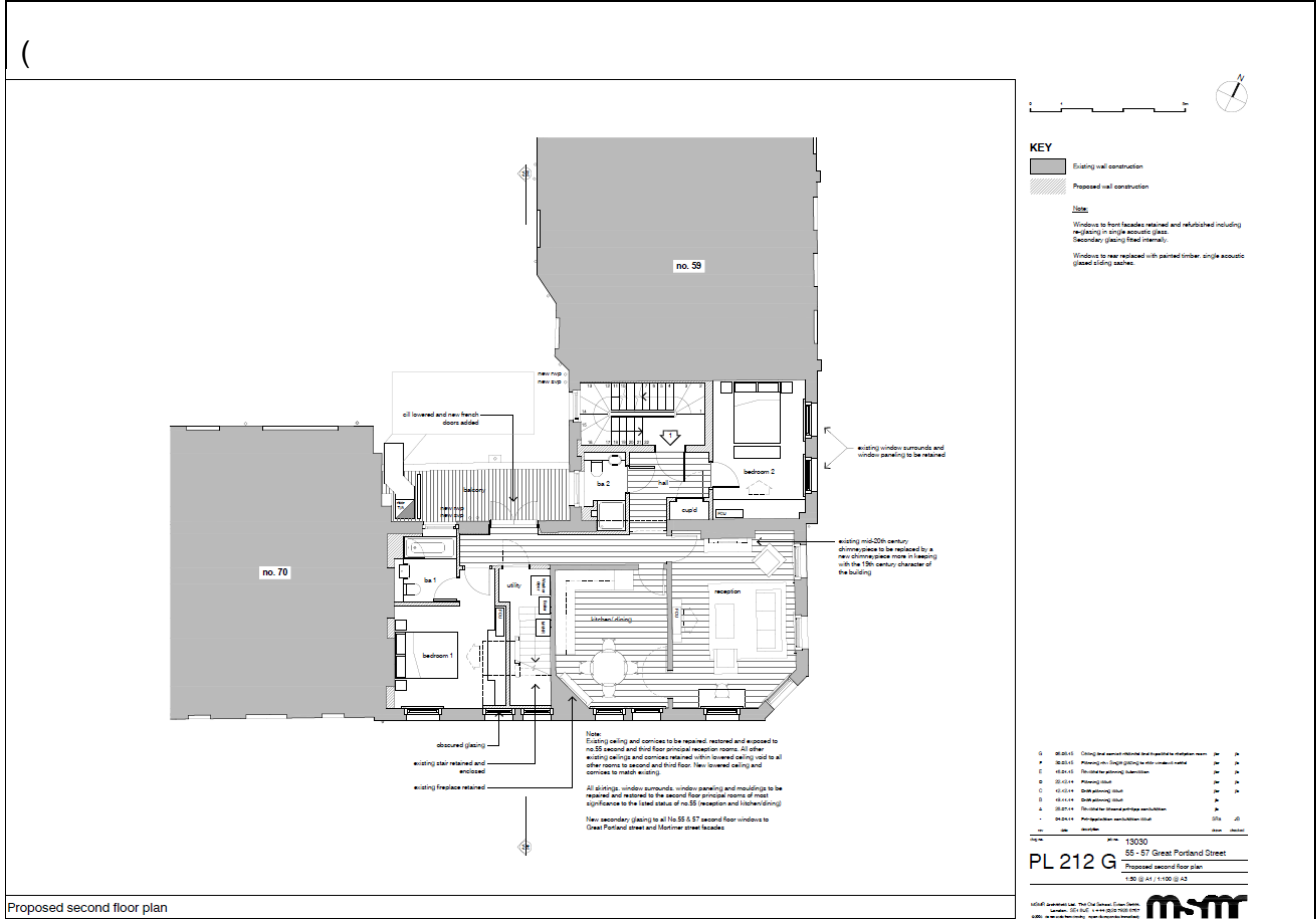
## **9. BACKGROUND PAPERS**

1. Application forms
2. Letter from English Heritage (now Historic England) dated 12 March 2015
3. Letter from the Council for British Archaeology dated 9 April 2015
4. Memorandum from the Cleansing Manager dated 25 February 2015
5. Memorandum from Environmental Health dated 10 March 2015
6. Memorandum from the Highways Planning Manager dated 5 March 2015
7. Letter from occupier of 26 Sutton Road, Barking dated 9 April 2015
8. Letter on behalf of operators of the public house dated 9 April 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT BILLY PATTISON ON 020 7641 3267 OR BY EMAIL AT [bpattison@westminster.gov.uk](mailto:bpattison@westminster.gov.uk)

10. KEY DRAWINGS





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



**DRAFT DECISION LETTER**

**Address:** 55-57 Great Portland Street, London, W1W 7LQ,

**Proposal:** Amalgamation of 55 and 57 Great Portland Street to provide a dual/alternative use of the basement, ground and first floors as either a public house or a restaurant (Class A4/A3) and use of the second to fourth floors as three flats (Class C3). External alterations including the installation of a new shopfront to No. 57, alterations to No. 55 including modifications to the roof height, the installation of replacement plant within an enclosure at rear first floor level, the creation of a residential terrace at rear second floor level and the installation of a full height kitchen extract duct; internal alterations on all floors.

**Reference:** 15/01327/FULL

**Plan Nos:** PL109/D; PL110/D; PL111/D; PL112/D; PL13/D; PL114/D; PL115/B; PL140/C; PL170/B; PL171/C; PL172/B; PL173/B; PL001/C; PL209/F; PL210/E; PL211/F; PL212/G; PL213/G; PL214/F; PL215/B; PL240/C; PL270/B; PL271/D; PL272/B; PL273/B; PL500/C; PL501/B; PL502/A PL503/B; PL504/B; PL505/B; PL506/B; PL507/B; PL508; site location plan. ,

**Case Officer:** Billy Pattison

**Direct Tel. No.** 020 7641 3267

**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 protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

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

Reason:

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

- 5 You must provide the waste store shown on drawing PL209/F before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the public house/restaurant. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 6 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.

- 7 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 8 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 9 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 10 You must apply to us for approval of detailed drawings (at 1:5 and 1:20) of the following parts of the development : All new doors, windows, acoustic enclosures and balustrading, 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. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 11 You must finish the ductwork in a colour to match the material next to it. You must then keep it that colour. (C26FA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1,

DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 12 You must paint all new balustrading black and keep it in that colour. (C26EA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 13 You must only use natural Welsh slate on the roof slopes.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 14 In the event that the basement, ground and first floors are used for restaurant purposes, customers shall not be permitted within the premises before 07:30 and after 23:30 hours on Monday to Wednesdays, before 07:30 and after 00:30 hours on Thursdays - Saturdays and before 07:30 and after 23:00 on Sundays. (C12AD)

Reason:

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

- 15 In the event that the basement, ground and first floors are used for public house purposes, customers shall not be permitted within the premises before 11:00 and after 23:30 hours on Monday to Wednesdays, before 11:00 and after 00:30 on Thursdays to Saturdays and before 12:00 and after 23:00 on Sundays. (C12AD)

Reason:

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

- 16 In the event that the basement, ground and first floors are used for restaurant purposes, you must not allow more than 180 restaurant customers into the basement, ground and first floors at any one time. (C05HA)

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

- 17 You must apply to us for approval of a management plan to show 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 not start the restaurant use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant is in use. (C05JB)

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

- 18 Prior to the occupation of the basement, ground and first floors for restaurant use, you shall submit and have approved in writing by the Local Planning Authority, a detailed servicing management plan for the premises. All servicing shall be undertaken in accordance with the approved strategy.

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)

**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 Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 3 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 4 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 5 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge., If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/> . **You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**
- 6 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 7 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who

have relevant information about the location of ACMs, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/asbestos/regulations.htm](http://www.hse.gov.uk/asbestos/regulations.htm) (I80AB)

- 8 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work. Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974: 24 Hour Noise Team, Environmental Health Service, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP , Phone: 020 7641 2000,

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

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.