

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 6 July 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved St James's	
Subject of Report	Site At Mercers Covent Garden Estate - Block C, Mercer Street, London		
Proposal	Variation of condition 4 of planning permission dated 28 March 2014 (RN: 13/06028/FULL) for the: Retention and refurbishment of 13-14 Langley Street for retail (Class A1) use. Demolition of 6, 10-14 Mercer Street, the one/two storey warehouse-type buildings and the later rear addition of 116 Long Acre and redevelopment to provide 24 residential flats (Class C3), retail (Class A1) and restaurant (Class A3) units with associated plant and ancillary space. Creation of new pedestrian and servicing piazza and street, works of hard landscaping, alterations to existing vehicular and pedestrian access together with associated enabling works. Namely, to allow the extension of hours of operation/trading at unit 2.		
Agent	DP9		
On behalf of	. .		
Registered Number	21/02397/FULL	Date amended/ completed	12 April 2021
Date Application Received	12 April 2021		
Historic Building Grade	Unlisted		
Conservation Area	Covent Garden		

1. RECOMMENDATION

1. Grant conditional permission subject to a deed of variation to legal agreement dated 28 March 2014 under RN 13/06028/FULL.

2. SUMMARY

The application site comprises the Block C Mercers Yard development that was granted permission in 2014 and completed in 2017. It comprised the redevelopment of the block between Langley Street and Mercer Street to provide 24 residential units alongside new retail and restaurant uses around a new piazza that links two adjoining streets. The application site is located within the Covent Garden Conservation Area, the Central Activities Zone and the West End Stress Area.

The application relates to unit 2 at ground floor level which faces onto the piazza. The unit was granted a composite A1/A3 cafe use in 2014 but following the changes to the use classes order now falls within Class E. It was last used for retail space as part of H&M.

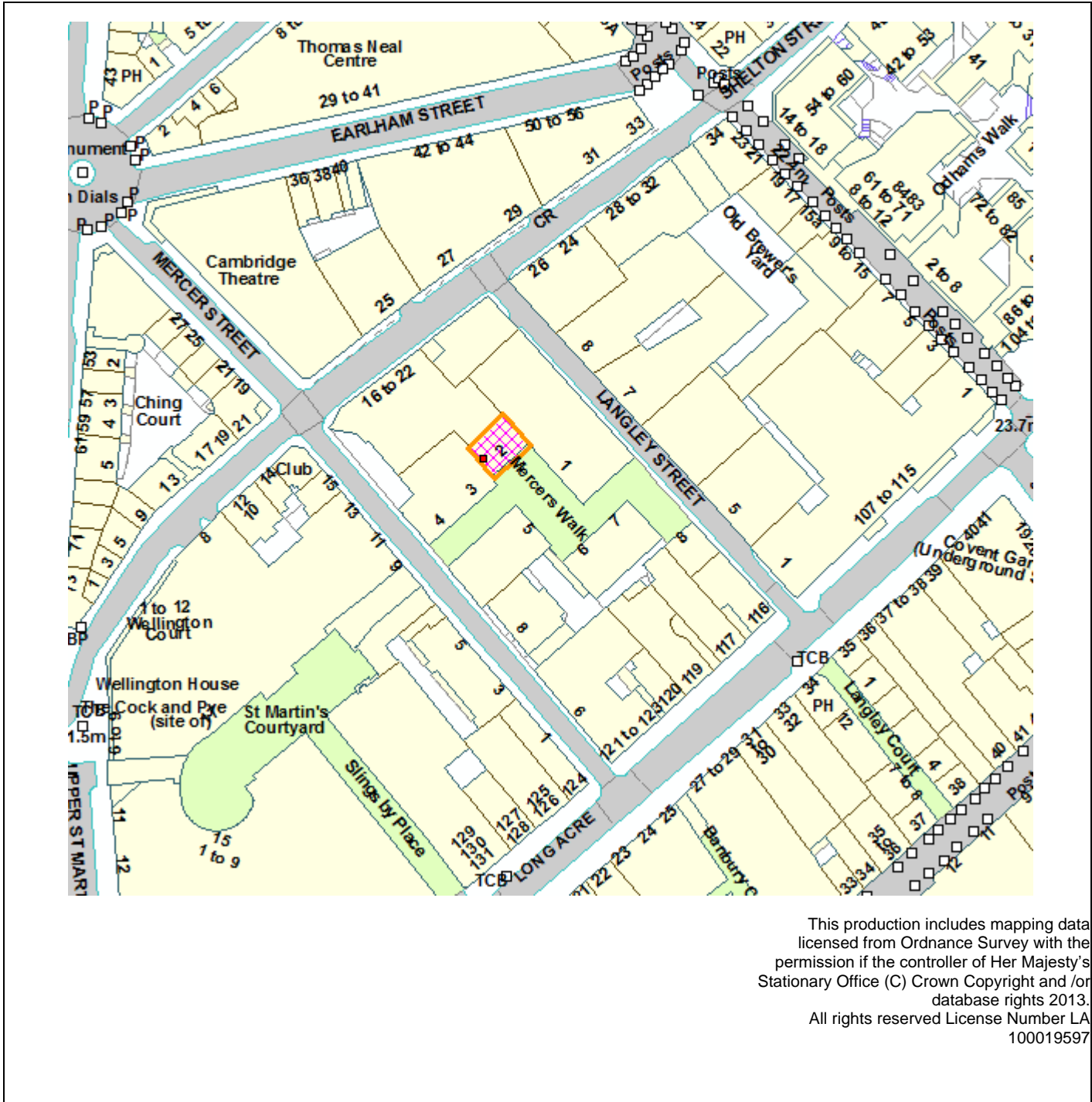
Permission is sought to vary condition 4 to extend the trading hours on the unit in the evening until 11pm Monday to Saturday and until 10.30pm on Sundays.

Condition 4 of the 2014 permission currently reads: "The cafe A1/A3 unit hereby permitted must not be open to customers except between 08.00 and 19.00 on Monday to Wednesday, 08.00 and 21.00 on Thursday, 08.00 and 20.00 on Friday and Saturday and 08.00 and 18.00 on Sundays, bank holidays and public holidays."

Objections to the extended hours of operation have been received from the Covent Garden Community Association and a local resident on the grounds of noise nuisance.

It is considered that given the mixed character of the area, the existing terminal hours of the adjoining restaurant units, the small size of the unit and the measures proposed within the approved Operational Site Management Plan, the proposal is considered reasonable and will not result in a significant loss of amenity to neighbouring occupiers. The proposal would also support the long-term viability of the unit which has been affected by the pandemic. The proposal scheme is therefore considered to comply with relevant policies with the City Plan 2019-2040 adopted in April 2021.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Unit 2, Mercers Walk

5. CONSULTATIONS

Covent Garden Community Association

Objects to the extended hours on noise nuisance grounds as Mercer Walk is a noise-sensitive site, the restriction on hours of use was imposed to protect amenity of residents and servicing of units is complicated. Suggests increasing the hours of use to a maximum of 8 am to 9pm Monday to Sunday.

Covent Garden Area Trust:

Any response to be reported verbally.

Waste Project Officer:

No objection.

Highways Planning Team:

No highway or transport concerns raised.

Environmental Health:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 31

Total No. of replies: 1

No. of objections: 1

No. in support: 0

One letter of objection on noise and nuisance grounds and refers to the hours suggested by the Covent Garden Community Association.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises the Block C Mercers Yard development that was granted permission in 2014 and completed in 2017. Block C is one of six blocks of property owned by the Mercers Livery Company in Covent Garden, and is bounded by Mercer Street, Shelton Street, Langley Street and Long Acre. The redevelopment was completed in March 2017.

The application site is located within the Covent Garden Conservation Area, the Central Activities Zone and the West End Stress Area.

The application relates to Unit 2 at ground floor level which faces onto the Mercer Walk piazza. The unit was granted permission for a composite A1/A3 cafe use in 2014 but following the changes to the use classes order now falls within Class E. It was last used for retail space as part of H&M. The unit is currently vacant although internal fit out works

are underway.

The adjoining units within Mercer Walk comprise two restaurant and a shop use. The upper floors of buildings that face the piazza are mostly in residential use although there is also office use at 13-14 Langley Street.

6.2 Recent Relevant History

Planning permission was granted in March 2014 for the retention and refurbishment of 13-14 Langley Street for retail (Class A1) use. Demolition of 6, 10-14 Mercer Street, the one/two storey warehouse-type buildings and the later rear addition of 116 Long Acre and redevelopment to provide 24 residential flats (Class C3), retail (Class A1) and restaurant (Class A3) units with associated plant and ancillary space. Creation of new pedestrian and servicing piazza and street, works of hard landscaping, alterations to existing vehicular and pedestrian access together with associated enabling works. (RN: 13/06028/FULL).

In 2014, 2015 and 2016 permissions to discharge the pre-commencement conditions have been granted (RNs: 14/06018/ADFULL, 14/0670/ADFULL, 14/04931/ADFULL, 14/12371/ADFULL, 15/01345/ADFULL and 16/05901/ADFULL).

All the other conditions have been discharged between 2015 and 2019.

7. THE PROPOSAL

Permission is sought to vary condition 4 of permission 13/06028/FULL dated 28 March 2014. Condition 4 states|:

“The cafe A1/A3 unit hereby permitted must not be open to customers except between 08.00 and 19.00 on Monday to Wednesday, 08.00 and 21.00 on Thursday, 08.00 and 20.00 on Friday and Saturday and 08.00 and 18.00 on Sundays, bank holidays and public holidays.”

The applicant has advised that the application site has recently become vacant as a result of the ongoing market conditions relating to the global pandemic. The applicant further advise that they have secured a new tenant but on the basis that an extension to the existing hours can be secured which more closely reflects the trading hours of the restaurant uses in the wider development.

Permission is therefore sought to vary condition 4 to extend the trading hours of the unit in the evening until 11pm Monday to Saturday and until 10.30pm on Sundays.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The application premises is considered to fall within Class E (Commercial, Business and Services) which includes the following uses:

- (a) Display or retail sale of goods, other than hot food

- (b) Sale of food and drink for consumption (mostly) on the premises
- (c) Provision of:
 - E(c)(i) Financial services,
 - E(c)(ii) Professional services (other than health or medical services), or
 - E(c)(iii) Other appropriate services in a commercial, business or service locality
- (d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms)
- (e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- (f) Creche, day nursery or day centre (not including a residential use)
- (g) Uses which can be carried out in a residential area without detriment to its amenity:
 - E(g)(i) Offices to carry out any operational or administrative functions,
 - E(g)(ii) Research and development of products or processes
 - E(g)(iii) Industrial processes

The applicant has indicated that the application premises are to be used for display or retail sale of goods, other than hot food (Class E(a)). The main issue is whether the proposed change to the opening hours would be harmful to the amenities of residential occupiers that are located within Mercer Walk and directly above the application premises.

Policy 16A of the City Plan seeks to ensure that proposals for food and drink and entertainment uses will be of a type and size appropriate to their location. The policy recognises that the impacts of food, drink and entertainment uses on the surrounding area need to be carefully managed.

The applicant has provided the following justification in relation to the extended hours of operation:

- The unit has become vacant as a result of the ongoing market conditions relating to the global pandemic and a new tenant has been secured but on the basis that an extension to the existing hours
- The proposed operating hours reflect the trading hours of the restaurant uses in the development.
- The unit now falls within the E Class, so the hours of use should align with the other restaurant uses and assist in the commercial success of the unit in the challenging market conditions that exist.

Under condition 3 of the 2014 permission, the two existing restaurants within Mercers Walk are allowed to operate from 8am to 11pm Monday to Friday, 9am to 11pm on Saturdays and 9am to 10.30pm. In addition, it is noted that in December 2018, planning sub-committee resolved to grant permission for the use of six areas of Mercers Walk for tables and chairs. This permission includes an area of outdoor furniture in front of unit 2. The hours of use of the pavement are until 10pm Monday to Saturday and 9pm on Sunday.

Whilst the concerns raised by the Covent Garden Community Association and the local resident are understood it is considered that the application complies with Policy 16A for the reasons set out below and should be allowed.

The proposed hours of use for unit 2 are in line with the terminal hours of the other two restaurants operating in the north and south blocks. These units are also located

underneath residential flats.

There is also an Operational Site Management Plan in place for this development secured as part of the S106 agreement for the development. This sets out how the buildings and open spaces are maintained, including measures relating to servicing, the operation of the tables and chairs and noise. In particular the statement details the presence of a patrolling security officer within the piazza between 22.00 and 01.00, that smoking not permitted from the piazza and all customers will be encouraged to leave the site via Langley Street (away from the residential properties). The operator of the unit will have to comply with this Operational Site Management Plan.

The unit is small with a floor area of 58.6 sqm. This in itself would restrict the number of customers within the unit to a low number.

It is therefore not considered that the noise from patrons entering and leaving the premises at later hours would be significantly noticeable given the presence of other restaurant units trading in the vicinity at the same hours. The Operational Site Management Plan is considered to contribute to the protection of the amenity of adjoining residential properties.

It is considered that limiting the trading hours of the application site to 9pm, as suggested by the CGCA, when adjoining units can operate until 11pm is unreasonable and may limit the interest of prospective tenant and impact the long-term viability of the unit. It is considered that allowing customers until 11pm Monday to Saturday and 10.30pm on Sundays will contribute to the long-term viability of the unit and its attractiveness within Covent Garden, an area renowned for its entertainment character, without being detrimental to the amenity of the local residents.

The extended hours of operation proposed are considered acceptable for the alternative uses permissible within Class E given the small size of the application premises.

8.2 **Townscape and Design**

The proposal does not raise any townscape and design issues.

8.3 **Residential Amenity**

Policy 7 of the City Plan seeks to promote neighbourly development. Part B of this policy seeks to protect and where appropriate enhance local environmental quality. It is considered that given that there is a robust Operational Site Management Plan in place which the application premises would have to adhere to, the proposal complies with the aim of this policy.

8.4 **Transportation/Parking**

The Covent Garden Community Association raise an on-going issue with servicing.

The Highways Planning Manager has been consulted and raised no objection. The revised hours will not affect the existing servicing arrangements within the site. It is not considered sustainable to withhold permission on servicing disturbance.

8.5 **Economic Considerations**

The revised operating hours would assist in attracting a tenant to this commercial unit.

8.6 **Access**

No changes are proposed.

8.7 **Other UDP/Westminster Policy Considerations**

Not applicable.

8.8 **Westminster City Plan**

The City Plan 2019 - 2040 was adopted at Full Council on 21 April 2021. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.9 **Neighbourhood Plans**

Not applicable.

8.10 **London Plan**

This application raises no strategic issues.

8.11 **National Policy/Guidance Considerations**

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2019 unless stated otherwise.

8.12 **Planning Obligations**

The 2014 permission was subject to a S106 legal agreement to secure the following:

- a) Contribution of £300,000 towards affordable housing (index linked and payable on commencement of development) and a further financial contribution of £950,000 (index linked) in the event of the residential units being sold within 15 years of first occupation.
- b) Contribution of a minimum of £175,170 towards public realm improvements.
- c) Contribution of a minimum of £100,000 towards public art.
- d) Code of Construction Practice, a contribution to fund the Environmental Inspectorate (£18k per year for duration of works) and the Environmental Sciences Team (£8k per year for duration of works).
- e) Contribution of £210,870 towards Crossrail or as agreed between the Mayor and the applicant.
- f) Contribution of £66,796 towards the City Council's carbon offsetting fund.

- g) Provision of an Operational Site Management Plan.
- h) Provision of car club membership (20 years) for each residential unit and a parking mitigation payment of £24,000.
- i) Costs of Highway Works required for the development to occur including provision of new vehicle crossovers, repaving of footways, street signs, drainage changes, street lighting, and associated costs.
- j) Shopfront and advertisement guidelines.
- k) The installation and retention of two new windows at Flats 3 & 7 at 118 Long Acre at first and second floor.
- l) Monitoring costs.

As some of these obligations are on-going a deed of variation is required so the S106 agreement is linked to the new permission.

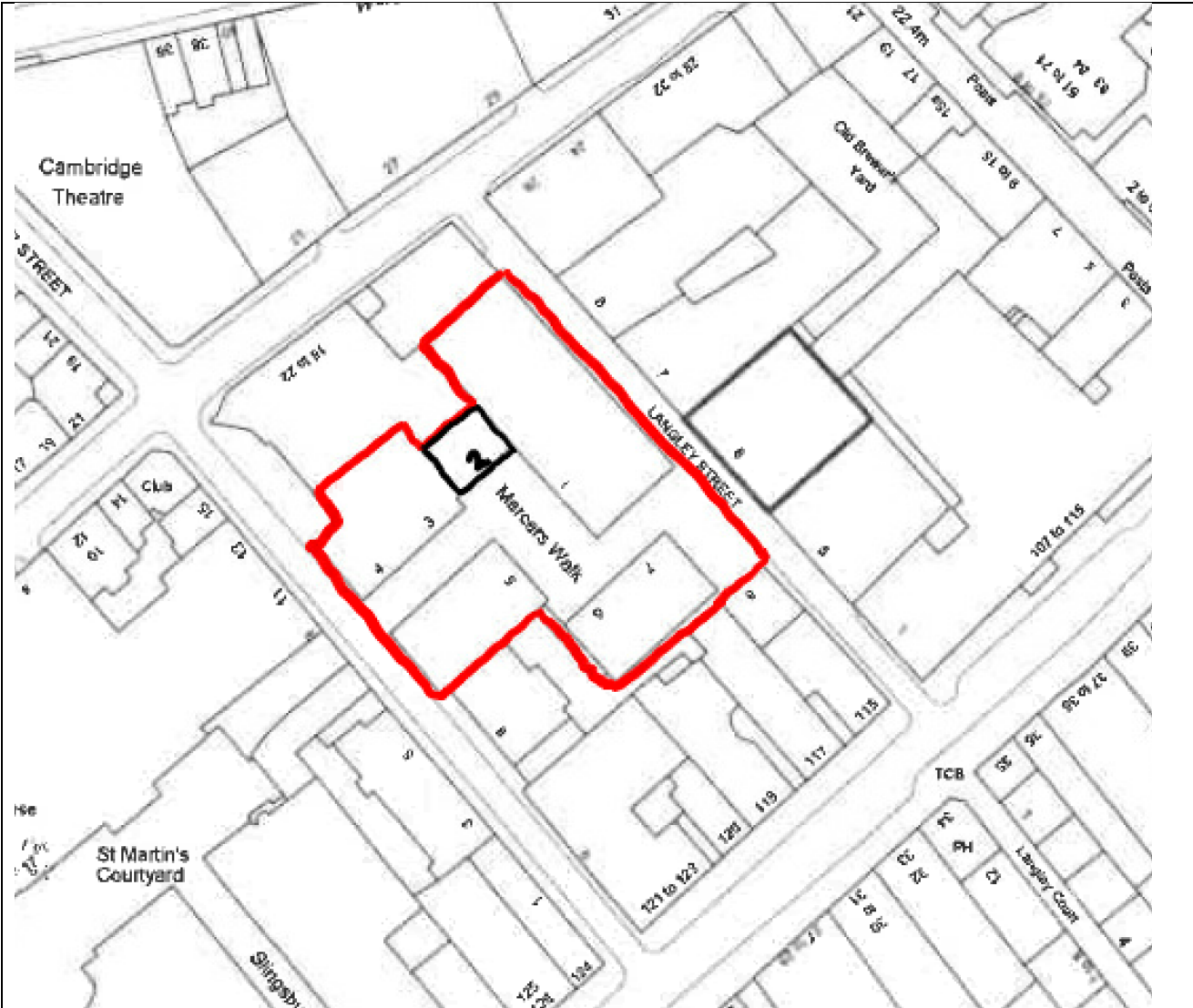
8.12 **Environmental Impact Assessment**

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

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk.

9. KEY DRAWINGS



Site plan

DRAFT DECISION LETTER

- Address:** Site At Mercers Covent Garden Estate - Block C, Mercer Street, London,
- Proposal:** Variation of condition 4 of planning permission dated 28 March 2014 (RN: 13/06028/FULL) for the: Retention and refurbishment of 13-14 Langley Street for retail (Class A1) use. Demolition of 6, 10-14 Mercer Street, the one/two storey warehouse-type buildings and the later rear addition of 116 Long Acre and redevelopment to provide 24 residential flats (Class C3), retail (Class A1) and restaurant (Class A3) units with associated plant and ancillary space. Creation of new pedestrian and servicing piazza and street, works of hard landscaping, alterations to existing vehicular and pedestrian access together with associated enabling works. Namely, to allow the extension of hours of operation/trading.
- Reference:** 21/02397/FULL
- Plan Nos:** 13/06028/FULL
 RAL-GA: 00-0001P2; 00-0002P2; 01-0001P2; 01-0101P4; 01-0201P5; 01-0301P3; 01-0401P2; 01-0501P2; 01-0601P3; 01-0701P3; 02-0001P2; 02-0010P2; 02-0020P2; 02-0030P2; 02-0040P2; 03-0001P2; 03-0020P2; 03-0040P2; 03-0060P2; 03-0080P3; 04-0002P2; 04-0003P2; 04-0005P3; 04-0010P1; 04-0020P2; 04-0025P1; 09-0001P2; 09-0002P1; 09-0003P2;
- IRAL-EX: 00-0001P1; 00-0002P1; 01-0001P1; 01-0101P1; 01-0201P1; 01-0301P1; 01-0401P1; 01-0501P1; 01-0601P1; 01-0701P1; 02-0001P1; 02-0010P1; 02-0020P1; 03-0001P1; 03-0080P1;
- Design and Access Statement Revision 1: 11 October 2013; Substitution Drawings and Additional Information October 2013; Planning Statement June 2013; Noise Impact Assessment October 2013; Ventilation Extract Statement June 2013; Transport Statement June 2013; Heritage Statement June 2013 and additional note from KMHeritage dated August 22, 2013; Delivery and Servicing Plan June 2013; Statement of Community Involvement June 2013; Foul Sewage and Utilities Capacity Report June 2013; Travel Plan June 2013; Archaeology-Desk Top Report June 2013; Energy statement October 2013; Sustainability Statement October 2013; Site Management Plan report November 2013; Daylight and Sunlight Report June 2013 and letter from GVA dated 9th September 2013; Letters dated 9th September 2013, 7th October 2013, 15th October 2013 and 23rd October 2013.
 E-mails dated 31/7/13, 5/8/13, 22/8/13, 9/9/13, 16/9/13, 8/10/13, 14/10/13, 16/10/13, 25/10/13 and 19/11/13.
- 14/04931/ADFULL
 Written Scheme of Investigation for a preliminary archaeological evaluation and watching brief.
- 14/06018/ADFULL
 87984/001 P7, 87984/003 P7, 87984/004 P7, 87984/005 P6,
 87984/006 P7, 87984/011 P6, 87984/012 P7, 87984/013 P6,

87984/014/P6, 87984/015 P6, 87984/016 P7, 87984/017 P2, 87984/018 P2, 87984/020 P2, 87984/021 P2, 87984/022 P2, 87984/023 P1, 87984/025 P3, 87984-105 P1, 87984-600 P3, 87984-001 T1, 87984/002 P7, 87984-002 T1, 87984-003 T1, 87984-004 T1, 87984-005 T1, 87984-006 T1, 87984-007 T1, 87984-008 T1, 87984-010 T1, 87984-011 T1, 87984-012 T1, 87984-013 T2, 87984-014 T1, 6434/02 E, 6434/03 G, 6434/34 A, 6434/37 A, 6434/40 A, 7684/05 E, 7684/07 E, 7684/08 E, 7684/09 D, 7684/12 E.
Civil and Structural Engineering Stage D Report July 2013.

14/05603/ADFULL

Letter dated 09.06.14; Site Investigation Report by Southern Testing dated 28 January 2013. Emails from Luke Emmerton dated 26th August 2014, 11th August 2014 and 21st July 2014.

14/06760/ADFULL

Traffic Management Plan-01 dated 10th July 2014, Demolition Management Plan-McGee Revision 1 dated 9th July 2014, Environmental Management Plan-D1 dated 23rd May 2014, Noise Vibration and Dust Monitoring Plan D2 dated 13th June 2014.

14/12371/ADFULL

Preliminary Archaeological evaluation report dated October 2014.

15/01345/ADFULL

Construction Management Plan Rev A, Environmental Management Plan EVN-GAT-500.

15/01801/ADFULL

A4 photo images 1, 2, 3, 4, 5.

15/03994/ADFULL

4 photographs of brickwork; IRAL-GA-03-0020 P1; IRAL-GA-04-0020 P1; IRAL-GA-03-0060 P1; IRAL-GA-03-0040 P1.

15/07248/ADFULL

Document ref. 653-12_14 Rev.A dated 01/09/2015; Mortar / pointing specification within email from L.Emmerton to A.Barber dated 27/08/2015.

15/07735/FULL

Mercer's Yard - Schedule of Works 13-14 Langley Street Document dated 18.08.15 prepared by Ian Ritchie Architects, 87984_320 Rev. C4, IRAL-GA-31-0101 Rev. P00, IRAL-GA-31-0201 Rev. P00, IRAL-75-4002 Rev. K00, IRAL-75-4011 Rev. K01, IRAL-75-4022 Rev. K01, IRAL-75-5001 Rev. K00, IRAL-75-5002 Rev. K01, IRAL-75-7001 Rev. K00, IRAL-75-7002 Rev. K00 and IRAL-75-7050 Rev. K00.

15/10760/ADFULL

22360302-E-B1-02 Rev.A

16/05901/ADFULL

Post Excavation Assessment (Museum of London Archaeology).

16/00662/ADFULL

Items, 1, 2, and 4 of Ian Ritchie Architects "ARTWORK REPORT FOR WCC PUBLIC ART REVIEW MEETING, FEBRUARY 2016".

16/08674/ADFULL

Cover Letter dated 7 September 2016, Acoustic Report dated 30 August 2016.

17/07586/ADFULL

BREEAM UK Final Certificate (BBREEAM-0067-0844 Issue 1) dated 11 May 2017.

18/01255/ADFULL

001-450-01 rev N; 001-450-02 rev S; 001-450-03 rev E; Technical Spec Sheet; Equipment Schedule; Cover Letter.

18/01549/ADFULL

Plant Noise Assessment (Report 8281/PNA Revision Number: 1) dated 21 February 2018 prepared by RBA Acoustics and Temper, Mercers Walk Plant Noise Calculations (Ref: 8281/PT-PNA1) dated 20 March 2018 prepared by RBA Acoustics.

18/02270/ADFULL

342_PL_IO.

18/05807/ADFULL

BRE-00032802-PC-001-07-0001; 0002; 0003; 0004; 0005; 0006; 0007; 0008; 0009; 0010; 0011; 0012; 0013; 0014; 0015; 0016; 0017; 0018; 0019; 0020; 0021; 0022; 0023; 0024.

18/08244/ADFULL

Management Strategy Plan Nov 2018 rev B; Cover Letter.

AS AMENDED BY:

Site location plan; Cover letter by DP9 dated 12 April 2021.

Case Officer: Aurore Manceau

Direct Tel. No. 07866038763

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	<p>Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only: between 08.00 and 18.00 Monday to Friday; between 08.00 and 13.00 on Saturday; and not at all on Sundays, bank holidays and public holidays.</p> <p>You must carry out basement excavation work only: between 08.00 and 18.00 Monday to Friday; and not at all on Saturdays, Sundays, bank holidays and public holidays.</p> <p>Noisy work must not take place outside these hours. (C11BA)</p> <p>Reason: To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)</p>
3	The Class A3 units hereby permitted must not be open to customers except between 08.00 and 23.00 on Monday to Friday, 09.00 and 23.00 on Saturday and 09.00 and 22.30 on Sundays, bank holidays and public holidays.
	<p>Reason: To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)</p>
4	The café A1/A3 unit hereby permitted must not be open to customers except between 08.00 and 23.00 on Monday to Saturday and 08.00 and 22.30 on Sundays, bank holidays and public holidays.
	<p>Reason: To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)</p>
5	The Class A1 retail units hereby permitted must not be open to customers except between 10.00 and 19.00 on Monday to Wednesday, 10.00 and 21.00 on Thursday, 10.00 and 20.00 on Friday and Saturday and 12.00 and 18.00 on Sundays, bank holidays and public holidays.
	<p>Reason: To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)</p>
6	You must only use the Class A3 restaurant units as sit-down restaurants with waiter

	service. You must not use any part of the Class A3 units as a bar or bar area, or for any other purposes, including any within Class A3 of the Town and Country Planning (Use Classes) Order 1987 as amended September 2005 (or any equivalent class in any order that may replace it).
	Reason: We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 16 of the City Plan 2019 - 2040 (April 2021). (R05AC)
7	You must not allow more than 250 customers into the Class A3 unit in the south west building (including external seating) at any one time. (C05HA)
	Reason: We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 16 of the City Plan 2019 - 2040 (April 2021). (R05AC)
8	You must not allow more than 158 customers into the Class A3 restaurant unit in the North building at any one time. (C05HA)
	Reason: We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 16 of the City Plan 2019 - 2040 (April 2021). (R05AC)
9	You must keep to the terms of the details of the Operational Management Site Plan approved under application reference 18/08244/ADFULL on the 11 January 2019. You must then carry out the measures included in your Plan at all times unless as otherwise agreed in writing by the City Council as local planning authority.
	Reason: To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)
10	The balconies associated with the residential apartments shall be retained as balconies and shall not be filled in and incorporated within the apartments.
	Reason: To secure the retention of amenity space and to make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 12, 38 and 40 of the City Plan 2019 - 2040 (April 2021).
11	The planting area shown on the terrace at 4th floor level fronting Mercer street shall be retained for a planting area and must not be accessed except for maintenance purposes.
	Reason: To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

12	<p>You must keep to the terms of the details of the environmental management plan approved under applications reference 14/06760/ADFULL on the 04 September 2014 and 15/01345/ADFULL on the 05 May 2015. You must then carry out the measures included in your Plan at all times unless as otherwise agreed in writing by the City Council as local planning authority.</p> <p>Reason: To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)</p>
13	<p>Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any provision equivalent to that class in any statutory instrument revoking or re-enacting that order) the Class A1 retail accommodation hereby approved at 13-14 Langley Street shall only be used for non-food retail purposes.</p>
	<p>Reason: To ensure that the retail units do not give rise to an unacceptable level of servicing causing obstruction of the surrounding streets and to protect the environment of people in neighbouring properties as set out in S 42 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.</p>
14	<p>The residential part of this development shall achieve a rating of Level 4 under the Code for Sustainable Homes (2010 edition) or higher (or any such national measure of sustainability for house design that replaces that scheme of the same standard). You must keep to the terms of the details of the Building Research Establishment (or equivalent independent assessment) issued Final Post Construction Stage Assessment and Certification approved under application reference 18/05807/ADFULL on the 26 July 2018.</p>
	<p>Reason: To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)</p>
15	<p>The commercial (Class A1,A3 and Café A1/A3) part of the development shall achieve a minimum of a rating of 'Very Good' under the BREEAM 2011 New Construction Assessment Scheme (or equivalent independent assessment). You must keep to the terms of the details of the Building Research Establishment (or equivalent independent assessment) issued Final Post Construction Stage Assessment and Certification approved under application reference 17/07586/ADFULL on the 03 October 2017.</p>
	<p>Reason: To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44BD)</p>

16	<p>You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.</p> <p>Photovoltaic panels, Combined Heat and Power (CHP), Connection of CHP system to adjacent restaurant at 20-22 Shelton Street.</p> <p>You must not remove any of these features. (C44AA)</p>
	<p>Reason: To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)</p>
17	<p>The potential connection of the centralised CHP driven energy system to the adjacent Hawksmoor restaurant at 20-22 Shelton Street and to adjacent development blocks at the front and rear of the development as and when these are ready to be developed as referred to in your energy statement dated October 13th 2013, and as shown on your drawing numbers 001 P3 in that document , shall be safeguarded for the life of the development.</p>
	<p>Reason: To ensure that the application is compliant with the requirements of Policy 36 of the City Plan 2019-2040 (April 2021).</p>
18	<p>You must keep to the terms of the details of the written scheme of investigation, archaeological work approved under applications reference 14/04931/ADFULL on the 22 July 2014, 14/12371/ADFULL on 04 March 2015 and 16/05901/ADFULL on the 01 August 2016.</p> <p>Reason: To protect the archaeological heritage of the City of Westminster as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32BD)</p>
19	<p>You must keep to the terms of the details of the design and method statements for all foundations approved under applications reference 14/06018/ADFULL on the 04 August 2014.</p> <p>Reason: To ensure that the development does not impact on existing London underground transport infrastructure, in accordance with London Plan 2011 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.</p>
20	<p>The public realm area must be kept clear between 07.00 to 10.00 to allow for servicing.</p>
	<p>Reason:</p>

	To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)
21	No refuse or recycling collections shall take place between 07.00 and 10.00 (as waste bins are to be stored in an area required for servicing vehicles.
	Reason: To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)
22	You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)
	Reason: In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)
23	You must keep to the terms of the details of the Cycle parking for retail uses approved under application reference 15/10760/ADFULL on the 12 February 2016. The cycle spaces must be retained and the space used for no other purpose without our prior written consent.
	Reason: To provide cycle parking spaces for people using the development as set out in Policies 25 and 27 of City Plan 2019 - 2040 (April 2021).
24	You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.
	Reason: To provide cycle parking spaces for people using the development as set out in Policies 25 and 27 of City Plan 2019 - 2040 (April 2021).
25	No waste is to be left on the highway.
	Reason: To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)
26	With the exception of collecting rubbish, no goods (including fuel) that are delivered or collected by vehicles arriving at or leaving the site must be accepted or sent out if they

	are unloaded or loaded on the public road. You may accept or send out such goods only if they are unloaded or loaded within the boundary of the site. (C23CB)
	Reason: To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)
27	You must keep to the terms of the details of facing material samples approved under applications reference 15/01801/ADFULL on the 23 April 2015 and 15/03994/ADFULL 07 July 2015. You must then carry out the work using the approved materials.
	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 Covent Garden Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)
28	The following design details must be provided as part of the construction phase and maintained: i) the decorative metal shutters and vertical panel between the southeast and the southwest building shall be of cast aluminium with varying colours between the three main new buildings; ii) the new vertical feature window in the west face of 13-14 Langley Street shall feature a patterned border of brick tiles; iii) the three arched feature windows in the south face of 13-14 Langley Street shall feature recessed brick arches; iv) the new surfacing materials for the new streets and piazza shall be granite setts and slabs; v) the new shopfronts shall conform to the shopfront guidelines within the Design and Access Statement.
	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 Covent Garden Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)
29	You must keep to the terms of the details of brickwork sample approved under applications reference 15/07248/ADFULL on the 07 September 2015. You must then carry out the work using the approved sample.
	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 Covent Garden Conservation Area.

	This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)
30	You must keep to the terms of the details approved under applications reference 15/03994/ADFULL on the 07 July 2015. You must then carry out the work according to these approved drawings.
	Reason: To make sure that the appearance of the development is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)
31	You must keep to the terms of the details of the modifications to the fabric of 13-14 Langley Street approved under applications reference 15/07735/ADFULL on the 29 September 2015. You must then carry out the work according to these approved drawings.
	Reason: To make sure that the appearance of the development is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)
32	You must keep to the terms of the details of the scheme of public art approved under application reference 16/00662/ADFULL on the 04 May 2016. You must maintain the approved public art and keep it on this site. You must not move or remove it.
	Reason: To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out Policy 43(E) of the City Plan 2019 - 2040 (April 2021). (R37AC)
33	All new work to the outside of the retained buildings 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.
	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 Covent Garden Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

34	You must keep to the terms of the details of the scheme of tables and chairs approved under application reference 18/02270/ADFULL on the 29 March 2018.
	Reason: To make sure that the appearance is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26DE)
35	You must keep to the terms of the details of the investigation reports for phases 1, 2 and 3 approved under applications reference 14/05603/ADFULL on the 04 September 2014 You must apply to us for approval of the following investigation reports. Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate. (C18AA)
	Reason: To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18AB)
36	<p>(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.</p> <p>(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.</p> <p>(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</p>

	<p>approval by the City Council. Your submission of a noise report must include:</p> <ul style="list-style-type: none"> (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.
	<p>Reason: Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)</p>
37	<p>(1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the Class A3 restaurants and Class A1 retail uses hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.</p> <p>(2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the Class A3 restaurants and Class A1 retail uses hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-</p>

	<p>specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.</p> <p>(3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:</p> <p>(a) The location of most affected noise sensitive receptor location and the most affected window of it;</p> <p>(b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;</p> <p>(c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;</p> <p>(d) The lowest existing LA90, 15 mins measurement recorded under (c) above;</p> <p>(e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;</p> <p>(f) The proposed maximum noise level to be emitted by the activity.</p>
	<p>Reason: Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AC)</p>
38	<p>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.</p>
	<p>Reason: To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R48AB)</p>
39	<p>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. (C49AA)</p>

	<p>Reason: 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 as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R49AB)</p>
40	<p>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.</p>
	<p>Reason: 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, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R49BB)</p>
41	<p>You must keep to the terms of the details of the supplementary acoustic report approved under applications references 16/08674/ADFULL on the 17 October 2016 and 18/01549/ADFULL on the 17 April 2018.</p>
	<p>Reason: Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)</p>
42	<p>You must keep to the terms of the details of the ventilation system to get rid of cooking smells approved under application reference 18/01255/ADFULL on the 16 March 2018.</p>
	<p>Reason: To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)</p>
43	<p>You must keep to the terms of the details of the supplementary acoustic report for sound insulation approved under application reference 16/08674/ADFULL on the 17 October 2016.</p>
	<p>Reason: 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 as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R49AB)</p>

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

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

CIL forms are available from the planning on the planning portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

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

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

- 3 The written scheme of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with English Heritage Greater London Archaeology guidelines. It must be approved by the planning authority before any on-site development related activity occurs.
- 4 The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; excavation; construction methods; security; boundary treatment; safety barriers; landscaping and lighting.
- 5 For advice on how you can design for the inclusion of disabled people please see the guidance provided by the Equality and Human Rights Commission, the Centre for Accessible

Environments and Habinteg. The Equality and Human Rights Commission has a range of publications to assist you (www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility' (2012) is a useful guide (www.cae.org.uk). If you are building new homes, you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk.

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

- 6 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. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: www.westminster.gov.uk/street-naming-numbering (I54AB)
- 7 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 8 The term 'clearly mark' in condition ^IN; means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 9 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 email AskHighways@westminster.gov.uk. 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).
- 10 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
 - a) Contribution of £300,000 towards Affordable Housing (index linked and payable on commencement of development) and a further financial contribution of £950,000 (index linked) in the event of the residential units being sold within 15 years of first occupation .
 - b) Contribution of a minimum of £175,170 towards public realm improvements.
 - c) Contribution of a minimum of £100,000 towards public art.
 - d) Code of Construction Practice, a contribution to fund the Environmental Inspectorate (£18k per year for duration of works) and the Environmental Sciences Team (£8k per year for duration of works).
 - e) Contribution of £210,870 towards Crossrail or as agreed between the Mayor and the applicant.
 - f) Contribution of £66,796 towards the City Council's carbon offsetting fund.
 - g) Provision of an Operational Site Management Plan

- h) Provision of car club membership (20 years) for each residential unit and a parking mitigation payment of £24,000.
- i) Costs of Highway Works required for the development to occur including provision of new vehicle crossovers, repaving of footways, street signs, drainage changes, street lighting, and associated costs.
- j) Shopfront and advertisement guidelines.
- k) The installation and retention of two new windows at Flats 3 & 7 at 118 Long Acre at first and second floor.
- l) Monitoring costs
- 11 You must register your food business with the Council, please use the following link: www.westminster.gov.uk/registration-food-business. Please email the Environmental Health Consultation Team (Regulatory Support Team 2) at ehconsultationteam@westminster.gov.uk for advice on meeting our standards on ventilation and other equipment. Under environmental health legislation we may ask you to carry out other work if your business causes noise, smells or other types of nuisance.
- 12 Condition 35 refers to a publication 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018. You can get a copy of this document at www.westminster.gov.uk/contaminated-land. For further advice you can email Public Protection and Licensing at environmentalsciences2@westminster.gov.uk.
- 13 Working at height remains one of the biggest causes of fatalities and major injuries. You should carefully consider the following.
- * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
 - * Lighting - ensure luminaires can be safely accessed for replacement.
 - * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).
- More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/toolbox/height.htm
- Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)
- 14 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.
- 15 Buildings must be provided with appropriate welfare facilities for staff who work in them and for visiting members of the public.
Detailed advice on the provision of sanitary conveniences, washing facilities and the provision of drinking water can be found in guidance attached to the Workplace (Health, Safety and Welfare) Regulations 1992. www.opsi.gov.uk/SI/si1992/Uksi_19923004_en_1.htm

The following are available from the British Standards Institute - see shop.bsigroup.com/:

BS 6465-1:2009: Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances

BS 6465-3:2009: Sanitary installations. Code of practice for the selection, installation and maintenance of sanitary and associated appliances. (I80HA)

- 16 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 ACM's, 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 (I80AB)

- 17 Under the Construction (Design and Management) Regulations 2015, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 18 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work.

When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works

setting conditions of permitted work (Section 60, Control of Pollution Act 1974).

British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work.

An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

- 19 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 or visit www.ccscheme.org.uk.
- 20 You are encouraged to incorporate Flemish bond brick rather than stretcher bond as proposed, as it would lead to a greater design integrity.

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.