

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 7 March 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Pimlico North	
Subject of Report	Basement And Ground Floor, 79 Wilton Road, London, SW1V 1DL		
Proposal	Use of basement and ground floors as restaurant/hot food takeaway (Sui generis) with installation of extraction flue system to rear.		
Agent	Mr T AY		
On behalf of	MR SAYED		
Registered Number	22/06456/FULL	Date amended/ completed	21 February 2023
Date Application Received	23 September 2022		
Historic Building Grade	Unlisted building of merit		
Conservation Area	Pimlico		
Neighbourhood Plan	Pimlico Neighbourhood Plan 2021-2040		

1. RECOMMENDATION

Grant conditional planning permission.

2. SUMMARY & KEY CONSIDERATIONS

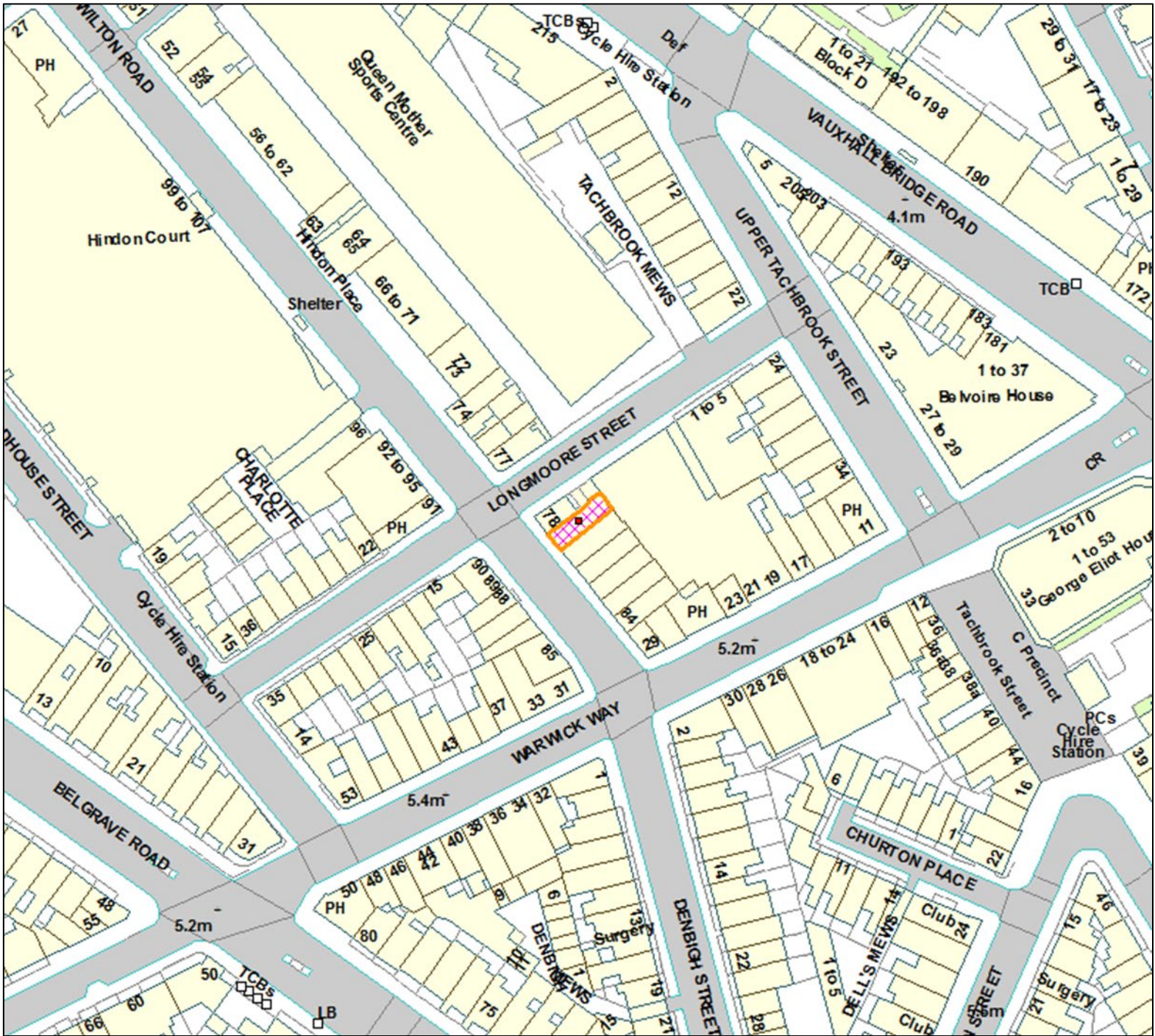
79 Wilton Road comprises a vacant shop on ground and basement floors and a residential flat on the first floor. The building is identified as an unlisted building of merit in the Pimlico Conservation Area Audit and is located within a terrace of similar two storey buildings. The current application is for use of the ground and basement floors as a restaurant/hot food takeaway (Sui generis) and the installation of a kitchen extract flue on the rear elevation of the building. Objections have been received from the Pimlico Neighbourhood Forum and two residents on land use and amenity grounds.

The key issues in this case are:

- The impact on residential amenity and local environmental quality
- The impact on the character and function of the Warwick Way/Tachbrook Street CAZ Retail Cluster
- The impact on the character and appearance of the building and the Pimlico Conservation Area.

For the reasons set out in the report the application is considered acceptable and complies with the relevant polices of the City Plan and Pimlico Neighbourhood Plan subject to conditions to ensure that any harmful impact on residential amenity and local environmental quality is mitigated.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

WESTMINSTER SOCIETY

Any response received to be reported verbally by officers.

PIMLICO FREDA

Any response received to be reported verbally by officers.

PIMLICO NEIGHBOURHOOD FORUM

There is an over concentration of hot food takeaways in Pimlico which has a harmful impact on the character and function of the area and on residential amenity as result of late-night noise and activity and nuisance from cooking fumes. Object to any further increase in hot food takeaways. The external alterations will have a harmful impact on the appearance of the building and on the conservation area. There are no details of waste storage or deliveries.

ENVIRONMENTAL HEALTH

No objection subject to conditions mitigating the impacts of the external plant noise, internal noise generated from restaurant use and odour generated by extract ventilation equipment

HIGHWAYS PLANNING MANAGER

Whilst no details of servicing have been provided, it is accepted that the proposed use will be serviced in a similar manner to the existing use and nearby properties. Request conditions are attached restricting the use to a restaurant and no delivery service to operate from the premises.

PROJECTS OFFICER (WASTE)

No objection subject to a condition to ensure that the storage for waste and recyclables is provided and made permanently available.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 3

Total No. of replies: 3

No. of objections: 3

No. in support: 0

Three objections from two neighbours on the following grounds:

LAND USE

- Excessive number of pizza/fast food restaurants in the area
- Within 200m of a prep school and within meters of the Queen Mother Sports Centre – used by school children
- Should be retained for retail use

AMENITY

- Light pollution.

PRESS NOTICE/ SITE NOTICE:
Yes

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 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.

6.2 Neighbourhood Planning

The Pimlico Neighbourhood Plan was formally adopted by the City Council on 7 December 2022 and is therefore now part of the statutory Development Plan for Westminster and is used alongside Westminster's City Plan 2019-2040 and the London Plan 2021 when determining planning applications within the Pimlico Neighbourhood Area.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The application relates to the ground and basement floors of 79 Wilton Road, a two-storey plus basement building located on the east side of Wilton Road. The ground and basement floor levels are currently vacant but were previously occupied as a shop; the first floor is an independently accessed self-contained residential flat. The building is identified as an unlisted building of merit in the Pimlico Conservation Area Audit and forms part of a terrace of similar two-storey buildings. The site is located within the Warwick Way/Tachbrook Street CAZ Retail Cluster, Flood Zone 3 and the Pimlico North & Victoria Surface Water Flood Risk Hotspot.

7.2 Recent Relevant History

Advertisement consent was refused for the retention of the internally illuminated fascia sign and the internally illuminated projecting sign on 8 December 2022 (22/06457/ADV). The applicant was advised that halo illuminated lettering or externally illuminated signage would be considered more favourably.

The applicant has reapplied for advertisement consent (22/08591/ADV) but whilst the projecting sign is now proposed to be externally illuminated the fascia sign has internally illuminated lettering rather than halo illuminated lettering and is therefore unacceptable.

8. THE PROPOSAL

Planning permission is sought for a change of use of the ground and basement floors from retail Class E use to a mixed restaurant/hot food takeaway (Sui generis) use and the installation of a kitchen extract flue on the rear elevation of the building.

A sales counter, pizza oven and food preparation area are proposed at rear ground floor level with seating for 11 customers at the front of the premises; seating for a further 22 customers and customer toilets are provided in the basement. The applicant anticipates that 20-30% of sales will be for takeaway.

Except for the kitchen extract flue at the rear, there are no external alterations proposed to the building. The shopfront, shutter and shutter box are retained as existing. The display of new signage (fascia and projecting signs) is the subject of a separate application under control of advertisements legislation.

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Retail (Class E)	126.65	0	-126.65
Restaurant and Hot Food Takeaway (Sui Generis)	0	126.65	+126.65
Total	126.65	126.65	0

9. DETAILED CONSIDERATIONS

9.1 Land Use

City Plan Policy 14 'Town Centres, high streets and the CAZ', at Part A, requires proposals in existing town centres and high streets to enhance and diversify their offer as places to shop work and spend leisure time. At Part C, Policy 14 requires development be of a scale, type and format that reflects and enhances the function of the centre within which it is proposed. CAZ Retail Clusters, such as the Warwick Way/Tachbrook Street CAZ Retail Cluster are expected to provide large format retail and complementary town centre uses to meet the needs of residents, workers and visitors.

City Plan Policy 16 'Food, drink and entertainment', at Part A, requires that food and drink uses be of a type and size appropriate to their location and the over-concentration of such uses will be further prevented where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the town centre. At Part C, Policy 16 states that proposals for hot food takeaways within 200 metres walking distance from the entrance of a primary or secondary school will not be supported.

Pimlico Neighbourhood Plan Policy PIM 1, at Part A, states that the Warwick Way/Tachbrook Street CAZ Retail Cluster (and the Local Centres) are the areas of commercial and mixed-use character to which main town centre uses that both serve visiting members of the public and provide active frontages should be directed within the Pimlico Neighbourhood Area. Part C of PIM1 states that proposals for hot food takeaways within 200m walking distance from the entrance of a primary or secondary school will not be supported and that proposals for new restaurants and hot food takeaways must ensure that local environmental quality is protected by satisfactorily mitigating the detrimental impacts of noise and disturbance, waste, cooking odours and deliveries.

The ground and basement floors of the application premises were previously used as a retail shop. Following the amendments to the Use Classes Order introduced by Government in September 2020, retail shops and premises for the sale of food and drink for consumption (mostly) on the premises i.e. restaurants and cafes, both now fall within Class E which means that planning permission is no longer required for a change of use from retail to restaurant. However, hot food takeaways – for the sale of hot food for consumption mostly undertaken off the premises do not fall within Class E but are a 'Sui generis' use i.e. a use which does not fall within a defined use class. Consequently, the proposed mixed restaurant/hot food takeaway use of the application premises falls outside of Class E and is a Sui generis use requiring planning permission.

Objections have been received from the Neighbourhood Forum and two residents on the grounds that the proposal would result in the over concentration of restaurants/ hot food takeaways causing harm to the character and function of the local area and harm to residential amenity.

The proposal would result in a row of five consecutive restaurants on this section of Wilton Road; about half of all ground floor units along both sides of Wilton Road between Gillingham Street and Warwick Way are currently restaurants, cafes or pubs. The proposed mixed restaurant/hot food takeaway is considered to be a complementary town centre use appropriate to this CAZ Retail Cluster and one which would 'meet the needs of local residents, works and visitors – both contributing the daytime and night-time economy' (para. 20 Chapter 2 of the Pimlico Neighbourhood Plan). Given the relatively small size of the application premises (126.65sqm), the small proportion of takeaway sales (20-30%) proposed and the fact that the premises could be used as a restaurant without the need planning permission, it is considered that the proposed mixed restaurant/hot food takeaway would not have a harmful impact on the vitality and character of this CAZ Retail Cluster.

An objection has been received on the grounds that the application premises are less

than 200 metres from a prep school at the corner of Vauxhall Bridge Road and Francis Street.

The application premises are not within 200 metres walking distance of the entrance of any primary or secondary school. The nearest primary or secondary is the Westminster Cathedral Choir School (WCCS) at 47 Francis Street, which is approximately 270 metres walking distance away.

9.2 Residential Amenity

City Plan Policy 16 'Food, drink and entertainment', at Part A, requires that food and drink uses be of a type and size appropriate to their location and the over-concentration of such uses will be further prevented where this could harm residential amenity.

Policy 7 of the City Plan requires development to protect and where appropriate enhance the quality of the local environment.

Policy 33 of the City Plan seeks to ensure that the quality of life and health of existing and future occupiers and the natural environment are not adversely affected by harmful pollutants and other negative impacts on the local environment. This includes minimising noise and vibration from plant, machinery and internal uses and addressing the adverse impact of odour through the incorporation of appropriate mitigation measures using a precautionary approach.

Policy PIM 1 of the Pimlico Neighbourhood Plan requires proposals for restaurants and hot food takeaways to protect local environmental quality by mitigating the detrimental impacts of staff and customer activity, by providing adequate extraction and air conditioning which does not impact on the amenity of residents living above or close to the unit in terms of noise disturbance or odours and by ensuring that deliveries do not cause noise and obstruction.

The Council's Environmental SPD (adopted 2022) contains guidance on the implementation of the above policies in respect of noise, vibration and odour.

Noise & Vibration

The application is supported by an acoustic report. The City Council's Environmental Sciences Team are satisfied that the proposed kitchen extract flue will not cause a noise nuisance subject to conditions controlling noise emission levels and restricting its use to between the hours of 07.00 and 23.00 hours daily.

Environmental Sciences have also requested that conditions are imposed to control internal noise levels to protect the amenity of adjoining residential occupiers including a requirement to fit a noise limiter on any music amplification system. A condition is also recommended to restrict the hours of opening to between 07:00 and 23:00 hours daily.

Odour

Environmental Sciences have confirmed that the proposed kitchen extract ventilation arrangements are acceptable subject to a condition requiring the equipment to be

installed and maintained in accordance with the submitted Odour Management Plan.

It is considered that these conditions will mitigate any potentially harmful amenity impact in terms of noise and odour nuisance.

An objection has been received raising concerns about potential light pollution. There are no alterations proposed which would cause light pollution.

9.3 Transportation, Accessibility & Servicing

Policy 29 of the City Plan requires servicing collection and delivery needs to be fully met within a development.

Policy 7 of the City Plan requires development to make appropriate and effective waste management arrangements.

Policy 37 of the City Plan requires all development (including changes of use) to provide appropriate facilities for the storage of separate waste streams which are safe and convenient to access for deposit and collection, with sufficient capacity for current and projected future use.

Policy PIM 1 of the Pimlico Neighbourhood Plan requires that hot food takeaways mitigate the detrimental impacts of customer and staff activities in respect of litter, commercial waste and dirty pavements by ensuring adequate waste storage arrangements. This policy also requires that deliveries (both by moped and bicycle) from hot food takeaways ensure that pavements and roadways are not obstructed and that delivery workers do not congregate in a location that creates unacceptable obstruction and noise.

Servicing

There is no provision for off-street servicing. The Highways Planning Manager has however accepted this on the basis that the proposed use is likely to be serviced in a similar manner to the previous use and nearby properties.

Delivery Service

The Highways Planning Manager has no objection to the takeaway element of the proposed use as this will have a similar impact in highways terms to that of individuals purchasing items from a retail shop. However, objection is raised to a delivery service which would cause a highway obstruction, reduce the availability of parking for others and increase noise and nuisance from fumes. It is therefore recommended that a condition is attached prohibiting the restaurant/ hot food takeaway from operating a delivery service from the premises.

Waste & Recycling Storage

The application has been amended to include a waste management plan for the premises and a storage area for waste and recycling at rear ground floor level. The Council's Project Officer (Waste) is satisfied with the revised arrangements subject to a

condition to ensure that the waste storage is provided and retained.

9.4 Townscape, Design & Heritage Impact

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Policy 39 of the City Plan 2019-2040 (April 2021), at part K, requires development in conservation areas to preserve or enhance the character and appearance of Westminster’s conservation areas. Features that contribute positively to the significance of conservation areas and their settings will be conserved and opportunities taken to enhance conservation areas and their settings, wherever possible.

Policy 40 of the City Plan, at part A, states that development will be sensitively designed, having regard to the prevailing, scale, heights, character, building lines and plot widths, materials, architectural quality and degree of uniformity in the surrounding townscape. Part B goes on to state that: Spaces and features that form an important element in Westminster’s local townscapes or contribute to the significance of a heritage asset will be conserved, enhanced and sensitively integrated within new development. Part D requires that alterations and extensions respect the character of the existing and adjoining buildings, avoid adverse visual and amenity impacts and do not obscure important architectural features or disrupt any uniformity, patterns, rhythms or groupings of buildings and spaces that contribute positively to Westminster’s distinctive townscape.

Policy PIM 4 of the Pimlico Neighbourhood Plan 2021-2040 (December 2022) requires that development within or affecting the setting of the Pimlico Conservation Area should demonstrate well-detailed, high quality, sustainable and inclusive design and architecture which preserved and enhances the historic character of the conservation area.

79 Wilton Road is an unlisted building of merit located within the Pimlico Conservation Area. There are several existing extract ducts to the rear of the terrace of buildings of which 79 Wilton Road forms a part. The proposed kitchen extract duct emerges at the rear of the building and would be short in length compared to other nearby extract ductwork along the rear of the terrace. This appears to be the best available route for an external duct and would be only moderately visible in private views to the rear. Due to the poor townscape quality (because of existing ducts) to the rear of the building, the installation of this duct would preserve and cause no harm to the character and appearance of the Pimlico Conservation Area. The proposal is therefore considered to be acceptable in design and conservation terms.

Although objections have been raised about a new shopfront and signage, this application does not seek planning permission to alter the shopfront; the shopfront, the shutter and shutter box will all remain as existing. Proposals for new fascia and projecting signs are the subject of a separate advertisement consent application.

9.5 Environment & Sustainability

Flood Risk & Sustainable Drainage

The application site is located within Flood Zone 3 and Pimlico North & Victoria Surface Water Flood Risk Hotspot. The applicant has submitted a site-specific Flood Risk Assessment (FRA) but as the flood risk vulnerability of the proposed use would be the same as the existing use - shops, restaurants and hot food takeaways are all classified as uses that are 'less vulnerable' to flood risk – there is no requirement to consult the Environment Agency. Furthermore, there is no policy requirement to prohibit 'less vulnerable' uses in Flood Zone 3 and no requirement for this type of development to provide any sustainable drainage measures. Hence, the proposal is considered acceptable in terms of flood risk and sustainable drainage

Sustainable Design

The installation of an external kitchen extract flue does not trigger any policy requirements in terms of sustainability.

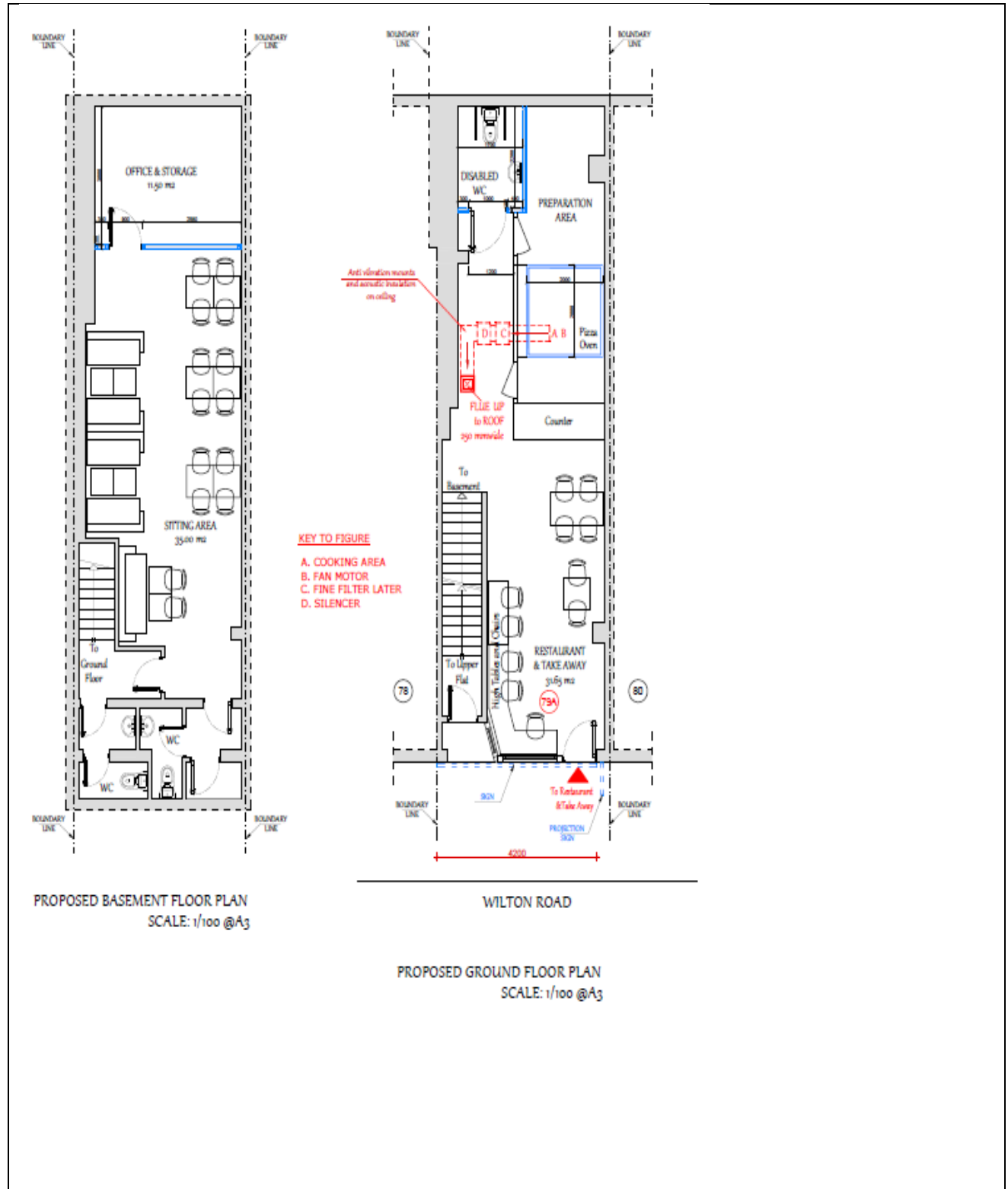
10. Conclusion

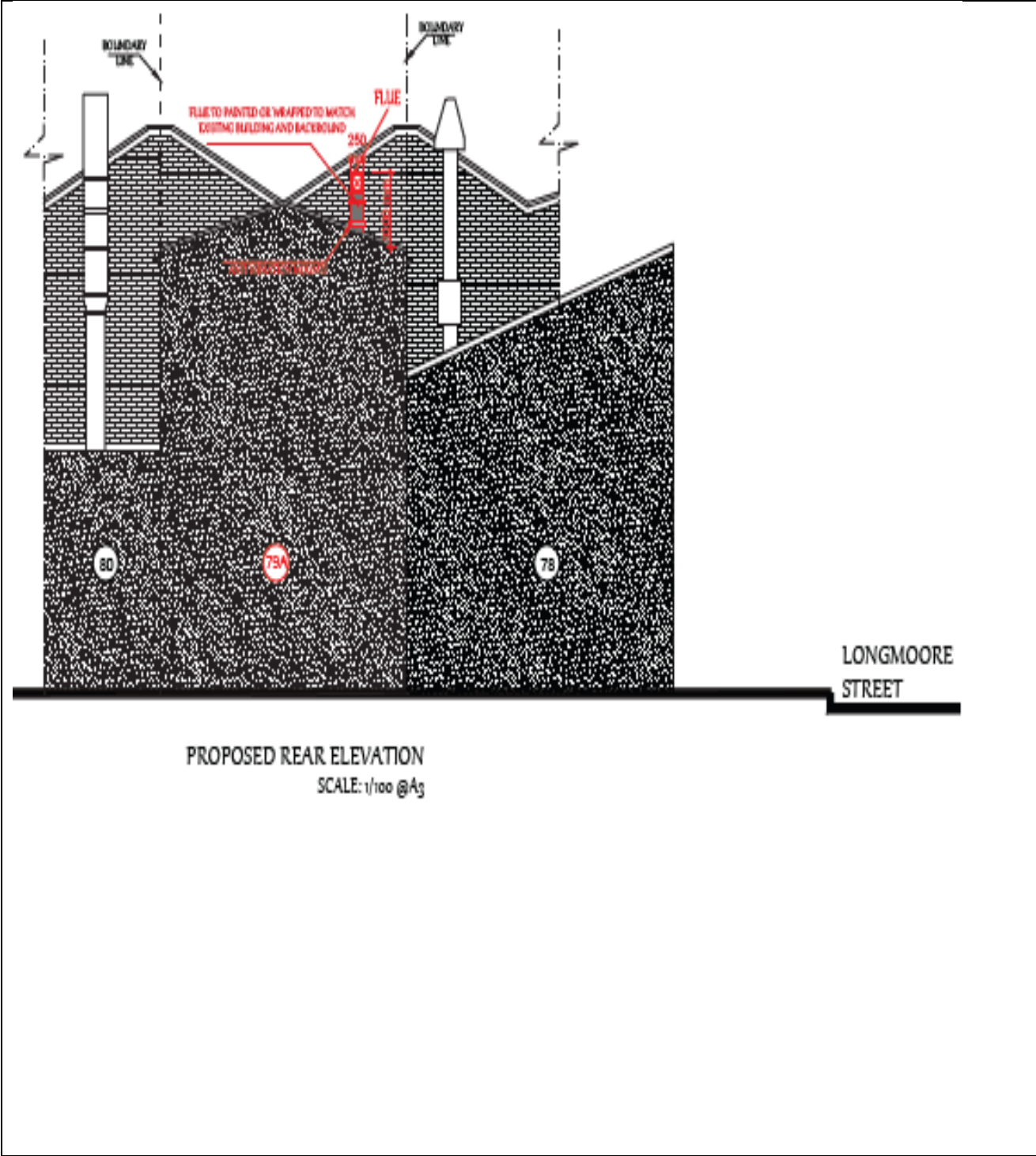
The proposal is considered acceptable subject to appropriate conditions to mitigate any potentially harmful impact on residential amenity and local environmental quality.

(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: AMANDA JACKSON BY EMAIL AT ajackson@westminster.gov.uk

11. KEY DRAWINGS





DRAFT DECISION LETTER

- Address:** Basement And Ground Floor, 79 Wilton Road, London, SW1V 1DL
- Proposal:** Use of basement and ground floors as restaurant and hot food takeaway (sui generis) with installation of extraction flue system to rear.
- Reference:** 22/06456/FULL
- Plan Nos:** Plans:
WLT79/22/01 Existing Site, Basement & Ground Floor Plans; WLT79/22/02 Existing Roof Plan & Front & Rear Elevations; WLT79/22/03 Existing Side Elevations; WLT79/22/04 Location Plan; WLT79/22/05 Rev A Proposed Site, Basement & Ground Floor Plans; WLT79/22/06 Rev B Proposed Roof Plan & Rear Elevation; WLT79/22/07 Rev B Proposed Side Elevations.
- Supporting Documents:
Noise Impact Assessment Issue 02 compiled by Deane Austin Ltd (DAA) dated 15 June 2022; Odour Management Plan prepared by Delta Tech Ltd dated February 2023; Waste Management Plan Rev A Dec 2022 prepared by Delta Tech Ltd; Flood Risk Assessment January 2023 produced by Delta Tech Ltd.
- Case Officer:** Max Leonardo **Direct Tel. No.** 07817095744

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for

example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Pimlico Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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

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

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

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;

- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.
(C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

- 5 The plant/machinery hereby permitted shall not be operated except between 0700 hours and 2300 hours daily. (C46CA)

Reason:

To safeguard the amenity of occupiers of noise sensitive receptors and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) the Environmental Supplementary Planning Document (February 2022). (R46CC)

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

Reason:

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

- 7 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. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens.

Noise from music and entertainment from the restaurant and hot food takeaway use shall be 10 dB below the measured/assessed background in adjoining residential habitable space measured in the parameters Leq & LFmax of 63 Hz and 125 Hz octave bands OR fixed criteria of Day: NR30 Leq, NR35 FLmax and Night: NR25 Leq, NR30 LF max.

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 Environmental Supplementary Planning Document (February 2022). (R49BB)

- 8 A noise limiter device must be fitted to any musical amplification system to ensure that the Sound Source levels meet the design criteria and/or mitigation specified in Condition 7. The operational panel of the noise limiter shall then be secured by key or password which shall be inaccessible to staff.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)

- 9 Prior to first occupation of the premises as a restaurant/hot food takeaway you must provide the separate stores for waste and recyclable material storage as shown on drawing no. WLT79/22/05 Rev A of the submitted Waste Management Plan and thereafter maintain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the restaurant and hot food takeaway. You shall not leave any waste on the highway other than immediately before collection.

Reason:

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

- 10 You shall maintain the extract ventilation system in accordance with the recommendations in the submitted Odour Management Plan prepared by Delta Tech Ltd dated February 2023.

Reason:

To protect neighbouring residents from odour nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021).

- 11 Customers shall not be permitted within the restaurant/hot food takeaway premises before 0700 or after 2300 each day. (C12AD)

Reason:

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

- 12 You shall not operate a delivery service from the premises.

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)

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 This permission does not allow any alterations or advertisements to the front elevation of the building.
- 3 Conditions 4 & 5 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 4 You are advised to permanently mark the plant/machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 5 The operating timings for the mechanical plant for the kitchen ventilation system should be controlled by an automated system rather than relying on staff manually switching the system

off at closing time.

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

7 The term 'clearly mark' in condition 9 means marked by a permanent wall notice or floor markings, or both. (188AA)

8 Kitchen Extract Ventilation Informative:

i. The best solution to prevent odour nuisance for any food operation is a scheme consisting of 'full height' discharge - see guidance at;

o <https://www.westminster.gov.uk/media/document/westminster-guidelines-for-kitchen-extract-ventilation-systems-mar-2021>

In this case the 'low' discharging scheme submitted with the application is considered to be acceptable as it complies with 'Best Practicable Means' standards if implemented and maintained in accordance with Section 2.6 of the Odour Management Plan from Delta Tech Ltd.

As food operations and intensity of use are always difficult to precisely define at the outset final acceptance of the scheme as being sufficient to prevent odour nuisance may therefore require further mitigation works to be carried out if nuisance is being caused post-installation. In addition if in the future the food operation changes significantly you must assess if the scheme is still adequate to prevent nuisance - see the guidance above.

ii. Any installed scheme should also contain the following elements:

o All fume producing cookline equipment must be placed under the extraction canopy

o The kitchen extract ducting should be designed to discharge vertically

o The general ventilation within the kitchen must be designed to achieve an upper ambient temperature of 25 centigrade and provide sufficient air changes within the workspace in compliance with Building & Engineering Services Association (BESA) guidance DW172 -2018 or as updated

o The kitchen extract ducts must be fitted with doors/hatches for cleaning and maintenance, at approximately 2-3 metre intervals or be in compliance with the BESA document TR19 for cleaning and maintenance

o Any cladding must be made of non-flammable materials (approved by Building Control and/or Fire Brigade) and still allow access to any cleaning and maintenance doors/hatches

o Access to the ducting must comply with the Health & Safety safe access standards

9 HIGHWAYS LICENSING:

Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures.

CONSIDERATE CONSTRUCTORS:

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.

BUILDING REGULATIONS:

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control

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.