

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved St James's	
Subject of Report	14 Buckingham Palace Road, London, SW1W 0QP		
Proposal	Use of part ground floor as restaurant (class A3), installation of four air condenser units at rear second floor level and internal alterations.		
Agent	Miss Amy Robinson		
On behalf of	Grosvenor Estate Belgravia		
Registered Number	20/02551/FULL and 20/02552/LBC	Date amended/ completed	17 April 2020
Date Application Received	17 April 2020		
Historic Building Grade	Grade II		
Conservation Area	Grosvenor Gardens		

1. RECOMMENDATION

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

2. SUMMARY

14 Buckingham Palace Road is a grade II listed building located within the Grosvenor Gardens Conservation Area and within the Core Central Activities Zone. The lawful use of the basement and rear part of the ground floor is restaurant (class A3). The front section of the ground floor is currently vacant, but was last occupied as a bureau de change (Class A2).

Permission and consent are sought for the use of the front part of the ground floor as a restaurant to form a single restaurant with an existing restaurant use in the rear part of the ground floor and basement; installation of four air condenser units at rear second floor level and associated internal alterations. An internal air recirculation system has been selected to prevent the need for external ductwork.

The key issues are

- The impact of the alterations upon the special interest of the listed building and on the character and appearance of the conservation area; and

- The impact of the proposal on neighbouring residential amenity, local environmental quality and the character and function of the area.

As set out in this report, the proposed development is considered to comply with the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan) and the application is therefore considered acceptable in design, heritage, land use and amenity terms, and is recommended for approval subject to the conditions set out in the draft decision letters.

3. LOCATION PLAN



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4. PHOTOGRAPHS



14 Buckingham Palace Road

5. CONSULTATIONS

TRANSPORT FOR LONDON

No objection.

BELGRAVIA NEIGHBOURHOOD FORUM

No response received to date.

BELGRAVIA RESIDENTS ASSOCIATION

No response received to date.

VICTORIA NEIGHBOURHOOD FORUM

No response received to date.

WESTMINSTER SOCIETY

No response received to date.

HIGHWAYS PLANNING OFFICER

No objection subject to conditions including no delivery service to operate from the premises and controlling hours of servicing.

WASTE PROJECT OFFICER

No objection subject to a condition requiring details of waste and recycling storage in line with the Council's waste standards.

ENVIRONMENTAL HEALTH OFFICER

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 13

Total No. of replies: 2

No. of objections: 2

No. in support: 0

Two letters of objection have been received from residents within Victoria Square on the following grounds:

Landuse/Amenity

- The change of use of the premises is unnecessary given the number of vacant units in the same parade.
- There are already 14+ restaurant units in Nova, across the street and in the adjacent parade. Retail units are in very short supply, so no A1 or A2 units should be changed to yet another restaurant.
- Noise and cooking smells from extraction and ventilation equipment will impact on environmental and physical wellbeing of neighbouring residents to rear in Victoria Square.
- All ventilation should be done by internal-only re-circulation without external extract or other equipment.

Other

- The old and ineffective extractor tower and fans at the rear of No. 16 should be removed.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

14 Buckingham Palace Road is a grade II listed building located within the Grosvenor Gardens Conservation Area and falls within the Core Central Activities Zone.

The lawful use of the basement and rear part of the ground floor is restaurant (class A3). It would appear that the restaurant was used in connection with the ground floor of 16 Buckingham Place Road as 'Maverick pizzeria' until 2018. The front section of the ground floor is currently vacant, but was last known to be occupied as a bureau de change (Class A2). The first and second floors are in office use with residential above.

6.2 Recent Relevant History

Planning permission and listed building consent were granted for the installation of new shopfront to Nos. 8-14 and 18 Buckingham Palace Road and refurbishment of shopfronts at Nos. 16 & 20 Buckingham Palace Road (Site includes 8-24 Buckingham Palace Road) in August 2017.

7. THE PROPOSAL

Planning permission and listed building consent are sought for the use of the front part of the ground floor as a restaurant to form a single restaurant with an existing restaurant use in the rear part of the ground floor and basement. Four air condenser units are proposed on the rear second floor flat roof. An internal air recirculation system has been selected to prevent the need for external ductwork.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Financial and professional services (Class A2)	54	0	- 54
Restaurant (Class A4)	104	158	+ 54
Total	158	158	0

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of A2 use

Policy SS5 of the Unitary Development Plan (UDP) relates to the management of shopping and other services within the Core CAZ, it seeks to encourage a balanced mix of appropriate street-level activities and seeks to protect and enhance the attraction of the Core CAZ as a shopping and entertainment destination. It affords no specific protection to banks or other A2 uses. It states that proposals for non-A1 uses must not lead to, or add to, a concentration of non-A1 uses, or cause or intensify an existing over-concentration of A3 and entertainment uses in a street or area.

The ground floor units along Buckingham Palace Road are in a mixture of retail, restaurant, café and financial and professional service uses. The existing A2 use has been vacant for some time, last in use in 2012 as a bureau de change. It is not considered that the loss of 54sqm of A2 use would be detrimental to the vitality of the area and the proposed restaurant will maintain a use that serves visiting members of the public and an active shopfront. Therefore, the loss of the A2 use is considered acceptable subject to the acceptability of providing a new/extended restaurant use in terms of its impact on residential amenity and local environmental quality.

Proposed Restaurant use

The proposal will extend an existing restaurant located within the basement and rear part of the ground floor by some 54sqm to provide a restaurant of 158sqm.

City Plan policy S24 states that new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity relationship to any existing concentrations of entertainment uses and any cumulative impacts; and they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area.

UDP policy TACE 8 relates to restaurant uses up to 500sqm within the Core CAZ and states that they will generally be permissible where the proposed development has no adverse effect (nor, taking into account the number and distribution of entertainment uses in the vicinity, any cumulatively adverse effect) upon residential amenity or local environmental quality as a result of noise, vibration, smells, increased late night activity or increased parking and traffic and no adverse impact on the character and function of the area.

Two objections have been received from residents in Victoria Square, directly to the rear of the property on the grounds that there are already too many restaurants in the area and that the associated plant will result in noise and smell nuisance.

Buckingham Palace Road is commercial in nature with some residential on the upper floors, including the application premises, and to the rear in Victoria Square. Whilst

there are numerous restaurants in the area, the proposal is an extension to an existing restaurant use and it is not considered that it will result in an over concentration of restaurants in the area.

The applicant has confirmed that “Singapulah” will be the occupier of the restaurant. The proposed hours of operation sought are 12:00 – 23:00 Monday to Saturday and 12:00 – 21:30 on Sundays and Bank Holidays. The maximum capacity of the restaurant would be 75 covers and the applicant estimates that 20 full and part time members of staff will be employed. It is recommended that the hours of operation and capacity of the restaurant are secured by condition.

An Operational Management Statement has been submitted, which sets out measures to reduce disturbance to nearby residents, including:

- Notices requesting that patrons recognise that the area includes residential homes and to leave the premises quietly.
- Engagement with local residents and points of contact with management and Grosvenor as the landlord identified to the residents to ensure that any issues are dealt with swiftly.
- The entrance attended at all times by reception staff.

A condition is recommended to ensure that the restaurant is operated in accordance with the Operational Management Statement.

The impacts in terms of noise from plant and the kitchen extract system are discussed in section 8.7 of this report below.

Subject to the conditions recommended, it is considered that the proposed restaurant use would not result in an unacceptable impact on residential amenity or local environmental quality. Accordingly, the proposals are considered to be in accordance with Policies S24 of the City Plan and TACE 8 of the UDP.

8.2 Townscape and Design

Key considerations in assessing the proposals will be impact upon the significance of the building and the character and appearance of the Grosvenor Gardens Conservation Area. Proposals will be assessed against the National Planning Policy Framework (NPPF), specifically chapter 16, as well as policies S25 and S28 of the City Plan: Strategic Policies (2016), policies DES 1, DES5, DES9 and DES10 of our Unitary Development Plan (2007) and the guidance contained within Westminster's Repairs and Alterations to Listed Buildings SPG.

Four external air condenser units are proposed at the rear of the building on the roof of a first-floor rear extension. Concealed from public views, the units will be visually from private views only. The units are not considered to be so conspicuous to be visually harmful and will not affect the significance of the building. It is recommended that details of the proposed acoustic enclosure be secured by condition.

Cycle storage is proposed within the front light-well with the installation of a wall mounted fixing. It is recommended that the details be secured by condition. This is a

minor intervention which will be visually discreet and unlikely to have a significant impact on the appearance of the building.

In making this recommendation consideration has been had to the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990, notably Sections 16, 66 and 72 and the requirements set out in Chapters 12 and 16 of the NPPF.

8.3 Residential Amenity

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment of surrounding properties.

The proposed external alterations are limited to four air condenser units on the rear second floor flat roof. These alterations would not impact on residential neighbours in terms of privacy, overlooking or enclosure. Other impacts, including noise and smell disturbance are discussed in section 8.7 of this report.

8.4 Transportation/Parking

Buckingham Palace Road forms part of the Transport for London Road Network (TLRN). The applicant has confirmed that servicing will be carried out from the Red Route Loading Bay on Buckingham Palace Road within the permitted hours of 10.00am and 4.00pm for a maximum of 20 minutes. Transport for London raises no objection to the application.

A condition is recommended to ensure no delivery service is provided from the restaurant, as no information has been provided as to how this would operate without impacting on the highway.

Cycle parking is proposed within the front basement lightwell and it is recommended that this be secured by condition.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The shopfront has recently been replaced as part of refurbishment works to all of the shopfronts along this section of the listed terrace. Access into the unit is stepped and remains unchanged. A fully accessible WC is proposed on the ground floor.

8.7 Other UDP/Westminster Policy Considerations

Plant

Objectors from Victoria Square have raised concern that the about noise and smell nuisance from the proposed plant.

Four air condenser units are proposed on the rear second floor flat roof. The applicant has submitted an acoustic assessment which recommends that the units are installed within an acoustic enclosure, details of which are recommended be secured by condition. The Council's Environmental Health officer is satisfied that the proposed plant is likely to meet the Council's standard noise conditions, however, a condition is recommended to secure a post installation survey to ensure compliance.

Kitchen Extract System

To avoid harmful odours and fumes impacting on neighbours and local environmental quality, the City Council normally requires a full height extract duct to take fumes and odours to a high level. However, in this case the applicant proposes an internal air-recirculatory system which would be located at basement level. The applicant has confirmed that the operator, Singapulah, will utilise electric cooking only.

Environmental Health advise that subject to certain criteria relating to its operation, this system would ensure that neighbours are not harmed by cooking odours and fumes as it would not discharge odours externally into the atmosphere. This is considered acceptable, subject to conditions and informatives to ensure that the operation of this system would be in accordance with the Council's relevant policies and guidance.

Refuse/ recycling

Waste and recycling storage is proposed in the front basement vaults. A condition is recommended to secure full details of storage for recycling, general waste, food waste and cooking oil in accordance with the Council's standards.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.9 Neighbourhood Plans

None relevant.

8.10 London Plan

This application raises no strategic issues.

8.11 National Policy/Guidance Considerations

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

8.12 Planning Obligations

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

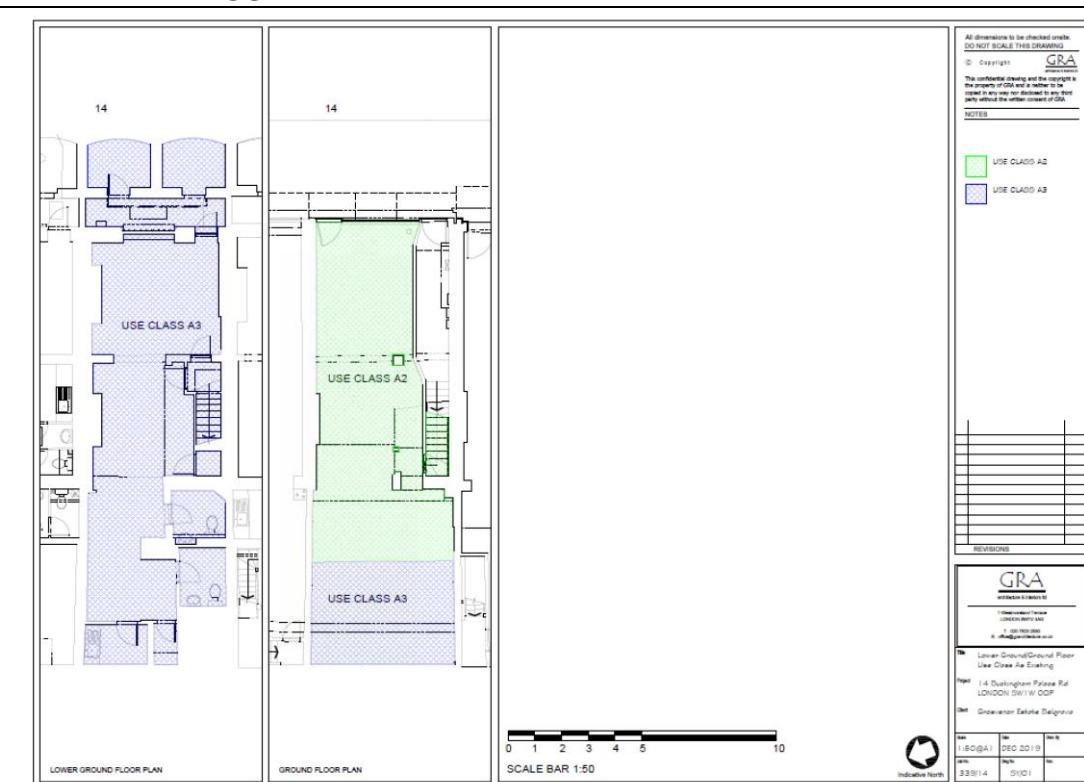
8.13 Environmental Impact Assessment

Not applicable.

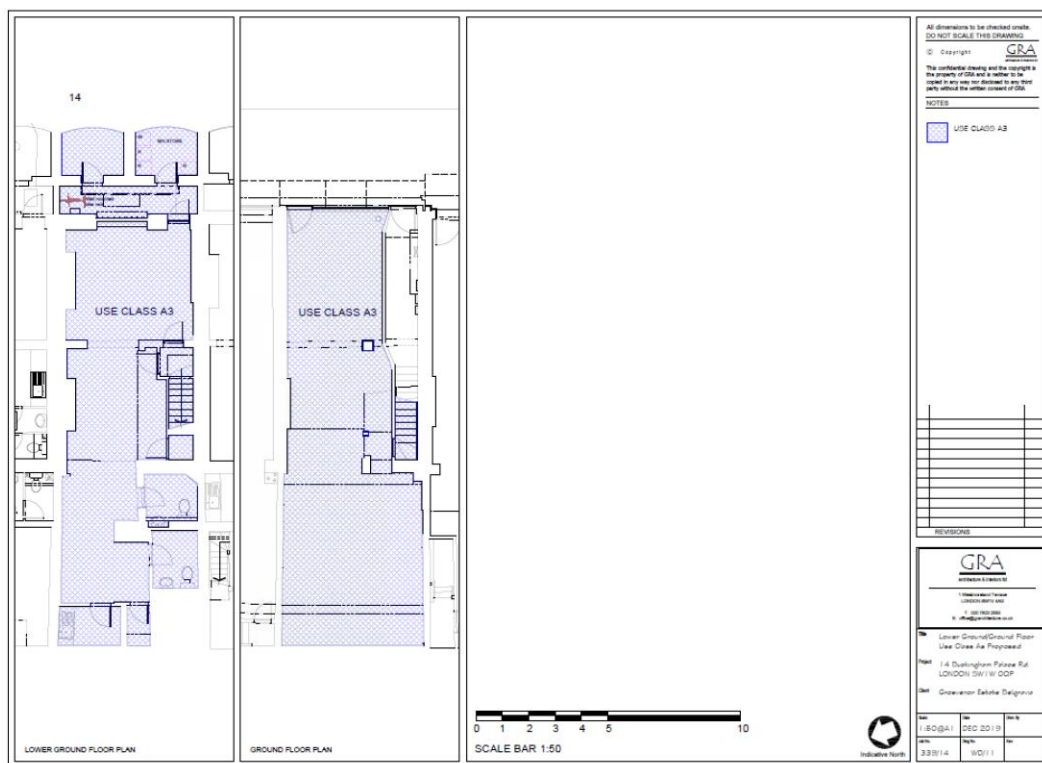
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

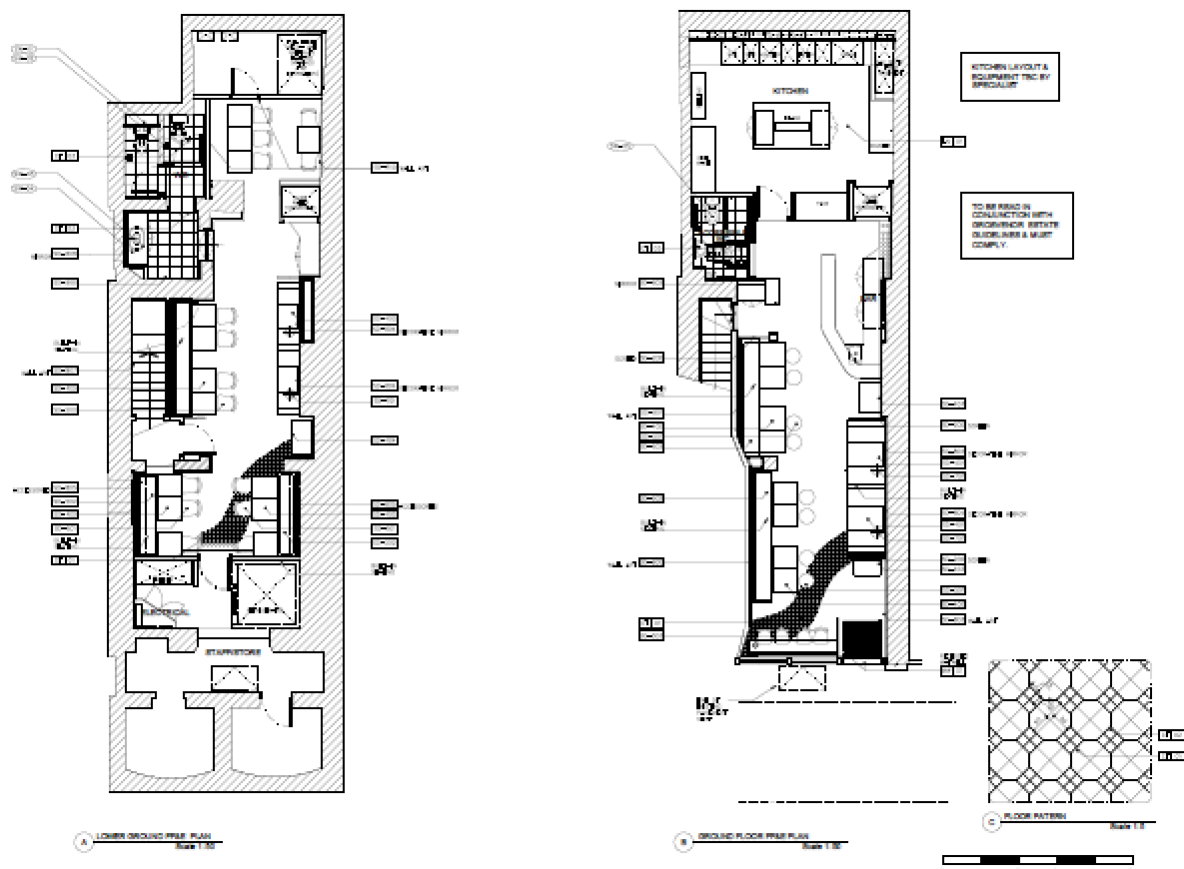
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JULIA ASGHAR BY EMAIL AT southplanningteam@westminster.gov.uk

9. KEY DRAWINGS

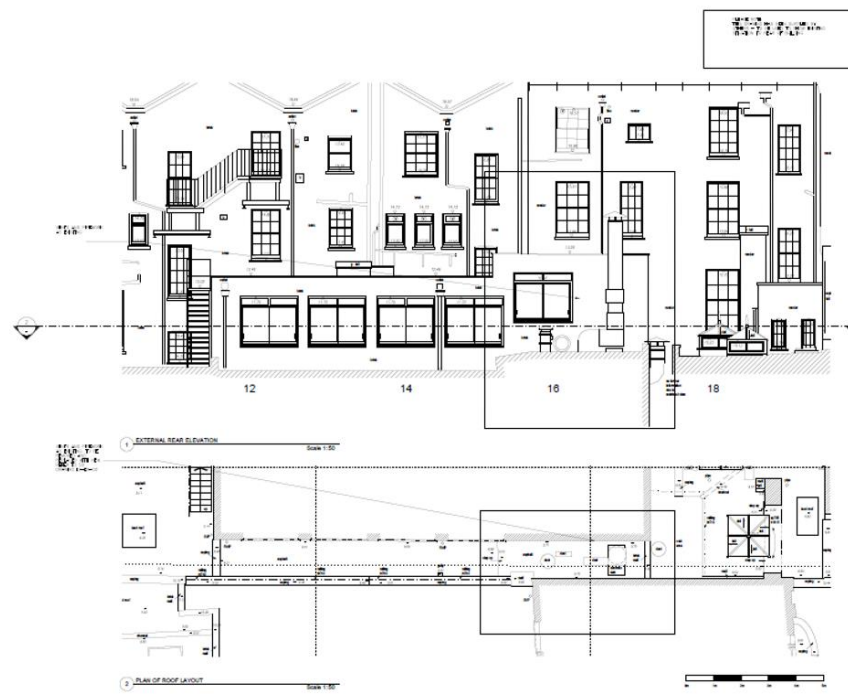


Existing (above) proposed (below) floor plan

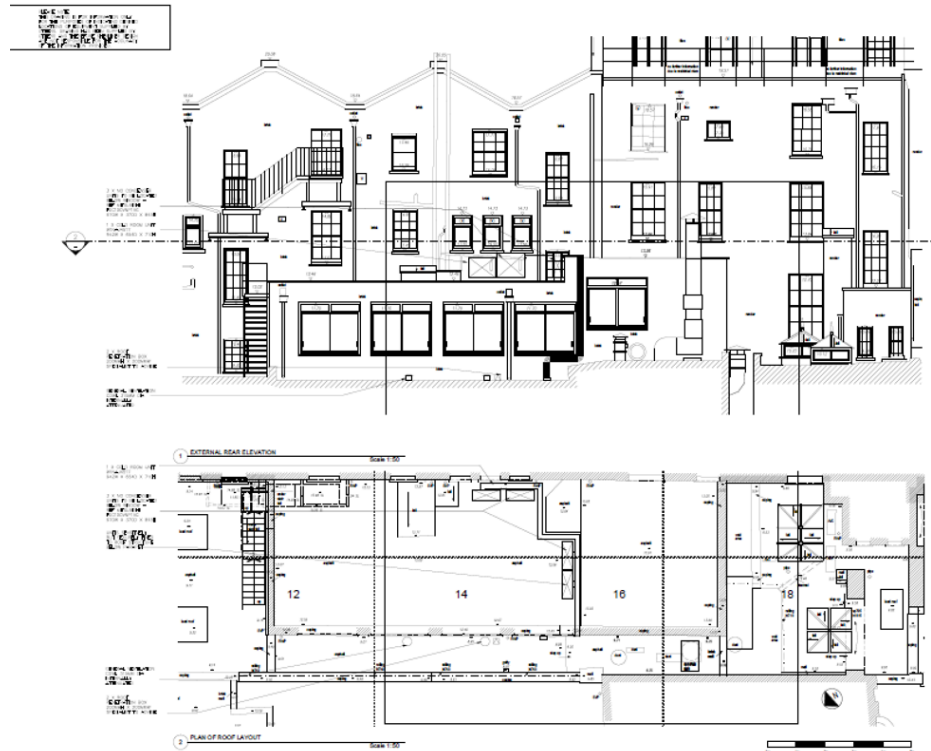




Proposed layout



Existing (above) proposed (below) rear elevation



DRAFT DECISION LETTER

Address: 14 Buckingham Palace Road, London, SW1W 0QP,

Proposal: Use of part ground floor as restaurant (class A3) and installation of four air condenser units at rear second floor level.

Plan Nos: Site location plan; ID-EX-01; 30844-BL-01 Rev D; SY01; ID-00-01-02-01 Rev C; ID-EX-02 Rev E; WD11; Venta Acoustic Report, VA3139.200305.N1A2 dated 22 March 2020; Operational Management Statement prepared by Amanda Sheppard, Asset Manager, Grosvenor dated March 2020

Case Officer: Seana McCaffrey

Direct Tel. No. 07866037773

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Grosvenor Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of detailed drawings at 1:10 and section 1:5 of the following parts of the development -

- The wall mounted bike rack fixings within the front light well.
- Acoustic enclosure to air condenser units.

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

You must maintain the plant screen in the form shown for as long as the machinery remains in place.

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 Grosvenor Gardens Conservation Area; and to protect neighbouring residents from noise and vibration nuisance, as set out in S25, S28, S29 and S32 of Westminster's City Plan (November 2016) and DES1, DES2, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 5 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the Restaurant use. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 6 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 Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 7 You must carry out the measures included in the operational management plan prepared by Amanda Sheppard, dated March 2020 at all times that the restaurant is in use

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 8 You must not allow more than 75 customers into the property at any one time. (C05HA)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 9 Customers shall not be permitted within the restaurant premises before 12.00 or after 2300 Monday to Saturday and before 12.00 or after 21.30 on Sundays and Bank Holidays. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 10 No delivery service must operate from the premises.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 11 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise

level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

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

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), 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.
(R46AB)

- 12 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

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

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 14 You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in conditions 11 and 12 of this permission.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

- 15 The kitchen extract ventilation for the removal of cooking fumes and odours shall consist only of a recirculation system approved by the Local Planning Authority where the cooking fumes will not be directly discharged externally and where:
- i. All cookline equipment shall operate by electricity only
 - ii. All cookline equipment shall be placed under the recirculation canopy and

iii. Prominent signage shall be placed on the recirculation equipment in the kitchen stating no combustible fuel such as gas, charcoal, wood etc can be utilised within the premises

You must adhere to the details for as long as the recirculation system hereby approved remains operational. In the event that the recirculation system is not operational or is removed the use as a restaurant (Class A3) shall cease. (Please see informatives 9 and 10).

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 16 For any music noise; the indices of Leq and LfMax in the octave bands 31.5 Hz, 63 Hz and 125 Hz should be at least 10 dB below the existing background noise level measured in terms of L90,5mins (31.5Hz, 63Hz, 125Hz) inside the neighbouring premises. For music noise where access to relevant residential habitable spaces is unavailable; the design of the separating structures should be such that the received music noise level in the residential habitable spaces, with music playing, should be demonstrated through calculation to not exceed a rating of NR20 (Leq, day time), NR15 (Leq, night time) and NR30 (LfMax, night time).

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 17 All servicing must take place between 10.00 and 16.00 hours daily from Buckingham Palace Road. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant),

supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 Conditions 11, 12 and 14 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)
- 3 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.
- 4 Please contact our Environmental Health Service to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 5 You may need separate licensing approval for the restaurant A3; premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)
- 6 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 7 You must make sure that any other activities taking place in the class A3 (restaurant or café) premises, such as small amounts of takeaway sales or small bar areas, are so minor that they do not alter the main use as a restaurant or café. If the scale of one or more of these extra activities is more substantial than this, it is likely that a material (significant) change of use (from class A3 to a mix of uses) will have taken place, which will need a new planning permission. (I61BA)
- 8 Details of waste storage must be in line with the Council's requirements for waste and recyclables. Any plans submitted to the council for approval, pursuant to condition 6, must ensure:

-Appropriate bin capacities are provided.

-Each bin store is correctly labelled (R, O, W) for storage of recycling, food waste and general

waste.

-All waste is consolidated into one location and not spread throughout the premises.

Please see <https://www.westminster.gov.uk/waste-storage-planning-advice> for further information.

- 9 The general ventilation within the kitchen must be designed to achieve an ambient temperature of not more than 25 centigrade and provide sufficient air changes within the workspace in compliance with Building & Engineering Services Association (BESA) guidance DW172 -2018 or as updated
- 10 If there is any intention in the future to utilise combustible fuel within the premises then approval must first be sought on an alternative to the recirculation system via a new planning application. Such an application must submit details of extraction which shall consist only of a system discharging at 'full height' of the building housing the commercial kitchen and higher than any buildings within 20m of the discharge point (any extraction scheme proposing 'low-level' external discharge to get rid of cooking fumes will not be accepted as being suitable as per Westminster Environmental Health requirements for new premises wishing to provide an extensive hot food operation - prior to such an application the Council's Environmental Health Consultation Team or the Environmental Sciences Team should be contacted for further information).

DRAFT DECISION LETTER

Address: 14 Buckingham Palace Road, London, SW1W 0QP

Proposal: Use of part ground floor as restaurant (class A3) and installation of external plant to rear elevation. Internal alterations including installation of bike store and bin store.

Reference: 20/02552/LBC

Plan Nos: ID-EX-01; 30844-BL-01 Rev D; SY01; ID-00-01-02-01 Rev C; ID-EX-02 Rev E; WD11.

Case Officer: Seana McCaffrey

Direct Tel. No. 07866037773

Recommended Condition(s) and Reason(s)

- 1 The works 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 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

3 You must apply to us for approval of detailed drawings at 1:10 and section 1:5 of the following parts of the development -

- The wall mounted bike rack fixings within the front light well.
- Acoustic enclosure to air condenser units.

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

You must maintain the plant screen in the form shown for as long as the machinery remains in place.

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 Grosvenor Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:, , * any extra work which is necessary after further assessments of the building's condition;, , * stripping out or structural investigations; and, * any work needed to meet the building regulations or other forms of statutory control., , Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents., , It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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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.