

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 27 October 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Bayswater	
Subject of Report	108 Chepstow Road, London, W2 5QS		
Proposal	Use of the basement and ground floor as mixed use restaurant and hot food take-away (Sui Generis) and installation of flue to the rear.		
Agent	Mr Kara		
On behalf of	Mr AHMET FISTIK		
Registered Number	19/09688/FULL	Date amended/ completed	12 December 2019
Date Application Received	12 December 2019		
Historic Building Grade	Unlisted		
Conservation Area	Westbourne		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site is a terraced unlisted building located within the Westbourne Conservation Area. This application relates to the basement and ground floor levels which have an established lawful Class A3 use (cafe/restaurant). The site is located within a designated local shopping centre, the Westbourne Park Road Local Centre.

Planning permission is sought for the use of the basement and ground floor as a restaurant (Class A3) and hot food takeaway (Class A5) a mixed Sui Generis use and the installation of a flue to the rear. Since the application was submitted, the Use Classes Order has been amended (September 2020). The lawful use of the unit is now Class E and the proposed use is Sui Generis. However in accordance with guidance, as the application was submitted prior to these changes, the application must be determined in accordance with the Use Classes Order as per when the application was submitted. The changes are however a material consideration.

Objections have been received from the amenity societies and neighbouring residents on a number of grounds including the impact on amenity of neighbouring properties and residents.

The key issue in this case is:

- The impact of the proposed use on neighbouring residential amenity, local environmental quality and the character and function of the area;
- The impact on the character and appearance of the conservation area;
- The impact on the highway network.

Subject to appropriate conditions as set out in the draft decision letter appended to this report, the proposals are considered to comply with the relevant design, conservation, land use and amenity policies in Westminster's City Plan adopted in November 2016 (the City Plan) and the Unitary Development Plan adopted in January 2007 (UDP). As such, the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation



Rear Elevation (showing exiting flue in situ)

5. CONSULTATIONS

ORIGINAL CONSULTATION:

BAYSWATER RESIDENTS ASSOCIATION:

Any response to be reported verbally

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Raise concerns over the proposed take away use:

- No hours of opening stated.
- Close proximity to zebra crossing and a school;
- Against deliveroo service which would disturb residents above and opposite also would park in the adjacent quiet Mews.
- The A3 use should be seated and hours from 0800 to 2300 and 1000 to 2230 on Sundays and Bank Holidays.
- Query adequate ventilation and sufficient toilet provision and waste storage provision.

NOTTING HILL EAST NEIGHBOURHOOD FORUM:

- Application invalid due to no north point, location plan too small and lack of neighbours elevations, photographs or full neighbours notice.
- Signage will result in light pollution.
- Take-away vehicles motorcycles and hours are unneighbourly, as are the unresolved extract flues, lighting and late hours.
- No greening discernible. Trees could also be shown to pavement edge as desirable giving Council direction here too.
- We need context to be drawn and neighbours to be fully consulted.

ENVIRONMENTAL HEALTH:

Following further information provided no objection raised subject to conditions and informatives.

HIGHWAYS OFFICER:

No objection subject to conditions.

WASTE PROJECT OFFICER:

Not in line with the council requirements however this can be overcome with conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 23;

Total No. of replies: 5 objections raised on all or some of the following grounds:

Amenity:

- Noise, disturbance and anti-social behaviour from patrons
- smell and noise disturbance from existing and proposed ventilation
- disturbance from delivery drivers

Other:

- concerns over waste collection

- increase in breach in security
- proposal will reduce the value of nearby properties

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

RE-CONSULTATION (following an updated description of proposed works to include the installation of the flue):

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 23;

Total No. of replies: 1 objection raised on all or some of the following grounds:

Other:

- concerns over drunk people hanging around and causing trouble which could result in traffic/pedestrian accidents
- requests that the site stay as a restaurant use
- concerns over mopeds lining the street

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is located over the basement and ground floor with an established lawful Class A3 (cafe/restaurant use) last in use as a café in 2017, currently the site is vacant. The building is a terraced property on the eastern side of Chepstow Road; the building is not listed however it is situated within the Westbourne Conservation Area. The upper floors above the application site are in residential use. Located just off Westbourne Park Road, the unit is in a short parade which has a mixed character, generally with commercial at ground floor level with residential above. There is a primary school, St Stephen's Church of England Primary School in close proximity, around the corner on Westbourne Park Road. The site is located within a designated local shopping centre, the Westbourne Park Road Local Centre as non-core frontage.

6.2 Recent Relevant History

Planning permission was granted in January 1987 (RN: 86/03758/FULL) for the use of the basement and ground floor as a restaurant with a condition attached for details of the means of ventilation for the extraction and dispersal of cooking smells; from Council records this condition was never discharged. Following this, in July 1988 permission (RN: 87/05380/FULL) was granted for the use of basement and ground floor for Class A2 however it would seem that this permission was never implemented due to a later permission for alterations to a shopfront in 1989 (RN: 88/06578/FULL) that stated that the current existing use was a restaurant. Following a planning enforcement case opened in 1990, the retention of an extract duct was granted in January 1991 (RN: 90/06235/FULL) due to a change in position from the previously installed ducting. From Licensing records, the premises licence was issued in 17 Jan 2007 for Khao San Thai

Restaurant and has been amended for several years after, the most recent was a change of designated premises supervisor in 2013.

7. THE PROPOSAL

Permission is sought for the use of the basement and ground floor as a restaurant (Class A3) and hot food takeaway (Class A5) a mixed Sui Generis use and the installation of a flue at the rear. Previously, before the application site was vacant, the ground floor level was in use as the seating area for the café with the kitchen and toilet facilities at basement level. The proposed use intends to keep the basement level as existing however at ground floor level there will be cooking facilities and a counter towards the rear and seating at the front for 6 covers.

There is a separate application (20/00059/ADV) which has been granted for the display of two non-illuminated fascia signs measuring 0.7m x 4.3m and 0.7m x 4.2m, and a non-illuminated projecting sign measuring 0.6m x 0.6m.

A site visit was carried out by the case officer in January 2020, therefore the current government movement restrictions during Covid-19 have not impacted the assessment of the site and proposals.

8. DETAILED CONSIDERATIONS

8.1 Land Use

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 that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area.

The proposed floorspace of the premises is 93sqm and given the application site is outside of the Central Activities Zone, UDP Policy TACE 9 is relevant in assessing the proposal. The policy aims to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the city, while acknowledging that they provide services to people living in, working in and visiting the City and contribute to its role as an entertainment centre of national and international importance. The policy states that permission will only be granted for proposals where the City Council is satisfied that 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.

The application site is located in close proximity to a number of residential properties,

including those located on the upper levels of the application site and adjacent properties as well as those included within St Stephen's Mews and within close proximity to St Stephen's Primary School. Objections have been received from the South East Bayswater Residents Association and local residents on the grounds of noise, disturbance and anti-social behaviour in the residential area as a result of the proposed use.

In order to address the concerns officers recommend the opening hours are conditioned to the following hours of operation: 10.00 to 23.00 Monday to Saturday and 11.00 to 20.00 Sunday and Bank Holidays. The existing restaurant use, although a historic permission was conditioned to the same opening hours and therefore the proposals would not give rise to additional late night activity. It is however noted that there may be an increase in terms of coming and going due to the takeaway element of the proposals. It is however, not considered that it would be so significant a change from the existing use as to justify a recommendation for refusal.

Objectors have also raised concerns with the noise, disturbance and safety impacts of scooters/motorcycles stopping and congregating on road and in the nearby Mews outside of the application site.

A delivery service is seen as being different from takeaway (on foot) in highway terms. It is reasonable to people who are already in the area, including residents and workers, to visit the site on foot and collect a takeaway to eat elsewhere - such as their home or office. A delivery service may expand the catchment area, the number of non-eat in dinners and increase the impact of the proposed use on the local highway network. As such, given the proposal is only for take-away and not proposing delivery, it is considered to not result in gathering of delivery vehicles. It is recommended this is secured by condition in order to ensure the amenity of the local residents is not harmed. However, it is noted that there are temporary permitted development rights which allow for such uses to provide a takeaway service during the current Covid-19 pandemic.

In regards to the proposal resulting in increase in parking and traffic, as discussed below within 8.4 of the report it is considered that the proposal would be minimal on the local parking pressures and traffic therefore acceptable.

A full height extract duct is proposed to the rear which will run alongside existing plant equipment. Following further information required by the Environmental Health Officers it is recommended that full details of all plant be secured by condition, as well as a supplementary acoustic report to demonstrate compliance with the Council's standard noise and vibration conditions to be provided prior to use commencing. Conditions are also recommended to ensure that no amplified sound from the application site will be audible outside the premises and there will be no unacceptable noise nuisance from amplified music through the building fabric. Subject to these conditions it is considered the proposals will cause harm to the local environmental quality.

It is considered that subject to the recommended conditions, the proposed mixed use would not result in unacceptable adverse effects on residential amenity and local environmental quality. Accordingly, the proposals are considered to be in accordance

with Policies TACE 9 and ENV 6 in the UDP and S24, S29 and S32 in the City Plan.

8.2 Townscape and Design

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *“In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Section 66 of the same Act requires that *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Section 72 of the same Act 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.”*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy DES 9 (F) in the UDP requires that where development will have a visibly adverse effect upon a conservation area’s recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

The proposed external alterations include the installation of an additional full-height kitchen extract duct to the rear of the site for the proposed additional kitchen at ground floor level. There is an existing full height flue in situ which was installed historically, which serves the kitchen in the basement, which is to be retained. The flue is to be located to the rear of the application site near to the existing flue. The proposed duct will rise to reach the same height as the existing flue in situ which is above roof level. While there are long views down St Stephen’s Mews of the application site and the very top of the duct may just be visible in these views, it will nevertheless appear against existing structure rather than interrupting the skyline therefore resulting in minimal visual impact.

The proposals would therefore cause no harm to the host building or to the wider Westbourne Conservation Area and would accord with design policies S25 and S28 of the City Plan; and DES 1, DES 5, DES 6 and DES 9 of the UDP.

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 proposals involve the installation of a ventilation flue to the rear of the application site. Due to its position and size, it is considered that the flue would not lead to an unacceptable loss of daylight and sunlight or sense of enclosure, over the existing situation.

Noise, disturbance and privacy are addressed in section 8.1 of this report. Subject to conditions, the proposals are considered to be in line with policies S29 and ENV13.

8.4 Transportation/Parking

The proposed site is well served by public transport and it is considered that in terms of people arriving and departing, the levels would not significantly change in highways planning terms. The site is within a Control Parking Zone which means anyone who does drive to the site will be subject to those controls. The impact of the change of use on parking levels will be minimal. In addition the highway in front of the site is controlled by zig zags, which means that vehicles cannot stop.

Concerns have been raised by the Highways Officers in terms of the proposed change of use does not include provision for cycle parking. The London Plan Policy 6.9 requires 1 space per 175m² with a minimum of 2 cycle parking spaces. Given the floorspace proposed, it is accepted that the unit is below the threshold that requires cycle parking.

In terms of servicing, this is not expected to be dissimilar to the existing use, and will need to comply with local parking and servicing restrictions.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

No change to existing.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

No internal waste store is demonstrated. Waste stored on the public highway creates an obstruction to pedestrians and other highway users. It would also have an adverse impact on the public realm. Therefore a condition is recommended to ensure these details are secured. Neighbours have raised concerns over the waste collection, the application site will benefit from the standard Westminster waste collection and furthermore is not a material planning consideration.

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 London Plan

This application raises no strategic issues.

8.10 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.

8.11 Planning Obligations

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

8.12 Environmental Impact Assessment

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

8.13 Other Issues

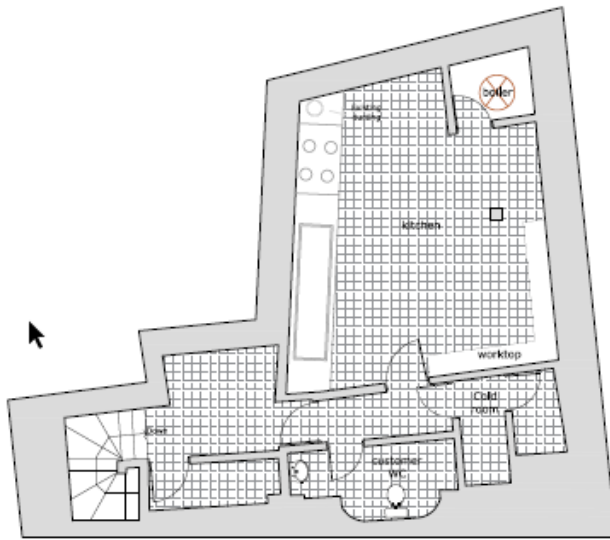
We have received objections on grounds relating to the proposal resulting in a reduction of value of nearby properties. This is not a material planning consideration and therefore permission cannot be withheld on this basis.

Comments have also been received on the grounds that the proposal will result in an increase in breach in security, however it is not considered that the proposed use would be so significantly different to the existing restaurant use as to withhold permission on these grounds.

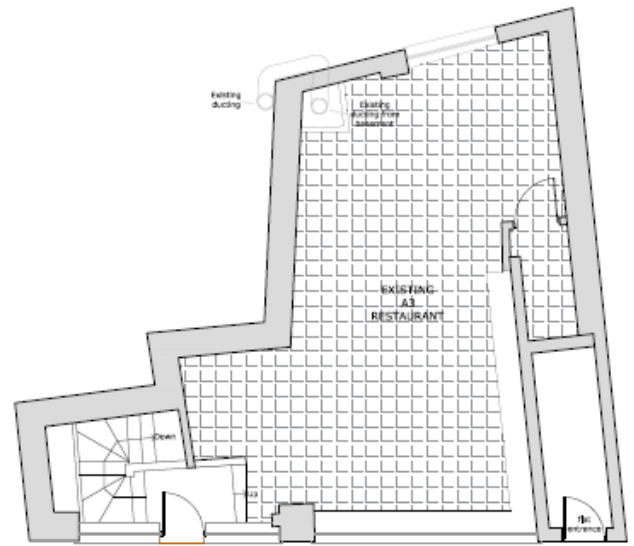
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk

9. KEY DRAWINGS



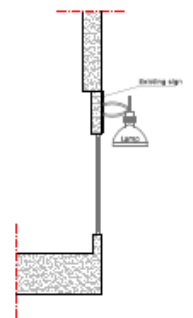
Existing basement floor plan



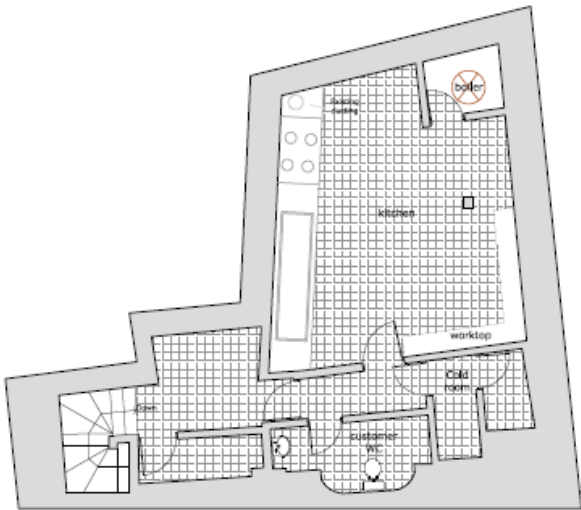
Existing ground floor plan



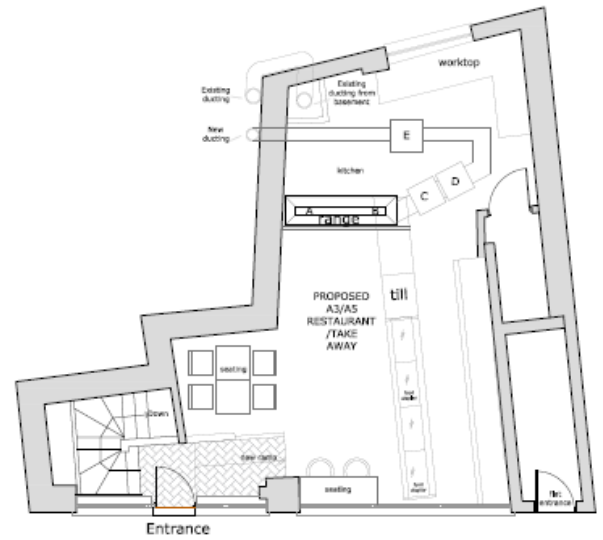
Existing front elevation



Existing section



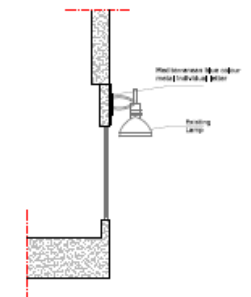
Proposed basement floor plan



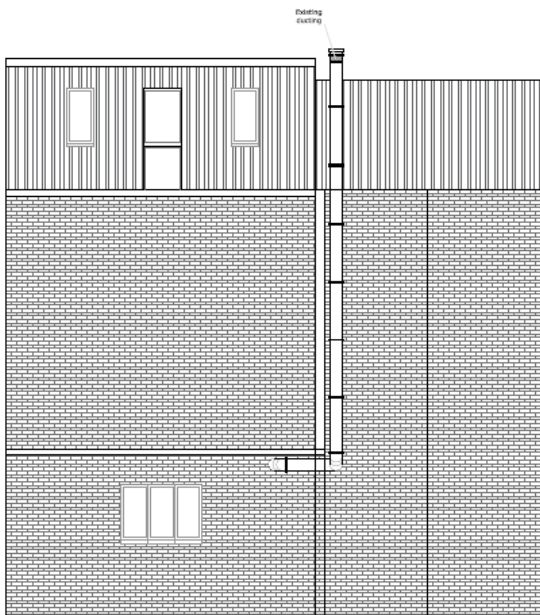
Proposed ground floor plan



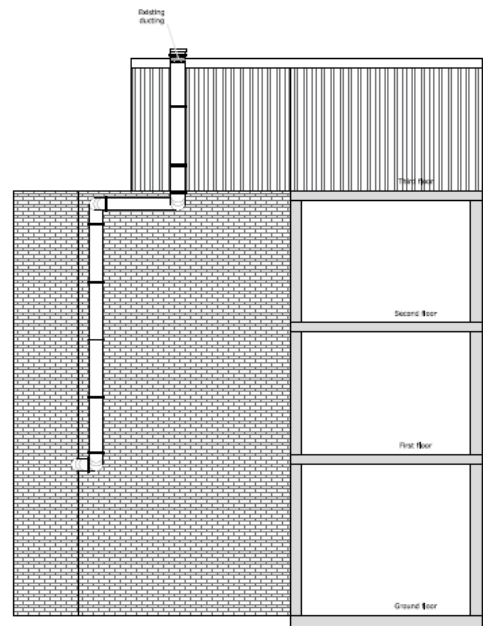
Proposed front elevation



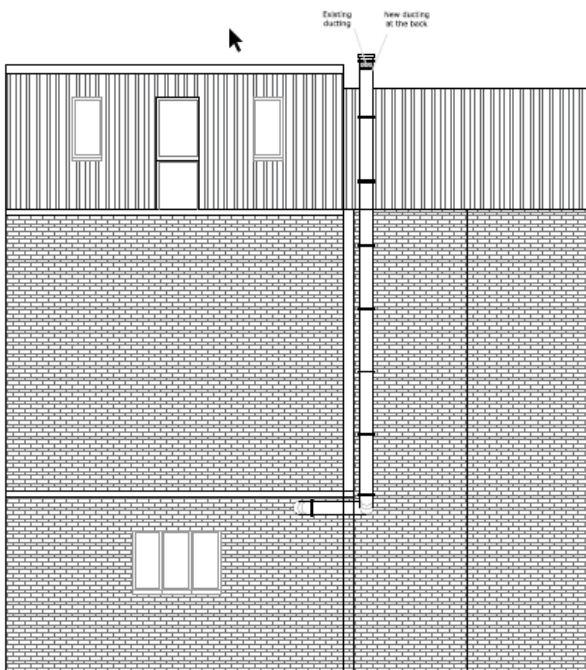
Proposed section



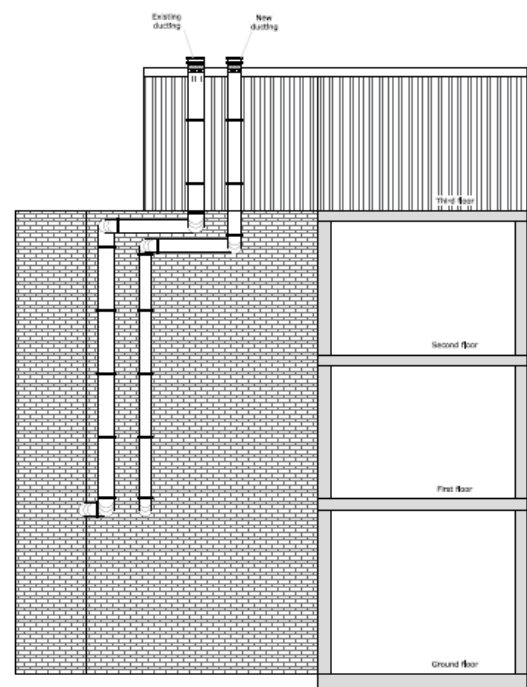
Existing rear elevation



Existing side elevation A-A



Proposed rear elevation



Proposed side elevation

DRAFT DECISION LETTER

Address: 108 Chepstow Road, London, W2 5QS,

Proposal: Use of the basement and ground floor as mixed use restaurant and hot food take-away (Sui Generis) and installation of flue to the rear.

Plan Nos: Site Location Plan, P101 Rev 1, P102 Rev 1, P103 Rev 1, P104 Rev 1, Odour Management Plan and Ventilation and Impact Statement and Design and Access Statement.

Case Officer: Frederica Cooney

Direct Tel. No. 07866037206

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 You cannot provide a food delivery service from the premises. All orders are to be

collected by customers from the unit itself.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S29, S42 of Westminster's City Plan (November 2016) and ENV 6, ENV 13, STRA 25, TACE 9, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 4 Customers shall not be permitted within the premises before 1000 or after 2300 on Monday to Saturday (not including bank holidays and public holidays) and before 1100 or after 2000 on Sundays, bank holidays and public holidays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and ENV 13, TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 5 No music shall be played within the premises that is audible outside the premises.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 6 The kitchen extract ventilation must discharge at highest roof level (at least 1m above roof eaves or any dormer windows).

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)

- 7
 - (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 35 dB 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 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 30 dB 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 plant-specific noise level should be expressed as LAeqTm and shall be representative of the plant operating at its maximum.

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)

- 8 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 7 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. 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).

- 9 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)

- 10 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)

- 11 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 premises. (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)

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
 - o The kitchen extract duct should be designed to discharge vertically (with discharge velocity of at least 8m/s)
 - o All cookline equipment must be placed under the extraction canopy
 - o The kitchen extract ducts must be fitted with doors/hatches for cleaning and maintenance, at approximately 2-3 metre intervals and/or in compliance with the Building & Engineering Services Association document TR19
 - o Any cladding must be made of non-flammable materials (approved by Building Control 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.
 - o The general ventilation within the kitchen must be designed to achieve an upper ambient temperature of 25 centigrade

- 3 The whole of the City of Westminster is a Smoke Control Area under the Clean Air Act 1993. Thus premises cannot emit smoke unless burning an 'authorized fuel' or using 'exempt appliances'. Further information on the requirements can be found at the following government website: <https://www.gov.uk/smoke-control-area-rules>
- 4 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.
- 5 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.
- 6 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.