

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 21 February 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	30-32 Bruton Place, London, W1J 6NL		
Proposal	Use of 32 Bruton Place as a drinking establishment with expanded food provision (sui generis) to form extension to existing Guinea Grill at 30 Bruton Place, alterations to shopfront, replacement upper floor windows and rationalisation of plant on roof of No. 30 and 32.		
Agent	Planning Potential Ltd.		
On behalf of	Young & Co's Brewery PLC		
Registered Number	22/06655/FULL	Date amended/ completed	3 October 2022
Date Application Received	3 October 2022		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		
Neighbourhood Plan	Mayfair Neighbourhood Plan		

1. RECOMMENDATION

Grant conditional planning permission

2. SUMMARY & KEY CONSIDERATIONS

The application proposes the change of use of 32 Bruton Place to a public house (Sui Generis) facilitating an increased floorspace of 215 sqm for the existing Guinea Grill at 30 Bruton Place. Alterations to shopfront, replacement upper floor windows and rationalisation of plant on roof are also proposed.

The key considerations in this case are:

- The acceptability of the loss of 215 sqm of retail gallery (Class E) floorspace at 32 Bruton Place.

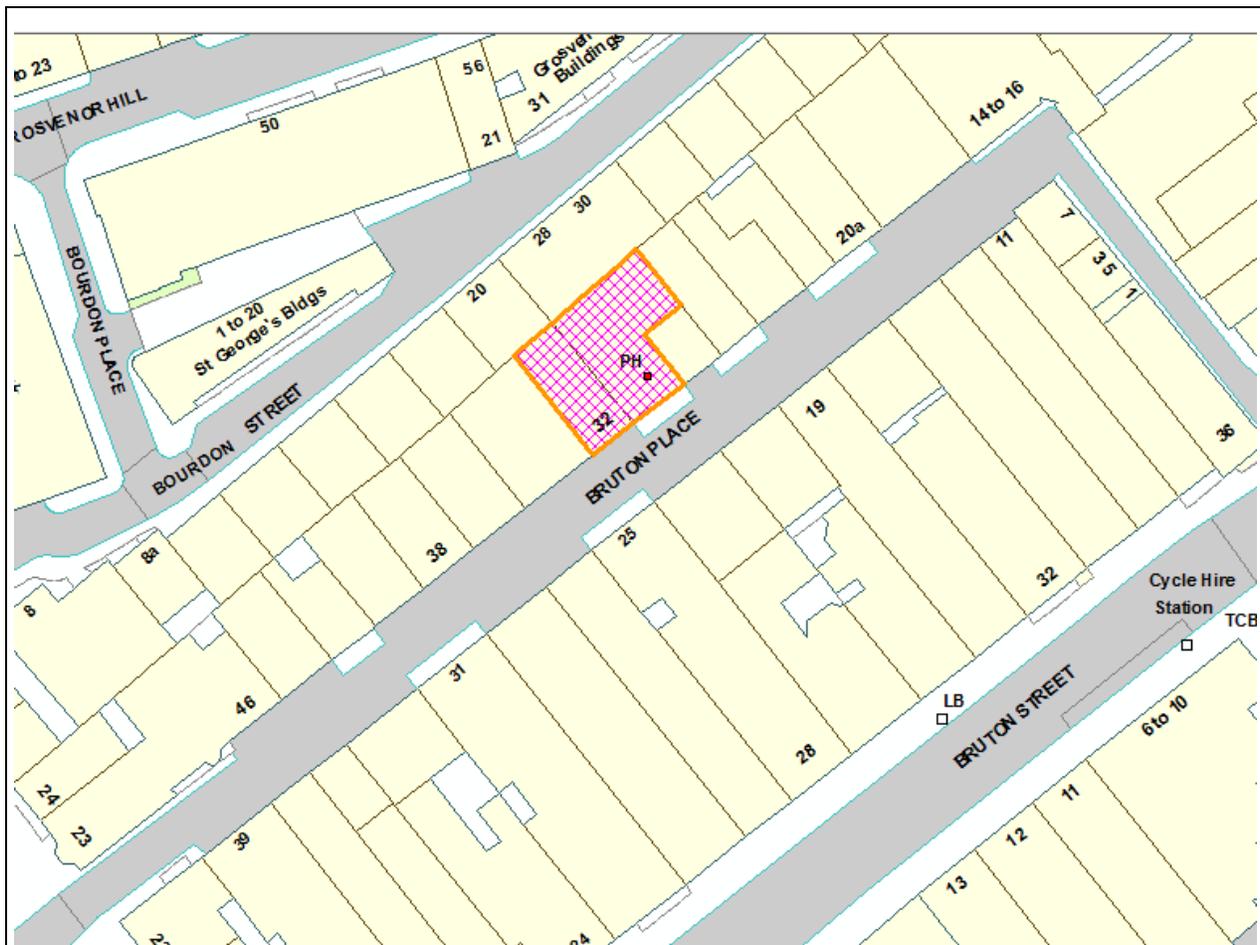
- The acceptability of the increased public house (Sui Generis) use raising the existing internal floorspace from 407sqm to 622sqm.
- The impact on the amenity of neighbouring residential properties.

The Guinea Grill, whilst considered a traditional pub and restaurant, focuses much of its attention on its restaurant function, serving dry aged, grass-fed British beef from an open grill, and has become well known for its high standards. The Guinea Grill had already temporarily expanded to a neighbouring property directly opposite to the application site at 23 Bruton Place, previously the Pizza Express, during the covid pandemic. The applicant confirms they have already surrendered their lease on this site in order to relocate into 32 Bruton Place, allowing the direct link to the existing kitchen and bar.

The expansion in to 32 Bruton Place provides a modest increase in floorspace (215sqm) to the public house, which will continue to offer a complementary entertainment and food and drink culture. Notwithstanding the objections that have been received, it is considered that the proposal is not likely to be harmful to residential amenity nor harmful to the vitality and character of this part of Mayfair.

Subject to appropriate conditions, the proposals are considered acceptable and to comply with relevant adopted City Plan 2019-2040 policies as set out in the main report and are therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Photograph of No. 30-32 Bruton Place



5. CONSULTATIONS

5.1 Application Consultations

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S: Any response to be reported verbally

MAYFAIR RESIDENTS GROUP:
Any response to be reported verbally

MAYFAIR NEIGHBOURHOOD FORUM:
Any response to be reported verbally

ENVIRONMENTAL HEALTH: No objection subject to standard noise conditions

HIGHWAYS PLANNING MANAGER: Initially recommended the application be refused due to insufficient vertical clearance of awnings. The awnings have since being omitted from the proposed scheme.

CLEANSING: Requested further details regarding waste storage provision. A condition has been included to safeguard further details regarding waste storage provision.

ADJOINING OWNERS / OCCUPIERS

No. of original consultees: 28

No. Consulted: Three Objections (2 of which are from the same objector) and One general comment received raising the following concerns;

- waste operations associated with The Guinea Grill;
- waste and barrels are constantly stored outside the premise on the public footpath throughout the day and should be limited to half an hour before collection.
- people management, traffic and deliveries and noise concerns from the enlargement of the premises.
- concerns that the Outside Management Policy submitted with the licence application is not robust enough to control the outside use.

SITE & PRESS NOTICE

Yes.

5.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community with display boards erected in the windows of the Guinea Grill inviting residents and business along Bruton Place to come in and discuss the proposals. The applicant confirms that local councillors were informed of the proposals and discussions took place with residents.

The applicant confirms that the only comments received was from a resident wishing to ensure that the existing character of the Guinea Grill would not be lost as a result of the

expansion and that there would be no construction works taking place that would impact on sleep. The resident was assured that the proposals would not result in either.

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 Mayfair Neighbourhood Plan includes policies on a range of matters including public realm, directing growth, enhancing retail, commercial and public house uses, residential amenity, commercial growth, cultural and community uses, heritage, design, servicing and deliveries and environment and sustainability.

The plan has been through independent examination and was supported by local residents and businesses in a referendum held on 31 October 2019. It was adopted on 24 December 2019. It therefore forms part of the development plan for Westminster for development within the Mayfair neighbourhood area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004.

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

32 Bruton Place is an unlisted building located within the Mayfair Conservation Area. The building comprises ground, first and second floor levels which is currently operating lawfully as Sladmore Gallery, an art retailer that specialises in bronze sculptures and some painting. According to their website, Sladmore have occupied the site since 1965.

7.2 Recent Relevant History

A recent application for a certificate of lawfulness (22/01395/CLOPUD) clarified that for the use of 32 Bruton Street for the sale of food and drink principally to visiting members of the public, where consumption of that food and drink is mostly undertaken on the premises (Class E), is within the same use class as the existing lawful use of the building.

The certificate clarified that the use of the building for the sale of food and drink principally to visiting members of the public is not development, as defined by Section 55 of the Town and Country Planning Act (1990) (as amended), and therefore planning permission to change the use of the building is not required.

For clarity, the applicant has since applied to change the use of the premises to a sui generis mixed use, concentrating on a restaurant activity as an extension to the adjoining Guinea Grill public house.

The premises licence (22/09389/LIPN) for the expansion of the Guinea Public House into 32 Bruton Place was issued on 6 January 2023. The licence is subject to a number of conditions, including the requirement for CCTV, management of external drinking and waste management including barrel and waste collection.

8. THE PROPOSAL

Permission is sought for the extension of the existing Guinea Grill (pub and restaurant) into the adjoining retail unit at 32 Bruton Place, alterations to shopfront, replacement upper floor windows and rationalisation of plant on the rear first floor roof of No 30 and the rear second floor of No. 32.

The proposal will result in an increase of 215 sqm of floorspace for the Guinea Grill raising the internal floorspace from 407sqm to 622sqm.

9. DETAILED CONSIDERATIONS

9.1 Land Use

Loss of Class E floorspace

The proposal will result in the loss of 215 sqm of retail gallery floorspace at 32 Bruton Place. The newly adopted City Plan 2019-2040 policies, particularly Policy 14 Town centres, high streets and the CAZ therefore apply.

Bruton Place is located within the CAZ and within the West End Retail and Leisure Special Policy Area. Policy 14 of the City Plan states that 'uses that provide active frontages and serve visiting members of the public will be required at the ground floor throughout the town centre hierarchy'.

Paragraph 14.16 of the City Plan states that 'Away from the main shopping streets, the land use is highly diverse, containing a mix of commercial activity, including retail, pubs, bars, restaurants, theatres, cinemas and other entertainment venues. Together, these provide a wealth of attractions that draw in visitors and make a major contribution to

London's world city status'.

14.17 states that; 'Alongside retail growth, a balanced mix of complementary leisure, entertainment, food and drink and cultural and employment offers are welcomed to help the West End to grow, not only as a global shopping destination, but also as an enhanced leisure and employment destination'.

In this context, the loss of retail floorspace to a sui generis use which will continue to offer a complementary leisure, entertainment and food and drink culture is considered acceptable. The proposed conversion of 32 Bruton Place is therefore compliant with the requirements of City Plan Policy 14.

Policy MSC2 within the Mayfair Neighbourhood Plan aims to protect public houses in Mayfair. Whilst the policy does not specifically relate to the expansion of public houses, it does seek to safeguard their retention across Mayfair. The expansion of Guinea Grill in to 32 Bruton Place will likely safeguard the existence of the expanding business at this location.

Increase in public house (Sui Generis) floorspace

Planning permission to formally change the use to a public house is assessed against Policy 16 of the City Plan 2019-2040.

Policy 16 supports proposals for food and drink and entertainment uses that are appropriate in type and size to their location, but will seek to protect the local residential amenity, vitality and character of the area. Policy 16. B seeks to protect public houses.

As part of the submission the applicant has provided a delivery and servicing management plan and operational management plan to support the application which clarifies details of opening hours, customer capacity, number of staff and servicing arrangements, including an assessment of likely traffic generation from deliveries, etc.

One general comment and two objections have been received from neighbouring residents who have raised concerns relating to the local residential amenity - these concerns area addressed below in the amenity section.

Given the modest increase in floorspace (215 sqm) and the overall food offering you propose, the increase in floorspace into 32 Bruton Place is not likely to be harmful to residential amenity or harmful to the vitality and character of this part of Mayfair. The proposal is considered to help ensure the continued viability and function of the public house in line with policy 16. B.

9.2 Environment & Sustainability

The refurbishment of the building allows for the installation of a variety of sustainable design features including the replacement of windows and doors and the upgrade of existing plant with new and more efficient equipment. The incorporation of these sustainable design features ensures the proposal complies with Policy 38 of the City Plan which requires; 'development will enable the extended lifetime of buildings and spaces and respond to the likely risks and consequences of climate change by incorporating principles of sustainable design...'

9.3 Biodiversity & Greening

No biodiversity nor greening is proposed as there is limited availability for such provision given the small urban space of the site.

9.4 Townscape, Design & Heritage Impact

32 Bruton Place is an unlisted building located within the Mayfair Conservation Area. It is 3 storeys high, with a modern fully glazed shopfront at ground floor level, and a distinctive 3 bay wide window at first floor level. The building is surrounded by a number of listed buildings including 10-38 Bourdon Street which is listed at grade II, and 36-40 Bruton Place which is also listed at grade II.

The existing façade has a neutral impact on the character and appearance of the Conservation Area, with the shopfront at ground floor level being of modern design and construction having been approved in 1998 (98/02832/FULL). It has already been noted in the response to the pre application enquiry for these proposals that the principle of making alterations to this façade is acceptable.

The pre-application enquiry response also highlighted a number of areas of the detailed design of the façade which would be important to ensure the preservation of the character and appearance of the conservation area. This included the windows which would need to be appropriately sized and spaced apart and the shopfront which whilst copying the architectural language of 30 Bruton Place would need to remain distinctly separate so as to maintain the rhythm of frontages on the street.

These comments made at pre-application stage have all been successfully addressed in regard to the detailed design of the façade.

Overall, these proposals will have a neutral impact on the Conservation Area, and are therefore in keeping with policies 38, 39, and 40 of the Westminster City Plan (adopted April 2021).

9.5 Residential Amenity

As outlined above, three objections (2 of which are from the same residential objector, and one from a commercial tenant due to occupy a neighbouring unit) and one general comment from a resident have been received. These are responses are individually assessed below;

Objection:

Two objection letters have been received from PowerHaus Consultancy who represent a neighbouring resident within Bruton Place.

The objector does not object to the principles of the planning application and improvements to the building but does however raise concerns to the following:

- waste operations associated with The Guinea Grill;
- waste and barrels are constantly stored outside the premise on the public footpath throughout the day and should be limited to half an hour before collection.

- a more detailed Outside Management Policy is required to allow the Council to take Enforcement action if necessary.

The objector requested that the following conditions are attached to any planning permission, the first of which the applicant has recently provided as part of a new license application (reference 22/09389/LIPN):

Proposed Condition 1:

"All waste and barrels shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection time. At any other time, waste and barrels should be store in the basement"

Proposed Condition 2:

"No waste or recyclable materials, including bottles, shall be moved, removed from, or placed in outside areas between 22:00 and 08:00 hours"

The applicant is happy to accept the conditions recommended by the neighbour. Whilst initially raising concerns regarding the ability to comply with Proposed Condition 1, the agent confirms in an e-mail received on 10 January 2023 their willingness to accept this condition and will ensure that they will make it work.

As part of the commitment to address neighbours' concerns, the applicant has provided an updated Operational Management Plan and Delivery and Servicing Management Plan which addresses the outside management of the premises.

It is important to note that The Guinea Grill (which is a long-standing use that is not subject to any planning controls) does not have any management plans secured by condition at the moment. Therefore, the management plans which cover the existing operation are a benefit of the scheme. The applicant acknowledges that prior to the application bins were not always being taken back down to the cellar following collection, but this has now been rectified on site.

A second objection has been received from Monmouth Planning Ltd who represent a leaseholder of a neighbouring business which is due to open shortly.

They raise concerns relating to:

- noise levels, late night revellers from the public house causing noise, general anti-social behaviour and disturbance once intoxicated;
- development impacts, litter concerns, refuse bins, barrels and refuse bags left on the pavement outside 21-25 Bruton Place at times and 34 Bruton Place rather than adjacent to their site;
- openable windows and doors;
- query regarding pavement licence for external seating and customers causing general nuisance;
- review of the OMP after 6 months;
- lack of noise report assessing impact of proposed uses;
- number of deliveries.

As mentioned above, The Guinea Grill doesn't have any management plans to control the overall management of the premises at the moment; the expansion of the business

allows for the City Council to include planning conditions to require the improved management of the existing business and requires the applicant to adhere to strict noise, waste storage and general day to day operational management of the business.

A noise report has not been provided to assess noise transition from customers (as this can be extremely difficult to quantify), however it is not considered that this application is likely to generate additional noise activity from patrons. Whilst it is acknowledged that there is an uplift in 86 covers at The Guinea Grill, the proposal does not include any openable windows nor external dining seating which may generate additional noise transition from inside the premises. The proposal does include alterations to the shopfront, but the windows are fixed shut and the new doors within No 32 are labelled as fire exits, which are conditioned to be only openable in the event of an emergency and for maintenance purposes.

The extensive Delivery and Services Management Plan and Operational Management Plan (OMP) provided allow for better control of deliveries, waste management and general day to day management of customers from both the existing and expanded business. It is important to remember that this application is expanding the overall floorspace of the existing Guinea Grill by 215 sqm and allows for better management of the existing premises through the new OMP.

The commercial objector requests a condition to review of the Operational Management Plan (OMP) in 6 months. The OMP covers both the existing space used by The Guinea Grill at No 30 along with the new floorspace at No. 32 and is considered extensive enough to allow the appropriate management of this expanded site without the need to review the OMP in 6 months time. Furthermore, it is clarified that similar conditions apply to the premises licence which is renewed on an ongoing basis.

The premises licence requires that after 22:00, the number of customers smoking, vaping or indulging in similar activities on the outside area at the front of the premises shall not exceed 20 at any one time. There shall also be no drinking outside after this time. This is in line with the Operational Management Plan submitted and conditioned as part of this application. There is no reference to the area being used for external seating, though it is understood there is a long history of tables and chairs on the raised pavement to the frontage which have generated no planning enforcement complaints previously.

Overall, whilst it is acknowledged that the overall increase to The Guinea Grill will likely create a more intensified use than what the previous gallery had, the City Council is gaining control via planning conditions for the existing 407 sqm floorspace at No 30 Bruton Place alongside the 215 sqm at 32 Bruton Place, allowing better control of the premises, thereby enabling the City Council to take appropriate Enforcement action should it receive complaints regarding the management of the business in the future.

General Comment from neighbour:

One general comment has been received from a neighbouring resident. They recognise The Guinea Grill is an important venue in the street and the community. However, they raise concerns with regard to the expanding of the premises which they believe raises many issues regarding people management, traffic and deliveries, noise and waste collection. These concerns are considered to be addressed by the Operational Management Plan (OMP) and Delivery and Servicing Management Plan (SMP). The

plans have been assessed by the City Council's Highways Planning Manager who has no objections to the proposal [following the omission of the awning].

The Operational Management Plan confirms the hours of opening will be as follows:

- o Monday to Thursday - 10:00 to 23:30
- o Friday and Saturday - 10:00 to midnight
- o Sunday - midday to 22:30
- o Sundays immediately prior to a Bank Holiday - midday to midnight

The OMP confirms that there shall be no drinking outside the premises after 22:00 (although patrons will be allowed to smoke in front of the premises).

The applicant will be required to comply with the requirements of the plans throughout the life of the public house with neighbours potentially noticing an overall improvement as the plan controls the arrangements for both 30 and 32 Bruton Place.

Noise & Vibration

The application proposes to rationalise and upgrade existing plant with new and more efficient equipment. Environmental Health Officers have assessed the acoustic report that was submitted with the application and consider that subject to standard noise conditions, the proposed plant is likely to comply with the City Council's noise and vibration Policy 33. The proposals will not therefore harm the amenity of neighbouring properties.

9.6 Transportation, Accessibility & Servicing

The site is located within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those controls. The majority of trips associated with the site (excluding servicing activity) will be via public transport or other sustainable modes (e.g. walking, cycling) and will not have a significantly detrimental impact on the safety or operation of the highway network. Taxi use associated with the operation is likely to be similar to the existing use.

Highway Impact

The Highways Planning Manager originally raised concerns regarding the vertical clearance of the proposed awning. To address these concerns the applicant has omitted the awnings from the proposal. Updated plans of the proposed front elevation omit reference to the awnings.

The Highways Planning Manager also raised concerns regarding doors opening over the highway. The applicant has since revised the plans to address this concern with all doors now opening inward to the building.

Servicing and Waste & Recycling Storage

Policy 29 requires off-street servicing and freight consolidation. Deliveries, goods and waste collection left on the highway create an obstruction to pedestrians and have an

adverse impact on the improvements to the public realm. Delivery vehicles stopping on the highway can also result in localised congestion to other motorists.

No off-street servicing is available. As previously mentioned, a Servicing Management Plan and an Operational Management Plan are provided and have been assessed by the Highways Planning Manager, who considers that the combination of units is likely to reduce the level of servicing vehicles associated with the combined site. However there may be an increase in dwell time of servicing vehicles and goods obstructing the highway (footway). On balance, no objection is raised on this element.

The applicant has submitted a proposed basement plan (for No 30 – there is no basement to No. 32) as part of this submission which details the bin storage area. The Council's Project Officer (Cleaving) confirms the details are in line with the council waste storage requirements. A condition has been included to ensure that the waste storage is provided to the occupation of 32 Bruton Place as a public house (Sui Generis) use.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

The West End has been particularly hard hit by the pandemic and there is a need for businesses within the Central Activities Area to be supported at this time to enable their post pandemic recovery. The proposed development will contribute to the recovery of the West End in accordance with Policies 1 and 13 in the City Plan 2019-2040 by providing a rich mix of commercial uses that contribute to central London's wide appeal and securing further continued economic growth and employment opportunities.

9.8 Other Considerations

The neighbouring objector raised an additional concern regarding refuse vehicles reversing down the one way street in the wrong direction, which is often at 7am. Whilst this is not specifically related to this application, for clarity this issue has been raised with the City Council's Highways Planning Manager who confirms that he will relay this on to the contractors responsible for the waste collection in this area.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

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

10. Conclusion

The Guinea Public house is an award winning establishment that ranks amongst top gastro pubs (e.g. the 2022 Estrella Damn's annual Top 50 Gastropubs list). The expansion into No. 32 Bruton Place allows for the business to continue to prosper and caters to its growing demand.

Detailed and updated Operational and Servicing Management Plans have been provided in order to control noise, deliveries, waste collections and general day to day management of the public house.

Subject to conditions that address the objections where relevant, the proposal is considered acceptable, and it is recommended that permission be granted.

(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: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

11. KEY DRAWINGS

30-32 Bruton Place front elevation – as existing



30-32 Bruton Place front elevation – as proposed

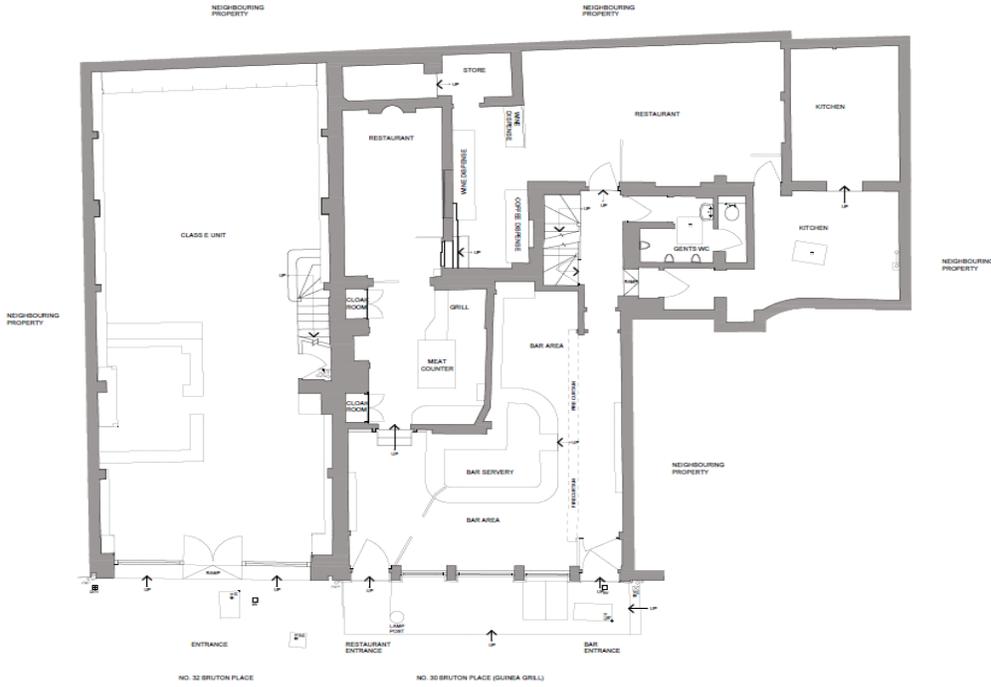


NO. 32 BRUTON PLACE

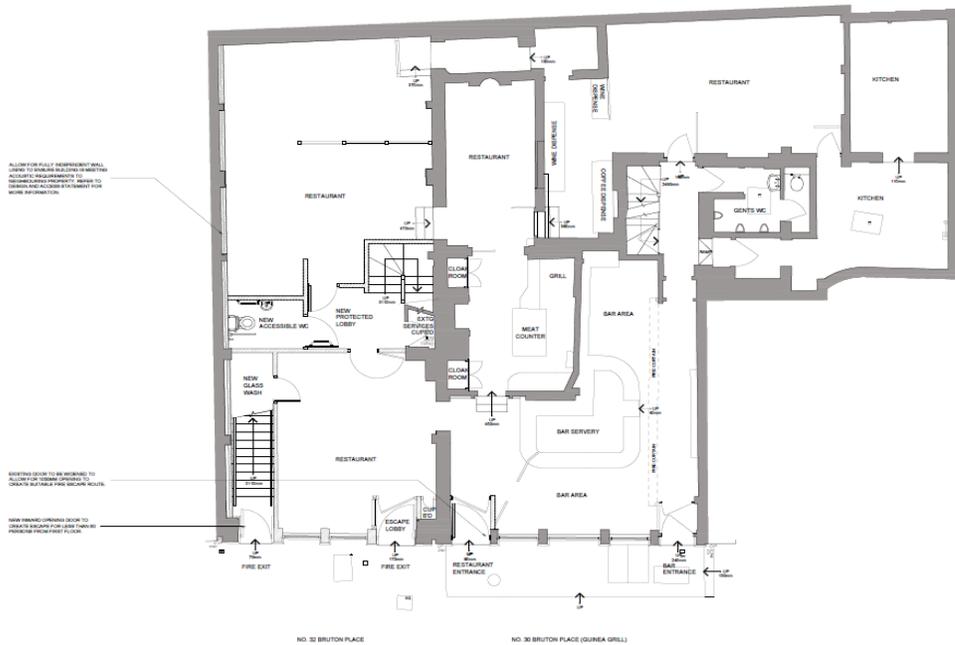
NO. 30 BRUTON PLACE (GUINEA GRILL)

PROPOSED FRONT ELEVATION
SCALE 1/32

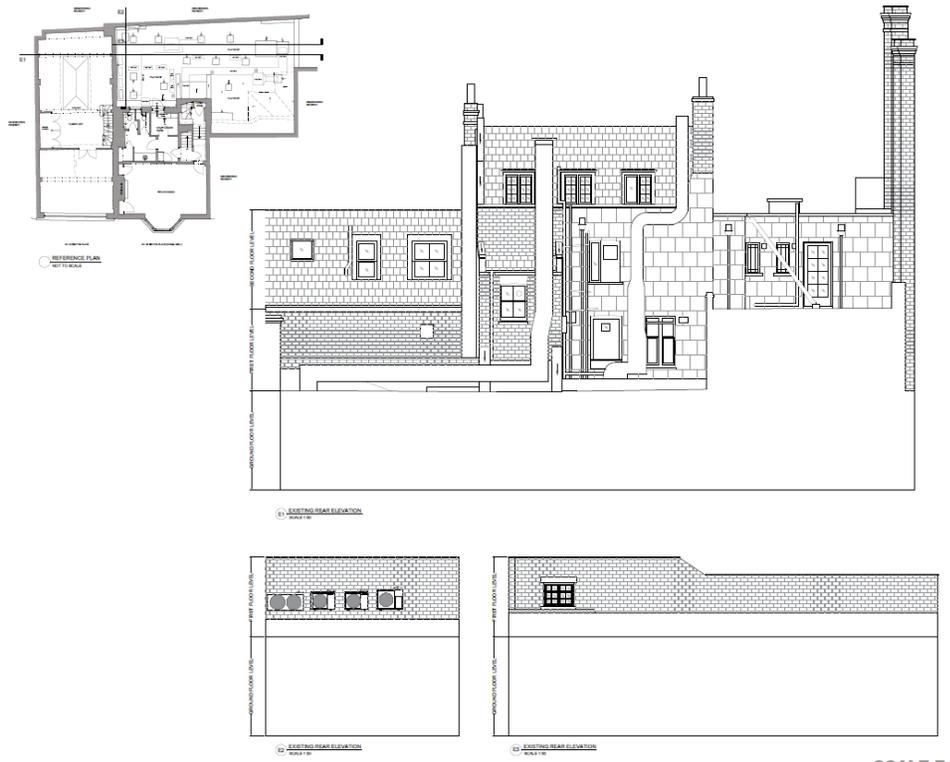
Ground floor plan as existing



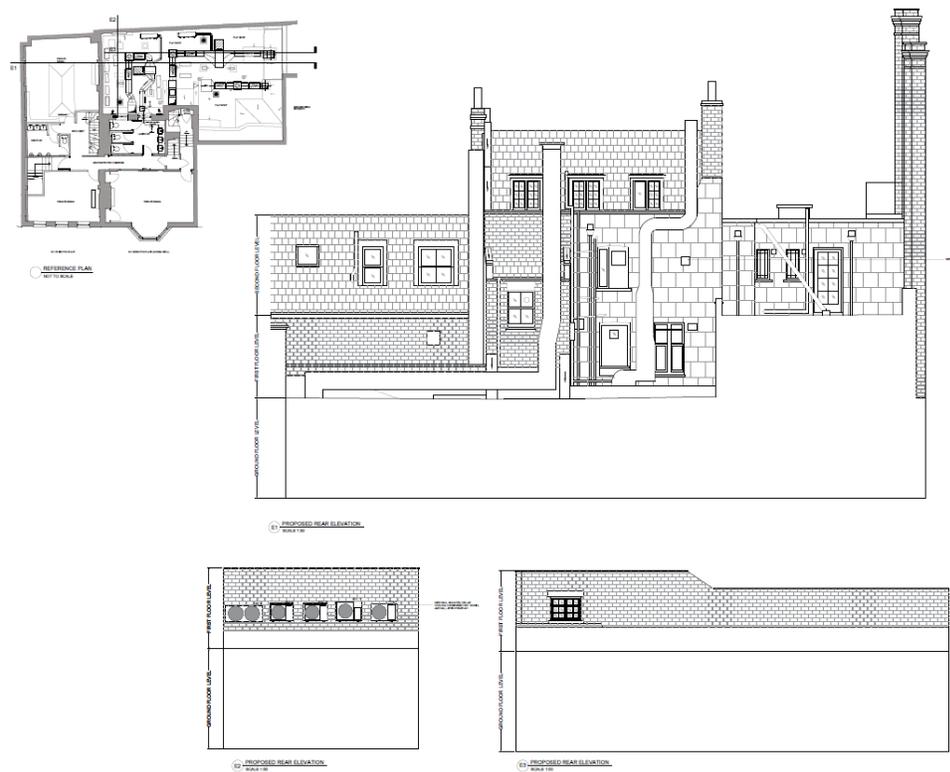
Ground floor plan as proposed



Rear elevation as existing



Rear elevation as proposed



DRAFT DECISION LETTER

Address: 30-32 Bruton Place, London, W1J 6NL

Proposal: Use of 32 Bruton Place as a drinking establishment with expanded food provision (sui generis) to form extension to existing Guinea Grill at 30 Bruton Place, alterations to shopfront, replacement upper floor windows and rationalisation of plant on roof

Reference: 22/06655/FULL

Plan Nos: Y&C07.21.P06 D, Y&C 07.21.P07 D, Y&C 07.21.P08 D, Y&C 07.21.P09 B, Y&C 07.21.P11 D, Y&C 07.21.P13 B, Y&C07.21.P16 A, Delivery and servicing management plan dated December 2022 ref: 6844/DSMP01, Guinea Operational Management Plan received on 6 February 2023

Case Officer: Shaun Retzback

Direct Tel. No. 07866 039589

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 Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 You must apply to us for approval of details of the following parts of the development - the new 1st floor windows. 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 drawings. (C26DB)

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 Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 (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)

- 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 building 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. (C49BB)

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 All waste and barrels shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection time. At any other time, waste and barrels should be store in the basement.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 9 No waste or recyclable materials, including bottles, shall be moved, removed from, or placed in the outside areas between 22:00 and 08:00 hours

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 10 With the exception of fire exit doors which must only be used in an emergency and for maintenance purposes, you must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 11 You must not operate the pub and restaurant use within 32 Bruton Place hereby approved until you provide the separate stores for waste, food waste and materials for recycling as shown on drawing number Y&C07.21.P16 A and thereafter you must permanently retain them for the storage of waste, food waste and recycling. You must clearly mark them and make them available at all times to everyone using the pub and restaurant use. (C14FC)

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)

- 12 You must carry out the measures included in your delivery and servicing management plan ref: 6844/DSMP01 dated December 2022 and your operational management plan received on 6 February 2023 at all times.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 13 You must not allow more than 86 customers into 32 Bruton Place at any one time.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 14 You must only use the ground and first floor of No 32 as a sit-down restaurant with waiter service, and the second floor as ancillary accommodation. You must not use any part of No 32 as a bar or bar area, or for any other purposes.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 15 The use of 32 Bruton Place as a mixed use drinking establishment with expanded food provision (sui generis) shall be occupied as a single unit in conjunction with 30 Bruton Place and shall not be sub-divided or used independently.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

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 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: www.westminster.gov.uk/street-naming-numbering. (I54AB)

- 3 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 4 The term 'clearly mark' in condition 11 means marked by a permanent wall notice or floor markings, or both. (188AA)
- 5 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please email AskHighways@westminster.gov.uk. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority).

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.