

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 30 April 2024	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	The Garden Cafe, Brown Hart Gardens, London, W1K 8UH		
Proposal	<p>Proposal 1: Partial demolition, reconfiguration and alteration of existing building for continued cafe / restaurant use (Class E) and provision of landscaping to deck.</p> <p>Proposal 2: Use of a private land for the placement of 10 tables, 30 chairs associated with the cafe, restaurant.</p>		
Agent	Gerald Eve		
On behalf of	BH1 Ltd		
Registered Number	Proposal 1: 24/00669/FULL and 24/00670/LBC Proposal 2: 24/00671/TCH	Date amended/ completed	2 February 2024
Date Application Received	2 February 2024		
Historic Building Grade	Grade II		
Conservation Area	Mayfair		
Neighbourhood Plan	Mayfair		

1. RECOMMENDATION

Proposal 1:

1. Grant conditional planning permission;
2. Grant Conditional Listed Building Consent.
3. Agree the reasons for granting conditional listed building consent as set out in Informative 1 on the draft decision letter.

Proposal 2:

1. Grant conditional planning permission

2. SUMMARY & KEY CONSIDERATIONS

The applications propose the partial demolition and reconstruction of the existing café pavilion structure on the public deck of the gardens. This will create a new restaurant use, with marginally longer operating hours but less capacity than the existing café operation. Substantial re-landscaping of the existing deck is also proposed.

The key considerations in this case are:

- The acceptability of the altered use,
- The impact on the amenity of neighbouring residential properties.
- The acceptability of the proposed buildings in design terms,
- The impact of the proposed buildings on the character and appearance of the Mayfair Conservation Area, and
- The acceptability of the impact of the proposals on the public highway.

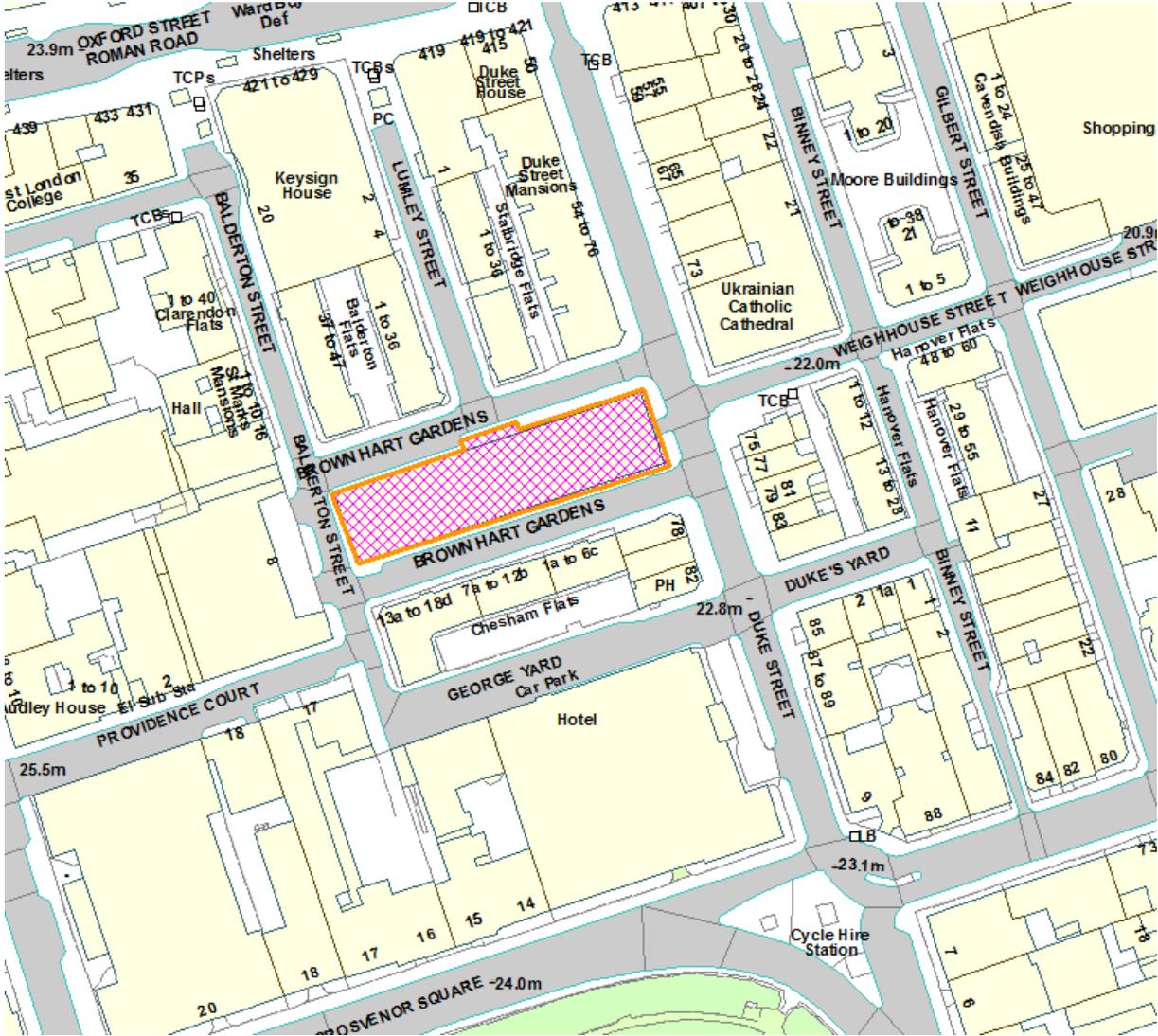
While objections have been received with regards to the impact of the enlarged operation on the amenity of residents surrounding the site, the increase in operational hours is considered modest. Alongside the requirement for an operational management plan to be submitted by condition, the overall capacity reduction, and the outside seating areas closing earlier than the indoor seating, it is considered the use is acceptable and can be controlled through appropriate conditions. While cooking will be introduced at the site and the impact of odour has been raised as a concern by objectors, Environmental Sciences are satisfied that the proposed internal circulation system is suitable and the use of this can be secured by condition.

Objectors raise concerns that the enlargement of the commercial operation represents an overcommercialisation of the public gardens (which are privately owned) and the loss of vital public space. While the footprint of the pavilion is increasing modestly, when considering the previous permissions that have been granted in the past for external searing on the deck associated with the café, the area occupied will be relatively similar and still confined to just the western portion of the deck. Public access to the deck shall, as before, be secured by condition.

The Mayfair Neighbourhood Forum and Victorian Society have objected on design and heritage grounds, raising concerns regarding the impact of the increased footprint of the structure on the character and special interest of the Gardens. Officers consider that despite the modest increase in size of the structure (with a slightly larger footprint, but a lower roof form), it will remain subservient and appropriate to the host listed building. The proposed additional landscaping has drawn objection from The Victorian Society. While it is acknowledged that the proposals will result in a change to the appearance of the terrace, it has undergone several phases of development throughout its lifetime including changes in planting and focal features. The planting will provide greening and shade across the deck, while forming reversable additions to the listed building. Subject to the provision of additional details and/or adherence to the necessary conditions, the proposals will preserve the special interest of the listed building and the contribution that it makes to the character and appearance of this part of the conservation area.

The substantial relandscaping of the eastern side of the deck will provide substantial benefits in terms of biodiversity and quality of amenity space. This is welcomed and shall be secured by condition.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

Proposal 1 -

MAYFAIR RESIDENTS GROUP

Any response to be reported verbally.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally.

MAYFAIR NEIGHBOURHOOD FORUM

Objection:

- The deck should be primarily used by residents and visitors as quiet amenity space. Original café was considered ancillary and low-key that supported the space, but the proposals now represent a change in the character and overcommercialisation of the space.
- Request restaurant should close at 10pm and there should be no amplified music.
- Request assurances there will be no plant on the roof.
- Environmental Health must be satisfied with neighbours not being affected by cooking smells.
- Concern over the ability of the structure to take additional weight.

WASTE PROJECT OFFICER

No objection subject to condition.

HIGHWAYS PLANNING

Objection: No cycle storage, impact of food retail/takeaway, gates opening over the highway.

ENVIRONMENTAL SCIENCES

No objection subject to condition.

UK POWER NETWORKS

Any response to be reported verbally.

HISTORIC ENGLAND

Authorisation to determine as seen fit.

NATIONAL AMENITY SOCIETIES:

VICTORIAN SOCIETY:

Objection: The 2011 interventions are inappropriate and harm the significance of the building. New proposals increased scale of the cafe building and cladding it with artwork (design to be confirmed) would increase the harm to the significance of the listed building. The imposition on the openness of the terrace would be increased, and the relationship with the pavilions made even more disjointed. The application of an artwork to the cladding of the cafe building would further distract from appreciation of the historic building. Any alterations must retain the scale of the existing building. Landscaping also

raises concerns and, while reversible, the design is fundamentally opposed to the formal, ordered character of the terrace introducing a further level unwanted contrast between the historic building and new interventions. Ample opportunity to landscape the terrace, but it must be inspired by the character of the historic building.

TWENTIETH CENTURY SOCIETY

Any response to be reported verbally.

GEORGIAN GROUP

Any response to be reported verbally.

COUNCIL FOR BRITISH ARCHAEOLOGY

Any response to be reported verbally.

SOCIETY FOR PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally.

ANCIENT MONUMENTS SOCIETY

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 136: Total No. of replies: 7

No. of objections: 3;

No. in support: 4 (2 form the same person)

Objections have been received raising some or all of the following points:

- Impact on residential amenity from noise,
- Café use caused unacceptable levels of noise,
- Café use opened beyond approved times,
- The nature of the area amplifies any noise, submitted acoustic report fails to take this into account,
- Loss of provision for facilities for children and local residents,
- No demand/need for another food outlet,
- Already problems with antisocial behaviour at the site,
- Proposed servicing will increase pollution and traffic,
- Keep hours 8-8
- Open 7 days a week until 11:30pm unacceptable,
- Impact during construction.

Three comments in support of the proposals (including one on behalf of the Brown Hart Gardens Committee) have been received raising some or all of the following points:

- Stating "*wholehearted support*" for the proposals,
- Previous failures of café occupiers will be addressed,
- Unoccupied café attracts antisocial behaviour, having an active use will address this,
- Support anything done to encourage more use and enjoyment of the gardens.

PRESS NOTICE/ SITE NOTICE:

Yes

Proposal 2 -

MAYFAIR RESIDENTS GROUP

Any response to be reported verbally.

MAYFAIR NEIGHBOURHOOD FORUM

Objection:

- The deck should be primarily used by residents and visitors as quiet amenity space. Original café was considered ancillary and low-key that supported the space, but the proposals now represent a change in the character and overcommercialisation of the space.
- Request restaurant should close at 10pm and there should be no amplified music.
- Request assurances there will be no plant on the roof.
- Environmental Health must be satisfied with neighbours not being affected by cooking smells.
- Concern over the ability of the structure to take additional weight.

WASTE PROJECT OFFICER

No objection.

UK POWER NETWORKS

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 129

Total No. of replies: 4

No. of objections: 4

Four objections have been received raising some or all of the following grounds:

- Encroachment on public space and loss of space for public,
- Use of the space should not extend beyond the gardens hours,
- Existing issues with antisocial behaviour,
- Increased noise,
- The nature of the area makes sound echo,
- Café should be reopened but not encroach on public space and not beyond existing hours,
- Impact on highway (traffic/parking)

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

While the scheme does not meet the Council requirements for carrying out Pre-Application Community Engagement, the applicant has nonetheless carried out engagement with the local community prior to submitting this application.

The engagement activities undertaken by the applicant (as listed in the submitted Statement of Community Involvement (SCI)) involved posting newsletters to the local area to encourage people to provide feedback via an online survey, two in-person public exhibitions, and a series of meetings with key local stakeholders. The applicant also advises that newsletters were distributed to 700 addresses in the local area, which invited people to attend the exhibition events or view the materials online. People were encouraged to complete an online survey or respond directly to the project team via the email address provided.

The SCI describes that two in-person exhibition events were held in the Ukrainian Catholic Cathedral of the Holy Family in Exile in August 2023 and September 2023. A total of 40 people attended across the two sessions. To ensure consultees were able to provide feedback on the proposals, a QR code linked to the online survey was provided on the final exhibition board for people to give their feedback on the proposals. Roughly 100 flyers were handed out at the drop-in sessions to allow attendees to share with other residents who were unable to attend the exhibitions.

The Applicant describes that several meetings were held with key stakeholders including:

- The Mayfair Neighbourhood Forum;
- Resident's Association of Mayfair and St James's;
- North Mayfair Residents Association;
- New West End Company;
- Grosvenor Estate;
- Residents Society of Mayfair and St James's; and
- Brown Hart Gardens Residents Association.

The SCI concludes that discussions with stakeholders have been broadly positive, welcoming the approach to enhancing the landscaping and urban greening in addition to bringing a vacant site into active use and reducing the levels of anti-social behaviour through introducing natural surveillance for longer periods of the day.

The SCI also notes that, whilst the majority of respondents support the Applicant's approach to the Site including the restaurant use, a number of consultees raised concerns regarding the impact of the proposed restaurant on neighbouring amenity. The Applicant states that they have sought to address these concerns in a number of ways, by adjusting the proposal design in numerous ways and, for example, by reducing the initially proposed hours of operation in the evening. The Applicant has also committed to delivering an operational management plan, which any future tenant will need to abide by, to be controlled by planning condition. The SCI also identifies that concerns were raised about the impact on residents during construction and that the Applicant advised that the works will take place within existing Council controls. They also note that as the existing pavilion structure is being retained, the potential impact should be reduced when compared with complete demolition.

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) (December 2023) and should be afforded full weight in accordance with paragraph 225 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 47 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 City Plan Partial Review

The council published its draft City Plan Partial Review for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 on 14 March 2024. The consultation continues until 25 April 2024. The Partial Review includes updated policies for affordable housing, retrofitting and site allocations.

An emerging local plan is not included within the definition of “development plan” within s.38 of the Planning and Compulsory Purchase Act 2004. However, paragraph 48 of the NPPF provides that a local authority may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Footnote 22 to paragraph 48 states that during the transitional period for emerging plans consistency should be tested against the version of the Framework, as applicable, as set out in Annex 1 (paragraph 230). This means that the consistency of the policies in the City Plan Partial Review must be tested for consistency for the purposes of paragraph 48(c) against the September 2023 version of the NPPF.

Accordingly, at the current time, as the Partial Review of the City Plan remains at a pre-submission stage, the policies within it will generally attract limited if any weight at all.

6.3 Neighbourhood Planning

The Mayfair Neighbourhood Plan (MNP) 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. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report.

6.4 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 (December 2023) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The application site is a formal garden on the deck roof of a Grade II listed Edwardian electricity substation dating from 1904-05. It is located within the Mayfair Conservation Area, the Central Activities Zone (CAZ) and West End Retail and Leisure Special Policy Area (WERLSPA). The MNP identifies the site as a Local Green Space and an Oasis Area.

The deck includes a modern café structure, which is currently vacant, and some limited public seating and planting.

7.2 Recent Relevant History

Planning permission and listed building consent were granted on 28 March 2012 (RN: 11/09200/FULL and 11/09201/LBC) which allowed “Alterations including construction of a new pavilion at western end of deck (Balderton Street end), installation of new access stairs and lift to deck from north side of Brown Hart Gardens and associated landscaping and lighting. Use of the proposed new pavilion as a cafe (Class A3).” The design of the structure has been amended through various non-material amendments in 2012 and a Section 73 application approved on 28 March 2012 (RN: 12/07648/FULL and 12/09480/LBC).

Temporary planning permission was granted 11 February 2021 (RN: 20/06980/TCH) for the placement of 20 tables and 44 chairs externally on part of the deck, in association with the café operation. This permission was granted until 28 February 2022 and was not renewed.

8. THE PROPOSAL

Planning permission and Listed Building Consent applications seek to allow the partial demolition, reconfiguration and alteration of existing building on the deck of the gardens. This will then allow for continued cafe / restaurant use (still within Class E) which will be accommodated within a moderately larger footprint. This would accommodate a larger kitchen and slightly more seating within the building.

It is important to note that the permitted cafe (at that time, Class A3) is now Class E. Changes to the Uses Classes Order which came into effect in September 2020 combined a number of town centre uses into a single use class, Class E Commercial Business Service. There is therefore no change of use associated with this application as both the existing café and proposed restaurant are within the same use class (Class E).

The proposals also include re-landscaping the existing deck to provide greater planting and biodiversity as well as public seating.

Separate planning permission (24/00671/TCH) is sought to provide external seating on the deck to be used in association with the enlarged restaurant use. This would be located in locations around the enlarged building and be positioned so as to face inwards to the site.

Table 1: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Café/Restaurant (Class E)	97	129	+32
Total	97	129	+32

The existing deck is privately owned, with public access allowed at certain times of day. The applicant advises that under the proposal, the hours of access would be unchanged and that the deck would continue to be accessible during the daytime, closing to the public after 8pm (with the exception of those using the restaurant).

9. DETAILED CONSIDERATIONS

9.1 Land Use

Land Use Overview

City Plan City Plan policy 1 supports town centres and high streets to evolve as multifunctional commercial areas to shop, work and socialise.

Policy 2 of the City Plan seeks to intensify the West End Retail and Leisure Special Policy Area (WERLSPA) through providing job growth through commercial-led development, including leisure, and a diverse evening economy.

Policy 14 (Town centres, high streets and the CAZ) supports developments in existing centres that enhance and diversify their offer as places to shop, work and spend leisure time. Part C2 of this policy identifies that the WERLSPA will provide a wide mix of commercial uses that support the West End's role as a retail, employment and cultural hub, and as a centre for the visitor, evening and night-time economy.

Policy 15 (Visitor Economy) seek to maintain and enhance the attractiveness of Westminster as a visitor destination.

Policy 16 (Food, drink and entertainment) of the City Plan requires that proposals for food and drink and entertainment uses will be of a type and size appropriate to their location.

Policy MRU1 of the MNP requires that proposals for new commercial or entertainment uses in Mayfair must demonstrate how they protect the amenity of nearby residential units and create no material additional adverse effects (after mitigation) such as noise and rubbish between 11pm and 7am.

MNP Policy MRU3.1 sets out that new entertainment uses will be encouraged where they complement both nearby residential communities and also the character which those nearby communities foster.

MNP Policy MSG1 sets out that growth is encouraged within Mayfair which includes increased density, intensity of use, efficient use of existing floorspace and activity (by providing restaurants, cafés, galleries, shops, and other uses which animate the streetscene for the public).

Policy MSG2 identifies commercial growth being encouraged in Central and East Mayfair.

Policy MR3 encourages Oasis Areas to support retail frontages through the provision of areas to relax, sit and, where appropriate, and subject to amenity considerations, to eat and drink. The policy also supports proposals for development within Oasis Areas which include the improvement of, or provision of, new urban green infrastructure.

Land Use Consideration

As noted above, there is no change of use associated with this application as both the existing café and proposed restaurant are within the same use class (Class E). The assessment in land use terms is therefore limited to the impact of the larger use.

The applicant advises that the site has been vacant since February 2022, with other periods of vacancy before this. The principle of a moderate enlargement of the existing use is considered to be acceptable and in accordance with the above policies, subject to assessment of the potential impact the use may have on the surrounding environment as a result of its altered operation.

The table below sets out the key differences between the existing café and proposed restaurant operation.

Table 2: Existing and proposed operation.

	Existing	Proposed	Change
Covers	Internal: 50 External: 44 Total: 94	Internal: 60 External: 30 Total: 90	Internal: +10 External: -14 Total: -4
Hours	08:00 - 20:00 daily indoors 08:00 - 20:00 daily outdoors	<u>Monday to Saturday:</u> 08:00 - 23:00 indoors (outdoors closed by 21:30); <u>Sundays:</u> 08:00 - 22:00 indoors (outdoors closed by 20:30).	<u>Monday to Saturday:</u> +3 hours indoors +1.5 hours outside <u>Sundays:</u> +2 hours indoors +30 mins outside
Floorspace	97 sqm	129 sqm	+ 32 sqm
Servicing	Vehicles stop on northern side of Brown Hart Gardens/Balderton St junction in appropriate locations.	Same as existing, deliveries minimised.	None

In terms of the changes in capacity of the use, the extension would allow slightly more seating within the building. The proposal overall, when considering the enlarged use along with the external seating, would not substantially increase the number of covers overall compared to previous permissions.

The outdoor seating associated with the café / restaurant building has been limited to a maximum of 30 covers, 14 less than the number of external covers previously permitted on a temporary basis for the café in 2021, but there is an increase of 10 for the inside seating.

The applicant considers that the outdoor seating (now mostly either side of the café/restaurant rather than all in front of it) has been located to minimise the potential for noise disturbance to nearby residents whilst also preserving open space toward the centre of the deck. On this basis the proposal for external seating locates some of the outdoor seating along the northern and southern boundaries of the deck (9 seats and 3 tables on each side), behind planting which assists with screening the seating from surrounding residential properties and also facing away from residential properties. 12 seats at 4 tables will be located at the 'front of the restaurant facing the deck.

With regards to the opening hours, the applicant advises that the proposed opening hours have been reduced following those originally proposed during the public consultation (with a latest closing time of 11:30PM Monday to Saturday originally suggested), whilst still retaining some evening opening. They consider that these evening opening hours are necessary to ensure a restaurant business can be sustained and therefore contribute positively to the vitality of the West End. As is set out in the table above, these hours represent a moderate change in the operational hours

compared to the existing café operation. The largest differences in the operational hours are related to the internal operation of the restaurant with the external covers being closed earlier than the main use. This approach is welcomed. An objector has objected on the basis that the restaurant will be open 7 days a week until 11:30pm. As is clear above, this is not the case and therefore the objection is not sustainable.

Objectors have raised concern that the use of the space should not extend beyond the garden's hours and that the restaurant should not operate beyond the existing hours. The proposed hours of both the main internal restaurant and the external seating area are within those set by the MRU1 of the MNP – "*Proposals for new commercial or entertainment uses in Mayfair must demonstrate how they protect the amenity of nearby residential units and create no material additional adverse effects (after mitigation) such as noise and rubbish between 11pm and 7am.*". The Mayfair Neighbourhood Form (creators of the MNP) have objected to the proposals and request that restaurant close at 22:00 and that there should be no amplified music. Given that MNP policy would allow opening until 23:00 as noted above, it is considered that it would be unreasonable to require a 22:00 closing, especially in this mixed use location close to Oxford Street, and this part of the objections cannot be upheld. In terms of the music, the Applicant has advised that it is not proposed to play any music externally and that they would accept such a condition. A condition shall therefore be added prohibiting the playing of live or amplified music outside the restaurant, as well as ensuring any music played inside is not audible outside, so as to address the objection.

A Draft Operational Management Plan (OMP) has been submitted in support of the proposed new operation. This provides details on the intended operation such as:

- Main/only customer entrance/exit from doors facing the central area of the deck,
- Host greeting customers for evening service,
- Staff entrance/exit at rear of building,
- Details capacity and hours, as set out above,
- Servicing will remain the same as the existing situation with deliveries minimised (anticipate 3-4 a day with average duration of 10 mins),
- Staff to close doors to prevent noise breakout, and
- Resident telephone number accessible online for concerns/complaints.

These measures are welcomed and should serve to minimise the impact of the altered use on the area. It is considered that the main entrance doors facing the deck should be conditioned to be self-closing so as to reduce the need for staff to manage this aspect in preventing noise break out. The Applicant has stated that they agree to the imposition of a planning condition which would require the approval of an updated OMP prior to the use commencing. This shall also be secured by condition.

Objections have been received on the grounds that the proposed restaurant use would lead to an increase in noise. Objectors also note that the nature of the area amplifies external noise, and that this has not been considered in the submitted acoustic report. The external seating is considered to be well placed, and, given that there is a reduction in external seating at the site along with the measures set out in the draft OMP, it is not considered that the changes will result in a significant increase in noise at the site. Furthermore, the applicant has submitted an acoustic report which assesses the likely impact of noise from the proposed use, which includes noise from patrons.

Environmental Sciences have assessed this report and found it to be acceptable in terms of demonstrating that the anticipated operation of both the internal and external areas shall be within Council noise criteria, subject to conditions already discussed above (no external music, patron capacity, doors kept closed, hours of use of outdoor area, etc.) and a condition limiting noise emissions from internal uses. They have raised no concern in terms of the method of assessment used with regards to the objections about noise amplifying in the external space. The objections in relation to noise from the use therefore cannot be upheld.

Environmental Sciences request a condition to ensure that, with the exception for immediate access and egress, and in an emergency, the internal premises shall keep all windows and doors closed after 09:30. Given that there are only doors to the premises and that these shall be conditioned to be self-closing as identified above, it is not considered this additional condition would be necessary.

Objectors have also noted that the previous café use caused unacceptable levels of noise and opened beyond approved times. While this is noted, it is not within the remit of this application to consider possible issues with the operation in the past. The use of the building (and the occupier) will be different under this permission. These points of objection therefore cannot be upheld, but subject to any future breaches of conditions being reported to the Council, these could be investigated by the Planning Enforcement Team.

Objectors have raised concern that the proposed servicing will increase pollution and traffic at the site. The Highways Planning Manager considers that, given the limited size of the extension and the proposed use, the servicing arrangements are unlikely to change significantly from that which could be generated from the existing use. Planning permission granted on 28 March 2012 (RN: 11/09200/FULL) which allowed the initial use of the café included a condition (11) that secures hours of servicing to between 07:30-18:00 daily for the existing café. Given that the applicant aims to focus the majority of their deliveries to within the hours of 11 am and 4 pm, the hours imposed before are still considered to suit their needs and shall be carried over to this permission. The proposal in servicing terms is not expected to have a significant adverse impact on the public highway subject to the same condition as previously imposed, and the objection on these grounds cannot be upheld.

The Highways Planning Manager has raised significant concern regarding the delivery aspect of food retail/takeaway. They state that the site should not own or operate its own delivery service (i.e. have its own fleet of vehicles that would be left when not in use on the public highway). Such an operation would have an unacceptable impact on the public highway and they therefore request a condition should be imposed to prevent this. Given that such an operation would also likely have an impact on the amenity of the area (as a result of increased vehicle comings and goings and associated noise), it is considered appropriate that such a condition is imposed.

Objectors state that they consider there to be no demand or need for another food outlet. While these views are noted, it is not a consideration in the planning process for an application of this nature and therefore permission could not be withheld on these grounds.

As has been demonstrated above, the proposed operation of the restaurant would not be significantly more intense than the existing permitted café use, given that while there is a modest increase in operational hours, there is a reduction in covers and a management plan has been submitted. The greatest changes in the operation will be contained to within the restaurant building itself, which will limit the possible impacts on residential amenity. Subject to conditions limiting the capacity and hours of the restaurant and that it be operated in line with a detailed final OMP to be submitted, the moderately larger use is considered acceptable.

Within Class E, there is the potential for a broad range of uses which have the potential to generate significant noise, as well as other amenity impacts such as odour and highways impacts (notably indoor gyms, day nurseries etc.). No detail of how such uses would be managed so as to safeguard amenity has been provided (such as how arrivals for a nursery would be managed, etc.). Given that the site is surrounded by residential properties, they would be considered highly sensitive to amenity impacts and potentially the other impacts associated with the other uses within Class E. As such, a condition is recommended to restrict the potential uses within Class E to only the restaurant (Class E(b)) that has been applied for. The other uses within Class E cannot be suitably assessed in this application and are likely to have an impact on amenity of the area without suitable controls so must be prohibited by condition. The applicant has agreed to a condition to restrict Class E, as recommended.

Impact on Public Space

City Plan Policy 34 protects all open spaces and their quality, heritage and ecological value, tranquillity and amenity. The MNP identifies this space as an Oasis Area.

The Mayfair Neighbourhood Forum have objected to the proposals on the basis that the deck should be primarily used by residents and visitors as quiet amenity space. They consider that the original café was seen as ancillary and low-key, which supported the space, but the proposals now represent a change in the character and they consider it to be over-commercialisation of the space. Objectors have also raised that they consider the café should not encroach onto public space and also that the proposals would result in the loss of facilities for children and local residents. They also raise that the use of the space should not extend beyond the gardens hours.

The existing deck is privately owned, with public access allowed at certain times of day. The applicant has confirmed that the hours of access would be unchanged and that the deck would continue to be accessible during the daytime, closing to the public after 8pm (with the exception of those using the restaurant).

Currently, the deck has a limited number of comparatively small rectangular planters placed upon it with restricted planting, along with a number of benches and small trees in pots located along the edges.

The applicant states that the provision of the improved landscaping (discussed in section 9.3 below) and a slightly extended restaurant building at the site has been designed to preserve the majority of the space as open and accessible space, whilst ensuring a truly functional and viable restaurant can be provided and meaningful landscaping, integrating

public seating, would be accommodated. The proposals include higher quality planting along with integrated seating.

As set out above, the increase in size of the restaurant building is modest. The re-landscaping is considered to be good quality and will enhance the public space beyond the existing situation, which is considered to be underutilised and of a limited quality given.

There is arguably a small reduction in the area that is public space due to the area set aside for external restaurant seating and the increase in the footprint of the building however, this has been kept on the western side of the deck which is the same area as previous seating has occupied. The area previously permitted for seating under the temporary permission granted 11 February 2021 (RN: 20/06980/TCH) also extended out to the same area as the new external seating. The applicant notes that the central and eastern areas of the deck will still have public access and will be of significantly improved quality.

Planning permission was granted on 28 March 2012 (RN: 11/09200/FULL) which allowed the initial use of the café, and included a condition (10) which secured the opening hours of the terrace and the café. To ensure public access is maintained at the same times as already available (08:00-20:00 daily), an updated condition shall be imposed which also accommodates the extended restaurant hours proposed.

To prevent over-commercialisation of the space and use of the planted area of the deck when the space is not open to the general public, a condition shall be imposed prohibiting the consumption of food or drink from the restaurant in the landscaped area during hours the deck is closed to the general public. This should not prevent people bringing their own food and drink who want to sit on the main part of the garden when it is open to the general.

In this instance, the proposals are considered acceptable given the significant improvements to the quality of the space overall. The objections on these grounds therefore cannot be upheld.

9.2 Environment & Sustainability

Energy Efficiency

Policy 38D of Westminster's City Plan (Design principles) covers sustainable design, while policy 36 covers Energy Performance.

The proposals have moved away from comprehensive demolition of the existing café building and are now reducing waste and carbon by retaining most of the structure (the existing roof structure and the longer north and south elevations). The materials that are removed will have the chance to be reused where possible. Energy consumption will be sought to be kept to a minimum through the use of modern energy efficient materials, fittings and equipment. The overhanging roof of the building will serve as a solar shade reducing solar gain and overheating. The proposals is therefore welcomed under policies 36 and 38 and the Environmental SPD.

Light Pollution

Policy 33(B (Local environmental impacts) seeks to minimise the detrimental impact of glare and light spill on local amenity, biodiversity, highway and waterway users.

The proposals will see a reduction in the amount of glazed wall at the site as a result of the proposed longer flank walls now including perforated metal screens along them, as opposed to the current fully glazed elevations. This is welcomed and in accordance with policy.

Odour

The proposals include primary cooking at the site (whereas this was not permitted under the café use). The applicant has submitted an odour risk assessment which proposes installation of a recirculation system thus limiting any cooking by electricity only. Environmental Sciences are satisfied with the details within this report and request that a condition be applied securing operation of the cooking facilities in line with the document. While no external plant and equipment is proposed, Environmental Sciences have requested that the standard Council noise and vibration conditions be applied, along with restricting the hours of use of any machinery that may create noise (such as internal) to between 08:00-23:00 so as to protect amenity.

The Mayfair Neighbourhood Forum have stated that Environmental Health must be satisfied with neighbours not being affected by cooking smells. Environmental Science Officers have assessed the submitted odour assessment and considered the proposed recirculation systems. They advise that the proposed recirculation system for the restaurant is acceptable and compliant with Council guidance. Conditions shall be applied to ensure that the equipment remains complaint.

9.3 Biodiversity & Greening

City Plan Policy 34 seeks to protect and enhance the city's green infrastructure and to maximised its environmental, social and economic value as well as requiring that where possible developments contribute to the greening of Westminster and that all open space will be protected.

MNP Policy MGI1 states that development proposals in Mayfair should enhance and or protect existing green infrastructure.

Policy MR3 of the MNP supports proposals within Oasis Areas which include improvement of or provision of new urban green infrastructure.

The proposals include the provision of a significantly re-landscaped deck area. The applicants advise that this has been designed to enhance the quality and heritage and ecological value, tranquillity and amenity value of the site as an open space. They note that they seek to maximise as far as possible the green infrastructure and biodiversity of the site, whilst balancing this against the competing requirements of retaining the open character of the existing deck, given its designation as an Oasis Area and its role as one of a limited number of open spaces within Mayfair.

The additional green infrastructure at the site is identified as being in the form of extensive permanent landscaping features accommodating trees, shrubs, perennials and grasses within curved planters providing substantial soil space. The landscaped area at the site would be increased by the proposal from 138 sqm to 288 sqm. A variety of planting species would be provided, adding visual interest in the context of a primarily hard-landscaped site as well as enhancing biodiversity. The applicant notes that the new landscaping beds have been designed to provide a more permanent, sustainable and resilient method of greening the deck than the existing situation, which provides only movable temporary planting boxes with limited soil capacity, thereby requiring regular watering and limiting potential growth. They consider that this proposal would therefore deliver a far higher quality planting environment at the site.

A landscaping strategy has been submitted with the application which includes a management plan for the space. This plan includes measures which will ensure the planting and the benefits are sustained for the long term. These measures include using species which are 'low-input, high-impact', requiring little regular maintenance and watering, also making them tolerant of the site's relatively exposed setting. This will ensure the proposal's resilience to climate change as well as providing interest throughout the year.

The applicant sets out that the proposals will provide an Urban Greening Factor (UGF) score of 0.35, up from the existing score of 0.23. This reflects the increase in greening coverage at the site, which will more than double, from 138 sqm to 288 sqm. While there are no policy requirements for a scheme of this size to provide an increase in UGF, the applicant has nonetheless demonstrated the benefits in this regard.

The submitted biodiversity impact assessment shows the proposals would introduce new additional species and increase the sites ecological value by 17.46%. The report notes that, given the urban context of the existing site, the proposal would act as "a key green stepping stone in an otherwise nature depleted environment".

All of the above benefits described that result of the re-landscaping of the deck are very welcome and in accordance with policy. The provision of these benefits shall be secured by condition requiring the provision of the re-landscaping, planting and maintenance in accordance with the submitted documents.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

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 ('the LBCA Act') 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 LBCA 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 LBCA 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.”*

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

Policies 38, 39 and 40 of the City Plan 2019-2040 (adopted April 2021) include Design Principles which require development to respond to Westminster’s townscape and preserve or enhance heritage assets.

The Mayfair Neighbourhood Plan 2018-2038 (adopted December 2019) includes further policies relevant in this case, particularly those relating to greening and the preservation of heritage assets.

Consideration

Brown Hart Gardens is a formal park on the roof of a Grade II listed electricity substation dating from 1904-5 to designs by C. S. Peach and Balfour for the Grosvenor Estate. The substation is sunken and covered by a raised terraced with two domed neo-Baroque stone pavilions at each end. The terrace formed compensation for the associated loss of the public garden formerly on the site, dating from 1889, as shown within the submitted Heritage Statement.

It is located in the Mayfair Conservation Area and makes a positive contribution the character and appearance (significance) of this part of the conservation area.

A modern café structure sits to the western end of the terrace. This was approved in May 2012 (RNs. 11/09200/FULL & 11/09201/LBC) and forms a lightweight, largely glazed addition which is legible as a modern, reversible addition. It is of no architectural or historic interest. However, its success lies in its materiality, which appropriately contrasts with grounded stonework of the listed structure, and its shallow concave roof structure, which preserves views towards both pavilion domes from the terrace.

This application seeks to partially demolish the café structure and provide a new roof, new cladding and glazed walls to improve the internal arrangement and usability of the café. Landscaping is also proposed across the terrace.

This application has been assessed against policies 38, 39 and 40 of the City Plan 2019-2040 (Adopted April 2021) and the Mayfair Neighbourhood Plan 2018-2038 (adopted December 2019).

When compared with the existing arrangement, the roof form will sit lower than the existing and see the removal of the cladded box structure. This will improve the visibility of the stone pavilion and provide a more lightweight coherent roof form. The east façade will be fully glazed with a set of double doors at the centre. The side returns and rear façade will be finished in metal fret-cut artwork. A condition is recommended to ensure that the screens form suitable artwork.

The roof will extend across the same width as the existing roof. However, the structure will extend by 3.5m in length, with the roof extending an additional 1.5m to the front. Overall, its footprint will increase from a 16m to 19m in length. The rear will also be infilled to provide a rounded, coherent footprint.

The Mayfair Neighbourhood Forum and Victorian Society have objected on design and heritage grounds. Concerns are raised regarding the impact that the increased footprint of the structure would have on the character and special interest of Brown Hart Gardens. While the structure will increase in size, its calm design and reduction in height will see it remain a subservient structure, while the proposed artwork allows the opportunity to visually break-up the side elevations and provide interest. Furthermore, the increase in size allows a more usable space internally and enables the removal of external parasols and canopies which currently serve to provide visual, commercial clutter throughout the terrace. A condition is recommended to ensure that the terrace remains clear of such structures.

The proposals will see the addition of much needed landscaping across the terrace. The Victorian Society have objected to these works. While it is acknowledged that the proposals will result in a change to the appearance of the terrace, it has undergone several phases of development throughout its lifetime. For example, the original large round central fountain, paving slabs and planters have been removed, and later new artwork and new planters provided throughout (see submitted Heritage Statement for further information). The proposed scheme will provide large, raised fibreglass planters which will allow highly diverse planting, including small trees, while forming lightweight wait structures. Timber benches will be incorporated within these planters. The planting will provide plentiful greening and much needed shade across the exposed deck, while forming reversable additions to the listed building. A condition is recommended regarding the finish, colour and texture of the planters and benches. The enhanced greening is welcomed under policies 7 and 34 of the City Plan 2019-2040 and MUB1-4 of the Mayfair Neighbourhood Plan 2018-2038.

Subject to the provision of additional details and/or adherence to the aforementioned conditions, the proposals will preserve the special interest of the listed building and the contribution that it makes to the character and appearance of this part of the conservation area. The design is considerate to its context, provides artwork and much needed greening to the space. This application, therefore, complies with the requirements of Section 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and policies 38, 39 and 40 of the City Plan 2019-2040.

9.5 Residential Amenity

City Plan 2019-2040 Policy 7 (Managing Development for Westminster's People) seeks to ensure proposals are neighbourly by protecting and enhancing amenity, and preventing unacceptable impacts such as loss of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking, as well as protecting local environmental quality.

Policy 22 (Local Environmental Impacts) of City Plan 2019-2040 seeks to protect the local environment from adverse impacts from developments such as from pollution, noise and vibration, odour, land contamination and construction impacts.

MNP Policy MRU1 requires that new commercial or entertainment uses must demonstrate how they protect the amenity of nearby residential units and create no additional adverse effects.

Objections have been received on a range of amenity grounds, addressed in the relevant sections below or, where related to land use, in section 9.1 above.

Council records show that the site is almost entirely surrounded by residential properties, with the exceptions being the hotel to the west (The Beaumont), and the Ukrainian Catholic Cathedral to the northeast. The properties on the corners of Duke Street/Brown Hart Gardens (both north and south corners) have commercial at the ground floors on these elevations but residential along the rest of the ground floors and are residential above. The remaining buildings surrounding the site are entirely in residential use.

Daylight & Sunlight

The applicant has submitted a daylight and sunlight assessment summary (not a full report) which has been carried out with reference to the recommended Building Research Establishment (BRE) guidelines (2022). The BRE guidelines states that bathrooms, toilets, storerooms, and circulation space need not be analysed as these rooms are non-habitable rooms and do not have a requirement for daylight. The guidelines state that the tests may also be applied to non-domestic buildings where there is a reasonable expectation of daylight. The BRE guide explains that this would normally include schools, hospitals, hotels and hostels, small workshops and some offices. The BRE guide is not explicit in terms of which types of offices it regards as having a requirement for daylight.

The summary letter notes that given the proposed alterations to the structure will result in minimal alterations to the buildings massing, it is unlikely that there will be any noticeable change to the daylight and sunlight levels to neighbouring properties. Officers would agree with this summary and consider that distance between the key area of works and the nearest residential receptors would further reduce any likely negative impact.

The summary also considers the impact on the proposed trees. They note that the BRE Guidelines provides some advice within Appendix G: Trees and hedges and states the following:

G1.1 Trees and hedges vary in their effects on skylight and sunlight. Most tree species will cast a partial shade; for deciduous trees this will vary with time of year. However very little light can penetrate dense belts of evergreen trees, and the shade they cause will be more like that of a building or wall.

G1.2 It is generally more difficult to calculate the effects of trees on daylight because of their irregular shapes and because some light will generally penetrate through the tree crown. Where the effect of a new building on existing buildings nearby is being analysed, it is usual to ignore the effect of existing trees. This is because daylight is at its scarcest and most valuable in winter when most trees will not be in leaf.

The report notes that the new trees being proposed would be deciduous and would not be forming a dense belt of vegetation. On this basis they consider they would not usually be considered but for completeness have included a summary on the topic. The letter notes that there will continue to be eight trees next to the restaurant building (i.e. on the western half of the square), so the daylight and sunlight levels will be maintained. There would be a similar number of trees on the eastern half of the square as existing, although the amount of low level planting would be increased. There is unlikely to be a material difference in the daylight and sunlight available to the neighbouring residential properties in comparison to what is received today.

On this basis, the proposals are unlikely to have any noticeable impact on daylight and sunlight for surrounding properties.

Noise & Vibration

The noise impacts of the proposals have been considered above in sections 9.1 and 9.2.

9.6 Transportation, Accessibility & Servicing

Accessibility

The garden deck currently benefits from an accessible lift on its north elevation. There will be no changes to these access arrangements as part of these proposals.

Highway Impact

The Highways Planning Manager and Waste Project Officer have assessed the applications and provided comment on the following aspects.

Waste & Recycling Storage

The Waste Project Officer has assessed the proposals in relation to the use of the café / restaurant and advised they have no objection to waste details that have been submitted. They note that they are in line with Council requirements and should be secured by condition.

With regards to the use of part of the deck for the placing of tables and chairs, The Waste Project Officer has no objection given that the deck is private space and not part

of the public highway.

Cycling & Cycle Storage

The Highways Planning Manager notes that under the London Plan restaurant uses of over 100m² require a minimum provision of 2 long-term spaces and 1 short-term space per 20m². In this case the requirement is for 2 long-term and 6 short-term spaces. The plans indicated 2 long-term covered and secure spaces which is acceptable, in accordance with policy, and shall be secured by condition.

The Transport Statement indicates that 6 short-term spaces are proposed within the public highway on Duke Street. The short-term spaces should be provided within the application site and clear of the public highway. The Highways Manager considers that the existing platform lift could be used by cyclists and cycle gutters could be installed in the stairs in particular that on the northern side to facilitate access to cycle storage on the deck.

These spaces are not shown on any of the submitted plans and would fall outside of the site (red line). However, given the restraints of the site it is not considered reasonable to request these additional spaces.

Parking

The site is also within a Controlled 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 in the area is likely to be minimal and consistent with Policy 27.

Gates Over the Highway

The Highways planning Manager has objected to the proposals on the grounds that the submitted plans show gates opening outwards over the highway. They state that it is unacceptable for doors/gates/accesses to open outwards over the public highway and is contrary to the Section 153 of the Highways Act in addition to City Plan policies 25 & 43. Gates opening outward over the Highway represent a hazard to pedestrians in particular those with protected characteristics. They request a condition should be imposed to secure all doors opening clear of the public highway.

However, these gates in question are indeed existing and, given that these gates are immediately in front of steps leading upwards (to the deck), they cannot open inwards. To impose the condition would lead to the requirement to alter the gates which would introduce design and conservation considerations which may not be able to be overcome given the listed nature of the site. In this instance, it is not considered suitable to impose the condition request.

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 both during the construction phase through the generation of increased opportunities for local employment, procurement and spending, and when the café/restaurant is completed .

9.8 Other Considerations

Anti-Social Behaviour

The applicant notes that they consider the existing building and surrounding site comprising the deck suffer from several constraints which have led to the underutilisation of the deck and extended periods of vacancy at the café building (which has been vacant since February 2022). They consider that this vacancy has led to a lack of surveillance of areas of the deck from the surroundings, made worse by the extended vacancy of the café, failing to discourage antisocial behaviour. They identify that this has led to an increase in anti-social behaviour at the site when the deck is closed. Objectors have also noted that the site is frequently subject to anti-social behaviour.

The applicant argues that the proposals, through providing longer periods of passive surveillance as a result of the restaurant being open, will result in a reduction in anti-social behaviour. While there are no security improvements being proposed to the site itself, such as higher gates which would have separate historic building and design considerations, the reactivation of the use of the pavilion would be welcomed in terms of providing more active usage of the area and, hopefully, working to reduce anti-social behaviour at the site.

Structural Concerns

The Mayfair Neighbourhood Forum have raised concern over the ability of the structure to take additional weight. While this is not a planning issue (it is subject to building control regulations), the Applicant has advised that a structural engineer has been engaged in the proposals since design stage. The Forum request that UKPN be consulted, which they have been, however, at the time of writing, they have not provided a response. This point of objection is not upheld.

Impact During Construction

Objections have been received raising concern about the impact on residents and the local area as a result of the construction process. While these concerns are noted, it is not considered reasonable to withhold a planning permission on this basis. The standard condition restriction noisy construction hours shall be imposed to permission granted which is the maximum control that can be asserted over this level of development under the planning system. These objections therefore cannot be upheld.

Support Comments

A number of comments in support of the proposals (including one on behalf of the Brown Hart Gardens Committee) have been received. They support the scheme and believe these changes would overcome the previous commercial failures of the café. They also support bringing the restaurant into use as the unoccupied café attracts antisocial behaviour, and they believe having an active use will address this. They also support anything that can be done to encourage more use and enjoyment of the gardens. These supportive comments are noted.

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.

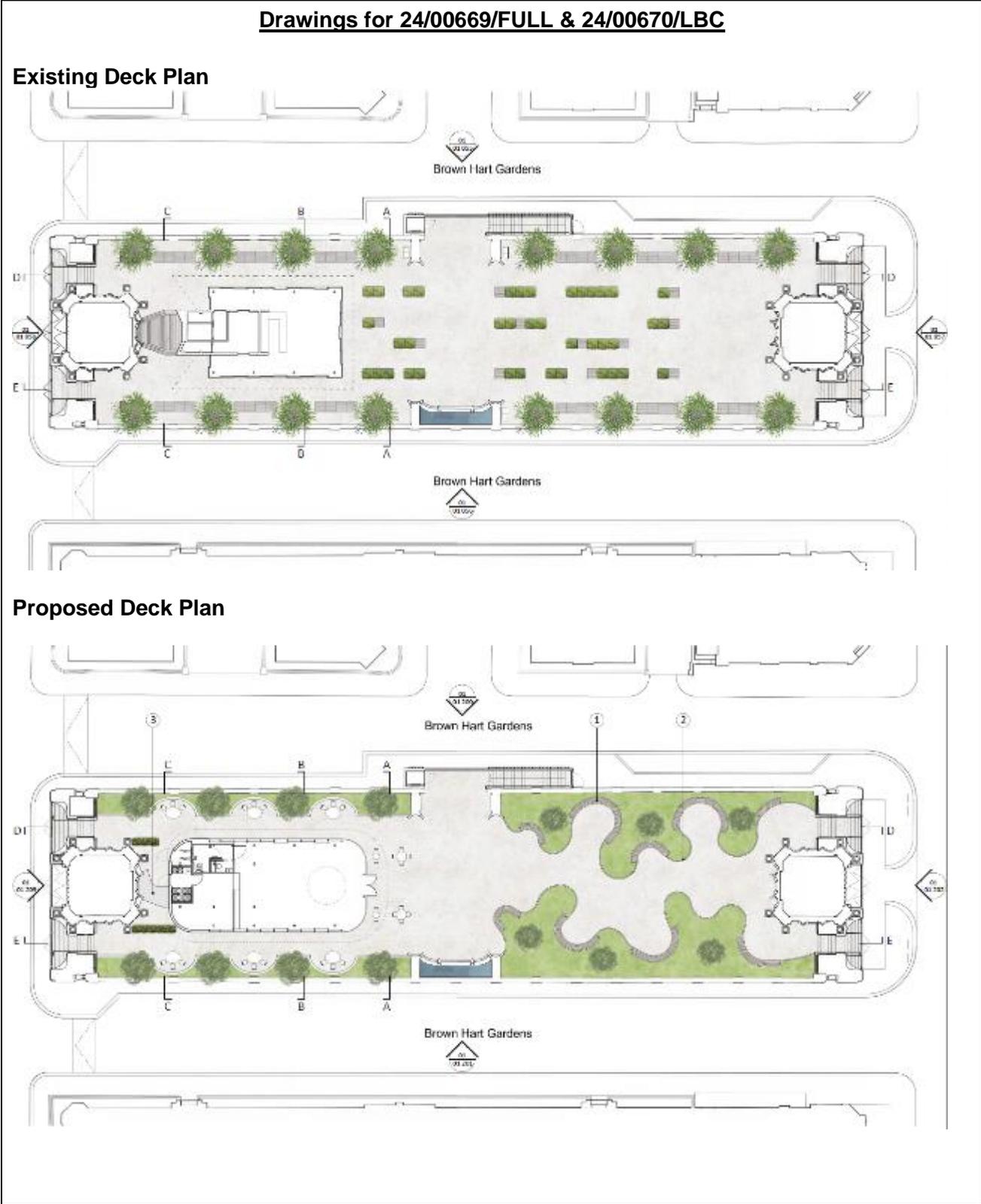
10. Conclusion

Accordingly, the proposal is considered acceptable and would be consistent with the relevant policies in the City Plan 2019-2040 and London Plan 2021. It is recommended that permission is granted for the proposals, subject the conditions listed at the end of this report, which are necessary to make the development acceptable.

(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



Existing Roof Plan



Proposed Roof Plan



Existing North Elevation



Proposed North Elevation



Existing South Elevation



Proposed South Elevation



Existing East Elevation



Proposed East Elevation



Existing West Elevation



Proposed West Elevation



Existing Section AA



Proposed Section AA



Existing Section BB



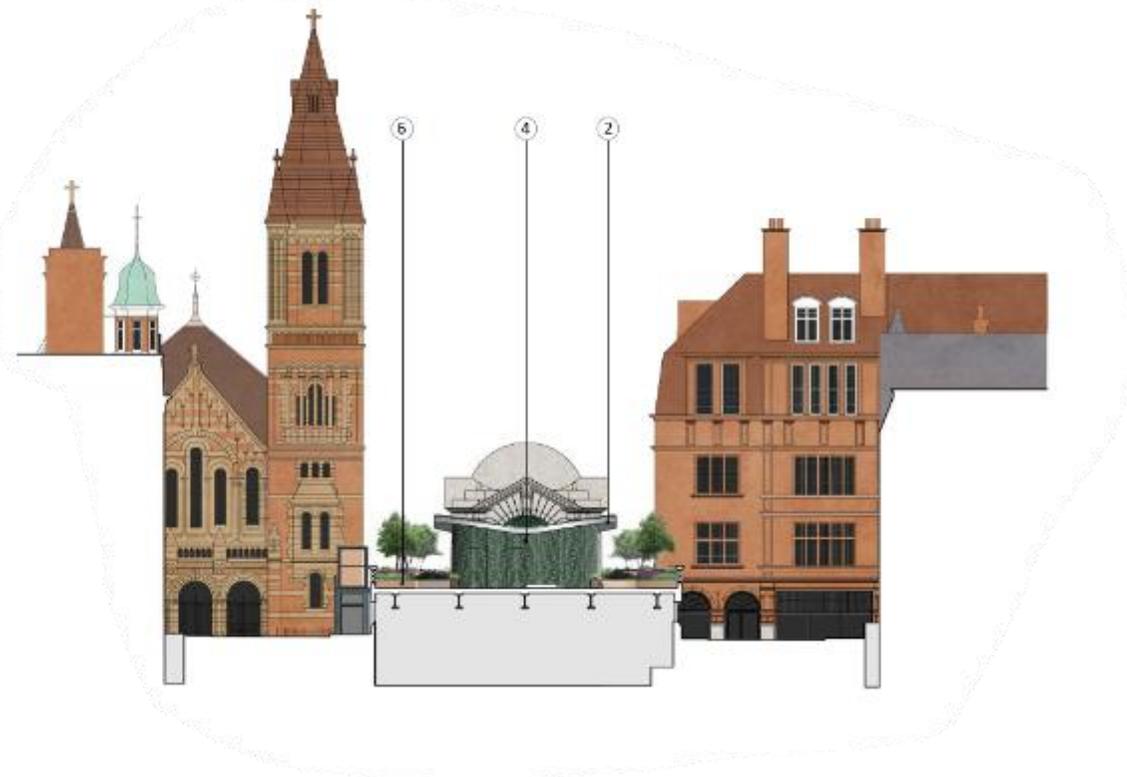
Proposed Section BB



Existing Section CC



Proposed Section CC



Existing Section DD



Proposed Section DD



Existing Section EE

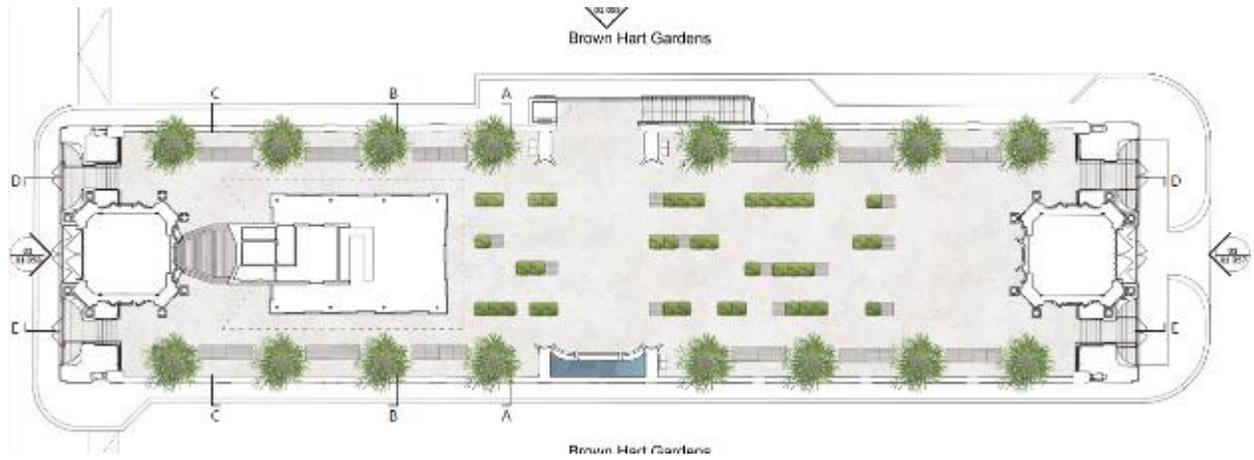


Proposed Section EE



Drawings for 24/00671/TCH

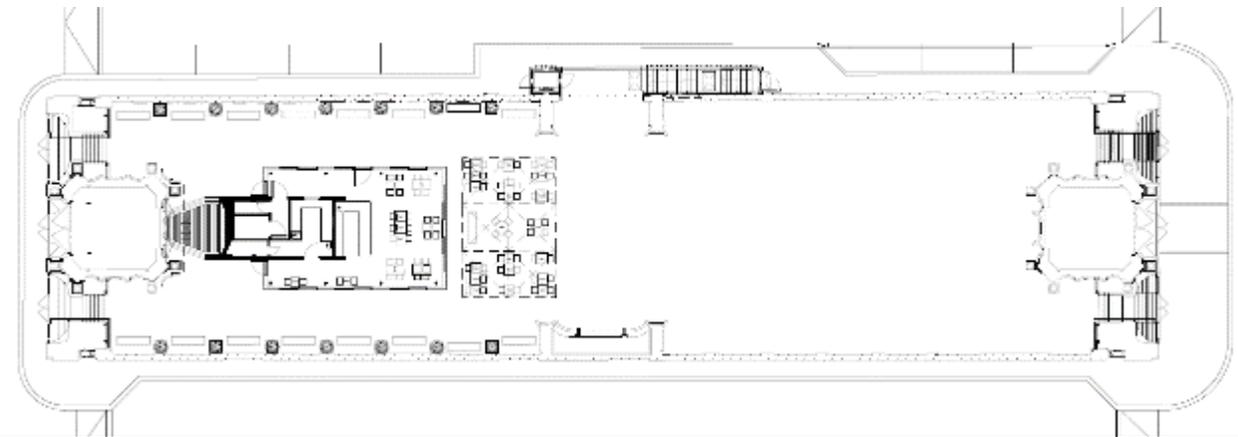
Existing Deck Plan



Proposed Deck Plan with External Furniture Highlighted



Deck plan previously permitted under 20/06980/TCH:



DRAFT DECISION LETTER- 24/00669/FULL

- Address:** The Garden Cafe, Brown Hart Gardens, London, W1K 8UH
- Proposal:** Partial demolition, reconfiguration and alteration of existing building for continued cafe / restaurant use (Class E) and provision of landscaping to deck.
- Plan Nos:** Proposed Drawings:
SA BHG 01 100 Rev. PL2 ; SA BHG 01 101 Rev. PL2 ; SA BHG 01 200 Rev. PL0 ;
SA BHG 01 201 Rev. PL0 ; SA BHG 01 202 Rev. PL0 ; SA BHG 01 203
Rev. PL0 ; SA BHG 01 300 Rev. PL0 ; SA BHG 01 301 Rev. PL1 ; SA BHG
01 302 Rev. PL0 ; SA BHG 01 303 Rev. PL0 ; SA BHG 01 304 Rev. PL0

Supporting Documents:

Document titled "Biodiversity Impact Assessment" dated January 2024, by Greengage ; Document titled "Landscape Strategy", dated January 2024, Ref 2031-RP01, Rev C, by Nigel Dunnet with the landscape agency ; Drawing titled "LANDSCAPE MASTERPLAN" by the landscape agency ; Odour Risk Assessment from Calmec, reference 24-17 REV A, dated 16.01.2024.

Case Officer: Adam Jones**Direct Tel. No.** 07779431391**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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 4 The works approved are only those shown on the drawings listed on this decision letter. (C27NA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 5 You must apply to us for approval of samples of the facing materials you will use, including glazing and planters, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 6 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 7 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the deck.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 8 You must apply to us for approval of a scheme of public art shown in the approved drawings.

You must not start work on the public art until we have approved in writing what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details.

You must maintain the approved public art and keep it on this site. You must not move or remove it.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 9 No live or amplified music or sound played in the premises shall be audible outside the premises at any time. No live or amplified music or sound shall be played externally in any associated outdoor seating areas.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13AD)

- 10 The restaurant/ café use allowed by this permission must not begin until you have fitted self-closing doors at the main entrance. You must not leave these doors open except in an emergency or to carry out maintenance. (C13MB)

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R13FC)

- 11 You must apply to us for approval of an Operational Management Plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant use until we have approved in writing what you have sent us. You must then carry out the measures included in the approved management plan 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 Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 12 You must not allow more than 60 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

Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 13 Customers shall only be permitted within the cafe / restaurant use (Class E) between the following times:

- Monday to Saturday: 08:00 - 23:00,
- Sundays: 08:00 - 22:00.

Customers shall only be permitted to use any external seating associated with the cafe / restaurant use (Class E) between the following times:

- Monday to Saturday: 08:00-21:30,
- Sundays: 08:00-20:30

Reason:

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

- 14 To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 14 All servicing must take place between 07:30-18:00 daily. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

- 15 The cafe / restaurant use (Class E) will not operate its own delivery service from the site.

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)

- 16 You may only use the hereby approved building as Class E(b) use, within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted Class E use because it would harm the amenity of neighbouring occupiers and would not meet Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R05JA)

- 17 The deck shall be open to the general public only between the hours of 08:00 and 20:00 daily.

Access shall be provided for customers of the cafe / restaurant use (Class E) only between the hours of 08:00 and 23:15 Mondays to Saturdays and 08:00 and 22:15 on Sundays.

Access shall be provided only for maintenance purposes and for staff access to the cafe / restaurant use (Class E) between the hours of 07:30 to 00:00 midnight Mondays to

Saturdays and 07:30 to 23:00 on Sundays. Maintenance work which can be heard at the boundary of the site must only be carried out:

- 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.

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)

- 18 No consumption of food or drink from the cafe / restaurant use (Class E) shall occur in the landscaped area of the deck during hours that the deck is closed to the general public.

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)

- 19 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 20 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number SA BHG 01 100 Rev. PL2 prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the cafe / restaurant use (Class E). (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)

- 21 You must carry out the landscaping work, planting and maintenance shown on the approved drawings and set out within the approved "Biodiversity Impact Assessment" dated January 2024, by Greengage; Document titled "Landscape Strategy", dated January 2024, Ref 2031-RP01, Rev C, by Nigel Dunnet with the landscape agency ; Drawing titled "LANDSCAPE MASTERPLAN" by the landscape agency.

You must have completed the installation of the landscaping and installation of all planting within one year of completing the development (or within any other time limit we agree to in writing)

You must maintain and retain the landscaping in the way approved for the lifetime of the development.

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Mayfair Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R30CE)

- 22 The kitchen extract ventilation scheme to prevent odour nuisance shall be to at least the standard described in the odour risk assessment from Calmec , reference 24-17 REV A, dated 16.01.2024 and any cooking shall be by electrical equipment only

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 23 (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)

- 24 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)

- 25 The plant/machinery hereby permitted shall not be operated except between 08:00 hours and 23:00 hours daily. (C46CA)

Reason:

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

- 26 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the cafe / restaurant use (Class E) use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the cafe / restaurant use (Class E) use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:
- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
 - (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
 - (f) The proposed maximum noise level to be emitted by the activity. (C47AC)

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. (R47AC)

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 Conditions 23, 24 and 25 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. (182AA)
- 3 With regards to Condition 17, where reference is made to the "deck", this is in reference to the landscaped area which is to be open to the general public.

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.

DRAFT DECISION LETTER - 24/00670/LBC

Address: The Garden Cafe, Brown Hart Gardens, London, W1K 8UH

Proposal: Partial demolition, reconfiguration and alteration of existing building for continued cafe / restaurant use (Class E) and provision of landscaping to deck.

Plan Nos: Demolition Drawings:
SA BHG 01 070 Rev. PL1 ; SA BHG 01 071 Rev. PL0 ; SA BHG 01 072 Rev. PL0 ;
SA BHG 01 073 Rev. PL0 ; SA BHG 01 074 Rev. PL0 ; SA BHG 01 075 Rev. PL0.

Proposed Drawings:
SA BHG 01 100 Rev. PL2 ; SA BHG 01 101 Rev. PL2 ; SA BHG 01 200 Rev. PL0 ;
SA BHG 01 201 Rev. PL0 ; SA BHG 01 202 Rev. PL0 ; SA BHG 01 203 Rev. PL0 ;
SA BHG 01 300 Rev. PL0 ; SA BHG 01 301 Rev. PL1 ; SA BHG 01 302 Rev. PL0 ;
SA BHG 01 303 Rev. PL0 ; SA BHG 01 304 Rev. PL0.

Case Officer: Adam Jones

Direct Tel. No. 07779431391

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

- 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:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 2 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 3 The works approved are only those shown on the drawings listed on this decision letter. (C27NA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing and planters, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 5 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 6 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the terrace.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 7 You must apply to us for approval of a scheme of public art shown in the approved drawings.

You must not start work on the public art until we have approved in writing what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details.

You must maintain the approved public art and keep it on this site. You must not move or remove it.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

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

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(March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF.

In reaching this decision the following were of particular relevance:
Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

DRAFT DECISION LETTER - 24/00671/TCH

Address: The Garden Cafe, Brown Hart Gardens, London, W1K 8UH

Proposal: Use of a private land for the placement of 10 tables, 30 chairs associated with the cafe, restaurant.

Plan Nos: SA BHG 01 100 Rev. PL2

Case Officer: Adam Jones

Direct Tel. No. 07779431391

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 You must not put the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved in any other position than that shown on drawing SA BHG 01 100 Rev. PL2. (C25AA)

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Mayfair Conservation Area and to protect the special architectural or historic interest of this building. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021).

- 3 You can only put the tables and chairs hereby approved on the deck, and allow customers to use them, between the following hours:
Monday to Saturday: 08:00-21:30,
Sundays: 08:00-20:30.

The tables and chairs must be stored within the associated Cafe/Restaurant at all other times.

Reason:

To protect neighbouring residents from noise and disturbance as set out Policies 7, 33 and 43 of the City Plan 2019 - 2040 (April 2021). (R25BE)

- 4 You can only put out on the deck the tables and chairs hereby approved shown on drawing SA BHG 01 100 Rev. PL2. No other furniture, equipment or screening shall be placed on the deck in association with the tables and chairs hereby approved.

Reason:

To make sure that the type and appearance of the tables and chairs is suitable and that no additional furniture, equipment or screening is placed on the deck to the detriment of the

character and appearance of the area. This is as set out in Policy 43 of the City Plan 2019 - 2040 (April 2021).

- 5 The tables and chairs must only be used by customers of the associated restaurant. (C25CA)

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)

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.