

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 April 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	Regis House, 47 Beaumont Street, London, W1G 6DL,		
Proposal	Use of lower ground floor level as a gymnasium (Class D2) and installation of a new ground floor front facade and entrance on Beaumont Mews, new roof over rear lightwell and access ramp, frosted glass screen and fire escape doors to Beaumont Street and installation of plant.		
Agent	Howard de Walden Management Ltd.		
On behalf of	Freedom2Train		
Registered Number	17/07261/FULL	Date amended/ completed	16 August 2017
Date Application Received	14 August 2017		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		

1. RECOMMENDATION

Grant conditional planning permission.

2. SUMMARY

Regis House is an unlisted building located within the Harley Street Conservation Area, outside of the Core Central Activities Zone but within the Marylebone and Fitzrovia defined area. The building is mainly in residential use with an area of car parking at lower ground floor level, which is accessed from Beaumont Mews to the rear of Regis House. The ground to fifth floors of the main building fronting Beaumont Street are used as residential flats with a retail unit on the northern side of the block fronting Devonshire Street. At the rear there is a smaller office building at ground and first floor levels adjacent to and over the access ramp to the lower ground floor car-parking.

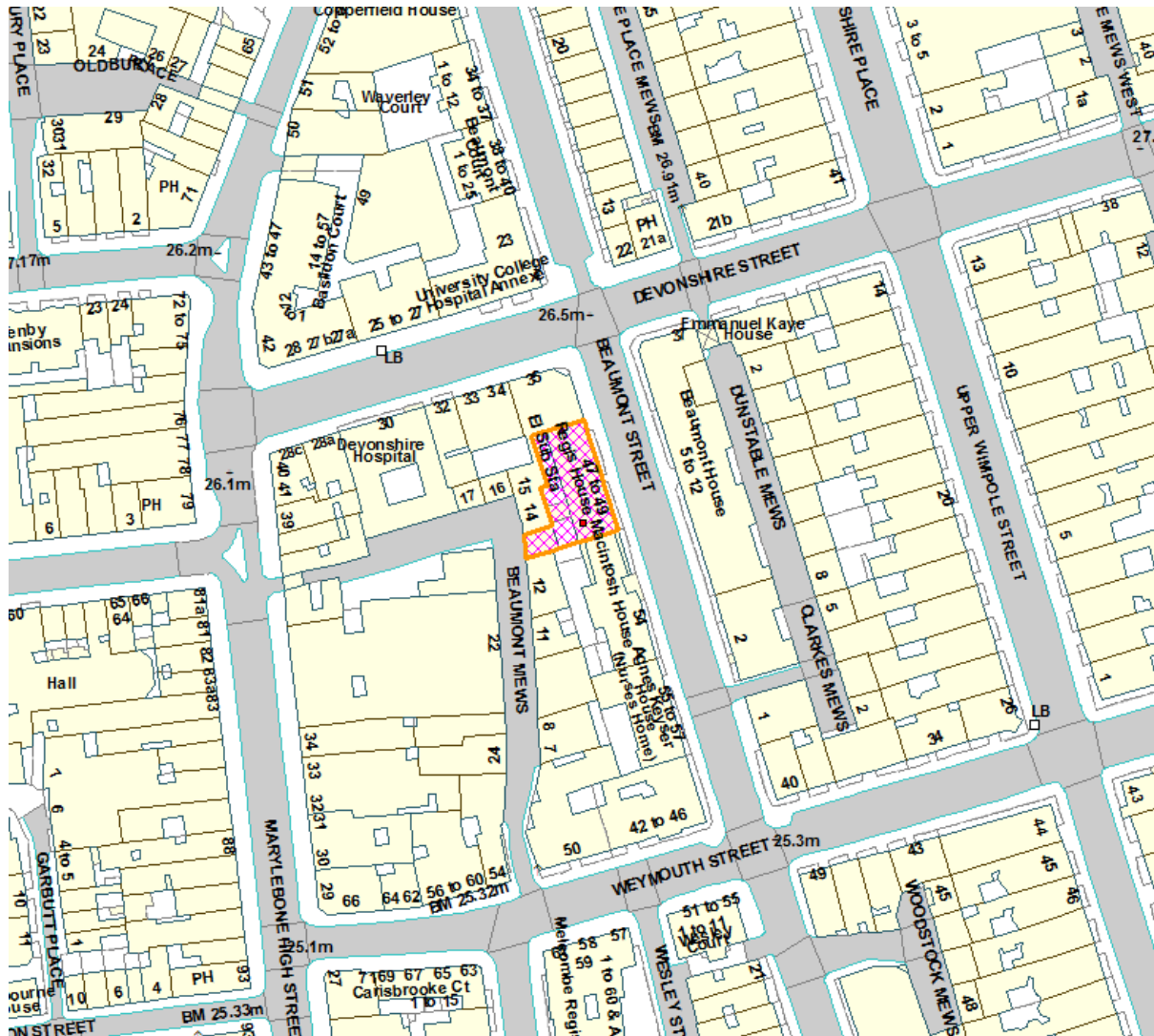
Planning permission is sought for the use of the lower ground floor car park as a gym and for the installation of a new frontage onto Beaumont Mews and a new roof to an existing lightwell and over the entrance ramp to the lower ground floor. The proposal also includes the installation of an obscure glazed screen within the front lightwell along Beaumont Street and the reconfiguration of existing plant and installation of new plant.

The key issues are:

- The loss of the off-street car parking.
- The impact on residential amenity including the impact of internal noise transmission through the building
- The impact of the servicing arrangement for the gym with regard to noise and highways obstruction.

City Plan policy S34 encourages new social and community uses, including health and leisure facilities throughout Westminster. Given this policy context, the provision of a new gym is considered acceptable in land use terms. The loss of the off-street parking is considered acceptable in this instance as these spaces appear to historically have been used for commercial purposes. Subject to safeguarding conditions, it is also considered that the proposed gym will be acceptable in terms of its impact upon residential amenity in the vicinity. The applicant has also successfully demonstrated that with appropriate acoustic mitigation measures installed the proposed gym would not result in any adverse impacts with regard to internal noise transmission through the building structure. The application is therefore recommended for conditional planning approval.

3. LOCATION PLAN



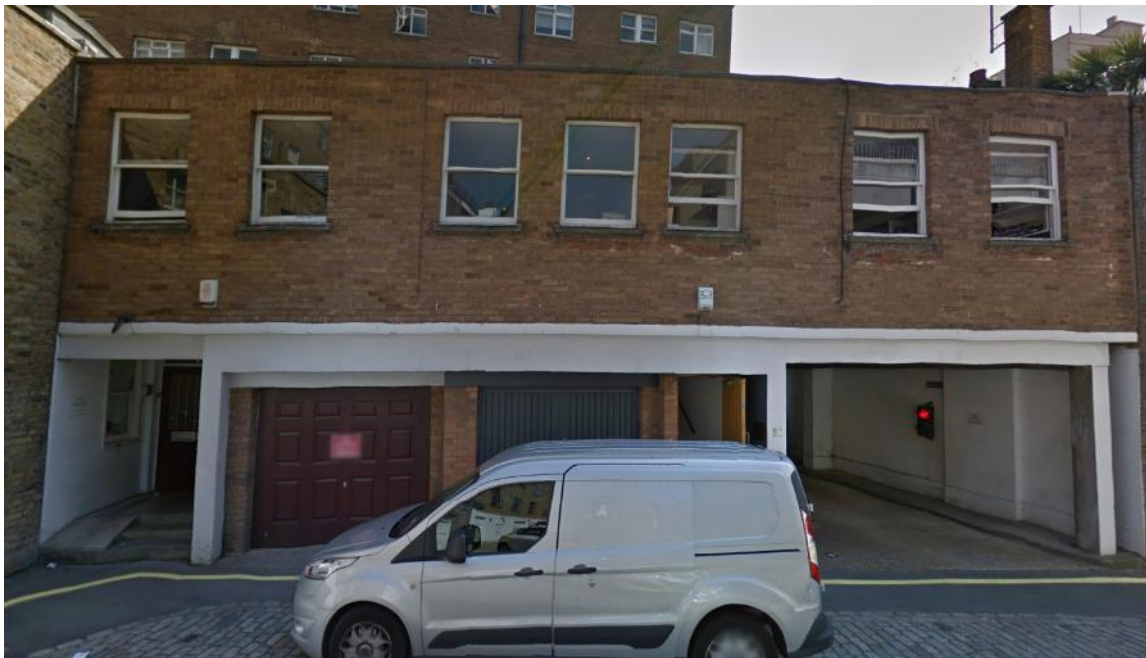
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4. PHOTOGRAPHS

Beaumont Street Elevation:



Beaumont Mews Elevation:



Internal car park:



5. CONSULTATIONS

MARYLEBONE ASSOCIATION

No objection – hours of operation should be 'subject to review in order to ensure no detriment to the local amenity'.

HIGHWAYS PLANNING

Objection to the loss of the off-street parking facility.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

CLEANSING

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

Original application

No. Consulted: 51; total No. of replies: 18

9 letters of support and 9 letters of objection on the following grounds:

- *Impact upon on-street car parking availability in the area.
- *Insufficient information with regard deliveries and servicing of the unit.
- *Noise transmission through the building structure from the gym use to residential properties.
- *Noise and disturbance to residential occupiers in the mews resulting from the gym entrance being in the mews.
- *No requirement for an additional gym in the area.
- *Concern over the access to the residential bin store for the residents of Regis House.
- *Disturbance to the residents of Regis House from having servicing access for the gym from Beaumont Street.
- *Noise and vibration from the plant affecting residential amenity.
- *Inaccuracies in the Statement of Community Involvement provided by the applicant.

Support on the following grounds:

- *The gym will improve the health and wellbeing of local residents and provide important physical rehabilitation facilities.
- *Reduction in anti-social behaviour with the removal of the car park.
- *Improved appearance of the site.
- *Reduction in rats and other pests in the area.

Re-consultation following submission of revised acoustic report

No. Consulted: 51; total No. of replies: 5

2 letters of support and 3 letters maintaining objections previously raised and raising additional concerns regarding:

- *Insufficient parking on Beaumont Street
- *Inadequate guarantees to ensure noise levels will be kept within acceptable levels
- *Insufficient and unsatisfactory explanation to deliveries and collections for the gym use

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Regis House, 47 Beaumont Street, is a 20th century unlisted building, identified as a neutral building in the Harley Street Conservation Area Audit (2008). The site fronts on to Beaumont Street to the east and access to the lower ground floor level is from Beaumont Mews to the west. Regis House itself is used as residential flats with a retail unit occupying part of the ground floor fronting Devonshire Street to the north. The rear access to the car park is under a building on Beaumont Mews comprising ground and first floors used as office accommodation.

In addition to car parking within the lower ground floor, there are some items of plant, an electricity substation and some metal bins which are utilised by the residential occupiers of Regis House.

6.2 Recent Relevant History

Planning permission was granted on the 14th September 1962 for the 'erection of a five-storey building plus basement on the sites of Nos. 45-47 Beaumont Street and 35-36 Devonshire Street, and a two-storey building plus basement on the sites of Nos. 14-15 Beaumont Mews, St. Marylebone, comprising residential flats together with a showroom next to Devonshire Street, offices on the first floor onto Beaumont Mews and a caretaker's flat on the roof.'

A Certificate of Lawful Existing Use or Development was refused on the 28th June 2002 for the 'use of the basement for car parking other than by occupiers and users of the remainder of the building'.

A Certificate of Lawful Existing Use or Development was refused on the 19th December 2003 for the 'Use of car parking spaces 1, 2, 3, 7, 13 and 15 other than by occupiers and users of the remainder of the building'.

An appeal decision was issued on the 29th June 2005 relating to four enforcement notices issued by the Council with regard the unauthorised use of four car parking spaces in the basement. The appeal was upheld and four spaces (1, 2, 3 and 15) can now be used to accommodate vehicles other than those of users and occupiers of the building.

7. THE PROPOSAL

Permission is sought for the change of use of the lower ground floor car park to a gym. Externally it is proposed to install a new frontage onto the existing entrance ramp on Beaumont Mews and at lower ground floor level to the lightwell fronting Beaumont

Street. A new link structure is proposed between the office building on Beaumont Mews and Regis House and to roof over an external area at lower ground floor level to the west of Regis House. Existing plant would be reconfigured and new plant is proposed to be installed. A new enclosed bin store is also proposed within the front basement lightwell for the use of residents in Regis House.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Proposed gym

The proposed gym use would measure 510m² (GIA) and the proposed operator would be Freedom2Train. Freedom2Train currently operates from the gym at Claridges and offers personal training and classes. The gym will also work with local medical practitioners in the Harley Street area to provide private rehabilitation services. The proposed floorplans include the reception, changing and shower facilities, a running track area and a gym area all within the lower ground floor and access ramp areas.

Gyms and fitness clubs, and other leisure clubs, where the services are provided on a commercial basis, for residents, workers, non-residents and visitors' are all defined as 'social and community facilities (private)' within the City Plan. Policy S34 of the City Plan states that 'new social and community uses will be encouraged throughout Westminster and will be provided on large scale development sites'. Policy SOC4 of the UDP states that, 'the retention, improvement and redevelopment of facilities for health service uses that meet local needs will be supported.' A number of letters of support for the proposal have been received stating that the gym will provide a benefit to local residents and support their health and wellbeing and these are noted. Conversely a number of objections have queried the need for another gym in the area as they consider there is already a sufficient number of gyms for residents. The operator (Freedom2Train) currently operates from Claridge's Hotel and is seeking a larger space due to increased demand for their services, this clearly shows there is an existing demand requirement for gym facilities in the area and the provision of this space will support the health and wellbeing of users.

Music would be played within the gym and to ensure this does not cause a nuisance to neighbouring sensitive uses a condition is proposed to ensure that the rear skylight and the glazed screen to the front basement lightwell are fixed shut as shown on the submitted drawings. This condition also requires that the doors to the basement lightwell are only used in the event of an emergency or to allow staff / servicing access and are to be kept closed at all other times.

Objections were received to the application from neighbouring residents concerned about noise transference through the building structure resulting from the gym operation. A number of acoustic reports have been submitted by the applicant with regard to noise transference through the building structure from the proposed gym use to the neighbouring residential flats.

Subsequent to the submission of the application, the acoustic consultant for the applicant has also conducted noise testing within the reception halls at ground floor level

of 47 and 49 Beaumont Street. In order to ensure compliance with the City Council's policy relating to internal noise levels in residential properties, it is proposed to install rubber tile floors and floating concrete slabs in the free weights area; insulate the floating floor system where it meets structural columns; all sound equipment to be installed independent of the supporting columns with a noise limiter and acoustic wall linings are to be installed.

The Environmental Health Officer has reviewed all the submitted information and has determined that, with the identified acoustic mitigation measures installed, the proposal will be compliant with the relevant adopted policies. Conditions will be imposed to ensure that any noise transmission resulting from the proposal to the neighbouring sensitive uses accords with the relevant city council policies, thereby preserving the residential amenity of the neighbouring residents. Conditions are proposed to ensure that all the acoustic mitigation measures are installed as described above before the unit operates and are maintained in situ for as long as the premises is in operation. Whilst the objections from residents on these grounds are noted and were initially shared by the City Council's Environmental Health Officer, sufficient information has been provided during the course of the application to show that noise from the proposed use can be adequately contained within the premises and these objections are considered to have now been addressed.

The proposed opening hours of the gym are 06:00 till 21:00 Monday to Friday and 08:00 till 20:00 on Saturday, Sunday and Bank Holidays. The access to the gym will be from the existing entrance to the car park from Beaumont Mews. Whilst the first floor above the entrance is in use as office accommodation it is noted there are residential properties in very close proximity along the mews and that the mews itself is likely to be quiet early in the morning. Customers will either access the mews from Marylebone High Street which is 55m to the west or Weymouth Street being 80m to the south. It is understood that the gym will be a mixture of one to one personal trainer sessions, sports injury rehabilitation sessions and group classes based on a semi private group training basis with 8 members per class. On this basis, it is considered that most people will arrive and leave the premises separately and it is highly unlikely anyone will visit in large groups. Most people will also probably access the Mews from Marylebone High Street which is more commercial in nature and would have a greater volume of activity at these times. Taking this into account, it is unlikely the proposal would result in a detrimental impact upon neighbouring sensitive occupiers due to the movements of customers within the mews.

The provision of a new social and community use is welcomed and accords with the principles of the relevant policies of the UDP and City Plan. Subject to the conditions detailed above it is not considered the proposal would result in any detrimental impact upon residential amenity in the vicinity.

8.2 Townscape and Design

The main design implications of the proposal involve infilling an existing gap at ground floor level between Nos. 12 and 14 Beaumont Mews, the enclosure of parts of the existing basement and the enclosure of the front elevation, which is currently open to the front Beaumont Street lightwell, with a glazed screen.

The existing gap at ground floor level in the modern building between Nos. 12 and 14 Beaumont Mews currently provides vehicular access to the site. The design merit of this gap is limited and its infill is considered uncontentious in design terms. Following negotiations, revised drawings have been submitted which show a set of double doors flanked by two window openings and a separate door allowing access to the existing substation with vertical timber panelling beneath, which is in keeping with the character of the mews and is considered acceptable in design terms.

To the rear of the site, parts of the existing basement are to be enclosed at ground floor level with a lead roof and rooflights. Given that these parts of the site are entirely enclosed on all sides, the proposal will have a minimal impact on the character and appearance of the conservation area and the infills are considered uncontentious. Plant is contained internally with intake and extract vents positioned on the proposed flat roof, which is considered an appropriate and discreet position.

To the front elevation, permission is sought to enclose the existing open lightwell frontage with a glazed screen. Although the installation of a glazed screen would often not usually be supported, particularly on a street facing frontage in a conservation area, it is noted that the frontage at basement level is currently entirely open. Further, the glazing is set back from the face of the columns which are to be retained, ensuring a sense of rhythmic solidity is maintained. The proposal to install glazing is therefore considered no more harmful than the existing situation. On balance therefore, it is considered that this aspect of the proposals will preserve the character and appearance of the conservation area and is acceptable in design terms.

The proposals are considered compliant with DES 5 and DES 9 of the Council's Unitary Development Plan and are recommended for conditional approval. Comments from been received in support of the application as they consider the proposal will result in improvements to the appearance of the building, these comments of support are noted.

8.3 Transportation/Parking

Loss of off-street car parking

The car parking area at lower ground floor level currently provides 15 off-street car parking spaces. The permission granted on the 14th September 1962 for residential, showroom and office purposes limits the use of the car park by condition (Condition 'e') for *'the accommodation of vehicles of the occupiers and users of the remainder of the building.'* Subsequently planning consent was granted on the 10th November 1969 for the use of two of the car parking spaces (spaces 10 and 11) in the car park for the parking of vehicles other than the occupiers and users of the building.

Planning enforcement action was then taken in 2004 with regard to the use of another four car parking spaces within the car park (spaces 1, 2, 3 and 15). An appeal against the enforcement notice was however, allowed as the Inspector considered that there was insufficient evidence to demonstrate that these spaces were not being used by occupiers of Regis House. Therefore there are a total of 6 car parking spaces within the car park which are no longer covered by the 1962 condition and can be used by occupiers/users not associated with the development. The remaining 9 spaces within the car park are still controlled by the condition on the 1962 consent.

The Highways Planning Manager has objected to the loss of any residential off-street parking spaces. Policy TRANS23 of the UDP seeks to protect existing residential car parking spaces and states that; 'the permanent loss of any existing off-street residential car parking space will not be permitted other than in exceptional circumstances.' The loss of off-street residential car parking can lead to an increase in parking stress for on-street parking in the vicinity. The Highways Planning Manager has requested that if the spaces are lost then the same number of parking spaces should be secured for residential use in the vicinity.

The applicant has submitted a Statutory Declaration with the application from the director of the company that owns the head lease of the building and is involved in managing the property. The Statutory Declaration provides minimal detail or evidence relating to the use of the remaining car parking spaces but states; 'the car park has not been tenanted for over ten years by any of the residents of Regis House'. A schedule of occupancy details the last users of some of the spaces with some being commercial and some being residents within Regis House, but according to the schedule the two residential spaces were last occupied in September 2007. No leases have been provided to show exactly how these the car park has been utilised and the lack of detail in the Statutory Declaration does not demonstrate that the spaces have not been used in accordance with condition 'e' of the 1962 consent. However, it is noted that none of the consultation responses received from residents have commented on the loss of parking facilities. Indeed, the wording of the 1962 condition allows the use of the spaces by both commercial and residential occupiers within the building, the condition therefore is not solely protecting residential off-street car parking. It is possible that these spaces could theoretically have never been used for residential car parking.

A number of responses from neighbouring residents and from the Howard de Walden Estate have commented on the existing anti-social behaviour associated with the car park. The received comments refer to, loud music, alcohol consumption and drug use. The Howard de Walden Estate have also referred to drug use in the car park and fires being lit in the basement as well as rubbish being left, and have provided details of a contact at the Metropolitan Police to corroborate their statement.

The applicant argues that this proposal will solve the problem of anti-social behaviour, which is clearly an issue, but this could also be resolved through better gates and fences around the site. The proposal would however include the provision of a new social and community facility which the Council seeks to encourage. Taking into account all of these factors, especially the wording of the original condition and the lack of evidence to show any residents have recently used the car parking facility it is considered that the loss of the off-street parking facility is acceptable in this instance.

Servicing and Parking

The gym is to be cleaned twice a week with the contracted cleaners turning up before the gym opens on Wednesday and Sundays. The cleaning staff will park on Beaumont Street and access the site from the existing stair leading from street level to lower ground floor level. Beaumont Street would have a greater level of activity at this time of the morning than the mews and therefore the activity is less likely to have a detrimental impact on the amenity of residents with regard noise and disturbance. Other deliveries necessary for the gym will also take place during daytime hours from Beaumont Street

where there are pay and display bays. The applicant estimates that the gym will require seven scheduled deliveries each week between the hours of 10:00 and 16:00.

Objections have been received from residents within Regis House to the proposal for servicing access to the gym from Beaumont Street due to the potential for noise disturbance especially from the cleaning personnel. However, there is activity in Beaumont Street throughout the night with the King Edward V11 hospital directly opposite the site. An informative is proposed to advise the applicant to remind the cleaning staff that they must be respectful of neighbours and keep noise to a minimum when arriving or leaving the site. It is not considered that the application could be recommended for refusal on these grounds.

The Highways Planning Manager considers the proposed servicing requirements to be acceptable with regard to the expected impact on traffic movements. A number of objectors have commented on the lack of parking within the area and have raised concerns with regard to the parking of delivery vehicles and staff and customers parking in the vicinity. However, the site is located within a Controlled Parking Zone, therefore any delivery driver would have to adhere to these controls as well as anyone driving to use the gym. There is excellent public transport provision in the area and it is likely that most visitors to the use would either walk or use public transport. Anyone driving would be subject to the on-street restrictions. The Highways Planning Manager does not consider the proposal would result in a material increase in car trips or parking issues in the vicinity as customers and staff would be unable to park in the on-street residential restricted bays. It is not considered that a refusal on these grounds could be sustained.

Cycle Parking

Three cycle parking spaces are shown within the demise of the unit which accords with the London Plan requirements and will be secured by condition.

Beaumont Street Door

The plans show the door to Beaumont Mews opening outwards over the public highway contrary to the relevant City Council policies. A condition is proposed requiring the door to open inwards.

8.4 Economic Considerations

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

8.5 Access

Level access is proposed to the new premises with the car access ramp being retained as access to the lower ground floor. A DDA compliant toilet will also be provided.

8.6 Other UDP/Westminster Policy Considerations

Plant

The proposal includes the installation of new plant and the relocation of existing plant, including the installation of acoustic screening, all within the area between Regis House and 14-15 Beaumont Mews to the east.

The application has been considered in the context of Policies ENV6 and ENV7 of the UDP and S32 of the City Plan. These policies seek to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance resulting from plant.

An acoustic report has been submitted in relation to the installation of the plant with regard to the potential noise and vibration impacts of the operation. The nearest residential windows affected by the plant are located at ground floor level on the west façade of Regis House at a distance of 3m from the closest plant. Background noise levels have been measured as being 41dB resulting in a design level criteria for the plant of 31dB. It has been demonstrated that noise from the plant equipment is likely to be compliant with the City Council requirements at these windows and this has been considered acceptable by Environmental Health. Conditions are proposed in relation to the noise and vibration levels from the plant and the installation of the specified associated acoustic mitigation measures.

Comments have been received from neighbouring residents concerned that construction activity in the area has artificially elevated the measured background noise levels, however, the noise levels used to set the design criteria are taken from night-time noise levels when no construction activity would have been taking place. Objections were received to the application with regard to the potential for vibration and noise from the plant operation to adversely affect residential amenity, but as detailed above, information has been provided to show the operation of the plant accords with the relevant City Council criteria. Safeguarding conditions are also in place to ensure the plant has no adverse impact upon nearby residents.

Refuse /Recycling

There are two existing waste bins for residents of Regis House located adjacent to the car parking access ramp from Beaumont Mews. These bins are accessed by residents from the external steps in the lightwell from Beaumont Street and then through the car parking area. Objections were received from a number of residents that the creation of the gym would block access to the existing bin stores. However, the existing bins are to be relocated to the front basement lightwell where a new dedicated bin store is proposed to be constructed for the residents of Regis House. This will result in a shorter route for residents to dispose of their waste and the new bin store should also help to alleviate the pest problem which has been mentioned in a number of consultation responses.

A new refuse and recycling storage area is to be created within the demise of the gym and the Cleansing Manager has confirmed the new waste provisions for the gym and residential are acceptable. A condition is proposed to ensure the waste storage is provided and retained as shown on the drawings.

Other

Comments in support of the application consider the proposal will result in a reduction in the number of rats and other pests in the area. These comments are noted but do not form part of the justification of the applicant and no evidence has been submitted to substantiate these claims.

One of the objectors has commented on the Statement of Community Involvement that was submitted with the application as they do not consider adequate consultation was

carried out with local residents by the applicant. However, there is no requirement for consultation by the applicant and the City Council has displayed a site and press notice to advertise the application as well as sending letters to all local residents who could be affected by the proposals. This is considered adequate and meets all requirements.

8.7 London Plan

This application raises no strategic issues.

8.8 National Policy/Guidance Considerations

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

8.9 Planning Obligations

Planning obligations are not relevant in the determination of this application and as the application is for a change of use without additional floor area, the proposal will not require a CIL payment.

9. BACKGROUND PAPERS

1. Application form and letter from agent dated 18 September 2017
2. Response from Marylebone Association, dated 22 August 2017
3. Response from Environmental Health dated 11 January 2018
4. Response from the Highways Planning Manager dated 7 February 2018
5. Response from the Cleansing Manager dated 26 March 2018
6. Letter from the Regis House Residents' Association, 47 Regis House, Beaumont Street, dated 24 August 2017
7. Letter from occupier of Flat J, Regis House, 49 Beaumont street, dated 28 August 2017
8. Letter from occupier of Flat F, Regis House, dated 30 August 2017
9. Letter from occupier of Flat 4, 33-34 Devonshire Street, London, dated 31 August 2017
10. Letter from occupier of Flat G, Regis House, 49 Beaumont Street, dated 4 September 2017
11. Letter from occupier of Flat E, Regis House, 49 Beaumont Street, dated 5 September 2017
12. Letter from occupier of Flat 6, 54 Weymouth Street, dated 8 September 2017
13. Letter from occupier of Flat 5, 54 Weymouth Street, dated 9 September 2017
14. Letter from occupier of Flat 3, 54 Weymouth Street, dated 9 September 2017
15. Letter from occupier of Flat 7, 54 Weymouth Street, dated 10 September 2017
16. Letter from occupier of 11 Harley Street, London, dated 12 September 2017
17. Letter from occupier of 11 Harley Street, London, dated 12 September 2017
18. Letter from occupier of 4 Acacia Gardens, London, dated 12 September 2017
19. Letter from occupier of 11 Harley Street, London, dated 12 September 2017
20. Letter from occupier of Flat H, Regis House, 49 Beaumont Street dated 15 September 2017
21. Letter from occupier of 12 Beaumont Mews, London, dated 17 September 2017
22. Letter from occupier of 17 Marylebone Mews, London, dated 17 September 2017
23. Letter from occupier of 12 Beaumont Mews, Marylebone, dated 18 September 2017

24. Letter from occupier of Flat 4, 33-34 Devonshire Street, London, dated 12 October 2017
25. Letter from occupier of Flat 4, 33-34 Devonshire Street, dated 28 January 2018
26. Letter from the occupier of 43-45 Portman Square, dated 13 February 2018
27. Letter from the occupier of Flat D, Regis House, 49 Beaumont Street, dated 20 March 2018
28. Letter from occupier of 5 Devonshire Place, London dated 3 April 2018

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

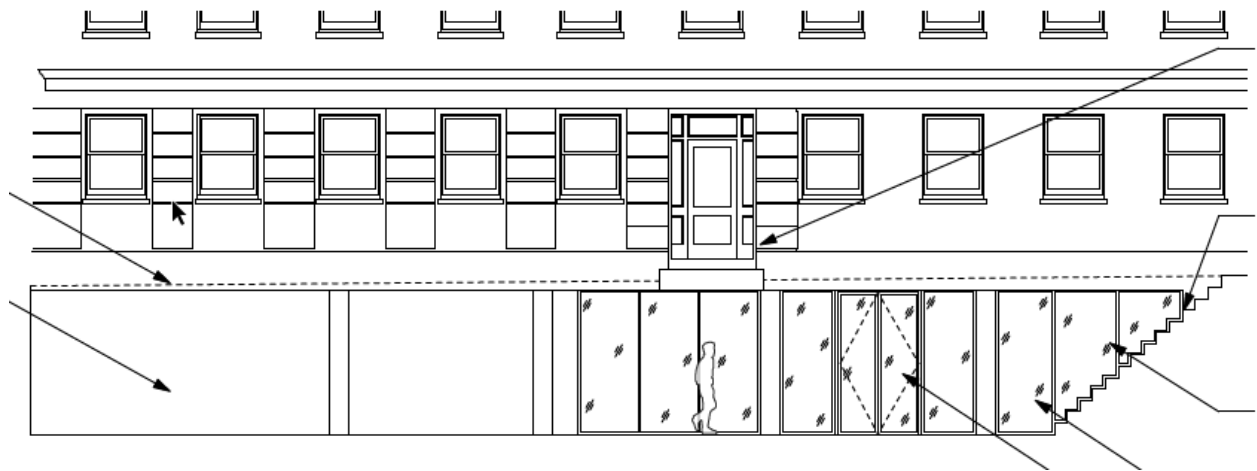
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

10. KEY DRAWINGS

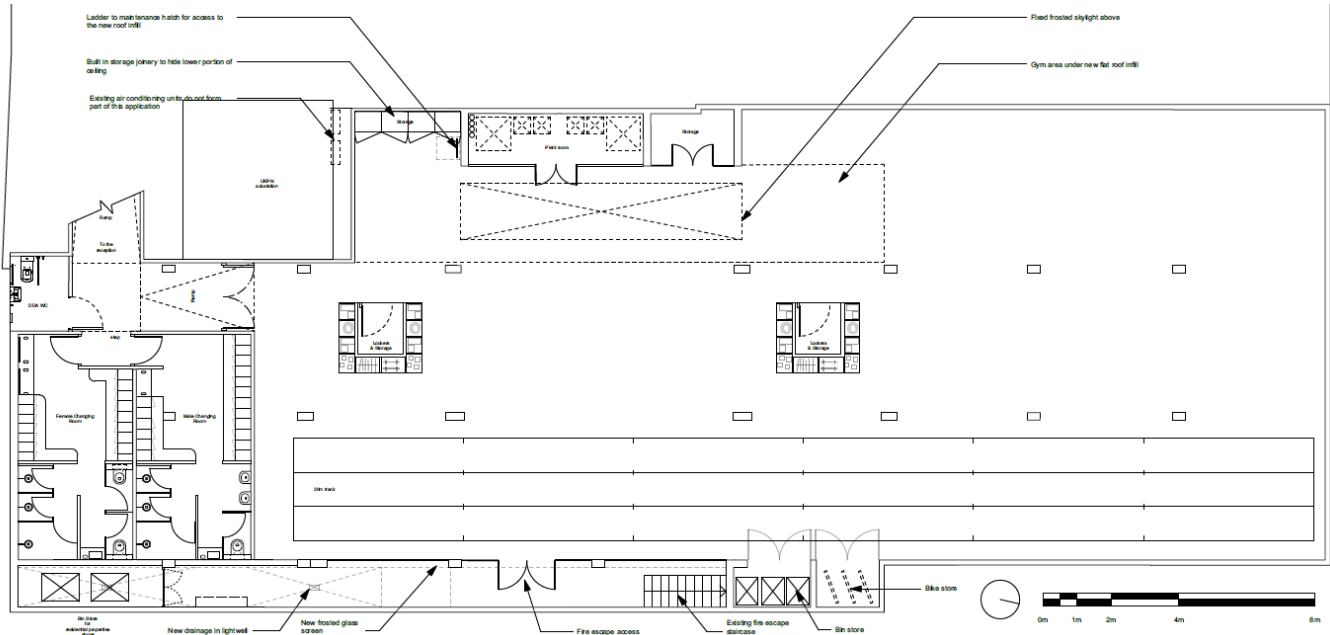
Proposed Beaumont Mews Entrance:



Proposed lower ground floor frontage to Beaumont Street



Proposed Floor Plan:



DRAFT DECISION LETTER

- Address:** Regis House, 47 Beaumont Street, London, W1G 6DL,
- Proposal:** Use of car parking area at lower ground floor level as a gymnasium (Class D2) in connection with the erection of a new ground floor front facade and entrance on Beaumont Mews and installation of plant.
- Reference:** 17/07261/FULL
- Plan Nos:** 'Tenant Acoustic Requirements', Planning Noise Assessment dated 11th May 2017, Acoustic Consultant Note dated 28th September 2017, Acoustic Addendum dated 20th December 2017, Planning Design and Access Statement July 2017, Drawings: A2000 RevP2, A2001 RevP2, A2002 RevP1, A2050 P1, A2100 RevP1, A2101 RevP1, A2101 RevP1, A2103 RevP1, A2200 RevP2, A2201 RevP2.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

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:

*between 08.00 and 18.00 Monday to Friday;

*between 08.00 and 13.00 on Saturday;

*and, not at all on Sundays, bank holidays and public holidays.

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

*between 08.00 and 18.00 Monday to Friday;

*and 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 S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

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

- 4 You must apply to us for approval of detailed (1:20 and 1:5) of the following parts of the development - External windows and doors. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings. (C26DB)

Reason:

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

- 5 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number property. You must clearly mark them and make them available at all times to everyone using the property. (C14FB)

Reason:

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

- 6 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 7 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

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

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

Reason:

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

- 9 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) A schedule of all plant and equipment that formed part of this application;, (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in

January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 10 You must remove all redundant plant and associated fixtures and fittings before the plant hereby approved is installed.

Reason:

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

- 11 You must install the acoustic enclosure as shown on the drawings and to the specification detailed in the acoustic report at the same time as the plant is installed. The enclosure must thereafter be maintained in situ for as long as the plant remains in place.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 12 Noise generated by the proposed new development (including noise from general operations, gym equipment, new plant and equipment, amplified sound, music etc.) in terms of LAeq,5mins must be 10 dB below the existing background noise level measured in terms of LA90,5mins inside the existing residential dwellings. The background noise level used in the assessment should be representative of the most sensitive times (quietest) at which the new development is in operation (and generating noise).

Reason:

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

- 13 Maximum noise levels generated by the proposed new development in terms of LAeq / LAFmax must not exceed the NR 15 / NR 20 curve respectively inside the existing residential dwellings. This includes noise from all sources (including amplified sound, music and impact noise from gym activities). This is based on the assumption that existing background noise levels in the properties during the most sensitive periods are approximately NR 25 (approximately equivalent to 30 dB LAeq).

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic

insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 14 You must install all the acoustic mitigation measures relating to internal noise transmission through the building structure as detailed in the submitted acoustic reports dated 11th May 2017, 28th September 2017 and 20th December 2017, and maintain them in the form detailed for as long as the gym is in operation.

Reason:

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

- 15 For music noise:

- 1) The design of the separating structures should be such that the received music noise level in the residential habitable spaces, with music playing, should be demonstrated to be 10 dB below the existing ambient and maximum noise levels in the residential habitable spaces when music is not playing, at the quietest time of day and night, measured over a period of 5 minutes and in the indices of Leq and LFmax in the octave bands 63 Hz and 125 Hz; The overall music noise level in terms of LAeq,5mins should be at least 10 dB below the existing background noise level in terms of dB LA90,5mins.
- 2) A Sound Limiter shall be installed and set by a competent acoustic engineer so that it maintains compliance with Part 1) of this condition. All amplification equipment within the development including music generating equipment and fitness instructor's announcement equipment shall be routed and controlled through the sound limiter. The operational panel of the noise limiter shall be secured by key or password so that only persons with management responsibility have access. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 16 The gymnasium use allowed by this permission must not begin until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that noise complies with the noise criteria set out in conditions 12, 13 and 16 of this permission.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 17 The doors to the front basement lightwell on Beaumont Street are only to be used for staff access and deliveries. This access is not to be used by customers except in the case of an emergency and should not be kept open for any other purpose than providing access.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 18 The gymnasium use allowed by this permission must not begin until you have fitted self-closing doors to the main entrance on Beaumont Mews. You must not leave these doors open except in an emergency or to carry out maintenance.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 19 The proposed skylights at rear ground floor level must be kept shut at all times.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 20 You must not open the premises to customers, and you must not allow customers on the premises, outside the hours: 06:00 till 21:00 Monday to Friday, and 08:00 till 20:00 on Saturday, Sunday and Bank Holidays.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 21 You must use the property as a gymnasium as shown on the approved drawings. You must not use it for any other purpose, including any within Class D2 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet ENV13 of our Unitary Development Plan that we adopted in January 2007 and S29, S32 and S34 of the City Plan adopted November 2016.

- 22 You must apply to us for approval of a management plan for the approved gymnasium to show how you will prevent customers who are leaving the premises from causing nuisance for people in the area, including people who live in nearby buildings. You must not occupy the approved gymnasium until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the gymnasium is in use.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply. The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk. If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk. It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 4 Buildings must be provided with appropriate welfare facilities for staff who work in them and for visiting members of the public. Detailed advice on the provision of sanitary conveniences, washing facilities and the provision of drinking water can be found in guidance attached to the Workplace (Health, Safety and Welfare) Regulations 1992. www.opsi.gov.uk/SI/si1992/Uksi_19923004_en_1.htm, The following are available from the British Standards Institute - see <http://shop.bsigroup.com/>: BS 6465-1:2006: Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances, BS 6465-3:2006: Sanitary installations. Code of practice for the selection, installation and maintenance of sanitary and associated appliances. (I80HA)

- 5 Conditions 8 and 9 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 6 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 7 It is possible that existing background, ambient and maximum levels within the residential dwellings could be very low for measurement and assessment purposes. It is expected that the accuracy of results should be taken into consideration when dealing with the measurement of low noise levels. Standard Deviation of measurement is a recognised measure of accuracy of results and reasonable consideration should be given to Standard Deviation as well as the capabilities of the instrumentation used for the assessment. It is acknowledged that it is impossible to physically measure noise which is 10 dB below existing noise levels or measure NR criteria which is below existing NR levels. Therefore, it is anticipated that the assessment of Condition 16 will include a comparison of 'on/off' conditions and seek to investigate the 'increase' in measured levels with the above points taken into consideration. For example; a level 10 dB below existing levels would increase existing levels by 0.4 dB. The assessment of Condition 16 might also include a calculation approach where measurement is impracticable or a combination of measurement and calculation. Measurement assessment of Condition 16 requires that residents allow the applicant access to carry out Acoustic testing to demonstrate compliance with Condition 16 through measurement. If access is not made available, the applicant may deploy a calculation approach and base the criteria on reasonable assumptions of the existing acoustic conditions within the residential properties.
- 8 Please ensure that the cleaning staff keep noise to a minimum when arriving at or leaving the site.

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.