

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 27 February 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	8-14 Meard Street, London, W1F 0EQ		
Proposal	Demolition of the rear ground, first and second floor office accommodation and replacement with a full width rear extension at first to fourth floors to provide Office (Class B1) floorspace. Change of use of basement to part gym (Class D2) and part office (Class B1) and change of use of part ground floor to retail (Class A1), office (Class B1), gym (Class D2). Replacement shopfronts at ground floor level on Meard Street and amendments to the rear of the existing residential in Royalty Mansions (Class C3) and associated works		
Agent	DP9 Ltd		
On behalf of	Westminster Meard Street Limited		
Registered Number	17/09109/FULL	Date amended/ completed	12 October 2017
Date Application Received	12 October 2017		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional planning permission

2. SUMMARY

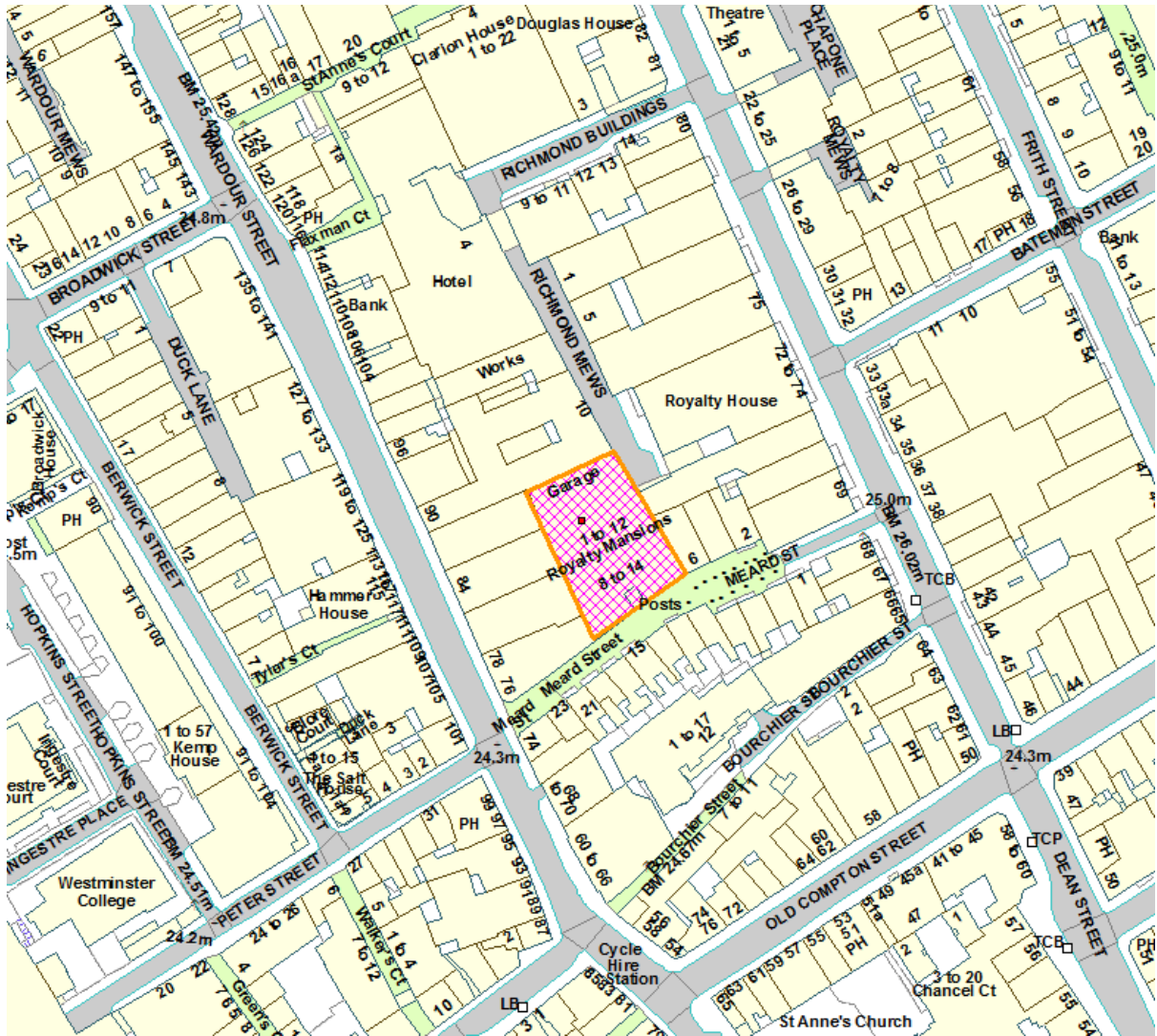
The application site is located on the north side of Meard Street, mid-way between Wardour and Dean Streets. The site includes 12 flats within Royalty Mansions which front onto Meard Street at first to fourth floor levels above a vacant photographic laboratory. At the rear, the site includes an L-shaped two-storey office building which partly fronts onto Richmond Mews. The key issues for consideration are:

- The impact of the proposals upon the amenity of neighbouring residential properties,
- The introduction of retail and gym uses, and
- The acceptability of the proposals upon the appearance of the building and the character and appearance of the conservation area.

The introduction of retail and gym uses have attracted strong concerns on amenity and land use grounds, however, following revisions to the size of the proposed retail units and with conditions applied to the proposed retail and gym uses, the proposals are considered acceptable and in

accordance with UDP and City Plan policies. The proposed development is considered acceptable in terms of design and would not harm the appearance of the building or fail to maintain or improve (preserve or enhance) the character and appearance of the Conservation Area.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Meard Street Elevation



Richmond Mews Elevation



5. CONSULTATIONS

SOHO SOCIETY

Raise no objections to the B1 proposals to the rear, would prefer a continued light industrial or B1 use and object on the grounds of the impact of proposed A1 retail and D2 gym uses

HIGHWAYS PLANNING

No objection subject to conditions

CLEANSING

No objection subject to condition

ENVIRONMENTAL HEALTH

No objection subject to conditions

HISTORIC ENGLAND (ARCHAEOLOGY)

No objection subject to condition

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 88; total No. of replies: 9

No. of objections: 8

No. of neutral comments: 1

Nine objections have been received (two are from the same resident, and one is made on behalf of The Meard and Dean Streets Residents' Association) on some or all of the following grounds:

- Proposed retail and gym uses and their impact on amenity
- Loss of historic and residential character of the street
- Existing creative use should be protected
- Increase in traffic, noise, footfall, deliveries, rubbish, queues, anti-social behaviour
- Additional waste and servicing
- Need for restrictions on working hours for any works permitted
- Proposed design of new building fronting Richmond Mews
- Objection to development which results in increased utilisation of Richmond Mews
- Disagreement with applicants claims that the street is not predominantly residential in character
- The Council has accepted that retail use on Meard Street damages residential amenity
- Large floorplate retail premises should be resisted in Soho
- Proposed retail use is contrary to UDP Policy TACE9
- Bins should be wheeled up to Dean Street and stored inside the building

It is noted that The Meard and Dean Streets Residents' Association (MDSRA) has recorded its appreciation of the applicants' engagement with the community prior to the submission of the application.

One neutral comment has been received on the following grounds:

- Impact on business during construction,
- Construction management plan requested via condition.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is an unlisted building located on the northern side of Meard Street. The plot extends to the southern end of Richmond Mews. It is located in the Central Activities Zone (CAZ), the Soho Conservation Area, the Creative Industries Special Policy Area (CISPA) and the West End Special Retail Policy Area (WESPRA)

The site is split into three parts and includes a vacant photographic laboratory (Class B1c) at basement and ground floors, 12 flats within Royalty Mansions which front onto Meard Street at first to fourth floor levels and a rear L-shaped two-storey office building which extends along the side of Soho Lofts and partly fronts onto Richmond Mews.

Council records indicate that while there is a mix of uses on the street, there is also a large amount of residential premises. Residential properties are largely located along the south of the street, while the north site has a number of commercial properties.

6.2 Recent Relevant History

Permission was granted in April 1992 (RN: 92/00744/FULL) allowing the creation of a two storey extension at first floor level for additional office (Class B1) accommodation and other associated works.

Planning permission was granted at the site in 1969 which restricted the use of the basement to a commercial photo laboratory by condition.

Planning permission was granted at 23 Meard Street in October 2017 (RN: 17/06840/FULL) for the use of the ground and basement floors of 23 Meard Street as retail (Class A1) in association with the existing retail unit at 74 Wardour Street. This included the installation of a ground floor frontage to 23 Meard Street including new emergency and disabled access door.

7. THE PROPOSAL

Planning permission is sought to allow the demolition of the rear ground, first and second floor office accommodation and replacement with a full width rear extension at first to fourth floors to provide office (Class B1) floorspace. Terraces are also proposed

The proposals also include the use of the basement to part gym (Class D2) and part office (Class B1) and a change of use of part of the ground floor to retail (Class A1), office (Class B1) and gym (Class D2).

Replacement shopfronts are also proposed at ground floor level on Meard Street and amendments are proposed to the rear of the existing residential (Class C3) including the provision of a rear terrace, Juliet balconies and associated works.

The amount of retail floorspace proposed on Meard Street has been reduced by around 40% during the course of consideration for this application in response to officer comments and objections received.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The existing and proposed floorspace figures are set out in the table below

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Photo Laboratory (Class B1c)	628	0	-628
Office (Class B1)	1245	1898	+653
Residential (Class C3)	881	887	+6
Gym (Class D2)	0	645	+645
Retail (Class A1)	0	146	+146
Total	2754	3576	+822

Loss of Photo Laboratory (Light Industrial, Class B1c)

The site lies within the Creative Industries Special Policy Area (CISPA) within the UDP wherein light industrial uses are protected. Policy COM8 states that 'proposals for redevelopment, rehabilitation or other development affecting premises containing light industrial floorspace will not be granted planning permission where:

1. the site is located within the Creative Industries Special Policy Area
2. this would result in the loss of industrial activities which contribute to the character and function of the area.'

Although the site is located within the CISPA as defined in the UDP, this SPA designation has not been included within the City Plan. The City Plan recognises that protecting and enhancing the Creative Industries is a priority, however, it also acknowledges that such uses do not fall within a specific use class and they therefore require a customised approach. Further, the City Plan defines Creative Industries as both light industrial (Class B1(c)) and Creative Services (architects, advertising agencies, graphic design and media design) (Class B1) and recognises that a significant amount (63%) of Creative Industries operate from B1 use class units. The relevant office policy (Policy S20) states that new office development will be directed to the Core CAZ and refers to, where appropriate, the provision of a range of business floorspace including workshops and studios, however, it does not specifically protect light industrial uses.

The basement has a lawful use as a photo laboratory, which is a light industrial use (Class B1c), protected by restrictive condition on a historic planning permission. The basement area contains specialised areas for the processing of film including processing trenches and chemical works areas. The applicant advises this area has been redundant for in excess of five years.

Three objections have been received from the Soho Society, residents and The MDSRA to the loss of the existing basement use. One objector also states that creative uses

should be protected at this site. However, the Council recognises that the nature of the of the film and photographic industry has changed dramatically and to such an extent that the industry is now, for the most part, digitised. The need for such specialist and restricted floorspace has now gone, as demonstrated by the vacant and unused basement area.

It is considered that in this instance, the loss of this use is considered acceptable considering its highly specialised use, the changes the industry has undergone in recent times, and the floorspace now preferred by modern creative industries (set out above). Accordingly, the objections on these grounds cannot be upheld. Furthermore, the proposals provide an overall increase of office floorspace which could be occupied by a creative industrial use.

Increase in Retail Floorspace (Class A1)

Policy SS3 of the UDP seeks to maintain, preserve and enhance the international shopping character of the West End International Shopping Centres. Policy S7 of the City Plan seeks to maintain and enhance the unique status of the West End Special Retail Policy Area (WESPR). Policy S6 of the Westminster City Plan identifies the Core CAZ as an appropriate location for retail (Class A1) uses and encourages the provision of more retail throughout the area. The policy identifies that large scale retail developments should be directed to the West End International Shopping Centre's Primary Shopping Frontages, on which the site is located. City Plan Policy S21 looks to direct new retail floorspace to the designated shopping centres.

Four objections have been received to the proposed new retail units fronting onto Meard Street. These objections include the grounds of increased noise from the units (from playing of loud music etc.), queuing in the street, long opening hours, servicing of the units from Meard Street, increased footfall on the street, large retail floorplates, and a negative impact on the general amenity and character of the street.

The proposal will result in the provision of 146sqm GIA of retail (Class A1) floorspace at part ground floor. The original proposals were for 260sqm of retail floorspace in the form of one unit, with a possibility of it being divided into two units. However, following the objections received and officer advice, this area has been reduced by approximately 40% and divided into two separate retail units (measuring 77sqm GIA and 69sqm GIA). The applicant has confirmed that they are willing to accept a condition or obligation to ensure that the units are not combined in the future to create one larger unit.

To address the concerns raised on noise and amenity grounds, additional conditions are proposed to minimise the impact of the proposed retail units. These will ensure that no music played in the units is audible outside the premises, that the retail units have self-closing doors which are not to be kept open, the units are not to be used for food retail and that no delivery service will operate from the units. The opening hours of the retail units will also be restricted until 8pm Monday to Saturdays and until 6pm on Sundays and Bank Holidays

Following the revisions to the area and sizes of retail proposed for the site, the two smaller units would be entitled to change use to a restaurant or café (Class A3) under permitted development rights, subject to prior approval from the Council. Given the sensitivities of the site and the objections received, it is considered necessary that these

permitted development rights are removed in order that any future A3 use can be assessed in full.

The MDSRA have requested a range of conditions be applied in relation to the retail use if it is permitted. Some of those requested include; no amplified music or transmitted vibration; the retail use to be restricted to something consistent with a boutique use, restrictions on the size of the retail units, restrictions on the days and hours of retail trading, doors to units to be kept closed, no café use or any sales of any form of food or drink, and restrictions on servicing. Some of those requested, or similar ones to achieve the same outcome, have been included above however, some are not considered to be reasonable to impose, fall outside the remit of the planning system, or are at odds with other regulations. As a result, not all of those requested can be imposed.

The MDSRA have stated that they believe the proposed retail units should be assessed in relation to the entertainment policy TACE 9. However, the proposals do not involve the introduction of entertainment uses and permitted development rights to enable the change use of these units to Class A3 use have been removed.

The MDSRA argue that the Council has previously accepted that retail use on Meard Street damages residential amenity and refer to a permission granted in 2017 for the introduction of a retail use at No.23 Meard Street. Condition 7 of the permission in question (17/06840/FULL) limits the use of an entrance door on Meard Street for disabled access only. The reason for this condition was to protect the privacy and environment of people in neighbouring properties. Planning applications are individually assessed on their own merits and individual circumstances are taken into account on each application and it therefore cannot be sustained that the reason for imposing such a condition elsewhere on this street is tantamount to the Council accepting that retail on Meard Street as a whole damages residential amenity. As a result, and with the above conditions applied, it is not considered that permission could be reasonably withheld for retail units on the street as a result of this objection.

Objections have also been received on the grounds that the proposed retail will increase footfall on the street, which due to some residential properties being directly at street level, will have a negative impact on amenity. Whilst the new uses would increase footfall, the site is already entirely in commercial use and it would be unreasonable for the Council to withhold permission on the grounds where there is adequate infrastructure in place on the highway to support this increase. Furthermore, figures submitted with the applicant's Transport Assessment indicate that the overall net change in trips to the site is for an additional 20-50 arrivals per hour. If this is spread across the day this is equivalent to an additional person trip being made every 1-3 minutes. This increase is considered to have a negligible impact on footfall.

Given the sites location, that the provision of new retail is in accordance with adopted policies it is not considered that the Council could reasonably refuse this use here with the conditions outlined above imposed.

Increase in Office Floorspace (Class B1) and application of the Mixed Use Policy

Policy S20 of the City Plan identifies the need for significant additional office floorspace (Class B1) within Westminster. The Core CAZ is also identified as a suitable location for

office floorspace in Policies S6. This proposal would result in the provision of a total of 1898sqm GIA of office floorspace (Class B1), an increase of 653sqm GIA. This is acceptable in principle given the sites location within the Core CAZ and is in accordance with Policy S20 of the City Plan.

As the net increase in floorspace of all uses (822sqm GIA) is less than 30% of the total existing building floorspace (approx. 29.9% of 2754sqm GIA), no residential is required to offset the increase in office floorspace.

Proposed Gym Use

Policies SOC1 of the UDP and S34 of the City Plan both encourages the provision of new social and community infrastructure throughout the city at appropriate sites and where they do not harm residential amenity. The proposals will provide a gym (Class D2) at part basement and part ground floor measuring 645sqm GIA.

The applicant has provided very few details of measure that will be taken to ensure that noise and vibration is not transferred through the building by the gym use to the residential flats above. The applicant advises that this is due to the intention to lease the unit as a shell and allow the tenant to fit the unit as they wish, including providing any necessary mitigation measures. In light of this and in line with recommendations made by Environmental Health, it is considered necessary to apply a number of conditions to mitigate the possible impacts of the gym use. These will ensure that noise from the use will not be audible from outside the site, noise from music will be limited by the installation of sound limiter, the capacity (80) and opening hours (06:00 - 22:00 Monday to Friday (excluding bank holidays) and 08:00 – 21:30 on Saturday and Sundays and to ensure that noise transfer will not occur through the building. Self-closing doors will also restrict the possibility of noise break out. Furthermore, the use of the basement shall be restricted to that of a gym only, and no other uses within the D2 use class.

Four objections have been received against the proposed gym use and the impact it will have on amenity of the area. However, the Core CAZ is identified as a suitable location for a mix of uses including social and community uses and subject to the conditions outlined above, it would not be considered reasonable for the Council to withhold permission for the proposed gym use.

The MDSRA have requested a range of conditions be applied in relation to the gym use if it is permitted. The requested conditions are that; no amplified music or transmitted vibration, the basement be restricted to D2 gym use only, restriction of the gym opening hours (to be between 08:00-20:00 Monday- Saturday, no opening on Sundays or bank holidays) and doors to be kept closed. Some of those requested, or similar ones to achieve the same outcome, have been included above however, the opening hours for the gym requested by The MDSRA are considered to be overly restrictive for the type of use proposed. Despite the early hours that the applicant requests, it is recognised that gym users are unlikely to arrive or leave in large numbers and subject to the above conditions, it is not considered that the use would be likely to have a material impact on neighbouring residential amenity.

Other Objections Against Proposed Uses

The MDSRA have requested a range of conditions be applied generally in relation to the development as a whole if it is permitted (such as prohibiting illuminated signs, not

allowing canopies or awnings, only allowing boutique retailers, restrictions on the audibility of intruder alarms, no outside furniture or performances). However, these are either not considered to be reasonable to impose, fall outside the remit of the planning system, or are at odds with other regulations.

Three objections have been received on the grounds that the proposed retail and gym uses to be introduced, will change the character of the street. Whilst these concerns are noted, the lawful use of the building is commercial office and light industrial use and it is not considered that the size and type of new uses proposed here would have a significantly detrimental impact. The uses are not considered to be those which would bring associated negative impacts, and with the conditions proposed above they are unlikely to have a significant impact.

The MDSRA have also contested the applicants' assessment of the street being not predominantly residential. The submission describes the street as one of mixed use in character. Council records indicate that while there is a mix of uses on the street, there is also a large amount of residential premises. Residential properties are largely located along the south of the street, while the north site has a number of commercial properties. As with many places in Central London there are a number of properties on this street which have commercial uses at ground/basement with residential uses above. There are also a number of properties on the street with residential at ground and basement levels. While most of the street is pedestrianised and benefits from no road traffic noise, given its location within the West End, the street is still regularly used by pedestrians. While the street may be more residential in character than the applicant states, it would be unreasonable to withhold permission on the grounds of these claims.

8.2 Townscape and Design

The proposals replace the extensions at the north end of the site. These are not of interest and demolition is acceptable. The new buildings step back progressively from the rear of the Meard street block. This is an appropriate response to the context. The design is modern, restrained, and of high quality. The new façade to the mews at the rear is also modern but responds to the light industrial, brick, character of the mews, which includes a variety of modern and 20th century buildings. It has to be said that this is not a very public façade, being at the far end of a dead end mews, which is not used by pedestrians.

Two objections have been received to the demolition of the part of the building fronting onto Richmond Mews and stating that the new development is not enhancing and out of keeping with the Mews. While the current building is modern but of a traditional style, there is no strong presumption to keep it as it is seen to make a neutral contribution to the conservation area. It would therefore be unreasonable to withhold permission on these grounds and the objection cannot be upheld.

A key benefit of the proposals is the restoration of traditional shopfronts on Meard Street. These have been carefully designed and will improve the appearance of the building and contribute positively to Meard Street and this part of the conservation area. This is very welcome.

The proposals comply with the City Council's policies including S25, S28, DES1, DES 5 and DES 9.

8.3 Residential Amenity

Policy S29 of the City Plan relates to health, safety and wellbeing and states that the Council will resist proposals that would result in an unacceptable material loss of amenity. Policy ENV13 of the UDP aims to safeguard residents' amenities, and states that the City Council will resist proposals which result in a material loss of daylight/sunlight, increase in the sense of enclosure to windows or loss of privacy or cause unacceptable overshadowing to neighbouring buildings or open spaces.

Sunlight and Daylight

In implementing Policy ENV13 the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used. Under the BRE guidelines the amount of daylight received to a property may be assessed by the Vertical Sky Component (VSC) which is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the window will have the potential to provide good levels of daylight. The guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

A daylight and sunlight report has been submitted in support of the application. This assesses the impact of the proposed extension on the rear residential windows in Royalty Mansions which face the proposed extensions. The report demonstrates that all windows assessed will experience BRE compliant losses in VSC (with the largest loss being of 14.99%, well within the 20% guideline).

All windows which face the site are orientated due north. BRE guidelines state that only rooms with a window orientated within 90 degrees of due south are material for assessment with regards to the impact on sunlight. The effect upon sunlight on this building is therefore fully BRE compliant.

Sense of Enclosure

A green privacy screen is proposed at first floor which is approximately 3m away from the rear of the residential properties in Royalty Mansions. This screen is approximately 2.6m high, however given its distance from the first floor windows, it is not considered to result in a significant increase in enclosure for these properties.

The proposed extension will also come significantly further forward towards Royalty Mansions than the existing building. The distance from the rear extension at first and second floors to Royalty Mansions (excluding the privacy screen) will be approximately 7.2m. At third floor, the proposed building steps back by approximately 2.5m and is further stepped back again at fourth floor. These distances and the stepping back of the proposed extension are considered sufficient to not create a material impact on sense of enclosure to Royalty Mansions.

Privacy/Overlooking

At second and third floors, the proposals include angled timber screening/vertical brises-soleil in front of the office windows. The angle of this is such that it prevents any direct views across to the residential windows at Royalty Mansions while still allowing sufficient

light into the office space. Subject to this element being secured by condition, it is considered that there will be no material loss of privacy or increase in overlooking to the properties in Royalty Mansions. While there is no such element proposed at fourth floor, due to the distance these windows are set back, it is not considered that these windows would create any material loss of privacy.

The proposed green roofs at third and fourth floors will not have direct access from the offices, aside from providing maintenance access. A condition will be applied to ensure that these areas are not used for sitting out or as terraces.

Proposed Office Terraces

A small terrace is proposed at first floor next to the new office extension. The proposed green privacy screen at first floor will provide sufficient protection from any loss of privacy to the first floor flats at Royalty Mansions. It shall be secured by condition. A second office terrace is proposed at fourth floor, overlooking Richmond Mews. As there are no residential properties located on the opposite side of the mews or at the abutting end this terrace is not considered to create any loss of privacy or increase in overlooking.

One objection has been received regarding noise from the new development in Richmond Mews and subject to a condition restricting the hours that these terraces can be used, it is not anticipated that they will have any significant impact on residential amenity.

Existing Residential Amenity

First floor flats in Royalty Mews will each benefit from new amenity space behind the proposed green privacy screen. This will be accessible from new doors in this rear elevation. These flats do not currently benefit from access to private outdoor amenity space. These elements will enhance the amenity of these flats and are welcomed.

8.4 Transportation/Parking

A Transport Assessment produced on behalf of the applicant identifies the site as being within a highly accessible location in terms of public transport. Trip generation modelling concludes that the majority of trips associated with the site will be via public transport or other sustainable modes and indicates that the proposal will not have a significantly adverse effect on the safety or operation of the highway network.

Servicing

The proposed servicing for the gym and office will take place at the rear of the site, from Richmond Mews. Servicing of the retail units will take place from Meard Street.

Three objectors have raised concerns regarding the servicing of the proposal, particularly to the increased use of Richmond Mews which is identified as already suffering from problems with commercial bins being left in undesirable locations, parked cars and a number of servicing vehicles. The MDSRA have also objected on the grounds that servicing of the retail units will add to noise, disturbance, blocked access, bins or refuse on the narrow street and other inconveniences. They have requested that servicing and deliveries be restricted to weekday daytimes (10:00-16:00) only, excluding bank holidays, and to not block Meard Street when they occur.

The Highways Planning manager has raised concern that servicing the building will inevitably involve service vehicles reversing on the highway, as both Richmond Mews and Meard Street are cul-de-sacs which are too narrow to enable a vehicle to turn around within them. The initial proposal was considered unacceptable as all units and uses were to be serviced from Richmond Mews. The reduction in size of the retail units means that their servicing will take place from Meard Street, and the Highways Planning Manager does not consider that the proposals will be significantly different from the existing situation.

The applicant's Transport Assessment indicates that the proposals will generate an additional 1-2 servicing trips per day. Given the limited number of vehicles involved in servicing the proposals, it is not considered necessary to request a servicing management by condition however, the Highways Planning Manager has requested that a condition should be applied requiring the development to be serviced in line with the methods outlined in the submitted Servicing Strategy. These measures include use of smaller 7m servicing vehicles, use of a building agreement to combine deliveries, prohibiting personal online shopping deliveries, encouraging out of peak deliveries and manually moving bins as close as possible to Dean Street. With this condition in place, the concerns regarding servicing and waste are considered to be addressed. The hours of servicing will be restricted by condition to 08:00 to 20:00 (Monday-Saturday) and 11:00 to 18:00 on Sundays.

Cycle Storage

The applicant has proposed 35 cycle storage spaces to be located in the basement for the proposed office use. There is also an area for 7 cycles within the proposed gym area and 1 cycle space proposed for each retail unit. Overall, this provision is in excess of the requirements of The London Plan which is welcomed.

8.5 Economic Considerations

The economic benefits are welcomed.

8.6 Access

Access to the residential flats in Royalty Mansions will remain unchanged. Normal entry to the office, gym and retail uses will be all be from Meard Street. Service access to the office and gym units will be from Richmond Mews while the retail units will be serviced from Meard Street.

8.7 Other UDP/Westminster Policy Considerations

Plant

The proposed scheme includes the installation of air conditioning condenser units within two plant compounds at first floor and two at roof level. An acoustic report has been submitted in support of the application which details existing background noise levels. Environmental Health have assessed this report and confirmed that the calculated noise levels of the proposed plant are likely to comply with the Council's standard conditions. The installation of the compounds/enclosures, which form part of the acoustic

attenuation necessary to meet the councils noise requirements, will be secured by condition.

Refuse /Recycling

The Cleansing officer has raised concern that waste storage is not proposed for the residential use and that access to the D1 store is unclear. As the residential units are existing and are remaining largely unchanged, it would not be reasonable to request waste details for this use. The proposed drawings include waste storage for the D1 use at basement level, which in turn has access to the service area to the rear of the site. It is therefore not considered necessary to request details of the route from this waste storage to the collection area. A condition will be imposed to secure the waste storage areas that are shown and another to ensure that no waste is left on the highway.

Objectors have raised concern regarding waste (from the proposed new uses) however, these concerns are considered to be addressed by the conditions above.

Biodiversity

The proposal incorporates a number of features providing opportunities for biodiversity including a green wall between the rear of Royalty Mansions and the new offices, trees behind this green wall (on the office side), green roofs at third and fourth floor levels and a planted pergola at roof level. These features will be secured by condition.

Sustainability

Photo-voltaic (PV) panels are proposed for the roof of the fourth floor. These will generate electricity for the site and aid in CO² reduction. These are welcomed by the Council and will be secured by condition.

Crime

One objector has raised concern over anti-social behaviour from the proposed gym and retail uses. Such uses would not usually be associated with such behaviours and it would not be considered that these proposals would provide areas, such as recessed doorways, unwatched alleys etc., for such behaviour to occur. Accordingly, it would be considered unreasonable to withhold permission on these grounds.

8.8 London Plan

This application raises no strategic issues.

8.9 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.

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

Not applicable.

8.12 Other Issues

Construction impact

Construction matters are now specifically covered by the Code of Construction Practice (COCP) and the Environmental Inspectorate (EI). A scheme of this scale (level 3) would not usually be required to comply with the COCP, however, in light of a number of objections received regarding the impact on amenity during construction, such a condition is recommended. This will require the submission of a Site Environmental Management Plan (SEMP). The applicant has volunteered to undertake the development within the code and the EI has agreed to oversee the development accordingly.

Objections have been received on the grounds of impact during construction, requesting that working hours are restricted and for the requirement for a Construction Management Plan. Hours that noisy construction are permitted will be restricted through condition. This, and the compliance with the COCP are considered to address the objections on these grounds.

Noisy Vehicles in Richmond Mews

One objection has been received on the grounds that the proposal will increase the number of noisy vehicles down Richmond Mews and that motorbikes should be banned from the Mews. Such actions are outside the powers of the planning process and it would therefore not be reasonable to withhold permission on these grounds.

Archaeology

Historic England have advised that the site is located in a Tier 2 Archaeological Priority Area. No desk-based archaeological assessment has been submitted with the application which would usually be required. However, Historic England have advised that subject to a condition requiring a two stage process of archaeological investigation, they raise no objection.

Community Involvement

Following advice from the Council, the applicant has undertaken community engagement with surrounding residents, businesses, local amenity societies and area Councillors. A statement of community engagement has been submitted with the application outlining that a two-day public exhibition was held as well as a number of meetings with residents' groups.

Other Issues Raised

One objector has raised concern regarding tables and chairs outside on the highway beyond permitted hours which are associated with the retail units. Such furniture and use of the public highway has not been submitted for consideration as part of this application. Should such an application be submitted by any future occupier, it would be required to be considered under its own merits. It would not therefore be possible for the Council to withhold permission for this application on any grounds relating to the possible future use of the highway for furniture.

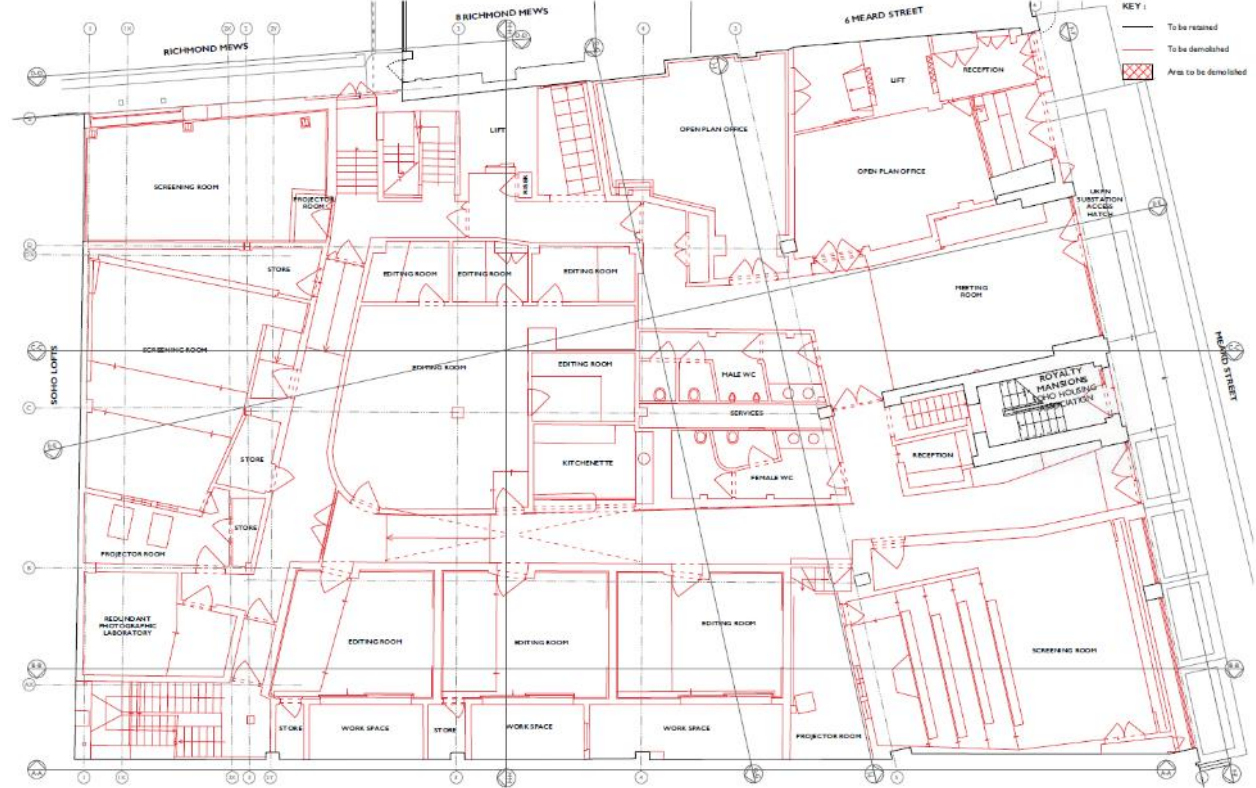
9. BACKGROUND PAPERS

1. Application form
2. Response from Cleansing dated 1 November 2017
3. Response from Soho Society, dated 13 November 2017
4. Response from Environmental Health dated 22nd November 2017 and 1 March 2018
5. Response from Highways Planning Manager dated 20 November 2017 and 5 February 2018
6. Response from Historic England (Archaeology), dated 6 November 2017
7. Letter from occupier of Second and Third Floor Maisonette, 13 Meard Street, dated 7 November 2017
8. Letter from occupier of 4 Meard Street, London, dated 10 November 2017
9. Letter from Meard and Dean Street Residents Association, 11 Meard Street, dated 6 December 2017
10. Letter from occupier of 6 Meard St, London, dated 21 November 2017
11. Letter from occupier of New Left Review, 6 Meard Street, dated 4 November 2017
12. Letter from occupier of First Floor Flat, 13 Meard Street, dated 7 November 2017
13. Letters from occupier of 21 Soho lofts, 10 Richmond Mews, 1 dated 17 November 2017 and 26 January 2018
14. Letter from occupier of 43 Soho Lofts, Richmond Mews, dated 13 February 2018

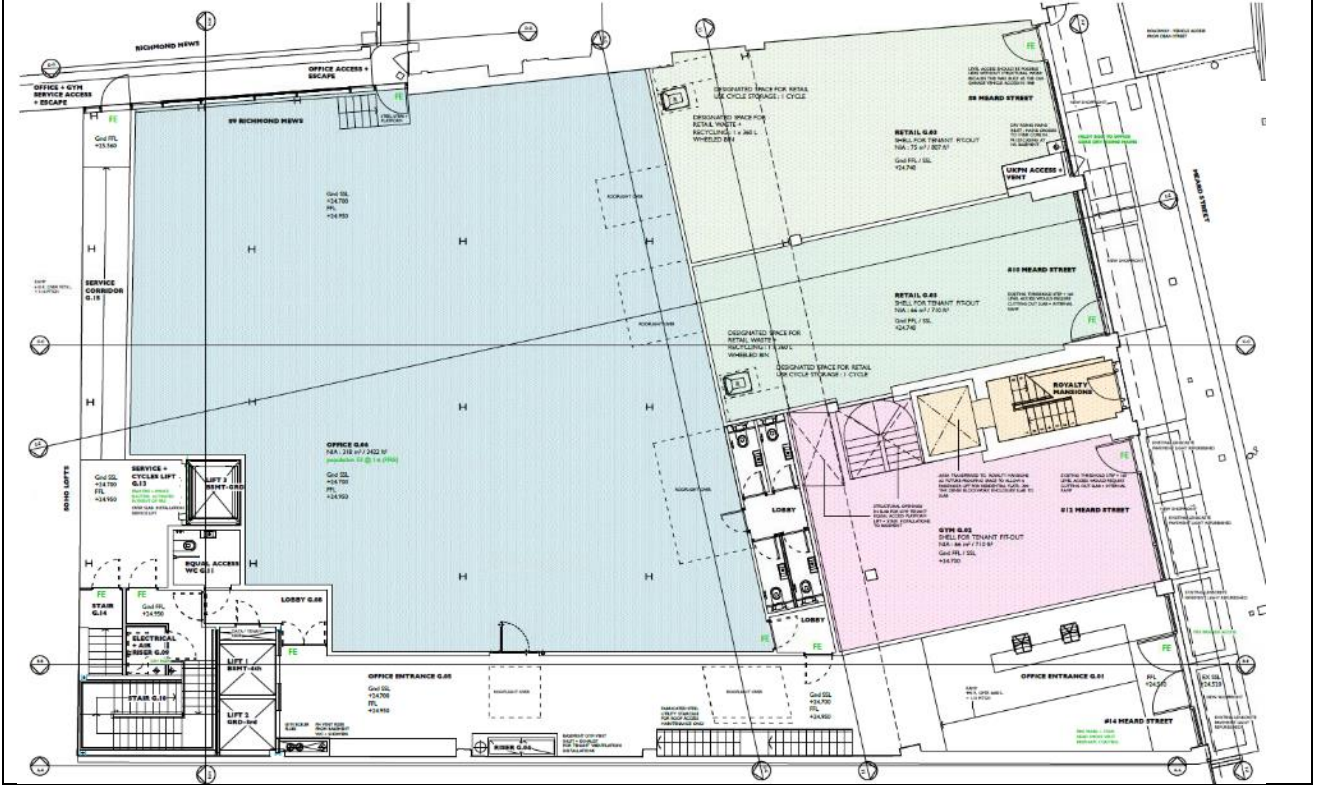
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

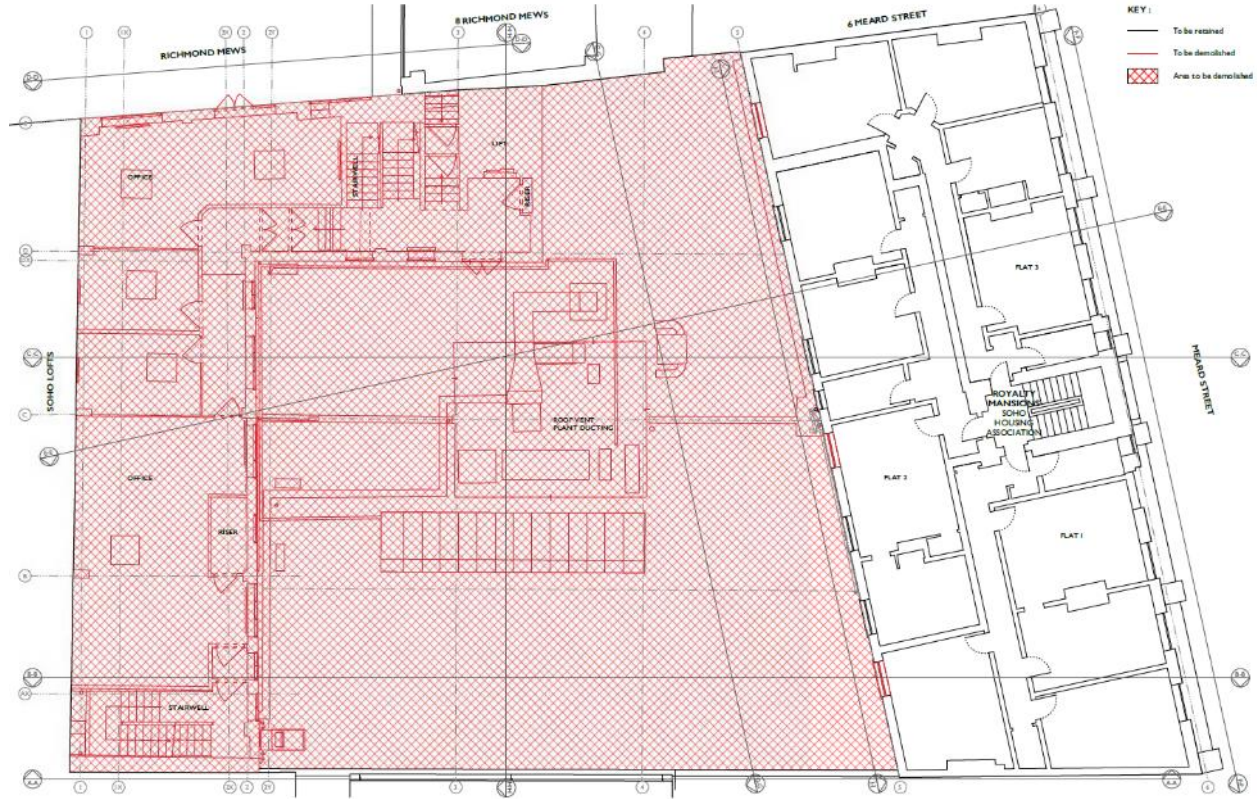
Existing/Demolition Ground Floor



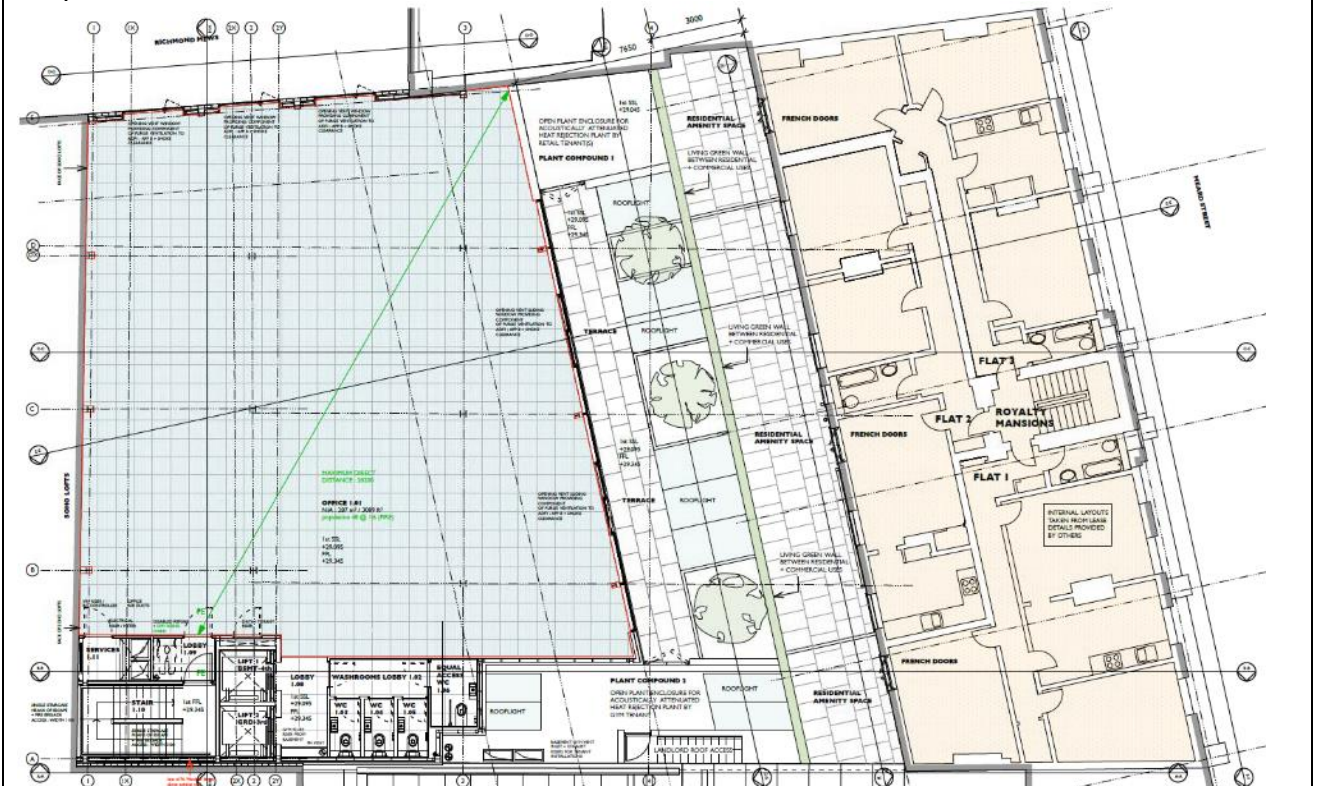
Proposed Ground Floor



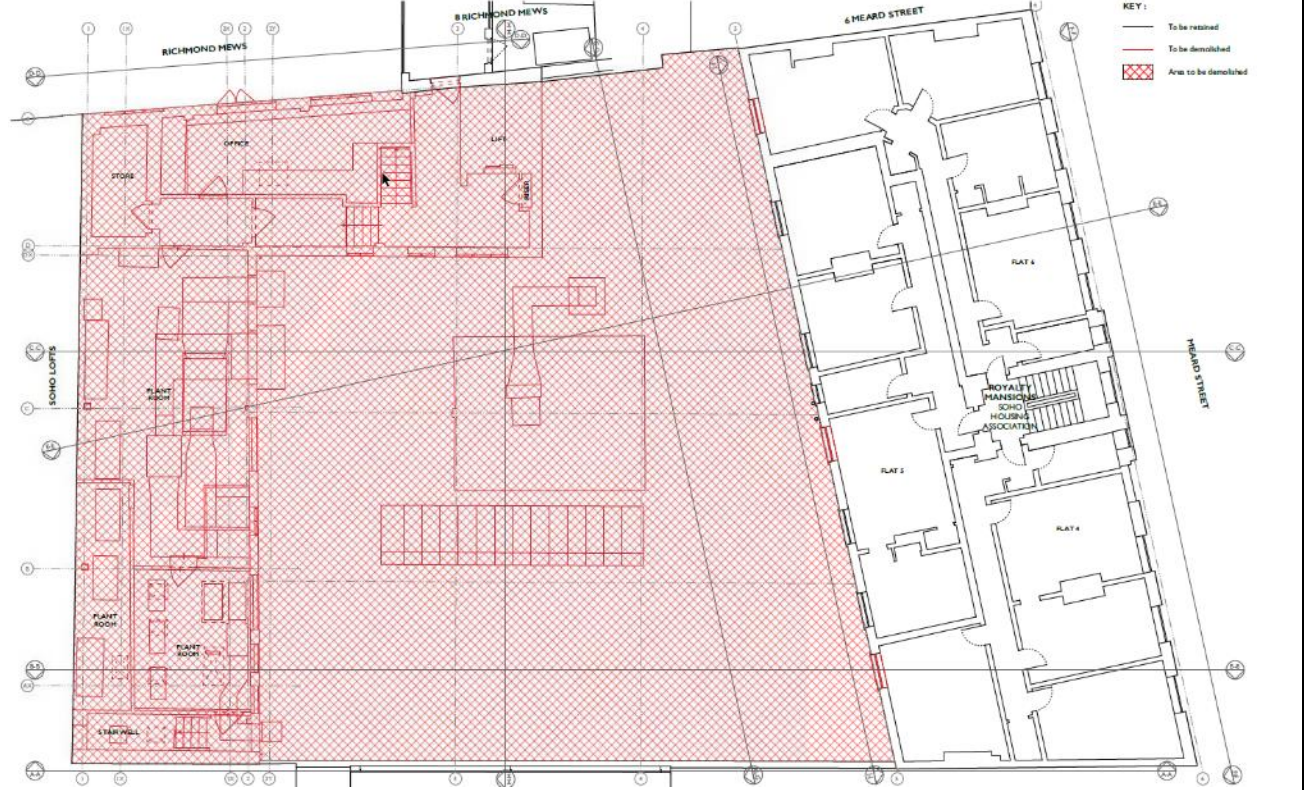
Existing/Demolition First Floor



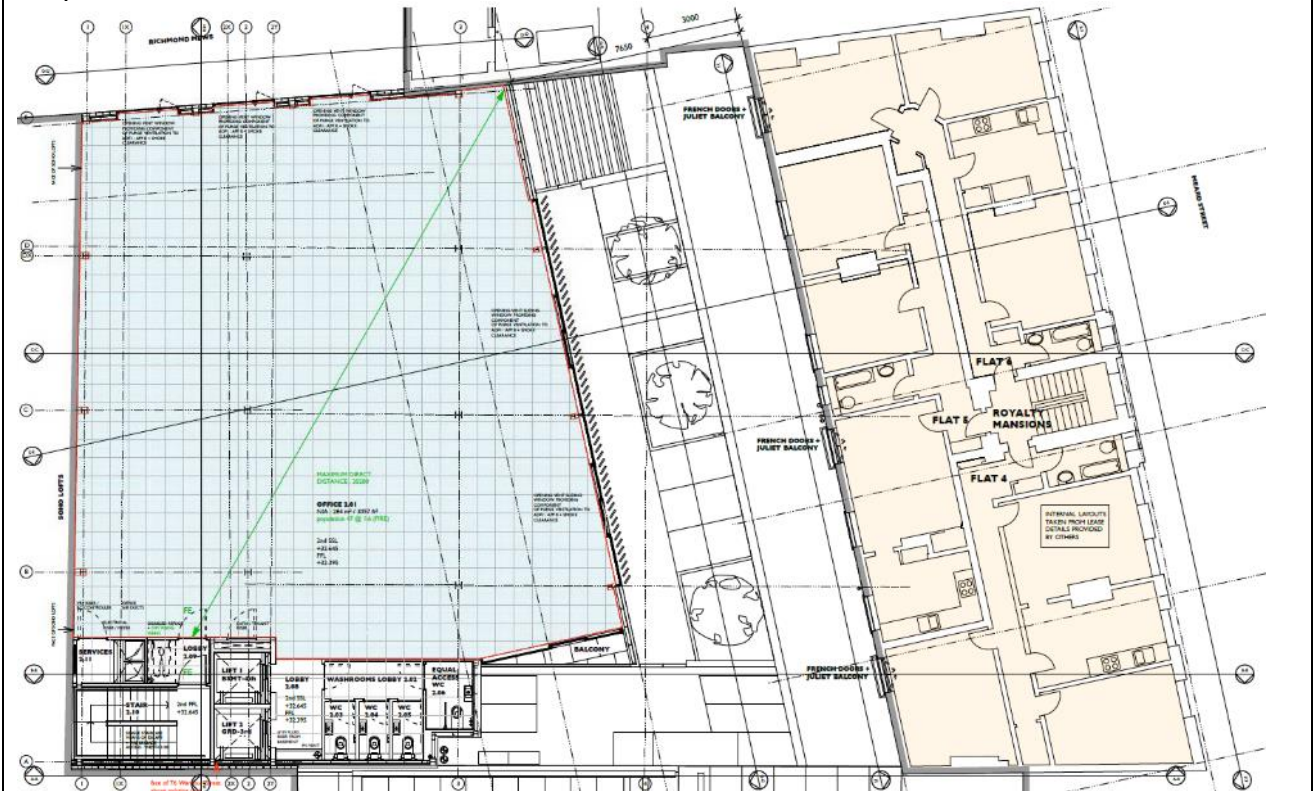
Proposed First Floor



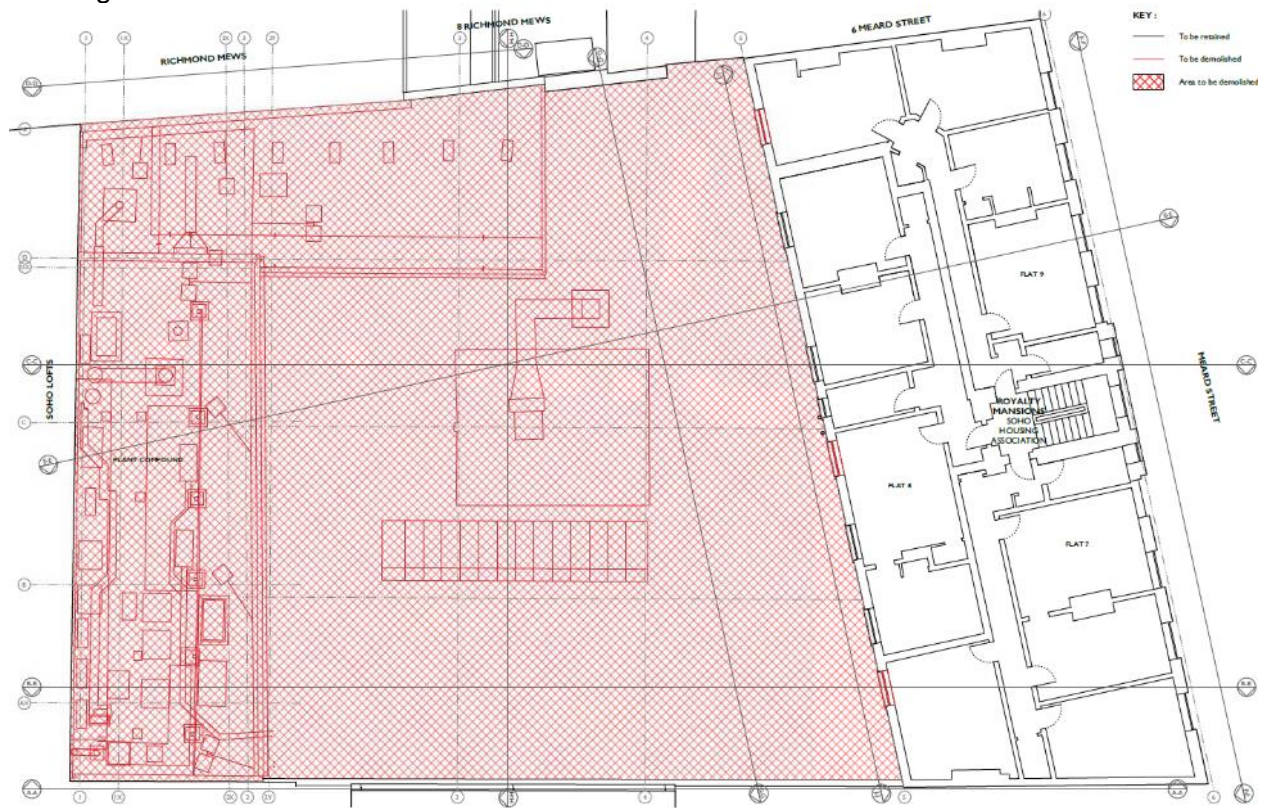
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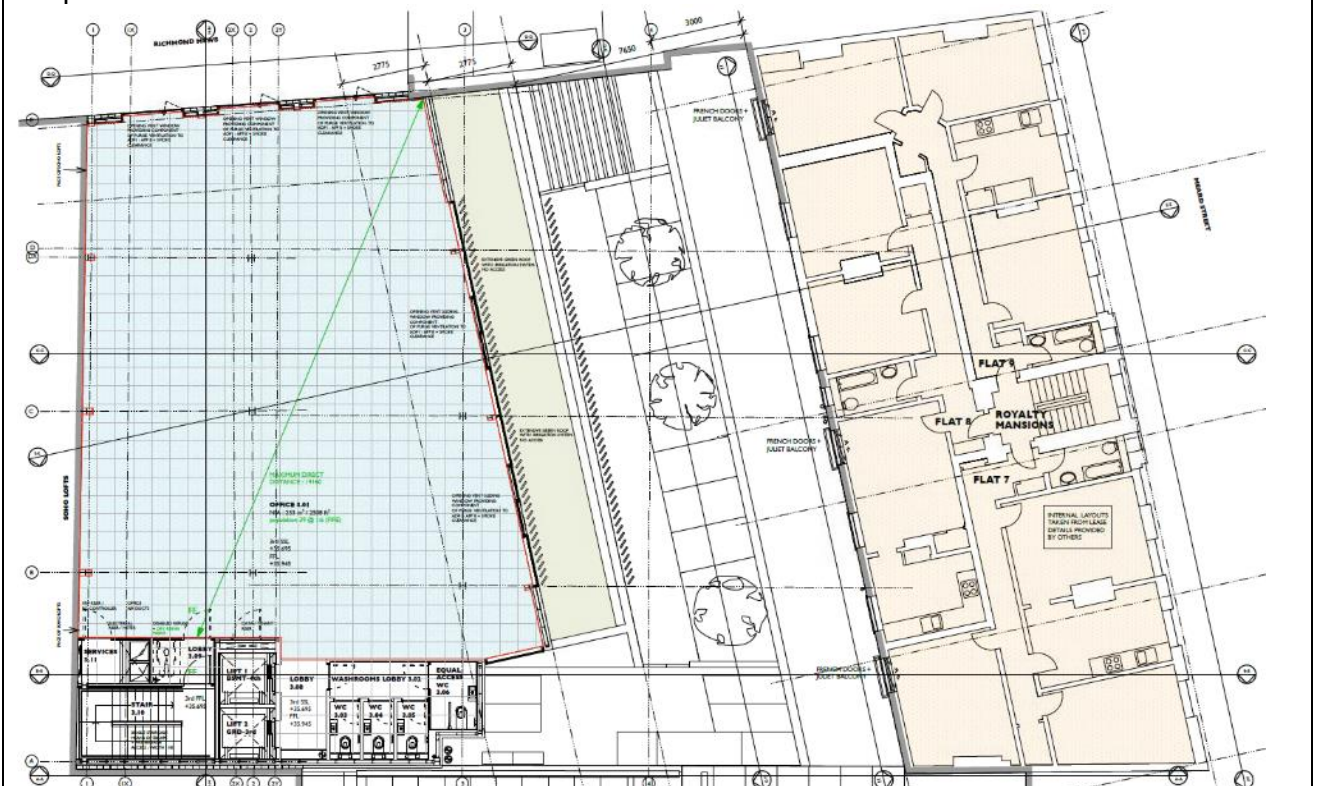
Proposed Second Floor



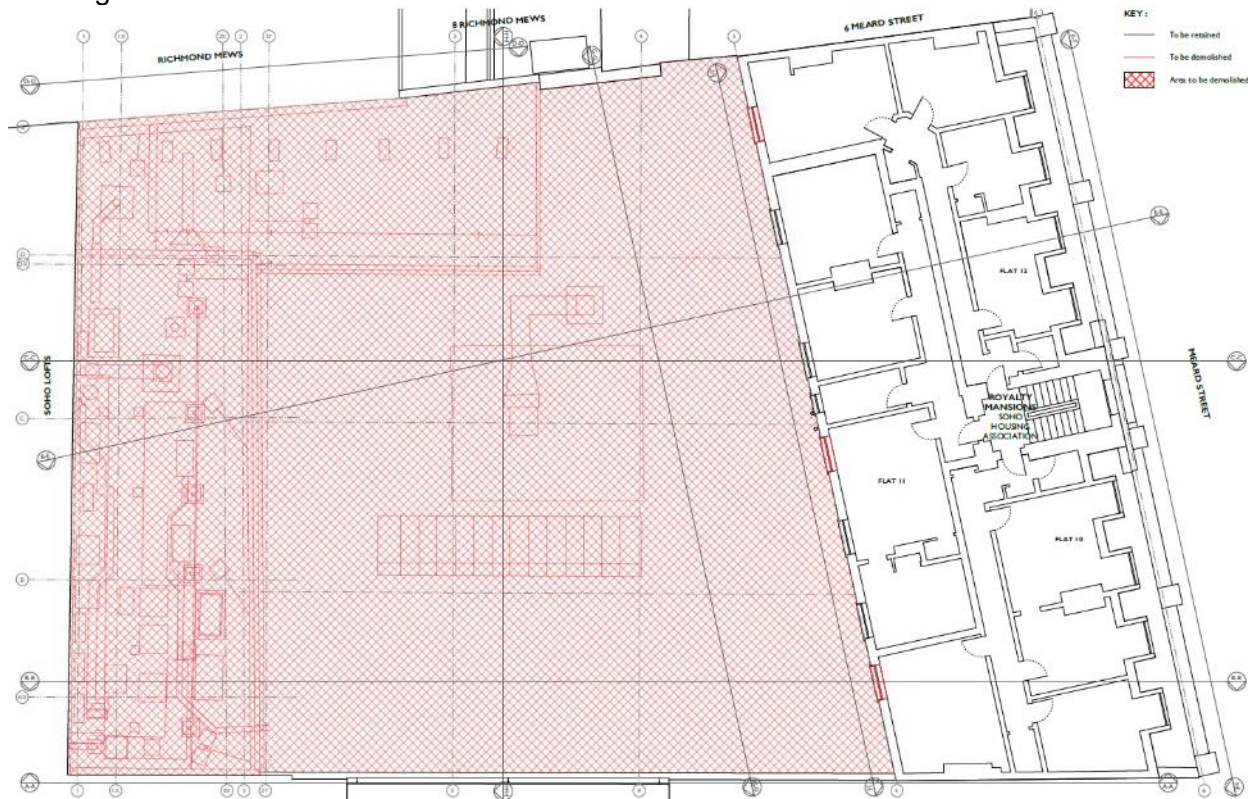
Existing/Demolition Third Floor



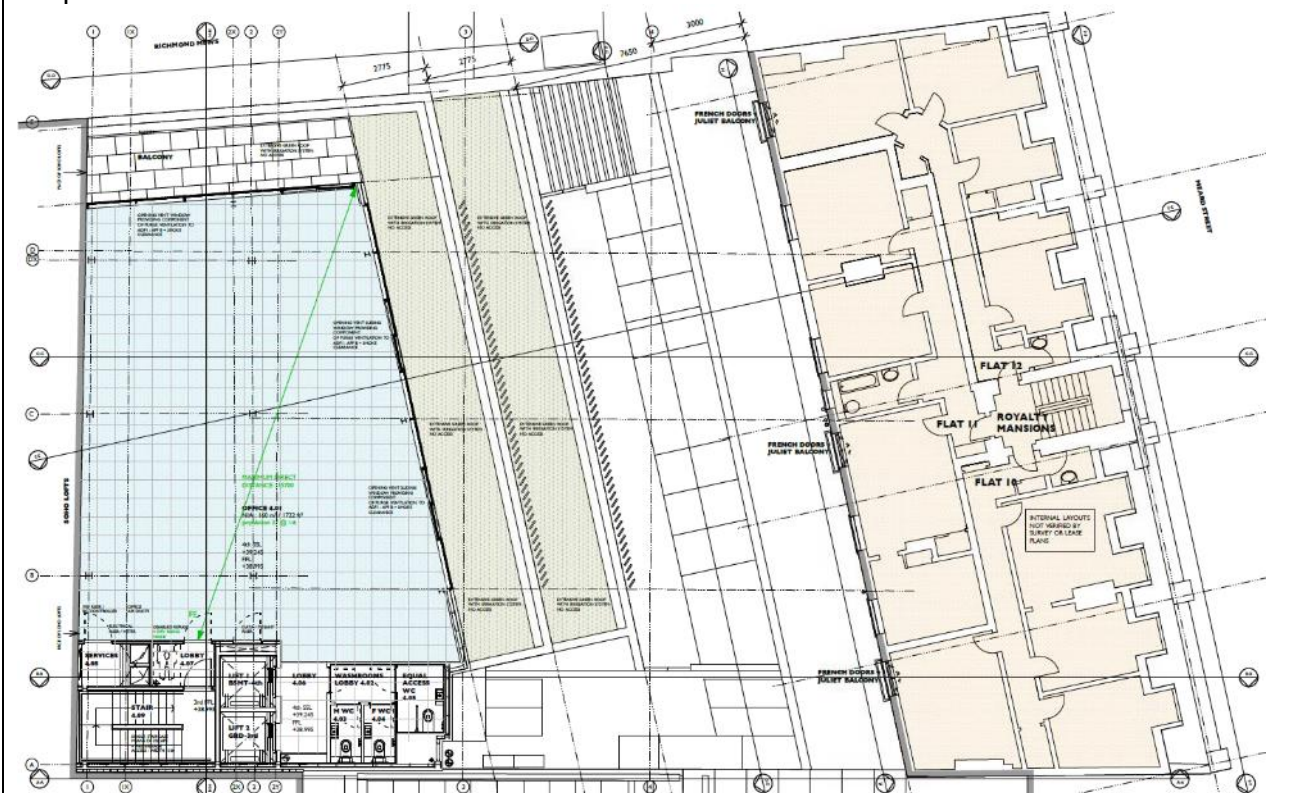
Proposed Third Floor



Existing/Demolition Fourth Floor



Proposed Fourth Floor



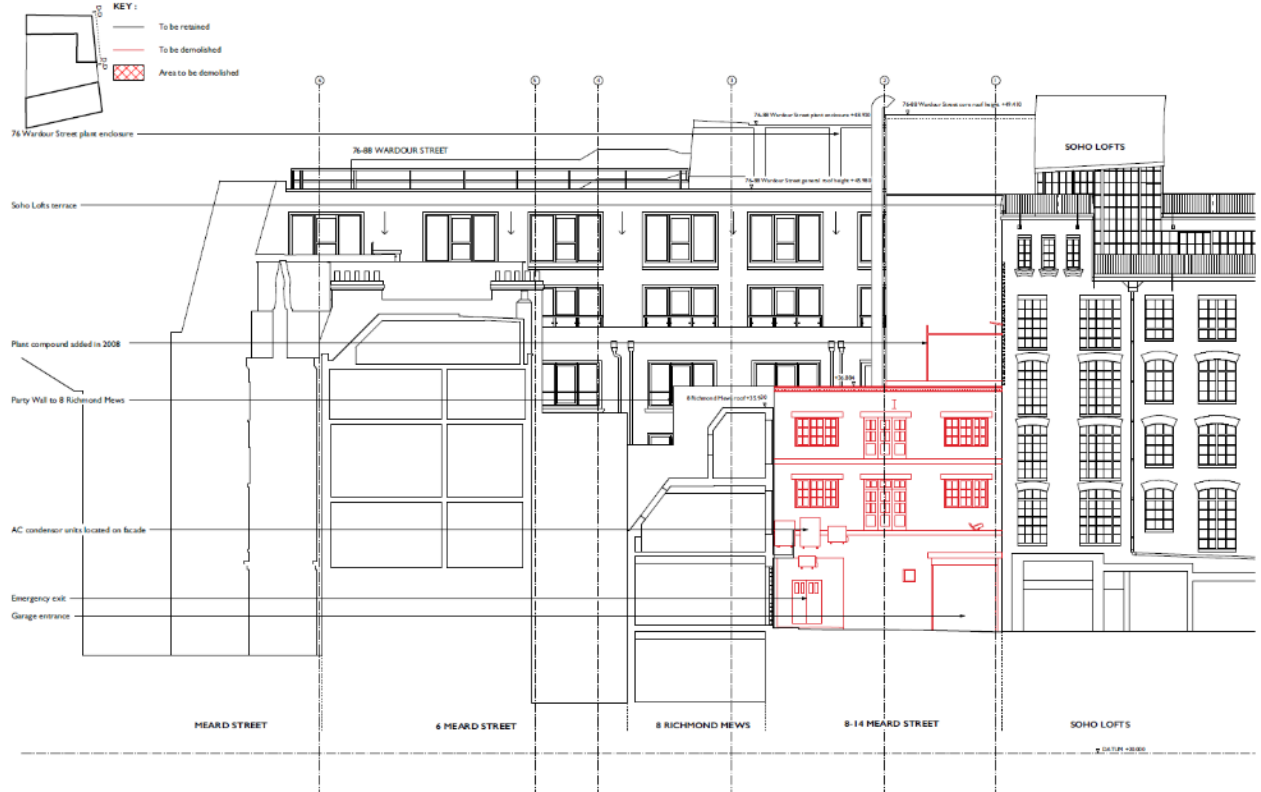
Existing/Demolition Front Elevation (Section F-F)



Proposed Front Elevation (Section F-F)



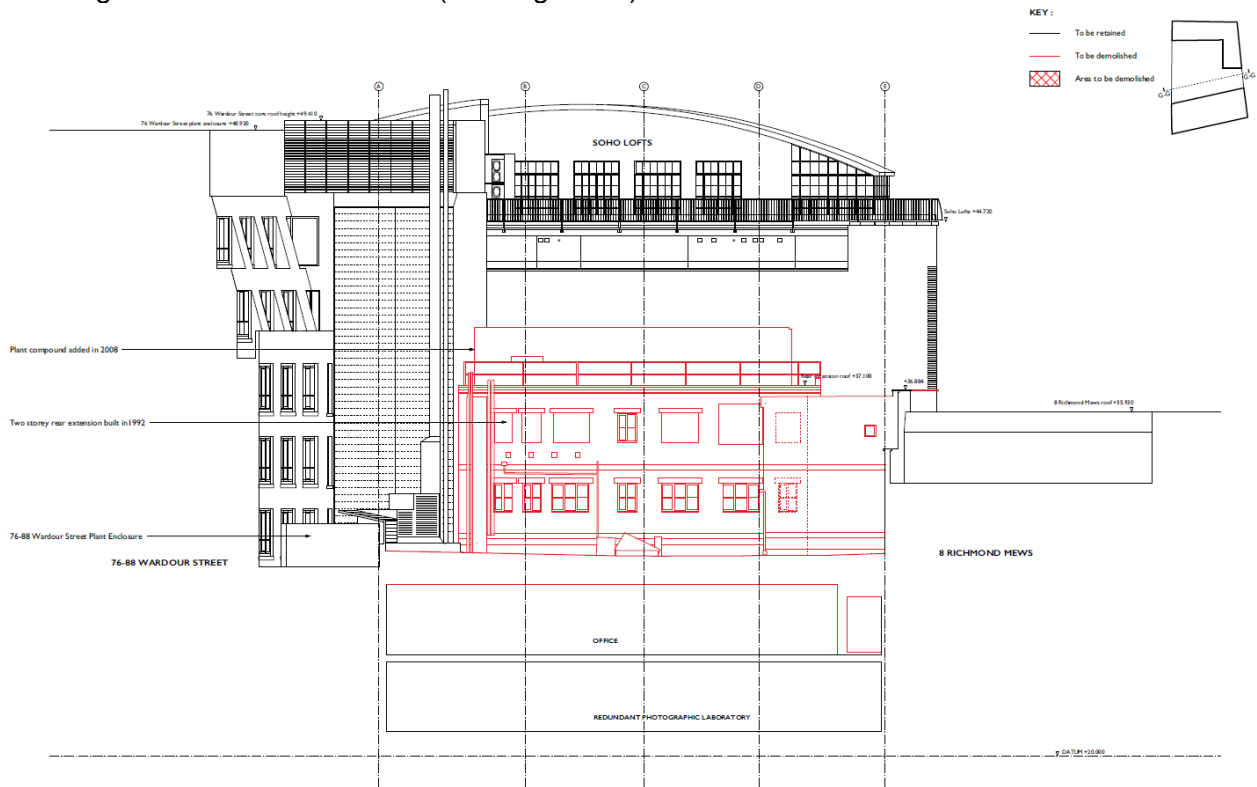
Existing/Demolition Richmond Mews Elevation (Section D-D)



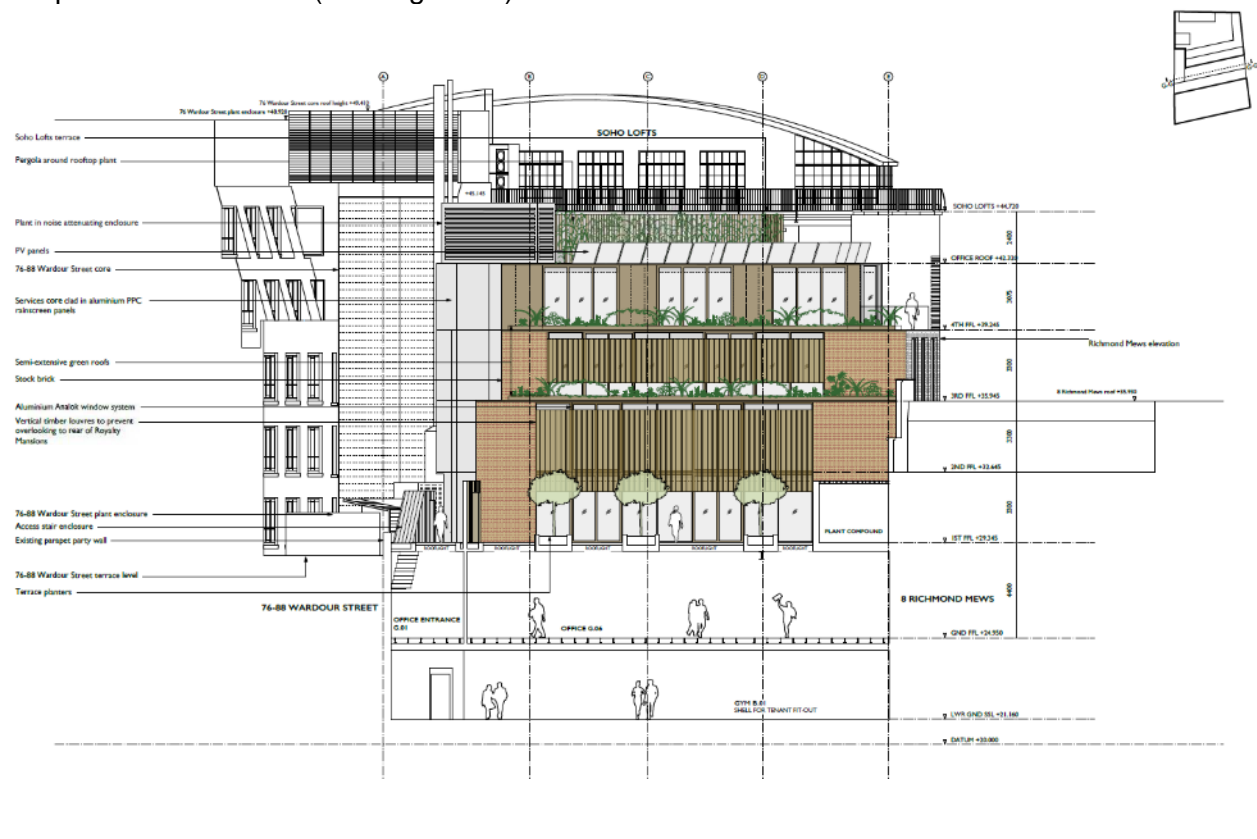
Proposed Richmond Mews Elevation (Section D-D)



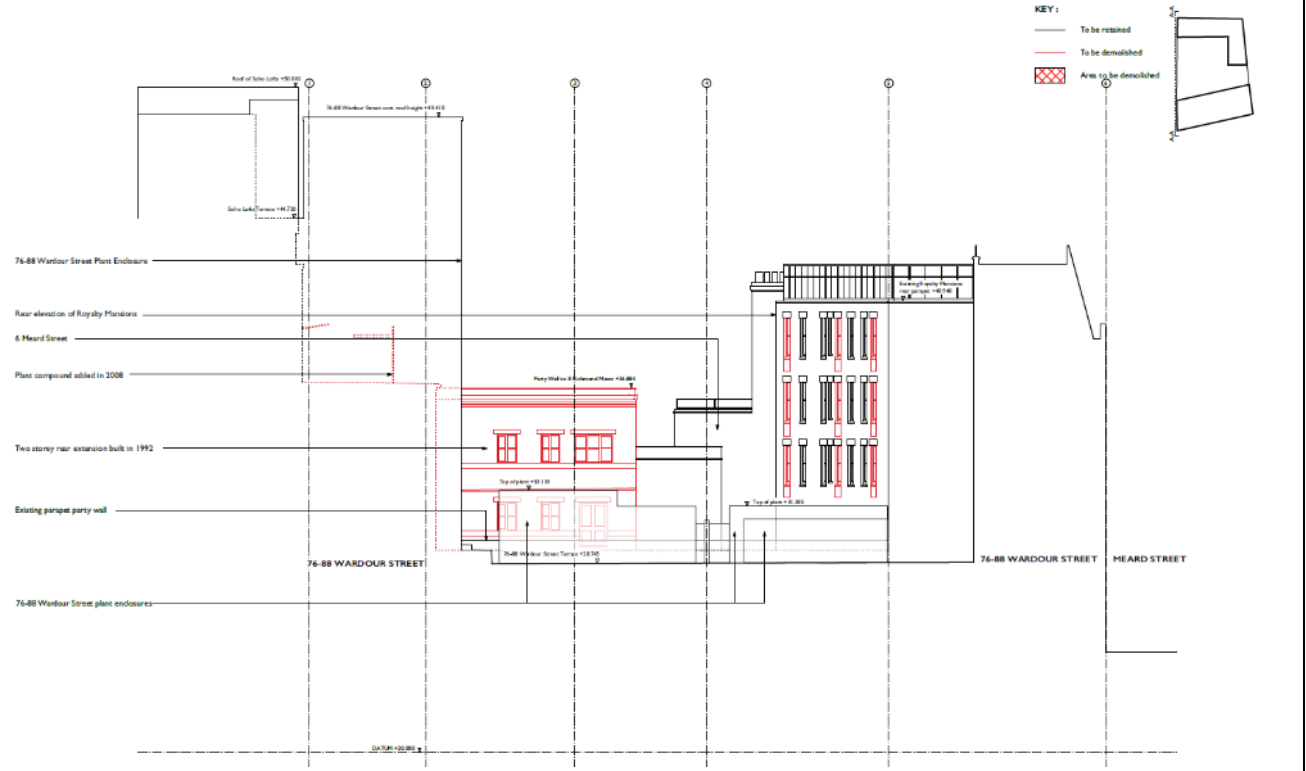
Existing/Demolition Section G-G (Looking North)



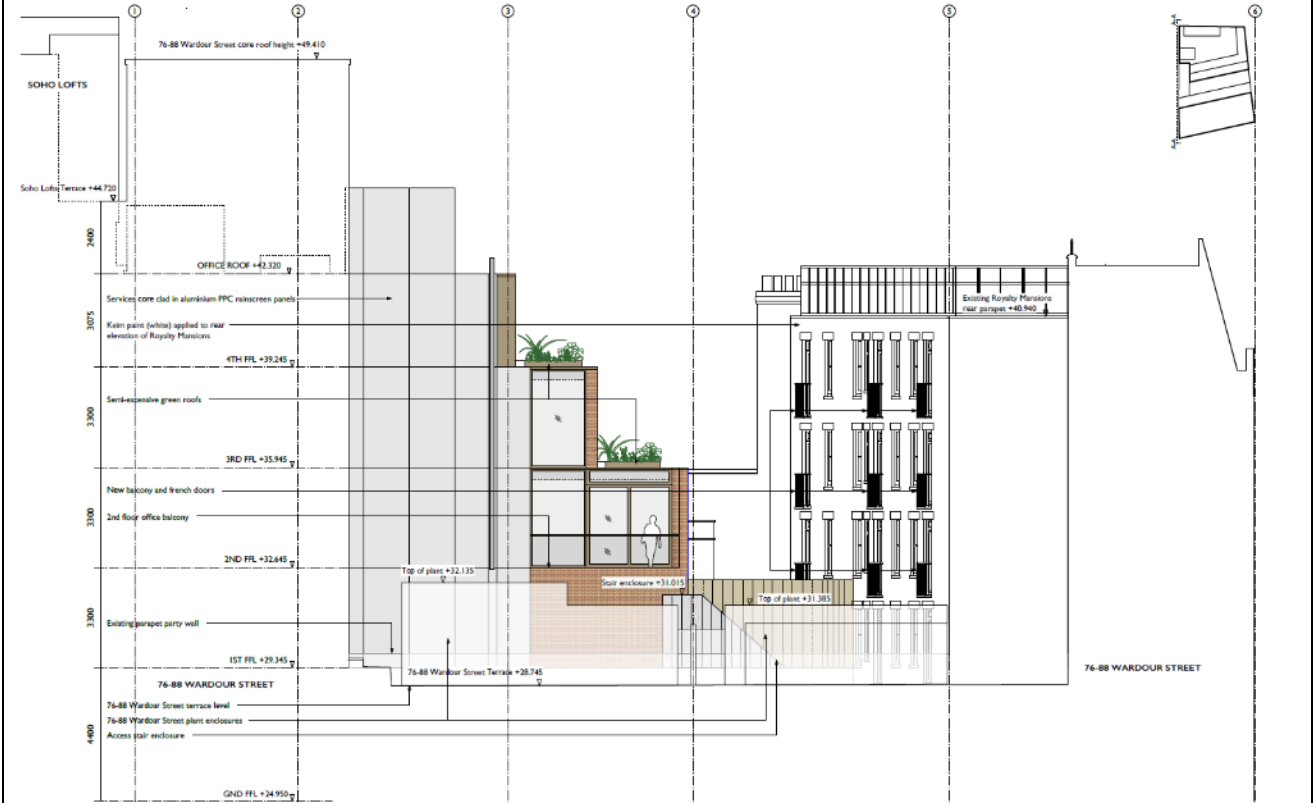
Proposed Section G-G (Looking North)



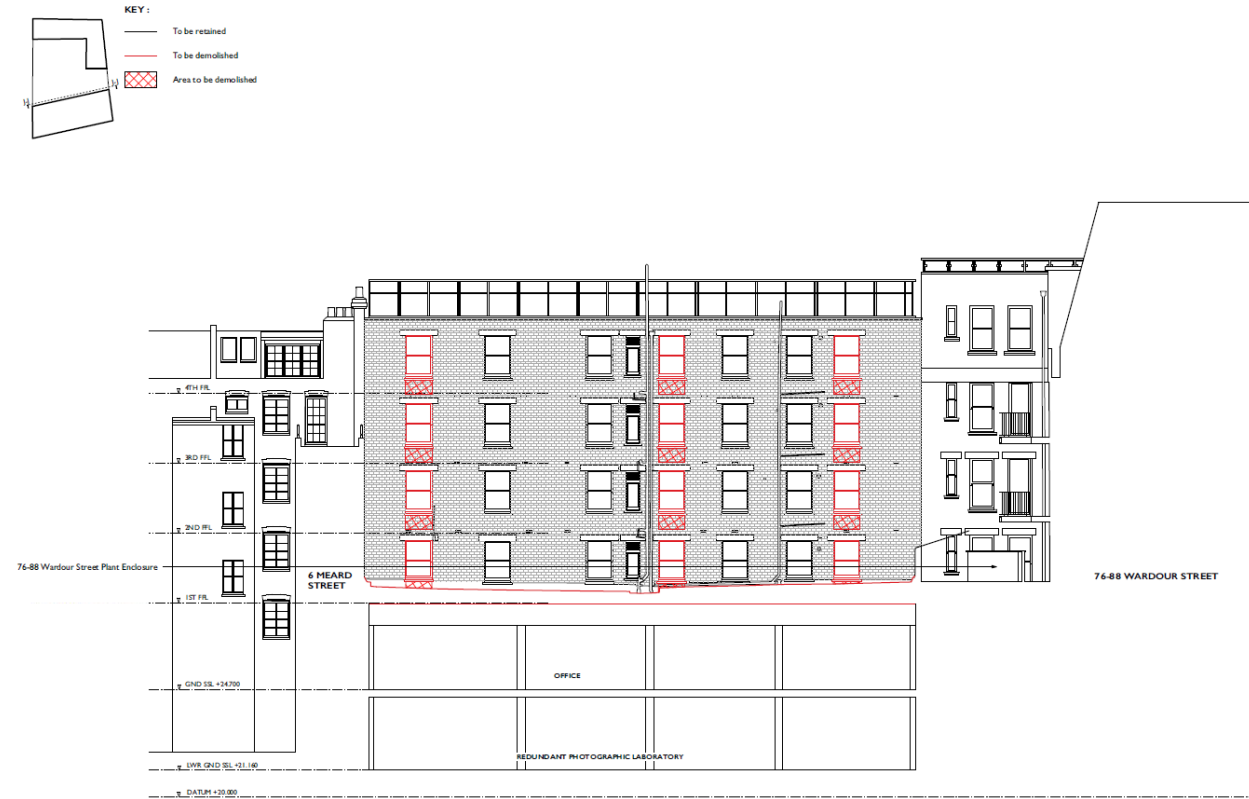
Existing/Demolition Section A-A (Looking East)



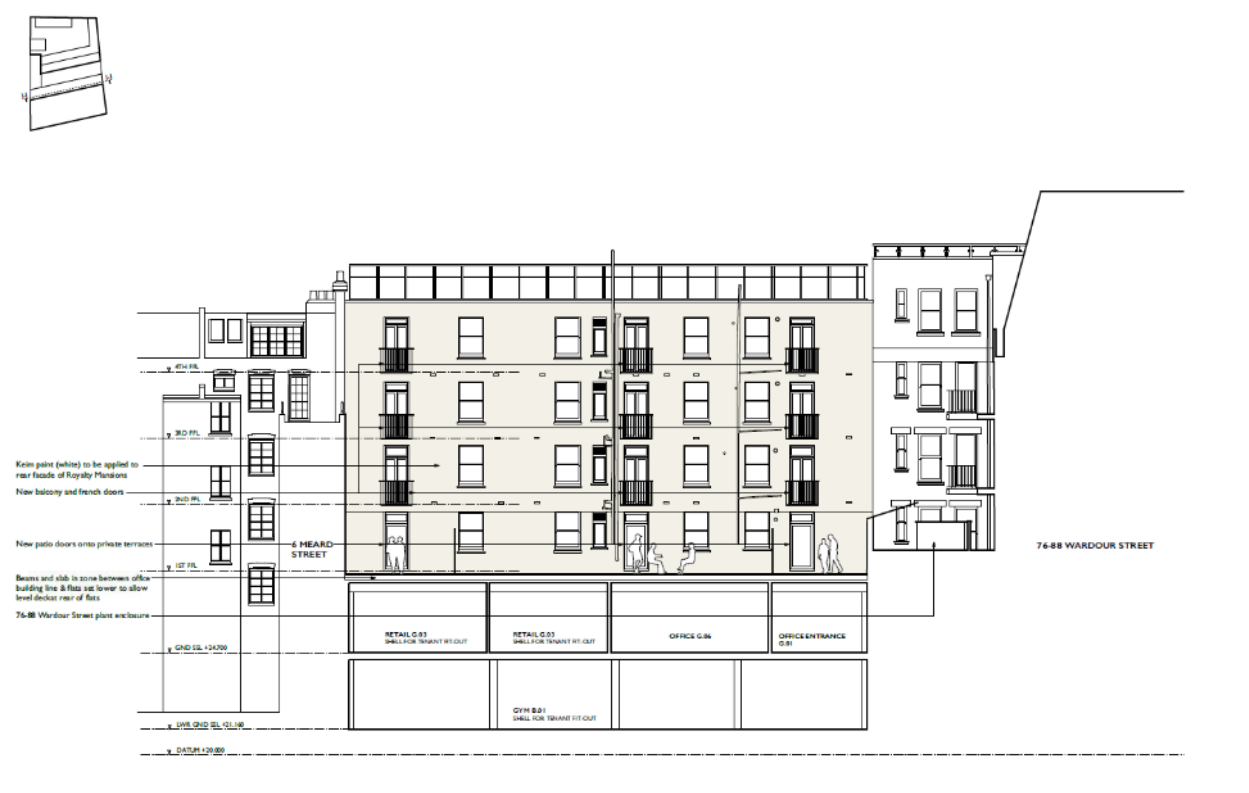
Proposed Section A-A (Looking East)



Existing/Demolition Section J-J (Looking South/Rear of Royalty Mansions)



Proposed Section J-J (Looking South/Rear of Royalty Mansions)



DRAFT DECISION LETTER

Address: 8-14 Meard Street, London, W1F 0EQ,

Proposal: Demolition of the rear ground, first and second floor office accommodation and replacement with a full width rear extension at first to fourth floors to provide Office (Class B1) floorspace. Change of use of basement to part gym (Class D2) and part office (Class B1) and change of use of part ground floor to retail (Class A1), office (Class B1), gym (Class D2) and residential (Class C3). Replacement shopfronts at ground floor level on Meard Street and amendments to the rear of the existing residential (Class C3) and associated works

Plan Nos: Demolition Drawings:
247.08-160 Rev. P1 ; 274.08-120 Rev. P1 ; 247.08-161 Rev. P1 ; 247.08-162 Rev. P1 ; 247.08-160 Rev. P1 ; 247.08-163 Rev. P1 ; 247.08-164 Rev. P1 ; 247.08-165 Rev. P1 ; 247.08-126 Rev. P1 ; 247.08-122 Rev. P1 ; 247.08-125 Rev. P1 ; 247.08-166 Rev. P1 ; 247.08-121 Rev. P1 ; 247.08-167 Rev. P1 ; 247.08-168 Rev. P1 ; 247.08-127 Rev. P1 ; 247.08-123 Rev. P1 ; 247.08-124 Rev. P1

Proposed Drawings:
247.08-260 Rev. P1 ; 247.08-250 Rev. P1 ; 247.08-14 210 Rev. P_1 ; 247.08-251 Rev. P1 ; 247.08-14 227 Rev. P1 ; 247.08-265 Rev. P1 ; 247.08-255 Rev. P1 ; 247.08-14 260 Rev. P_1 ; 247.08-14 215 Rev. P_1 ; 247.08-257 Rev. P1 ; 247.08-268 Rev. P1 ; 247.08-258 Rev. P1 ; 247.08-14 217 Rev. P_1 ; 247.08-14 216 Rev. P_1 ; 247.08-14 213 Rev. P_1 ; 247.08-14 214 Rev. P_1 ; 247.08-14 Rev. P_2 ; 247.08-14 252 Rev. P2 ; 247.08-253 Rev. P2 ; 247.08-263 Rev. P2 ; 247.08-14 254 Rev. P2 ; 247.08-256 Rev. P2 ; 247.08-266 Rev. P2

Other Documents:
Document titled "8-14 Meard Street Transport Statement" Version 3.1, dated 22 January 2017 created by Urban Flow

Case Officer: Adam Jones

Direct Tel. No. 020 7641 1446

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 apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. 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 using the approved materials. (C26BC)

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 Soho 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)

- 3 You must apply to us for approval of detailed drawings of the following parts of the development
- a. Shopfronts;
 - b. New building at rear (typical details).

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 Soho 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 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:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 5 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 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)

- 6 (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.

- 7 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.

- 8 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

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)

- 9 You must provide the waste store shown on drawing 247.08-14 210 Rev.P1 and 247.08-14 Rev. P2 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the property. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

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)

- 10 No waste (or bins) are to be left on the public highway unless immediately before collection. Any bins used must be promptly removed from the public highway following waste collection.

Reason:

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

- 11 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.

- 12 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)

- 13 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

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)

- 14 No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing, in consultation with Historic England (Archaeology). For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

A) The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B) The programme for post-investigation assessment and subsequent analysis, publication &

dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 15 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

Photo-voltaic panels

You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 16 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application.

- The green wall and three trees at first floor level between Royalty Mansions and the new offices,
- The green roofs at third and fourth floor levels, and
- The planted pergola at plant screen at roof level.

You must not remove any of these features.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 17 You must install the vertical brises-soleil in front of the second and third floor office (Class B1) windows as shown on the approved drawings before the offices (Class B1) are occupied. You must not remove these features.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 18 You must not use the green roofs or the main roof of the building for sitting out or for any other

purpose. You can however use the roofs to escape in an emergency and for access for maintenance.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 19 The two retail (Class A1) units shown on drawing 247.08-14 Rev. P_2 (labelled as "#8 Meard Street" and "#10 Meard Street") must be kept as two separate units. They may not be combined to create a single large retail (Class A1) unit and no unit should be bigger than 77 square metres (GIA).

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 use the two retail (Class A1) units shown on drawing 247.08-14 Rev. P_2 (labelled as "#8 Meard Street" and "#10 Meard Street") for any other purpose other than retail (Class A1). This is despite the provisions of Class C of Part 3 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (or any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 8 of our Unitary Development Plan that we adopted in January 2007 or S24 of Westminster's City Plan (November 2016)

- 21 You must not play live or recorded music in the either of the retail (Class A1) units shown on drawing 247.08-14 Rev. P_2 (labelled as "#8 Meard Street" and "#10 Meard Street") which can be heard outside of the premises.

Reason:

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

- 22 The retail (Class A1) uses and gym (Class D2) use allowed by this permission must not begin until you have fitted self-closing doors at their entrances from Meard Street. 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 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 23 The approved terraces in association with the office (Class B1) use located at first and fourth floors may only be used by occupiers of the offices (Class B1) between the following hours: 09.00-20.30 - Monday – Friday and not at all on Saturdays, Sundays or 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)

- 24 Notwithstanding the provisions of Class A1 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) the retail (Class A1) accommodation hereby approved shall not be used as a food retail supermarket unless otherwise agreed in writing by the City Council as local planning authority

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.

- 25 You must not operate any delivery service from the retail (Class A1) units shown on drawing 247.08-14 Rev. P_2 (labelled as "#8 Meard Street" and "#10 Meard Street"), even as an ancillary part of the primary Class A1 use.

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

- 26 You must only use the area labelled as "Gym" on approved drawings 247.08-14 210 Rev.P1 and 247.08-14 Rev. P2 only as a gym. 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 within Class D2 as we need to ensure that the precise use would have no harmful environmental or amenity impact

- 27 No music from the gym (class D2) use shall be audible outside the site

Reason:

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

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

Reason:

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

- 29 (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 Gym (Class D2) 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 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 Gym (Class D2) 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 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 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.

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 (UDP), 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.

- 30 For music noise, the design of the separating structures between the proposed gym and residential flats should be such that the received music noise level in the residential habitable spaces, with music playing, should 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.

A Sound Limiter shall be installed and set by a competent acoustic engineer so that it maintains compliance with the above criteria. 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:

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 (UDP), 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.

- 31 You must apply to us for approval of details of mitigation measures to be installed in the building to ensure the hereby approved gym (Class D2) use complies with the Council's noise criteria as set out in Conditions 7, 28, 29 and 30 of this permission.

You must not commence the Gym (Class D2) use until we have approved what you have sent us and undertaken the necessary works. Any necessary works approved must be maintained for the life of the approved use.

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 (UDP), 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.

- 32 Customers shall not be permitted within the gym (Class D2) premises outside the following hours:

06:00 - 22:00 on Monday to Friday (not including bank holidays and public holidays), and
08:00 - 21:30 on Saturday, Sundays, bank holidays and public 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)

- 33 You must not allow more than 80 customers into the gym (Class D2) at any one time.

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)

- 34 The two retail (Class A1) units shown on drawing 247.08-14 Rev. P_2 (labelled as "#8 Meard Street" and "#10 Meard Street") may not open to customers outside of the following times:

09.00-20.00 Monday to Saturday
11.00-18.00- Sunday and Bank Holidays

Reason:

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

- 35 You must undertake the servicing of the site in line with the details listed in section 7.2 (Servicing) of the document titled "8-14 Meard Street Transport Statement" Version 3.1, dated 22 January 2017 created by Urban Flow

Reason:

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

- 36 All servicing must take place between 08:00-20:00 on Monday to Saturday and 11:00-18:00 on Sunday and Bank Holidays. Servicing includes loading and unloading goods from vehicles and

putting rubbish outside the building.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties and to protect the environment of people in neighbouring properties as set out in S24, S29, S32 and S42 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and ENV 13 as well as STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

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 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 3 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 4 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 5 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 6 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 7 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 8 With reference to condition 13 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk.

Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

You are urged to give this your early attention

- 9 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)

Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 11 Conditions 6, 7 and 8 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)
- 12 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.
- 13 With regards to Condition 14:
Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

Desk Based Assessment

The desk-based assessment should be provided as soon as possible and include a deposit model of the site's potential based on nearby investigations. Any geotechnical investigations already undertaken should be used too. The results will inform the scope of further archaeological evaluation required prior to any development on the site. Desk-based assessment produces a report to inform planning decisions. It uses existing information to identify the likely effects of the development on the significance of heritage assets, including

considering the potential for new discoveries and effects on the setting of nearby assets. An assessment may lead on to further evaluation and/or mitigation measures.

Geotechnical Monitoring

Archaeological monitoring of geotechnical pits and boreholes can provide a cost-effective means of establishing the potential for archaeological remains to survive on previously developed land or where deep deposits are anticipated. It is usually used as part of a desk-based assessment or field evaluation.

Evaluation

An archaeological field evaluation involves exploratory fieldwork to determine if significant remains are present on a site and if so to define their character, extent, quality and preservation. Field evaluation may involve one or more techniques depending on the nature of the site and its archaeological potential. It will normally include excavation of trial trenches. A field evaluation report will usually be used to inform a planning decision (pre-determination evaluation) but can also be required by condition to refine a mitigation strategy after permission has been granted.

The evaluation should be scoped on receipt of the deposit model and DBA. This should comprise of shored trial pits or trenches and can be combined with any geotechnical investigations to be undertaken. The results will be used to inform on an appropriate mitigation strategy, should this be necessary.

Further information on archaeology and planning in Greater London including Archaeological Priority Areas is available on the Historic England website.

14 With regards to Condition 31:

You may need to submit a supplementary acoustic report to support the details submitted.

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 some Conditions 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 some conditions might also include a calculation approach where measurement is impracticable or a combination of measurement and calculation. Measurement assessment of some conditions requires that residents allow the applicant access to carry out Acoustic testing to demonstrate compliance 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.

Item No.
3

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.