

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 4 April 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	11 Soho Square, London, W1D 3QE		
Proposal	Use of the building as a private members club (sui generis) with external alterations including the replacement of windows and doors, installation of plant with screening and a new rooflight at main roof level and plant within a rear lightwell at second floor level.		
Agent	CBRE Ltd		
On behalf of	LCP Global London		
Registered Number	22/06191/FULL	Date amended/ completed	12 September 2022
Date Application Received	12 September 2022		
Historic Building Grade	Unlisted		
Conservation Area	Soho		
Neighbourhood Plan	Soho Neighbourhood Plan		

1. RECOMMENDATION

Grant conditional planning permission.

2. SUMMARY & KEY CONSIDERATIONS

The application proposes the change of use of the building (current lawful use being a drinking establishment) to a private members club (sui generis) with new windows and doors to the building on the Soho Square and Soho Street elevations. A new openable rooflight is proposed at main roof level with plant and associated screening. Replacement plant is also proposed on a flat roof area to the rear second floor level where there is existing plant.

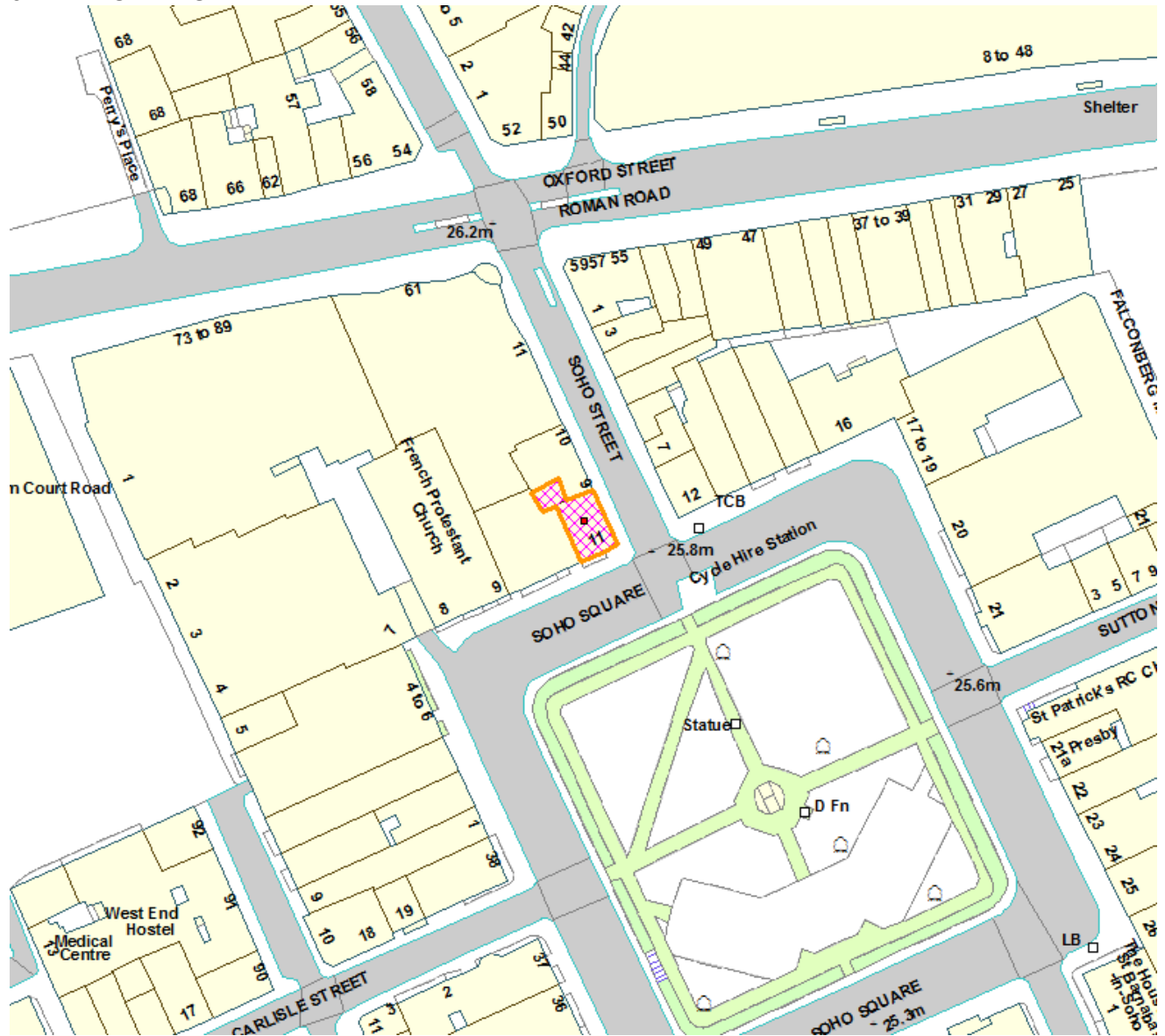
The key considerations in this case are:

- The acceptability of the loss of a use serving visiting members of the public within the Central Activities Zone.

Whilst the loss of a use serving visiting members of the public from within the Central Activities Zone

is undesirable, the proposed use as a small scale private members club is considered an acceptable alternative use and given the location the proposal is considered acceptable on these grounds. Subject to appropriate conditions, the proposal is complies with relevant adopted City Plan 2019-2040 policies and is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Elevations of the building to Soho Street and Soho Square:



5. CONSULTATIONS

5.1 Application Consultations

SOHO SOCIETY

No objection – “provided the operating hours of the members club are reduced from 4am. We note the support, with qualification, of new private members clubs in the Soho Neighbourhood Plan, Policy 10B, and recommend that the council obtain more detailed information about the membership criteria for the proposed club in order to satisfy this policy.”

CLEANSING

Further information requested [addressed by condition].

HIGHWAYS

No objection subject to conditions.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 49

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application. Flyers detailing the proposal were sent to 65 local commercial and residential occupiers along Soho Street and Soho Square; this included the contact details of the agent for the applicant and invited responses. The flyer was also sent to the relevant West End Councillors, the Soho Society and the Soho Neighbourhood Forum. According to the applicant the responses from the Soho Society and Soho Neighbourhood Forum were as follows:

“The Soho Society response flagged up the status of 11 Soho Square as an unlisted building of merit, the presence of numerous listed buildings in the vicinity and the importance of a sensitive and appropriate scheme in this context. As this application submission demonstrates, the proposed external alterations will preserve and enhance the character and appearance of this part of the Soho Conservation Area. The Soho Neighbourhood Forum confirmed they do not get involved with planning and licencing matters directly but flagged up Soho’s published Neighbourhood Plan. This has been reviewed and assessed accordingly as relevant to these proposals given (as identified above) it forms part of the development plan for this part of Westminster.”

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

The Soho Neighbourhood Plan includes policies on a range of matters including housing, residential amenity, air quality and climate change, traffic and servicing, green infrastructure, pedestrians and cycling and waste and recycling.

It has been through independent examination and was supported by local residents and businesses in a referendum held on 2 September 2021. It was adopted on 8 October 2021. It therefore forms part of the development plan for Westminster for development within the Soho neighbourhood area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

11 Soho Square is an unlisted property located in the Soho Conservation Area on the northern side of Soho Square. The building comprises of basement, ground and first to fifth floor levels. A Certificate of Lawfulness was granted on the 1st September 2016 for the 'Use of basement to fifth floor as Use Class A4', Use Class A4 being a 'drinking establishment' under the previous use class order. The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 were introduced by central

government on 20 July 2020 and took effect on 1 September 2020. These changes mean that 'drinking establishments' are now a sui generis use. The building is currently vacant.

7.2 Recent Relevant History

16/07699/CLOPUD - Use of basement to fifth floor as Use Class A4. Application permitted on the 1st September 2016.

8. THE PROPOSAL

Planning permission is sought for the use of the property as a private members club. The proposed refurbished building will consist of a private drinking/ dining area at Ground Floor level, a room that can be converted to host private events on the 1st Floor, a private dining room and multi- purpose space available for hire on the 2nd Floor, a listening lounge on the 3rd Floor, a small venue equipped for musical performances on the 4th Floor and a casual lounge on the 5th floor. The Basement will consist of a full-service kitchen equipped to prepare a small menu and will also host most of the property's mechanical equipment. Physical works include the replacement of windows and doors on the Soho Square and Soho Street elevations, installation of a sliding glass rooflight at main roof level and the installation of plant with associated screening at main roof level and on a flat roof area at rear second floor level.

The planning agent advises that proposed occupier is a group of individuals who already operate a number of music inspired venues in Los Angeles and this would be their first venture in London. The agent states that the occupier 'envisioned Soho Square emphasizing the creation and listening enjoyment of music among a curated and limited number of likeminded individuals in a unique and intimate environment.'

DETAILED CONSIDERATIONS

8.1 Land Use

Existing Use

The existing use of the entire building is as a drinking establishment which was previously in Use Class A4 and was confirmed in the granted Certificate of Lawfulness in 2016. Since the amendments to the Use Class Order in 2020, drinking establishments are now considered a sui generis use, which includes 'public houses, wine bars and drinking establishments'.

Policy HC7 of the London Plan and Policy S16 of the City Plan 2019-2040 both seek to protect public houses. There is no definition included in either the London Plan or the City Plan as to what is a 'public house' and in Central London a pub can take several forms and in a place like Westminster and particularly the West End, there are many hybrid forms of establishments that may incorporate some elements of the traditional pubs. The City Council holds a data set on the identified public houses within Westminster which was used in the evidence base for the City Plan, which identified 439 public houses in Westminster. This did not include 11 Soho Square.

However, the premises is listed as a public house on the GLA list of London's Pubs. Policy HC7 of the London Plan states that local authorities should protect public houses where they have a heritage, economic, social or cultural value to local communities, or where they contribute to wider policy objectives for town centres, night-time economy areas (etc.). The City Plan also refers to protecting the social/community role of pubs (see City Plan para 16.5).

Following consultation with the Policy Team the view is taken that while the existing use may be contributing to the function of the West End, it does not seem to have a social or cultural value to the local community and has not been listed as an Asset of Community Value. It is therefore not considered the existing operation is as a public house and is more of a general drinking establishment.

The City Plan contains no specific policies to protect drinking establishments which are not public houses. However, Policy 14 of the City Plan does state that; *'Uses that provide active frontages and serve visiting members of the public will be required at the ground floor throughout the town centre hierarchy.'* The proposal would result in the loss of a use that serves visiting members of the public as by definition a private members club would require you to be member to gain access and therefore would not be open to the general public.

It is also noted that the site is within the Cumulative Impact Zone, an area designated as part of the Council's licensing functions, which indicates that the area is saturated with licensed premises causing a number of problems due to excessive alcohol consumption.

Proposed Use

The adopted Soho Neighbourhood Plan 2019 - 2040 includes Policy 10: Private Members' Clubs. Part B of the policy considers new private members' clubs in Soho and states; *'Proposals for new private members' clubs will only be supported where they can show that they will add vitality to Soho and demonstrate that their potential adverse impacts can be adequately mitigated.'* In the supporting text it states: *'This policy seeks to support the role that many private members' clubs play as networking venues for creative industries and business clusters. Networking is an important function and part of Soho's character and culture.'* The response from the Soho Society notes this support but queries the proposed membership criteria and would like the operating hours of the members club to be reduced from 4am.

Section 8 above describes how the building will be used and that the intended use is related to the music industry. Although details are limited this is considered to adequately address the query raised by the Soho Society and demonstrates that the use is appropriate, given Soho's history of music venues.

There are no conditions on previous planning consents in relation to the existing drinking establishment use. The granting of planning permission allows for the imposition of conditions in relation to the hours of operation of the unit and the capacity. The hours of use sought are the same as the previous license for the premises which are Monday to Thursday 07:00 until 01:00, Friday and Saturday 07:00 until 04:00 and Sundays 07:00 until 01:30. Taking into account the previous drinking establishment had no conditions on hours or capacity, that the hours are no later than the previous license and the private

members club would be more tightly controlled than a drinking premises, these opening hours are considered to be acceptable, especially in this location just off Oxford Street. There are some residential properties in the immediate vicinity (the nearest being next door to the west at 10 Soho Square, who have not raised any objections to the proposals) but there are not considered to be any reasonable grounds for insisting on the Soho Society's request for the 4am closing time to be reduced. A condition is also included to restrict the capacity of the premises to 300 people.

An Operational Management Plan has been submitted with the application detailing how the operation will be managed to ensure the use does not result in any detrimental noise or nuisance for nearby occupiers. It includes details of training for staff and that a manager will be on duty at all times; management of customers leaving the premises; ordering taxis for those needing one; details of membership; security measures such as the presence of door staff and CCTV monitoring. The implementation of these measures will all help to ensure the operation of the unit does not result in an amenity impact upon nearby residents. A condition is included to ensure the use operates in accordance with the stipulations in the OMP at all times.

With regard extraction from the basement kitchen the proposal is to use the existing high level extract duct located at the rear of the premises which terminates above the main roof level. The extract serves the existing kitchen in the basement of the property. This is considered an acceptable method to ensure suitable cooking odour dispersal and a condition is included to ensure this is used and retained for as long as the use is in operation. Environmental Health have confirmed the duct will be suitable for the proposed use.

Use Conclusion

It is noted that the loss of a ground floor use open to visiting members of the public would be contrary to the requirements of Policy 14 but given the private members club will cater primarily to the music industry which is one of the major industries in the area and will provide a valuable site for networking and showcasing new talent and supporting new artists the change of use is considered acceptable. The building also has a long-standing use as a drinking establishment and is located within the Central Activities Zone and the West End Retail and Leisure Special Policy Area where entertainment uses are less likely to result in an amenity impact. It is also noted that the use will still provide an active frontage to members of the public walking past.

8.1 Environment & Sustainability

Sustainable Design

The refurbishment of the building allows for the installation of a variety of sustainable design features including the replacement of the existing roof system with better thermally enhanced roofing, upgrades to the building services, new windows and doors, air source heat pumps for heating and cooling, better insulation and low use water equipment. A BREEAM report has been submitted with the application to identify and quantify the sustainability improvements to the building. This shows the renovated building will achieve an estimated BREEAM score in the region of 63.5%. This is 8.5% above the 55% benchmark for BREEAM 'Very Good'. Given this application is for a

change of use and minor external alterations to an unlisted building of merit, and there is a very small roof area to facilitate the installation of solar panels or a green roof, the improvements to the energy performance of the building are acceptable.

The incorporation of the proposed sustainable design features ensures the proposal complies with Policy 38 of the City Plan which requires; ‘development will enable the extended lifetime of buildings and spaces and respond to the likely risks and consequences of climate change by incorporating principles of sustainable design...’

8.2 Biodiversity & Greening

There is limited availability for improvements to biodiversity / greening given the small space of the site and the limited remaining roof space for any green roof area.

8.3 Townscape, Design & Heritage Impact

Legislative & Policy Context

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

Section 72 of the LBCA Act requires that *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 requires that where development will have a visibly adverse effect upon a conservation area’s recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

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

11 Soho Square is an unlisted building in the Soho Conservation Area to which it makes a positive contribution. It dates from circa 1930 and has fine facades of Portland stone to Soho Square and Soho Street. Numerous listed buildings are nearby, and the site lies in LVMF Protected Vista 2B.1 Parliament Hill Oak Tree to the Palace of Westminster.

The proposed alterations involve, amongst other things, replacement windows to the upper floors, new entrance doors, and the erection of a large screened enclosure at roof level to contain mechanical plant.

There is no objection to these alterations, in design and heritage asset terms, which will suit the appearance of the building, maintain the character and appearance of the surrounding conservation area, and preserving the setting of nearby listed buildings. The

increased height of the building has no impact on the protected vista and it still will be lower than the recently erected building to the north in Oxford Street. This accords with City Plan policies 38, 39, and 40, and with the Soho Neighbourhood Plan.

8.4 Residential Amenity

Windows / Skylights -

The proposal includes the installation of larger openable rooflights at main roof level and the installation of new openable windows on both elevations of the building. The openable windows and skylight will help to facilitate cooling of the premises and reduce demand for energy. To ensure the windows / skylight are not kept open at times that would result in noise nuisance to nearby residents a condition is included to ensure the windows / skylights are closed between the hours of 23:00 and 08:30.

Plant Noise -

In relation to noise from the proposed plant, the application has been considered in the context of Policy 33 of the City Plan 2019-2040. This policy seeks to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance resulting from plant operation.

An acoustic report has been submitted in relation to the installation of the plant equipment. Plant is proposed in three locations, being the main roof level, flat roof area in a rear second floor lightwell and a new fan to the existing kitchen extract duct which will be located at rear second floor level. An assessment has been made to residential windows at 11 Soho Street to the north and 10 Soho Square to the west.

It is proposed the plant can operate between the hours of 07:00 and 04:00 daily. The Environmental Services Officer has assessed the documentation and confirmed that the plant operation will be compliant with the City Council criteria. Conditions are included to control noise, vibration levels and the installation of the acoustic attenuation as detailed in the acoustic report.

With regard the emergency plant there is a different condition as this can operate at higher noise levels as it will only operate for a limited time.

Internal Noise Transmission -

The submitted acoustic report includes assessments of the expected noise resulting from the use, the building fabric and the potential for internal noise transmission through the building to the neighbouring residential building to the west (10 Soho Square). The acoustic report includes recommendations for increased acoustic mitigation for internal transmission which includes party wall acoustic upgrades including additional plasterboard lining/insulation and acoustic upgrades to the ceilings of levels 4 and 5 in order to assist with the reduction of flanking noise transmission.

This has been reviewed by Environmental Health and deemed acceptable subject to conditions to control the internal noise level and ensure the acoustic mitigation measures detailed are installed to the specification detailed and retained in situ.

8.5 Transportation, Accessibility & Servicing

The site is located within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those controls. The majority of trips associated with the site (excluding servicing activity) will be via public transport or other sustainable modes (eg walking, cycling) and will not have a significantly detrimental impact on the safety or operation of the highway network. The site is close to Tottenham Court Road station and there are a number of bus routes on nearby Oxford Street. Taxi use associated with the operation is likely to be similar to the existing use.

Servicing and Waste & Recycling Storage

Policy 29 requires off-street servicing and freight consolidation. Deliveries, goods left and waste collection on the highway create an obstruction to pedestrians and have an adverse impact on the improvements to the public realm. Delivery vehicles stopping on the highway can also result in localised congestion to other motorists.

No off-street servicing is indicated for the development. A Servicing Management Plan (SMP) and an Operational Management Plan (OMP) are provided and have been assessed by the Highways Planning Manager. The reports contained limited detailed information on how the servicing of the premises containing only outline information on servicing and process. The Highways Planning Manager has requested a condition be included on any permission requiring the submission of a revised SMP. This should clearly identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised, in this case. A condition has been included as requested.

The Cleansing Manager has requested further information in relation to the storage facilities for the waste and recycling and a condition is included to require the submission of amended drawings to show suitable provision.

Highway Impact

The Highways Planning Manager has also raised concerns should the unit operate a delivery service as to the impact on the local highway and competition for parking space and delivery drivers waiting in the vicinity. As requested a condition has been included to state no delivery service can operate from the premises.

A condition is included to require all doors to open inwards to ensure they do not open out over the public highway and cause an obstruction to pedestrians.

Cycling & Cycle Storage

No provision of cycle parking has been shown on the drawings for either staff or patrons. Although this is disappointing, given there is no increase in floorspace at the property it cannot be insisted upon.

8.6 Economy including Employment & Skills

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

8.7 Other Considerations

None.

8.8 Environmental Impact Assessment

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

8.9 Planning Obligations & Pre-Commencement Conditions

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

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition. No pre-commencement conditions are proposed on this application.

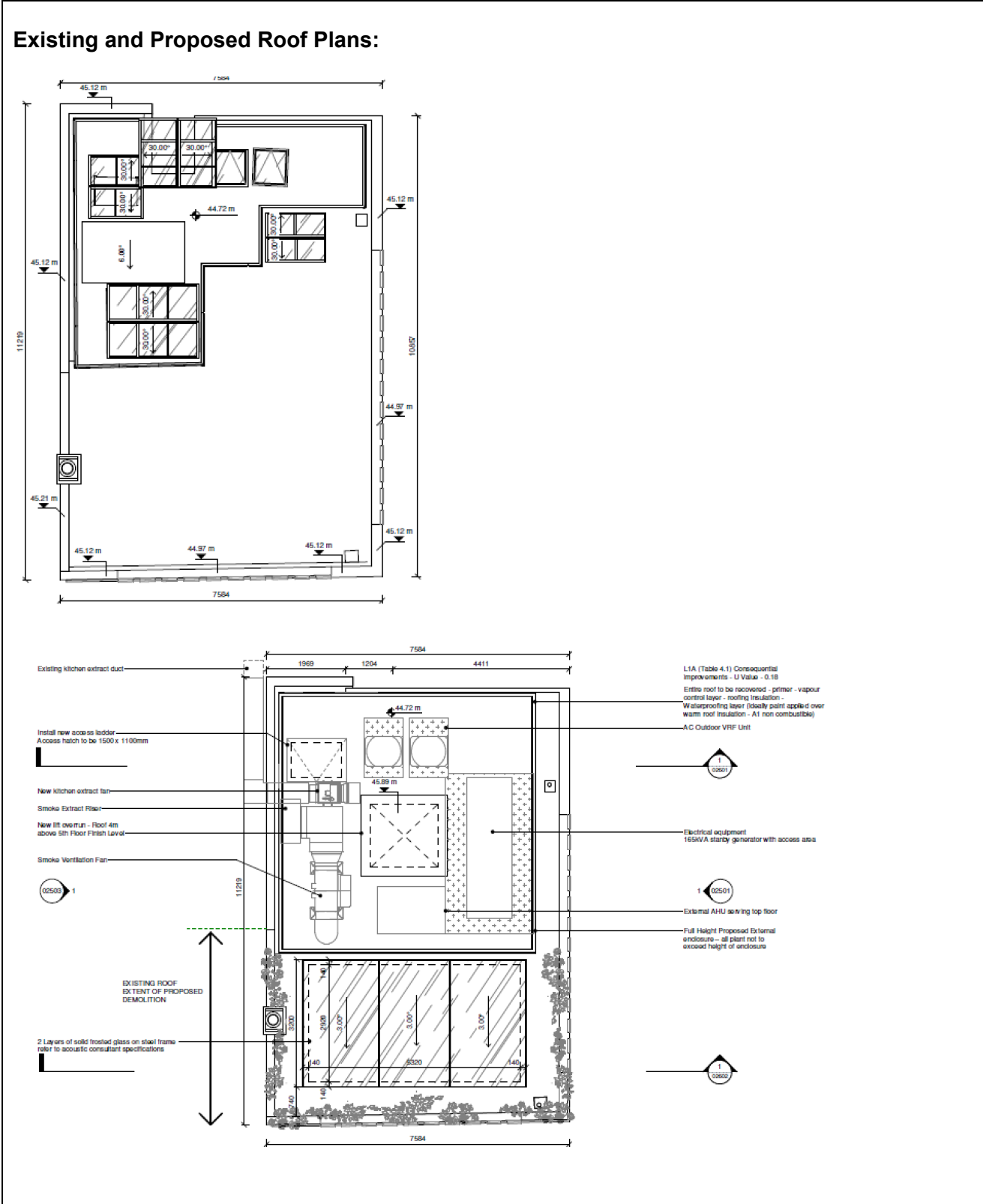
9. Conclusion

The proposed use of the building is considered acceptable with regard the relevant policies of the Soho Neighbourhood Plan and the City Plan and with the inclusion of relevant safeguarding conditions therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990."

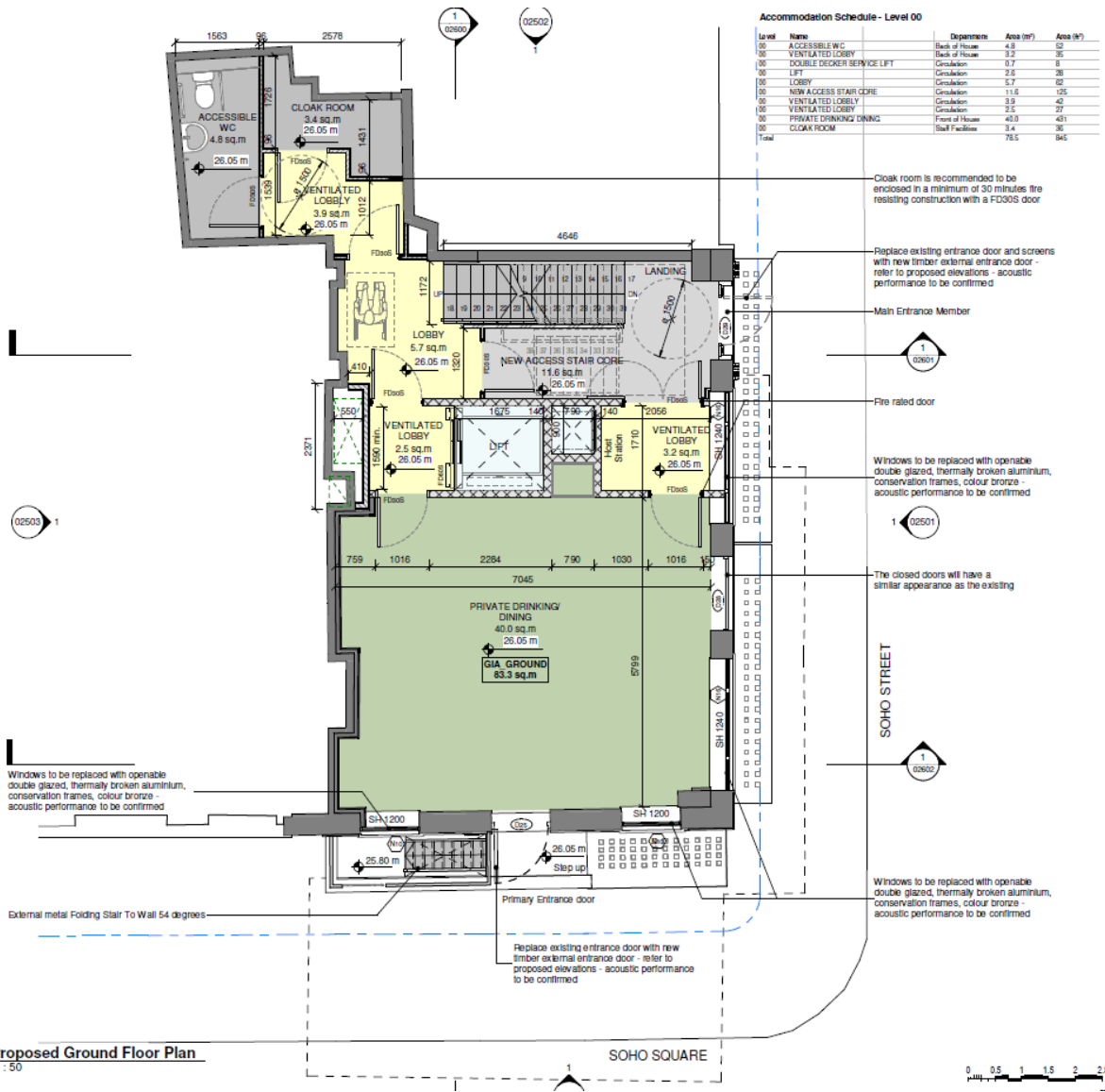
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

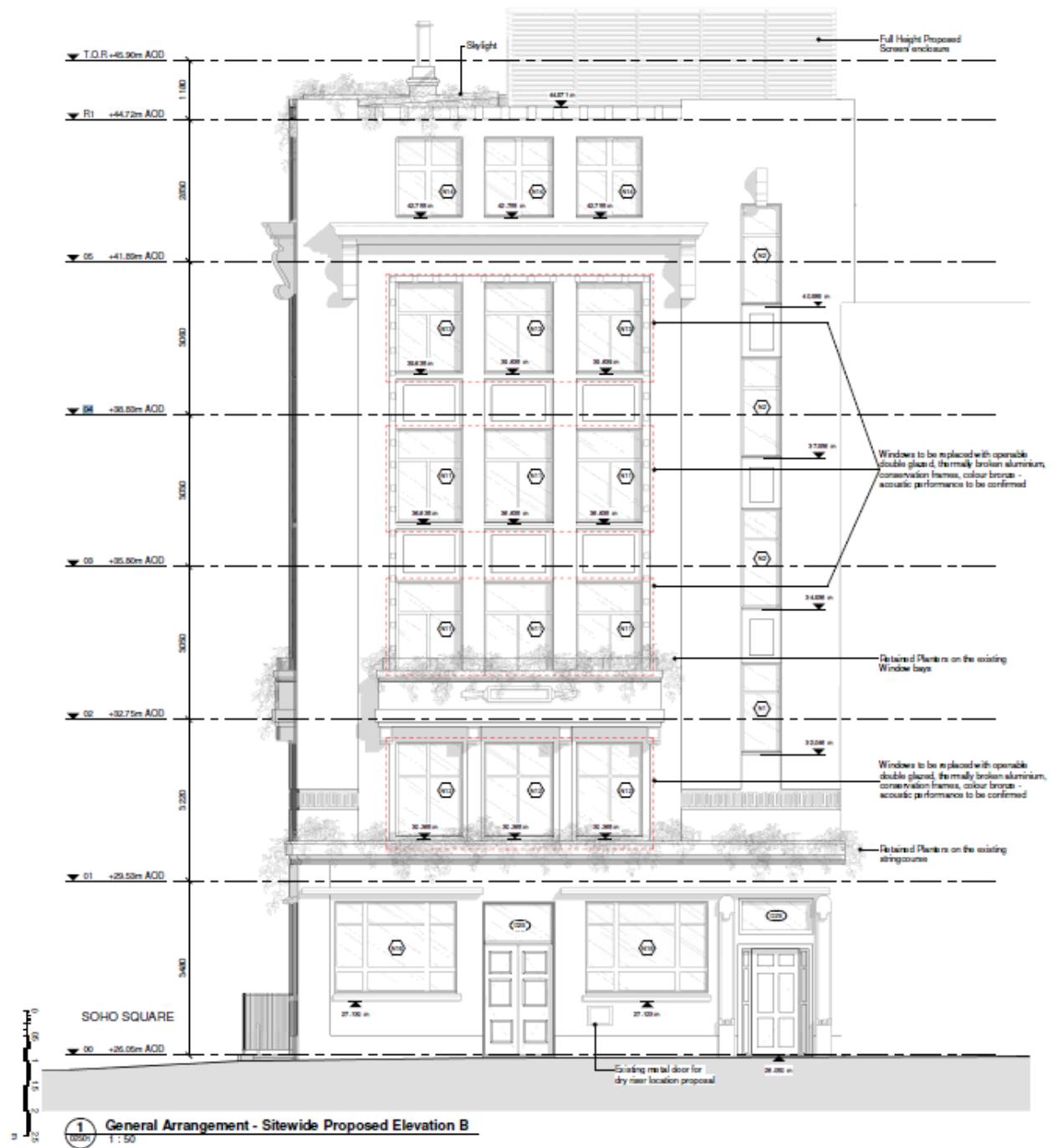
10. KEY DRAWINGS



Proposed ground floor:



Proposed Soho Street Elevation:



DRAFT DECISION LETTER

Address: 11 Soho Square, London, W1D 3QE

Proposal: Use of the building as a private members club (sui generis) with external alterations including the replacement of windows and doors; installation of plant with screening and a new rooflight at main roof level and plant within a rear lightwell at second floor level.

Reference: 22/06191/FULL

Plan Nos: Acoustic Report 11S/NAREPENV REV: 21/11/22, Operational Management Strategy dated 5 September 2022, 11 Soho Square - Ventilation Report (dated 18 08 2022), Drawings: 6895 SRA ZZ 00 DR A 02400 RevP01, 6895 SRA ZZ 01 DR A 02401 RevP01, 6895 SRA ZZ 02 DR A 02402 RevP03, 6895 SRA ZZ 03 DR A 02403 RevP01, 6895 SRA ZZ 04 DR A 02404 RevP01, 6895 SRA ZZ 05 DR A 02405 RevP01, 6895 SRA ZZ B1 DR A 02399 RevP01, 6895 SRA ZZ R1 DR A 02410 RevP04, 6895 SRA ZZ ZZ DR A 02500 RevP01, 6895 SRA ZZ ZZ DR A 02501 RevP01, 6895 SRA ZZ ZZ DR A 02502 RevP01, 6895 SRA ZZ ZZ DR A 02503 RevP01, 6895 SRA ZZ ZZ DR A 02600 RevP01, 6895 SRA ZZ ZZ DR A 02601 RevP01, 6895 SRA ZZ ZZ DR A 02602 RevP01.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641
07866040155

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and,
 - o not at all on Sundays, bank holidays and public holidays.

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

- o between 08.00 and 18.00 Monday to Friday; and,
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for

example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 The plant screening at roof level must be finished dark grey and be maintained that colour.

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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. You must not occupy the private members club use hereby approved until we have approved what you have sent us. You must then provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark them and make them available at all times to everyone using the private members club. You must not use the waste and recycling store for any other purpose. (C14GB)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

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

Reason:

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

- 7 Prior to the operation of the private members club hereby approved you must apply for approval of a Servicing Management Plan. This must thereafter be followed / maintained at all times that the private members club is in operation, unless a revised strategy is approved (in writing) by the Local Planning Authority. The plan must identify process, internal storage locations, scheduling of deliveries and staffing as well as a clear process for managing vehicle sizes.

Reason:

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

- 8 You must not operate a food / drink delivery service, even as an ancillary part of the primary private members club use.

Reason:

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

- 9 The windows and skylight must be closed between the hours of 23:00 and 08:30 (the following morning) daily.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)

- 10 You must carry out the measures included in your management plan dated 5 September 2022 at all times that the private members club is in use. (C05KA)

Reason:

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

- 11 You must operate and retain the high level extract duct on the rear elevation of the property as detailed in the Ventilation Report dated 18th August 2022 for as long as the private members club is in use.

Reason:

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

- 12 Customers shall only be permitted within the private members club during the following hours:

Monday to Thursday - 07:00 until 01:30;

Friday and Saturday - 07:00 until 04:00;

Sundays - 07:00 until 00:00 (midnight).

Reason:

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

- 13 You must not allow more than 300 customers into the property at any one time. (C05HA)

Reason:

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

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

procedures; (g) The lowest existing LA90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

- 15 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

- 16 The plant/machinery hereby permitted shall not be operated except between 07:00 hours and 04:00 hours daily. (C46CA)

Reason:

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

- 17 You must install all the internal acoustic mitigation measures as detailed in the acoustic report before the private members club can operate. These measures must thereafter be maintained in this form for as long as the club remains in operation.

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning

Document (February 2022). (R49BB)

- 18 The design and structure of the building shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. For any music noise; the indices of Leq and LFMax in the octave bands 31.5 Hz, 63 Hz and 125 Hz should be at least 10 dB below the existing background noise level measured in terms of L90,5mins (31.5Hz, 63Hz, 125Hz) inside the neighbouring premises. For music noise where access to relevant habitable spaces is unavailable; the design of the separating structures should be such that the received music noise level in the habitable spaces, with music playing, should be demonstrated through calculation to not exceed a rating of NR20 (Leq, day time), NR15 (Leq, night time) and NR30 (LFMax, night time).

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49BB)

- 19 If there is a musical amplification system at the premises played above background levels, then a suitable noise limiter must be fitted to comply with condition 18.

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49BB)

- 20 The emergency plant and generators hereby approved shall only be used for the purpose of public safety and life critical systems and shall not be used for backup equipment for commercial uses such as Short Term Operating Reserve (STOR). The emergency plant and generators shall be operated at all times in accordance with the following criteria: (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the LA90, 15 mins over the testing period) by more than 10 dB one metre outside any premises. (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required in an emergency situation. (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays. (C50AC)

Reason:

Emergency energy generation plant is generally noisy, so in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You must register your food business with the Council, please use the following link: www.westminster.gov.uk/registration-food-business. Please email the Environmental Health Consultation Team (Regulatory Support Team 2) at ehconsultationteam@westminster.gov.uk for advice on meeting our standards on ventilation and other equipment. Under environmental health legislation we may ask you to carry out other work if your business causes noise, smells or other types of nuisance.
- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: www.westminster.gov.uk/street-naming-numbering. (I54AB)
- 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 shop.bsigroup.com/: BS 6465-1:2009: Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances, BS 6465-3:2009: Sanitary installations. Code of practice for the selection, installation and maintenance of sanitary and associated appliances. (I80HA)

- 5 For advice on how you can design for the inclusion of disabled people please see the guidance provided by the Equality and Human Rights Commission, the Centre for Accessible Environments and Habinteg. The Equality and Human Rights Commission has a range of publications to assist you (www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility' (2012) is a useful guide (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.
- 6 In relation to Condition 7 of this consent the Servicing Management Plan should clearly identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised. This must be provided for waste / recycling collection and storage as well.
- 7 With regard the kitchen extract ventilation duct. The ducting vertical discharge should not be hindered by a cap or cowl and have a sufficient discharge velocity to limit the potential entrainment of exhaust air. All fume producing cookline equipment must be placed under the extraction canopy. The general ventilation within the kitchen must be designed to provide sufficient air changes within the workspace and achieve an upper ambient temperature in accordance with Building & Engineering Services Association (BESA) guidance document DW172 -2018 or as updated. The kitchen extract ducts must be fitted with doors/hatches for cleaning and maintenance, at approximately 2-3 metre intervals or in compliance with the BESA document TR19 for cleaning and maintenance. Any cladding to the ducting must be made of non-flammable materials (approved by Building Control and/or Fire Brigade) and still allow access to any cleaning and maintenance doors/hatches. Access to the ducting must comply with the Health & Safety safe access standards.
- 8 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 9 Smoke Control Area Informative: The whole of the City of Westminster is a Smoke Control Area under the Clean Air Act 1993. Thus premises cannot emit smoke unless burning an 'authorized fuel' or using 'exempt appliances'. Further information can be found at the following government website: <https://www.gov.uk/smoke-control-area-rules>.

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.