

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 August 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	8-14 Meard Street, London, W1F 0EQ		
Proposal	Use of part ground and basement floors as leisure facility (Sui Generis).		
Agent	DP9		
On behalf of	Pitch Golf		
Registered Number	21/02628/FULL	Date amended/ completed	4 May 2021
Date Application Received	22 April 2021		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

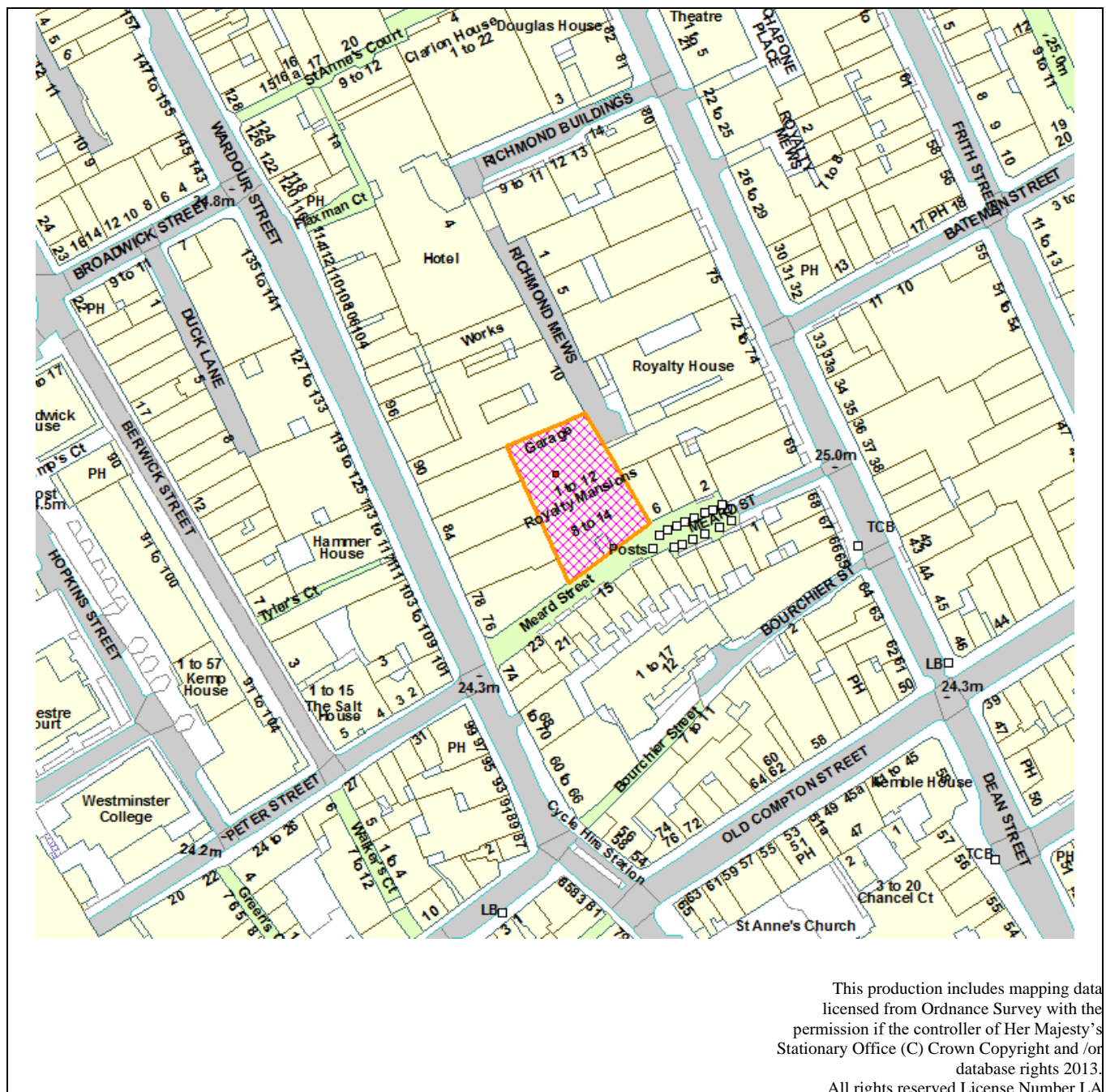
The application site comprises 12 flats ('Royalty Mansions') on the first to fourth floors of the building fronting Meard Street, approved gym and office uses on the basement and ground floors and offices on the first to fourth floors of a separate block to the rear. The building has recently been partially extended and refurbished, to provide the gym and additional office floorspace, pursuant to permissions granted in 2018 and 2019. This application seeks to change the use of the approved gym area at basement and part ground floor to a leisure facility, accessible only to members, to train and develop their golfing skills in a dedicated, managed space, with on-site instructors, while also providing space to play casually and socially.

The key issues for consideration are:

- The impact on neighbouring residential amenity of the proposed use, and
- The loss of the approved gym use.

The proposals are considered to be in accordance with relevant national and local policies with regard to land use, transportation and amenity impact. This is subject to strict conditions controlling the operation of the proposed use. For these reasons, it is recommended that conditional permission be granted.

### 3. LOCATION PLAN



4. PHOTOGRAPHS



## 5. CONSULTATIONS

### SOHO SOCIETY

Objection - Concern over music and dancing which creates a nightclub like environment which would be inappropriate in Meard Street - request a condition to prevent music and dancing and that the closing hour on Wednesday to Saturday is reduced to 22:00.

### HIGHWAYS PLANNING TEAM

Objection – Cycle storage not provided. Concern raised over servicing.

### WASTE PROJECT OFFICER

Objection - Waste details submitted are not in line with the council waste storage requirements.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 48

Total No. of replies: 6

No. of objections: 3

No. in support: 3

Three objections have been received, including one objection from the Meard and Dean Street Residents Association (MDSRA), on all or some of the following grounds:

- Closing time of 23:30 is too late,
- Condition to ensure that the unit is empty by 22:00,
- Closing times on Wednesday to Saturday to be reduced to 22:00,
- Concern over smoking and congregating outside on the street,
- Concern business has a strong social element, different to that described in the application, as the website (for the applicant's current site in The City) describes various activities including dancing, corporate events, social gatherings, team socials, corporate events, etc.,
- Concern large area of proposed basement given over to a bar and casual seating with additional seating for the golf bays,
- Appears to be no bays set aside for individual practice,
- Believe the correct category of planning permission has not been sought,
- Request for conditions to secure food/drink/social element is ancillary to the golf activity, prohibition on music and dancing, only able to market the space for golf related events and controls to ensure users leave quietly and do not congregate or smoke in the streets,
- Differences between application and what was presented to residents prior to submitting the application (such as longer opening hours),
- Corporate events are inappropriate in this location as Meard Street is recognised as being "...Soho's most residential street...",
- Believe submitted documents agree that corporate events are inappropriate,
- Request for prohibiting members and staff from using or being a passenger in any motorised vehicle in Meard Street, and that taxis must drop and pick up from Wardour Street or Dean Street and not enter Meard Street, and
- Re-wording of the initially submitted Operational Management Plan requested.

Three comments in support of the application have been received. These include

comments from existing members of Pitch (who are also Westminster residents) contesting that they have never seen dancing at the current site which is used for “*serious golf*” and “*social golf*” and it is not a venue which could be considered a night club or similar.

The supporting comments also express their belief from experience with late night entertainment venues in Westminster outside of stress areas that issues do not arise from the venue itself but from how it is run and, as such, have no doubt that this unit would be run to the highest standard and not cause such issues.

The supporters also note that while residents have the right to comment to seek to protect themselves from poor operators, it must be remembered that this is a street in central London and in a stress area. It is also noted by supporters that should the operation of the unit be poor then complaints can be lodged and the premises license for the unit reviewed accordingly.

It is noted that one supporter does state that they believe that the initially proposed closing time of 23:30 is too late.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application site is located on the north side of Meard Street, mid-way between Wardour and Dean Streets, within the Soho Conservation Area, the Central Activities Zone (CAZ) and the West End Retail and Leisure Special Policy Area (WERLSPA). The site includes 12 flats (first to fourth floors) within Royalty Mansions which fronts onto Meard Street. The basement and ground floors and a separate block at the rear of the site (first to fourth floors) have recently been refurbished/extended to provide a gym (though the use has yet to commence), and offices (Class E).

### **6.2 Recent Relevant History**

27 February 2018: Permission granted for 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. 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) and gym (Class D2). Replacement shopfronts at ground floor level on Meard Street and amendments to the rear of the existing residential flats in Royalty Mansions (Class C3) and associated works (17/09109/FULL). This has been implemented.

26 June 2019; Permission was granted for the use of part ground floor as offices (B1) accommodation. This area was the part of the building approved for retail use under the February 2018 permission (19/03540/FULL). This has been implemented.

04 August 2020: Retrospective permission was granted for retention of 3 condenser units and the installation of associated acoustic/visual screening on roof of 4th floor of the office building (20/00669/FULL).

## 7. THE PROPOSAL

Planning permission is sought to allow the use of the basement and part of the ground floor as a sui generis leisure facility which will be occupied by Pitch Golf. Pitch use the latest technology to allow its members to train and develop their golfing skills in a dedicated, managed space, with on-site instructors. Attendees are members of Pitch and book a time slot to attend to play. The small ground floor area will provide the front of house welcome/reception area, while all other activities will take place at basement level.

The facility is focused on one-to-one and small group tuition, with some corporate events hosted which would be provided through an individual or corporate membership. Pitch's model comprises of a series of golfing 'bays' – either One-to-one bays to facilitate one-to-one tuition or practice by individual members and more 'social' bays to allow small groups (usually between 4 – 6 people) the opportunity to play/practice/learn in a group setting. The proposals also include a small ancillary bar which will be table service only, with service directly to the golfing bays or the seating areas located around the basement area. There will be no cooking facilities within the premises.

The floorspace figures for the proposal are set out in the table below.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Vacant/permitted gym (Class E)	646	0	-646
Leisure Facility (Sui Generis)	0	646	+646
Total	646	646	0

There are no external alterations and no additional air-conditioning.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

When the gym was permitted in 2018 it fell within Class D2. Following changes to the Use Class Order in September 2020, Class D2 no longer exists and a gym use now falls within Class E (along with a range of other uses such as restaurants, office, creches, retail etc.). However, condition 26 of the permission granted in February 2018 (17/09109/FULL) removes the right to move between other uses within the same use class and restricts the unit to only be used as a gym.

As the operation of the approved gym has not commenced, the fallback position must be considered, i.e., what was the use prior to the permission being granted for a gym and would there reasonably be an opportunity to use the unit in this form again, and/or to implement the development proposed in doing so.



Prior to the permission being granted in February 2018 (17/09109/FULL), the basement and ground floor of 8-14 Meard Street was a long vacant photographic laboratory which, at the time was light industrial, Class B1c. This use now also falls within Class E of the new use class order. However, the photographic laboratory was also protected by a restrictive condition on a historic planning permission. As such, there would be no option to implement the proposed use, or other uses, via a fallback position as both the previous and currently approved uses are restricted to single types of operation.

The applicant advises that despite a marketing campaign running since 2019, an operator has not been forthcoming for the approved gym use. As the approved gym has not been yet bought into use, it would be difficult for the Council to protect a use which had not begun.

The proposed Sui Generis leisure facility (Pitch Golf) will be accessible only to members to train and develop their golfing skills in a dedicated, managed space, with on-site instructors. Attendees are members of Pitch and book a time slot to attend to play. The ground floor area will provide the front of house welcome/reception area, while all other activities will take place at basement level.

City Plan Policy 1 Part A4 seeks to secure a balance of the competing functions of the CAZ as a retail and leisure destination, visitor attraction, global office centre and home to residential neighbourhoods.

City Plan Policy 2 seeks intensification of the WERLSPA through a range of commercial-led developments including leisure uses and through an improved leisure experience that responds to innovation and change in the sector.

City Plan Policy 14 Part C2 states that *“The WERLSPA will provide a wide mix of commercial uses that support the West End’s role as a retail, employment and cultural hub, and as a centre for the visitor, evening and night-time economy”*

The principle of a commercial use attracting visiting members of the public at this location has already been accepted by way of granting the relatively recent planning permission for the approved gym in February 2018 (17/09109/FULL). Additionally, the site was historically in commercial use prior to this, albeit one that would likely not have attracted visiting members of the public.

The applicants advises that the proposed opening hours of the unit are as follows:

- Monday 11:00 - 21:00,
- Tuesday 10:00 - 21:00,
- Wednesday 11:00 - 23:00,
- Thursday 11:00 -23:00,
- Friday 11:00 -23:00,
- Saturday 10:00 - 23:00, and
- Sunday 10:00 - 18:00,

These hours have been the subject of much discussion and negotiation during the course of the application in response to Officer concerns and furthered by the comments received on the application raising similar concerns. The terminal hours for Wednesdays, Thursdays, Fridays and Saturdays have been reduced by 30 minutes

(originally proposed as closing at 11:30pm) in response to these concerns.

The Soho Society and a number of objectors have raised concerns regarding the initially proposed terminal hour stating the original time of 23:30 was too late, requesting a terminal hour of 22:00, and another requesting that a condition be imposed to ensure the unit is empty by 22:00. While the applicant has been pushed to reduce the terminal hour to 22:00, they advise that a terminal hour earlier than 11pm would have a significant impact on their business model, in that the final bookable slot for members to attend would have to be moved to a time which is too early in their opinion.

The permitted gym has terminal hours of 22:00 on Monday to Friday (not including bank holidays and public holidays) and 21:30 on Saturday, Sundays, bank holidays and public holidays, and the hours now proposed by the applicant represent an additional hour of operation. Given that this use is likely to have less impact than the approved gym (which would probably have regular group classes), they are considered acceptable in this instance and the objections in relation to the lateness of the hour cannot be upheld.

The applicant has submitted an Operational Management Plan (OMP) with the application which sets out how they intend to operate the premises. The key aspects in this are:

- The ground floor concierge desk will be manned at all times during opening hours,
- Member entry is by card entry system,
- Guests of member's will be required to provide contact details on entry,
- Additional ground floor staff will be used during corporate events to help smooth running of the event and ensure timely and quiet entry/exit,
- Basement bar will be strictly table service only,
- Sessions are only booked in advance online, helping to avoid overconcentration of users at certain times (unlike a gym which were to offer classes to large groups),
- Servicing and waste collection will take place on Richmond Mews (to the rear of the building, as secured by condition of the permission to redevelop the site),
- Commitment to no noise being audible outside the facility,
- Use of CCTV cameras at entrances (orientated away from neighbouring residential properties),
- A 'no smoking on Meard Street' policy,
- Provision of contact details to local residents and businesses to raise and deal with concerns, and
- 'Two strike' policy for members who cause disturbance on Meard Street. Two strikes would see a members membership revoked.

The details set out in the OMP are comprehensive and cover a large range of possible issues which could arise from the operation of the use. Operation of the unit in accordance with this OMP shall be secured by condition to ensure any possible impact on residential amenity is minimised.

The proposed drawings and the OMP include details of proposed acoustic glazing which is to be installed around the stairs which connect the ground floor to the basement. With the inclusion of the doors in this arrangement it will serve to significantly reduce any possible noise rising up from basement to the ground floor. Such an installation is welcomed and shall also be secured by condition. An objector had requested a range of



changes and rewording to the submitted OMP. While some of these are not deemed reasonable, the applicant has amended the OMP in line with some of the requests of the objector (such as stipulating the CCTV will be orientated away from neighbours).

The already permitted gym use included conditions requiring that no music from that use would be audible outside the site (which the applicant has committed to in their OMP) and conditions ensuring that noise impacts from sound systems is limited by way of a sound limiter to ensure internal noise transmission is not an issue. A condition was also imposed to ensure that the permitted gym unit had a self-closing door fitted at the entrance to prevent noise break out should the door be left open. These conditions shall again be added to the permission for this sui generis use to minimise possible impact on amenity.

The applicants advise that the anticipated capacity of the unit will be up to a maximum of 90 people at any one time. Given that the approved gym had an approved capacity of 80 people but that the nature of the proposed use is considered to have less of an impact, the small increase in capacity is considered acceptable and shall be secured by condition

The Highways Planning Manager has advised that they do not consider that the proposals would lead to a significant increase in the requirement for servicing. While they consider servicing from Richmond Mews at the rear of the site is not ideal (due to vehicles having to reverse), they recognise that it is the only reasonable option for the site as well as being in line with the requirements for the larger site set out by condition under permission granted in February 2018 (17/09109/FULL).

A small ancillary bar is located in the basement for use by members and guests. The bar will be operated on a strict table service basis, with most drinks taken to the bays. The focus of activity within the unit is on playing and practicing golf. Therefore, the bar area is a small part of the overall operation and ancillary. The nature of the basement area is not considered to be club-like or bar-like in nature with the inclusion of this small bar area.

The Soho Society and objectors have raised concerns regarding music and dancing which creates a nightclub like environment, that the business would have a strong social element beyond what is described in the application, concern that the website for the applicant's current site in The City describes various activities including dancing, corporate events, social gatherings, team socials, corporate events, etc.. They also raise concern regarding the large area of proposed basement given over to a bar and casual seating with additional seating for the golf bays and that there appears to be no golf bays for 1-1 practice (increasing the social aspect).

The applicant has addressed these concerns by providing a clearer colour coded proposed drawing showing the 1-1 golf bays, as these were always proposed. Regarding the issues over the statements made on the website, they advise that these are generic historic marketing claims which were developed at the beginning of the development of the Pitch concept. However, the brand has matured in the five years since it was set up and such activity does not occur, nor is it in line with the concept they implement.

Objectors have requested conditions relating to these concerns about the dancing and the use being entertainment focused. They have requested conditions to secure

food/drink/social element as ancillary to the golf activity, a prohibition on music and dancing, that the occupiers are only able to market the space for golf related events and, controls to ensure users leave quietly and do not congregate or smoke in the streets. The latter of these two requests would fail to meet the tests of a suitable planning condition (in that they do not relate to activities on the site and would be deemed unreasonable). However, the applicant has committed to manage people leaving and direct them away from the site and discourage them from congregating and smoking outside. A prohibition on music and dancing would also be unreasonable, especially given the measures already set out above which will minimise any impact on residential amenity (acoustic glazing around the stairs, self-closing doors, sound limiters, and ensuring no music can be heard outside the site). The request to secure the food/drink/social element as ancillary to the golf activity is impractical to impose given that some of the golf bays are designed to be social and that the offer from the bar has been stated as being ancillary from the outset. As such, these aspects of the objections cannot be upheld.

An objector has questioned if the correct category of planning permission has been sought i.e., is a sui generis use appropriate for the use, in light of the perceived 'entertainment' and social elements of the use. Officers consider that sui generis is an appropriate use for the operation proposed here, and therefore do not believe that the objection is sustainable.

An objector states that they consider corporate events are inappropriate in this location as Meard Street is recognised as being "...*Soho's most residential street...*". They also believe that the submitted documents agree with their views that corporate events are inappropriate. Officers do not recognise the claim made by the objector that Meard Street is recognised in such a way and would consider Meard Street to be a mixed use street which is highly typical of the CAZ containing a range of commercial uses (a number of offices, restaurants, a shop) as well as residential properties. While the objector may interpret the applicant's documents in a way that they argue concludes that corporate events are not suitable, officers do not agree. Given the limited capacity of the unit and the operational restrictions to be put in place and the site's location with the CAZ, corporate events of the anticipated scale for the site would not be unsuitable. The objections on these grounds therefore cannot be upheld.

One objector has requested that should permission be granted, it be prohibited for members of Pitch and staff to use or be a passenger in any motorised vehicle in Meard Street, and that taxis must drop and pick up from Wardour Street or Dean Street and not enter Meard Street. Given that the majority of Meard Street is pedestrianised (with the exception of a small portion at the eastern end), this scenario is unlikely to happen anyway. Regardless of this, such prohibitions by condition would not meet the necessary tests for conditions and so be considered unreasonable. As such this aspect of the objections cannot be upheld. Vehicular access would also be a separate matter for the Council as the highways authority.

An objector has expressed their concern over differences between the application submitted and the details that were presented to residents prior to submitting the application (such as longer opening hours being applied for). It would be unreasonable to withhold permission if the applicant has amended the scheme between discussing it with local residents and submitting an application to the Council. Therefore, this

objection cannot be upheld.

On balance and subject to the range of conditions set out above, it is considered that the proposed use is acceptable in this location.

## **8.2 Townscape and Design**

There are no external alterations proposed as part of this application.

## **8.3 Residential Amenity**

Amenity issues in relation to the proposed use have been covered above

## **8.4 Transportation/Parking**

Transport issues in relation to the proposed use have been covered above.

The Highways Planning Manager has assessed the application and raised objection that there is no cycle storage provided within the unit. They advise that the unit needs to provide a minimum of 5 or 6 cycle spaces for staff. While the redeveloped site granted in the February 2018 permission (17/09109/FULL) included cycle storage for the gym use, this was indicatively located within the unit itself. It would therefore be necessary to ensure that the necessary cycle provision is secured in this application. Details of the necessary storage shall be secured by condition.

## **8.5 Economic Considerations**

Any economic benefits generated by the proposal are welcomed, and would be in compliance with City Plan Policy 2, which seeks intensification of the WERLSPA through a range of commercial-led developments including leisure uses.

## **8.6 Access**

Access to the unit will be unchanged by the proposals. Entry will be at ground floor level from Meard Street, with a lift and stairs internally providing access to the basement area.

## **8.7 Other UDP/Westminster Policy Considerations**

Refuse /Recycling

The Waste Project Officer has objected to the application on the grounds that, while a waste storage area is shown on the proposed drawings, the waste details submitted are not in line with the Council's waste storage requirements. Three different waste streams are expected from this development which are general waste, food waste and recyclable materials. The three waste streams must be stored separately in different bins. Details of suitable waste storage will be secured by condition.

## 8.8 Westminster City 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 s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.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.

## 8.9 Neighbourhood Plans

The development plan for Westminster comprises the City Plan 2019-2040 (April 2021) and the London Plan (March 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.

## 8.10 London Plan

This application raises no strategic issues.

## 8.11 National Policy/Guidance Considerations

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2021 unless stated otherwise.

No pre-commencement conditions are proposed.

## 8.12 Planning Obligations

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

## 8.13 Environmental Impact Assessment

Environmental Impact issues have been covered above.

## 8.14 Other Issues

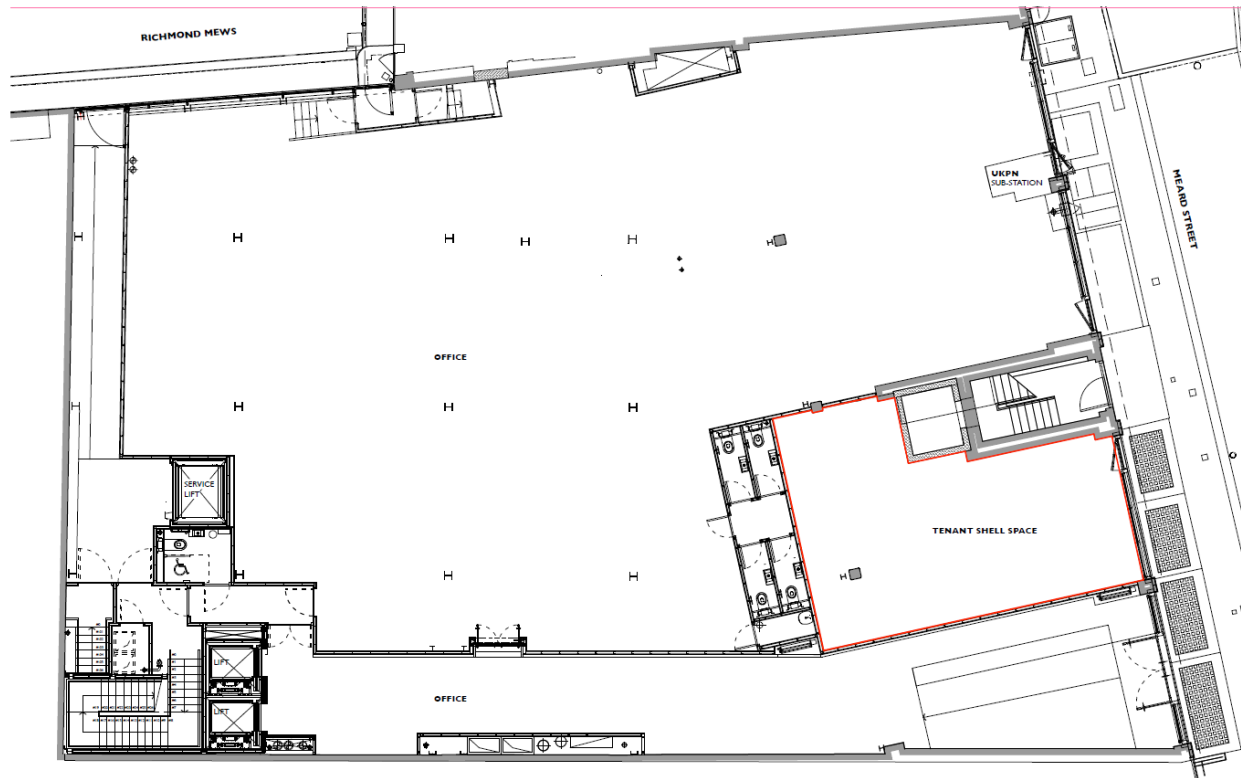
None

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

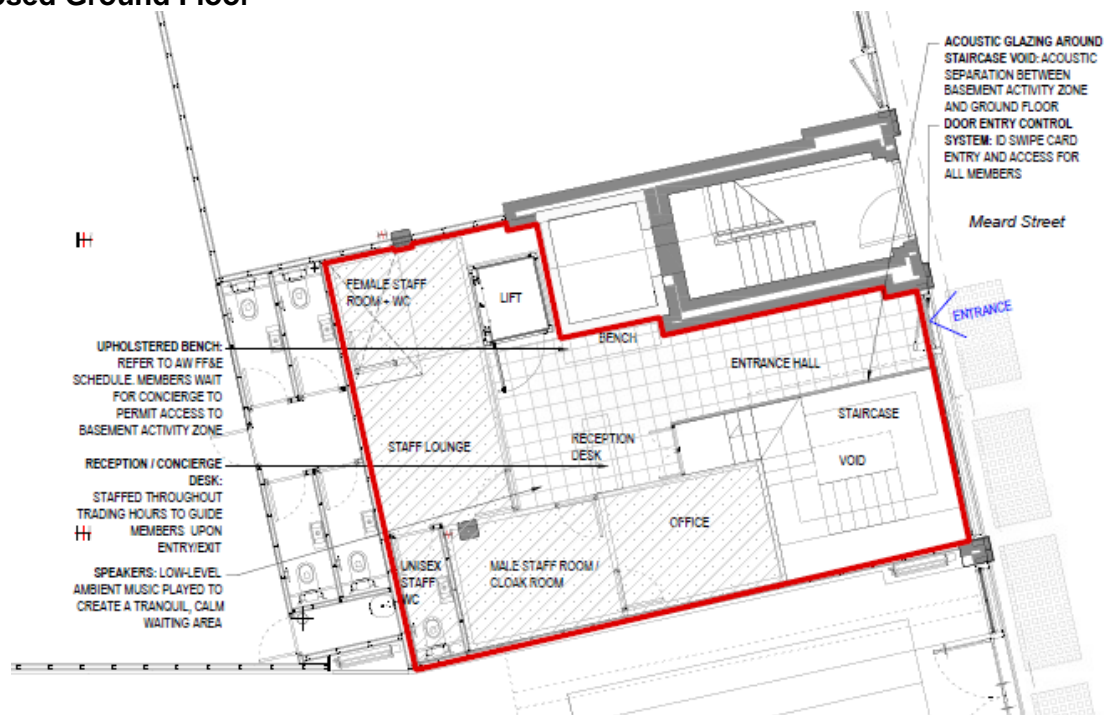
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT [pquayle@westminster.gov.uk](mailto:pquayle@westminster.gov.uk)

## 9. KEY DRAWINGS

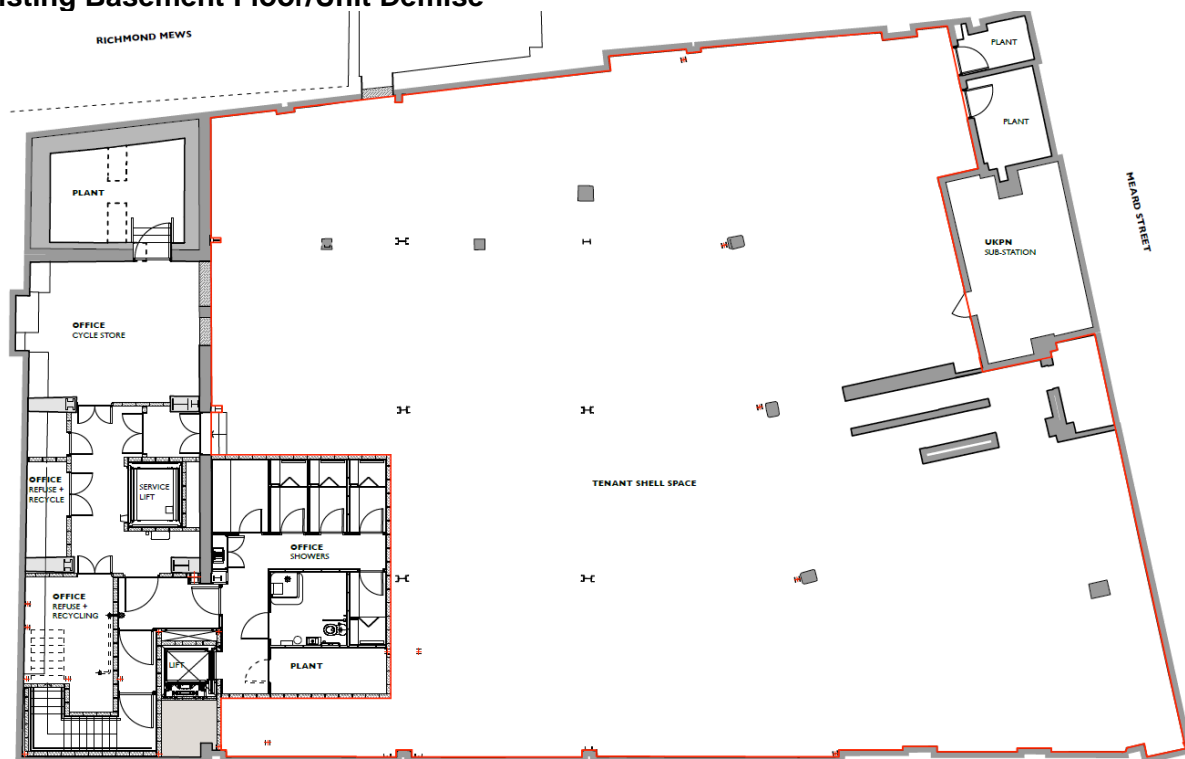
## Existing Ground Floor/Unit Demise



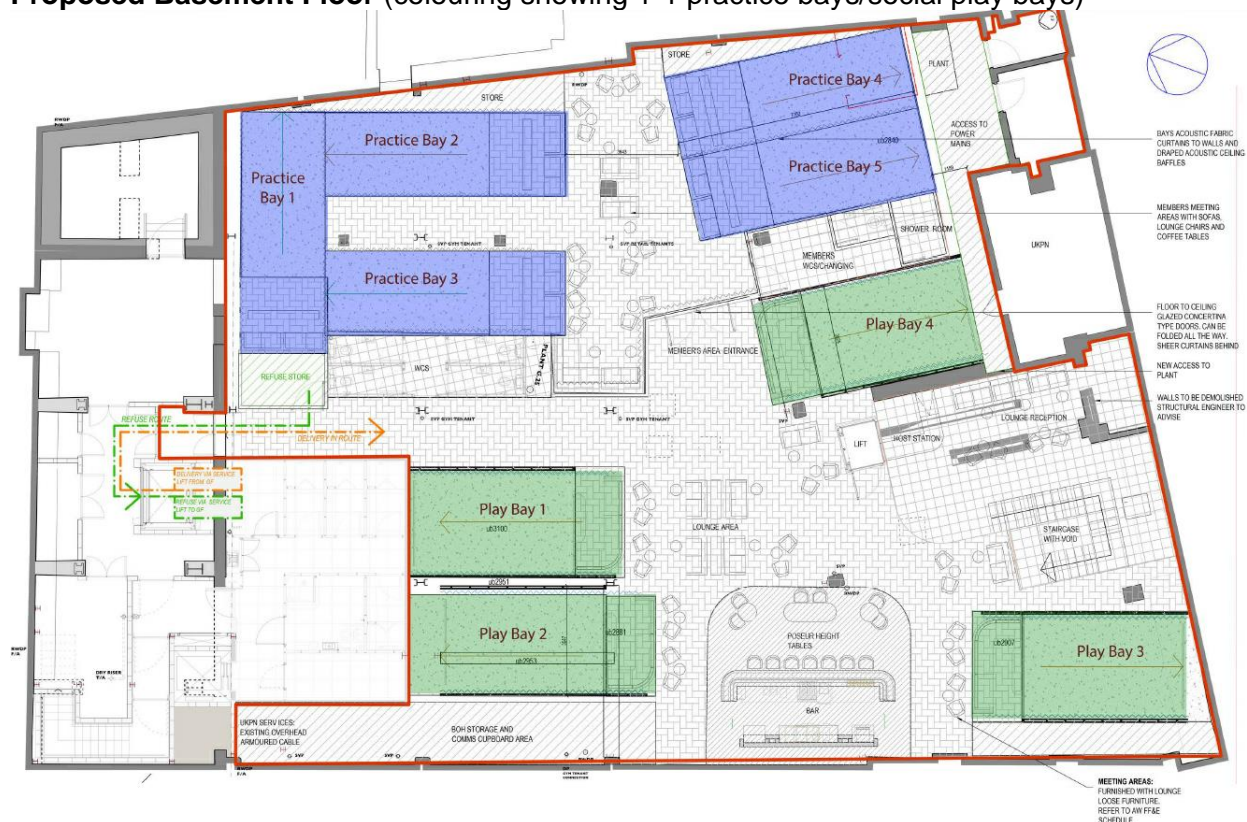
## Proposed Ground Floor



## Existing Basement Floor/Unit Demise



## Proposed Basement Floor (colouring showing 1-1 practice bays/social play bays)



**DRAFT DECISION LETTER**

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

**Proposal:** Use of part ground and basement floors as leisure facility (Sui Generis).

**Plan Nos:** Drawings:  
302-PL-GF-02 Rev. B ; 302-PL-B-02 Rev. B

Other Documents:  
Document titled "Operational Management Plan: Pitch, 8 - 14 Meard Street" dated July 2021

**Case Officer:** Adam Jones

**Direct Tel. No.** 07779431391

**Recommended Condition(s) and Reason(s):**

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

Reason:

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

- 2 Customers shall only be permitted within the leisure facility (Sui Generis) premises between the following hours:
  - o Monday 11:00 - 21:00,
  - o Tuesday 10:00 - 21:00,
  - o Wednesday 11:00 - 23:00,
  - o Thursday 11:00 -23:00,
  - o Friday 11:00 -23:00,
  - o Saturday 10:00 - 23:00, and
  - o Sunday 10:00 - 18:00,

Reason:

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

- 3 You must operate the approved leisure facility (Sui Generis) in accordance with the details set out within the approved document titled "Operational Management Plan: Pitch, 8 - 14 Meard Street", dated July 2021.

Reason:

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



- 4 The leisure facility (Sui Generis) use allowed by this permission must not begin until you have fitted the Acoustic Glazing around the staircase void at ground floor level as shown on the approved drawings. You must maintain this Acoustic Glazing for as long as the use remains in active.

Reason:

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

- 5 No music from the leisure facility (Sui Generis) use shall be audible outside the site.

Reason:

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

- 6 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. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

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

- 7 (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 IN; use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the IN; use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a

fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AC)

- 8 For music noise, the design of the separating structures between the proposed leisure facility (Sui Generis) 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 leisure facility (Sui Generis) including music generating equipment and 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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AC)

- 9 The leisure facility (Sui Generis) use allowed by this permission must not begin until you have fitted self-closing doors at the entrance from Meard Street. You must keep these doors in place for the lifetime of the permission and 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 Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R13FC)

- 10 You must not allow more than 90 customers into the leisure facility (Sui Generis) at any one time.

**Reason:**

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

- 11 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 leisure facility (Sui Generis) 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 leisure facility (Sui Generis). 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)

- 12 You must apply to us for approval of details of secure cycle storage for the leisure facility (Sui Generis) use. You must not occupy the leisure facility (Sui Generis) until we have approved in writing what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to everyone using the leisure facility (Sui Generis). You must not use the cycle storage for any other purpose.

**Reason:**

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

- 13 There shall be no primary cooking within the leisure facility (Sui Generis) such that you must not cook raw or fresh food on the premises.

**Reason:**

The plans do not include any kitchen extractor equipment. For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R05ED)

**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 This permission does not allow any work which would change the outside appearance of the property. (I18AA)
- 3 You are reminded that a number of conditions from Planning Permission dated 27 February 2018 (RN: 17/09109/FULL) apply to this unit, including restrictions on the location and times of servicing of the unit (Condition 36).
- 4 One or more of the uses we have approved are referred to as being 'sui generis'. This means that the use or uses are not in any particular class. Any future plans to materially (significantly) change the use that we have approved will need planning permission. (I78AA)
- 5 The term 'clearly mark' in condition 11 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 6 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. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: [www.westminster.gov.uk/street-naming-numbering](http://www.westminster.gov.uk/street-naming-numbering) (I54AB)

- 7 Under condition 13 you must not cook food in any way which is likely to cause a nuisance by smell. You must not, for example, grill, fry, toast, braise, boil, bake, hot smoke or roast food. However, you can reheat food by microwave or convection oven as long as this does not require extractor equipment.

Any application to remove or vary the condition must submit details of extraction which shall consist only of either a 'full height' system or in limited circumstances where all cooking equipment is electric only an 'approved recirculation' scheme (any extraction scheme proposing 'low-level' external discharge to get rid of cooking fumes will not be accepted as being suitable as per Westminster Environmental Health requirements for new premises wishing to provide an extensive hot food operation). For further information please contact the Environmental Health Consultation Team (Regulatory Support Team 2) by email to [ehconsultationteam@westminster.gov.uk](mailto:ehconsultationteam@westminster.gov.uk).

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.