

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 1 October 2024	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>8 Lancashire Court, London, W1S 1EY</b>		
<b>Proposal</b>	Variation of condition 9 of planning permission dated 07 February 2024 (RN: 23/06821/FULL) for the: Use of the building as a private members club (sui generis use) and alterations to the ground floor including the change of some windows to doors. Namely, to increase the maximum capacity of the premises to 350 customers. (Application under Section 73 of the Act).		
<b>Agent</b>	First Plan Limited		
<b>On behalf of</b>	Soho House UK Ltd.		
<b>Registered Number</b>	24/03288/FULL	<b>Date amended/ completed</b>	17 May 2024
<b>Date Application Received</b>	17 May 2024		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		
<b>Neighbourhood Plan</b>	Mayfair Neighbourhood Plan		

## 1. RECOMMENDATION

Grant conditional planning permission.

## 2. SUMMARY & KEY CONSIDERATIONS

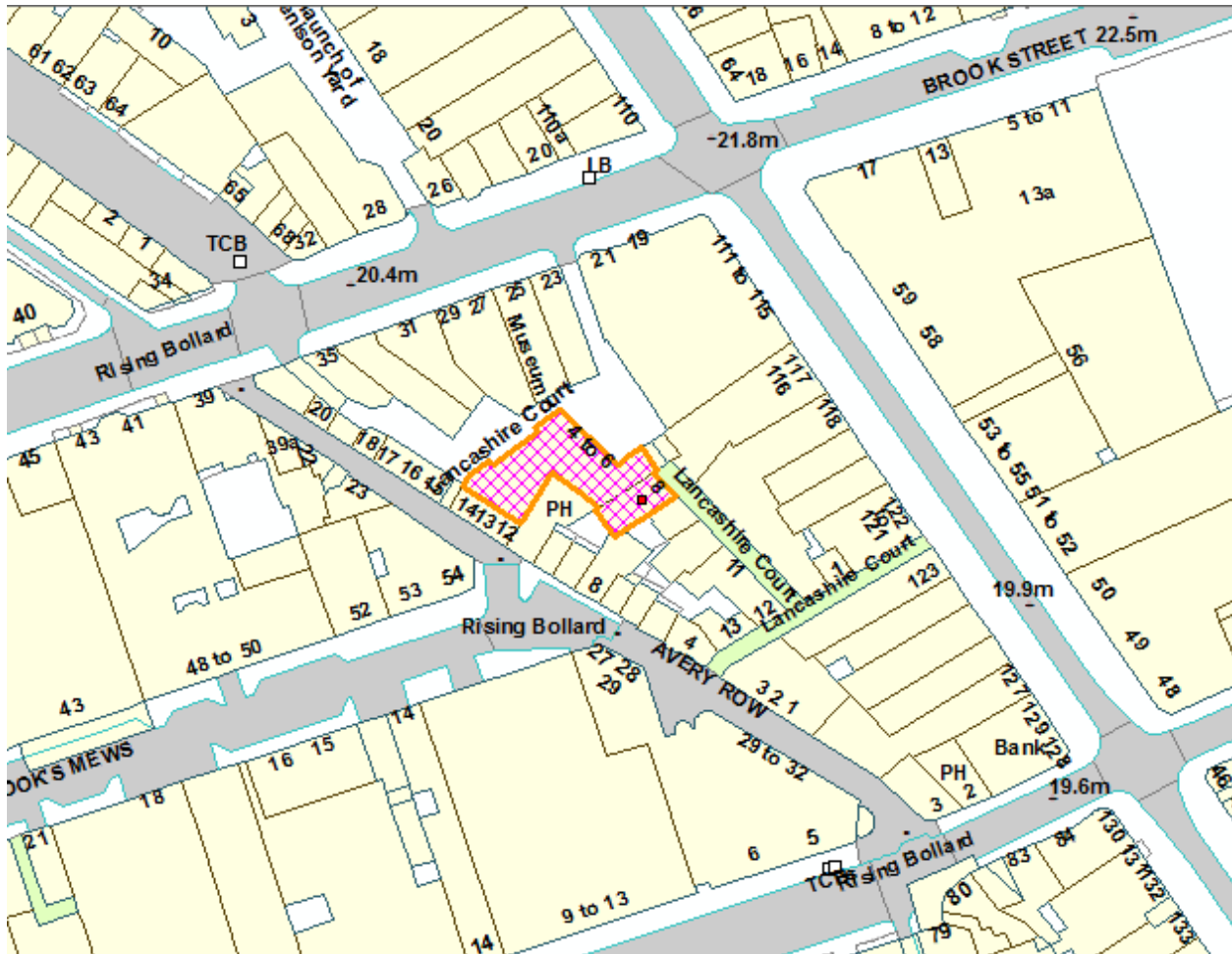
Planning permission was granted on the 7<sup>th</sup> February 2024 for the use of the entire building at 8 Lancashire Court as a private members club with associated external alterations. Consent is now sought to vary Condition 9 of this consent to allow for an increase in the maximum number of customers allowed on the premises at any one time to 350 from the currently permitted 170.

The key considerations in this case are:

The impact on the amenity of neighbouring residential properties.

For the reasons set out in the report, it is considered that the increased capacity of the premises is unlikely to have a material impact upon the amenity of nearby residents. As such, the application is recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### 5.1 Application Consultations

#### RESIDENTS SOCIETY OF MAYFAIR AND ST. JAMES'S

Any response to be reported verbally.

#### MAYFAIR RESIDENTS GROUP

Any response to be reported verbally.

#### MAYFAIR NEIGHBOURHOOD FORUM

Objection on the following grounds –

Increased capacity is likely to lead to additional noise and disturbance for local residents.

The late hours of the premises are contrary to the 'core hours' of the Mayfair Neighbourhood Plan.

Suggestion the premises operate for a year before applying to increase the capacity.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 59

Total No. of replies: 6

No. of objections: 2

No. in support: 4

Letters of support on the following grounds:

Soho House has a track record of well run establishments.

They will add vitality back into the area which currently has a number of vacant and units and recently has seen a reduction in footfall.

Their occupation of the unit will help reduce anti-social behaviour in Lancashire Court (squatting and drug dealing).

Letters of objection on the following grounds:

Increased capacity is likely to lead to additional noise and disturbance for local residents.

PRESS NOTICE/ SITE NOTICE:

Yes

### 5.2 Applicant's Pre-Application Community Engagement

The Early Community Engagement Guidance encourages developers carrying out development to engage with those living adjacent or very close to the site at an early stage prior to the submission of a formal application. The applicant advises that although there is no specific consultation in relation to this application there is ongoing dialogue with neighbours during the course of the fit out and prior to opening the occupier will reach out to neighbours to introduce the management team and provide a point of contact for when the club opens.

## **6. WESTMINSTER'S DEVELOPMENT PLAN**

### **6.1 City Plan 2019-2040 & London Plan**

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (December 2023) and should be afforded full weight in accordance with paragraph 225 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

### **6.2 City Plan Partial Review**

The council published its draft City Plan Partial Review for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 on 14 March 2024. The consultation closed on 9 May 2024 and the council is currently considering the responses received. The Partial Review includes updated policies for affordable housing, retrofitting and site allocations.

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

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

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

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

### **6.3 Neighbourhood Planning**

The Mayfair Neighbourhood Plan includes policies on a range of matters including public realm, directing growth, enhancing retail, commercial and public house uses, residential amenity, commercial growth, cultural and community uses, heritage, design, servicing and deliveries and environment and sustainability.

The plan has been through independent examination and was supported by local residents and businesses in a referendum held on 31 October 2019. It was adopted on 24 December 2019. It therefore forms part of the development plan for Westminster for development within the Mayfair neighbourhood area in accordance with accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report.

#### **6.4 National Policy & Guidance**

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (December 2023) unless stated otherwise.

### **7. BACKGROUND INFORMATION**

#### **7.1 The Application Site**

8 Lancashire Court is an unlisted building located in the Mayfair Conservation Area, Central Activities Zone and the West End Retail and Leisure Special Policy Area. The building comprises basement, ground, and two upper floors and although currently vacant has most recently been occupied for restaurant purposes.

The building has a long-standing history of use as a restaurant, with planning permission having been granted since 2001 for tables and chairs outside the premises in association with 'Hush restaurant' the former operator of the restaurant.

21 Brook Street is the closest residential accommodation to the north-east of the site. Lancashire Court has a mix of restaurants and uses as well as high-end boutique shops.

#### **7.2 Recent Relevant History**

Planning permission (23/06821/FULL) was granted on the 7<sup>th</sup> February 2024 for “Use of the building as a private members club (sui generis use) and alterations to the ground floor including the change of some windows to doors.”

Planning permission was refused on the 15<sup>th</sup> February 2017 for the “Erection of new access structure and screening in connection with the use of the roof as a terrace associated with the restaurant use. Installation of replacement plant items and associated screening at main roof level.” The appeal was allowed on the 29<sup>th</sup> November 2017. This permission has not been implemented.

Planning permission (95/01000/FULL) was granted on 19<sup>th</sup> March 1997 for “Part redevelopment to provide building of part basement ground and two upper floors plus

roof level plant enclosure, comprising public house and associated restaurant, function room, managers office and staff flat (Class A3)”.

Planning permission was refused on 9 November 2000 for the “Variation of condition 12 of permission dated 19 March 1997 to allow extension of opening hours of ground and first floor restaurant from 9am-11.30pm Monday to Saturday to 9am-12.30am Monday to Saturday.” The appeal was allowed on the 25<sup>th</sup> June 2001.

Several applications have been permitted for use of the courtyard for the placing of 20 tables and 60 chairs and three parasols in connection with the existing use at ground floor between 8am to 11pm Monday to Sunday (most recent application refs. 20/00719/TCH, 22/02096/TCH).

#### Licensing position

A Premises license was granted for Hush on 10 February 2020 (21/12157/LIPDPS). Soho House applied to transfer this premises licence on 28 November 2023 under 23/08689/LIPT, and this was granted on 12 January 2024 (with opening hours of 10:00 to 00:30 (Monday to Saturday) and 10:00 to 00:00 on Sundays). There is a pending application for a new premises license for the property which would allow a capacity of 350.

## **8. THE PROPOSAL**

Planning permission was granted on 7<sup>th</sup> February 2024 for the following development:

*Use of the building as a private members club (sui generis use) and alterations to the ground floor including the change of some windows to doors.*

Condition 9 of this planning permission required the following:

*You must not allow more than 170 customers into the property at any one time.*

The reason for this condition was:

*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).*

Consent is now sought to vary this condition to allow for the increase in the maximum capacity of the premises to 350 customers.

The application is submitted under Section 73 of the Town and Country Planning Act (1990) (as amended) as it seeks to develop land without compliance with the conditions previously attached. Section 73(2) of the Act states:

‘On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and



(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application’.

Whilst the consideration of such an application is limited to the conditions that should be imposed, if granted, it will result in a new permission. As such, the City Council cannot ignore the wider consideration of issuing a new permission. The application must be determined in accordance with the development plan (i.e. the London Plan (March 2021) and the City Plan (April 2021) unless material considerations indicate otherwise. The fall-back position of the original planning permission carries great weight in the decision-making process.

## 9. DETAILED

### 9.1 Residential Amenity

#### Policy Background -

Policy SD4 of the London Plan, states in relation to the Central Activities Zone; ‘the unique concentration and diversity of cultural, arts, entertainment, nighttime economy and tourism functions should be promoted and enhanced.’

The City Council has planning policies to protect residential amenity. Policy 7 of the City Plan requires that development is neighbourly by; ‘protecting and where appropriate enhancing local environmental quality’. Para 7.4 acknowledges that ‘development must prevent unacceptable environmental impacts on existing and new users of building or its neighbours.’

Policy 16 considers food, drink and other entertainment premises and recognises that whilst these uses contribute to London’s vibrant entertainment sector, they can also have detrimental impacts upon residential amenity if the operation is not managed properly.

Policy 33 states that; ‘development should prevent adverse effects of noise and vibration and improve the noise environment in compliance with the council’s Noise Thresholds, with particular attention to: minimising noise impacts and preventing noise intrusion to residential developments and sensitive uses’. In assessing the impact of development proposals, the Council will apply the ‘Agent of change’ principle which places the burden on the applicant to mitigate negative environmental impacts and ensures development does not cause existing nearby uses from having to curtail their activities.

The Mayfair Neighbourhood Plan includes Policy MRU1 which requires, ‘Proposals for new commercial or Planning Policies entertainment uses in Mayfair must demonstrate how they protect the amenity of nearby residential units and create no material additional adverse effects (after mitigation) such as noise and rubbish between 11pm and 7am.’

The justification for the policy states that, ‘Much of Mayfair’s residential community is located on upper floors of buildings whose ground floor uses are non-residential. This creates particular amenity challenges for all residents, workers and visitors alike. Whilst we recognise and endorse that the benefits of this mixed use outweigh the challenges, the Plan takes this opportunity to set out in more fine grain detail how, for Mayfair, this

complexity can be better managed. We would encourage, for instance, developers to consider the submission of an operational management plan with any application, which is required to demonstrate compliance with MRU1.'

### **Increase in the Capacity -**

The proposed variation of condition 9 would allow the number of patrons on the premises at any one time to increase from the currently permitted 170 to 350. The applicant advises that they have reviewed the furniture layout and the operational management of the premises and the second floor has the potential to also be used for private hire and events. The capacity they have now identified for the premises is as follows:

Ground Floor: 56  
First Floor: 74  
Second Floor: 70 – 220 (depending on event)  
Total (200 – 350 depending on second floor)

The applicant states that any events taking place at second floor level might include panel talks, exhibitions and private hire by members. The seating may need to be laid out in rows to allow for greater capacity or be removed if the majority of people are expected to be standing.

Two objections have been received from nearby occupiers and an objection also received from the Mayfair Neighbourhood Forum expressing concern that the increased capacity would result in additional noise and disturbance for local residents. Four letters of support have also been received to the application, including from local residents stating that Soho House have a track record for well managed venues and they do not foresee any issues arising from the increased capacity. Indeed, one letter states that the presence of the Soho House use will address some of the current anti-social behaviour in the area including drug dealing and squatting in empty buildings.

The applicant has provided information on a number of private members clubs within Mayfair which have a larger capacity than that currently conditioned for 8 Lancashire Court. This is noted and it is agreed that 350 capacity for a private members would not be extraordinary, however, each application is determined on its own merits. It is noted however that prior to the February 2024 consent for the private members club the building had operated as a restaurant and had no planning conditions with regard the capacity of the premises.

The club is close to a number of other entertainment premises including the restaurant/bar at 4-6 and 10-11 Lancashire Court (now vacant but previously occupied by Mews of Mayfair), The Iron Duke at 11 Avery Row and Sparrow restaurant at 1-3 Avery Row. However, this part of Mayfair remains of a mixed-use character providing other uses including a number of retail premises, including large department-type stores on Bond Street (including the Victoria's Secrets store which also has a frontage onto Lancashire Court) and other uses such as the Handel Museum on Brook Street. The site also has a long standing history as an entertainment use and controls on the capacity of the operation have only been introduced in February 2024.

There are a number of residential properties within the vicinity of the site but none within Lancashire Court itself (although the duplex flat at fourth and fifth floors at 21 Brook Street does have windows that face over the entrance to Lancashire Court). Council records indicate there are residential flats at 18 and 20 Avery Row and 21, 29 and 37A Brook Street to the north.

The applicant, Soho House, operate six other premises in London and the original consent for the private members club included an operational management plan tailored from their understanding of operating their other premises with late night closing times.

The operational measures to be introduced to ameliorate potential disruption and noise disturbance include:

- the employment of door staff to ensure guests leave the premises quietly
- the provision of CCTV
- closing the outside areas at 22.30 with doors and windows to remain closed after 23:00 hours save for access and egress,
- the display of signage requesting that patron's leave the premises quietly,
- Staff to provide taxi telephone details and night bus details to customers and staff can also call services at a customer's request.
- Customers will also be encouraged to wait inside for their transport rather than in the Mews to reduce disturbance to neighbours.
- If complaints are received CCTV footage is reviewed to identify the source of complaint and appropriate action taken.
- Any noise complaints from residents to be communicated to Soho House Manager by the Security Team immediately.
- No rubbish, including bottles shall be moved, removed or placed in outside areas between 21:00-07:00 hours on weekdays and between 21:00-09:00 hours on Sundays.
- The premises license holder shall ensure any patrons smoking in the designated open smoking areas do so in an orderly manner and are monitored by staff and Managers so as to ensure there is no public noise nuisance.

The implementation of these measures was all accepted to help to ameliorate the impact of the operation of the unit on nearby residents.

The concerns of objectors in relation to the potential for increased noise and disturbance are noted. It is also acknowledged that this application to increase the capacity of the premises is made prior to the use commencing and without the benefit of establishing the impact of the permitted private members club. However, the OMP is considered to be comprehensive, and the operator is experienced in this field. In the light of this and given that the character and function of Lancashire Court and this part of Mayfair it is considered that varying the condition as proposed to allow the increased capacity is acceptable in this instance.

## **9.2 Economy including Employment & Skills**

The West End has been particularly hard hit by the pandemic and there is a need for businesses within the Central Activities Area to be supported at this time to enable their post pandemic recovery. The proposed development will contribute to the recovery of the West End in accordance with Policies 1 and 13 in the City Plan 2019-2040 by

supporting the number of people employed at the premises and helping to promote opportunities for local employment. The applicant advises that the site would likely have 75 staff but if the current application is granted an additional 25 staff would be required. The highest number of staff would likely be when an event is taking place and the capacity is highest. The increased capacity of the premises in terms of the number of customers is also expected to lead to increased spending in existing nearby shops and services and other town centre uses.

Policy 2 of the City Plan states that; 'the intensification of the West End Retail and Leisure Special Policy Area (WERLSPA) over the Plan period will deliver the following priorities... (Part C being) 'a diverse evening and night-time economy and enhanced cultural offer.'

Para 7.6.2 of the London Plan states; 'the night-time economy is becoming increasingly important to London's economy. The Mayor is keen to promote London as a 24-hour global city, taking advantage of London's competitive edge and attractiveness for businesses and people looking to expand beyond the usual daytime economy into night-time economic opportunities. However, 24-hour activities are not suitable for every part of London, and boroughs should balance the needs of local residents in all parts of London with the economic benefits of promoting a night-time economy.'

### **9.3 Other Considerations**

There are a number of conditions from the February 2024 consent which still require discharging and these conditions are again included on this permission. Works are progressing on-site to implement the original planning permission and given this it is not considered necessary to include a condition restricting the timescale for implementation to the original planning permission.

The Mayfair Neighbourhood Forum have included comments about the closing time of the premises but this application is only to vary the capacity of the premises and does not propose any variation of the opening hours.

The Mayfair Neighbourhood Forum have also suggested the operator run the premises for a year before applying to vary the capacity. There is no requirement for this and should the applicant identify they wish to use the premises differently to that manner which was granted consent they can apply at any time.

### **9.4 Environmental Impact Assessment**

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

### **9.5 Planning Obligations & Pre-Commencement Conditions**

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

## **10. Conclusion**

This report has considered the material planning issues associated with the proposed

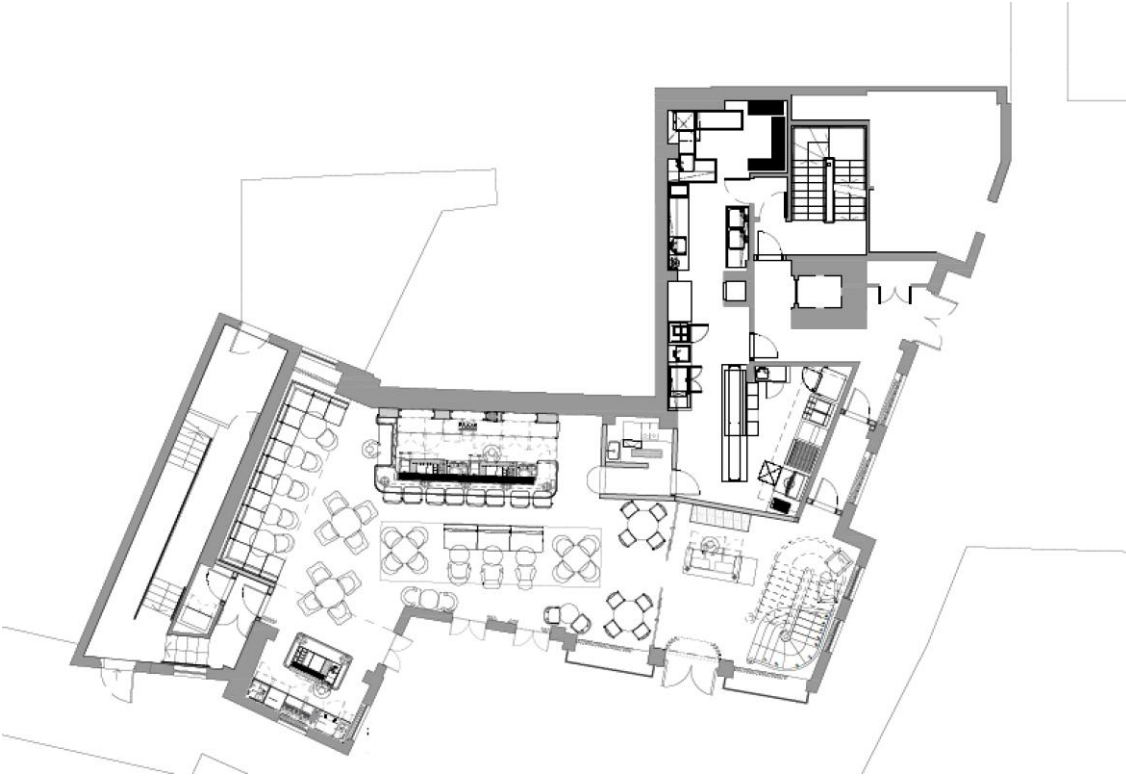
development in conjunction with all relevant national, regional and local planning policy. Accordingly, the proposal is considered acceptable and would be consistent with the relevant policies in the City Plan 2019-2040 and London Plan 2021. It is recommended that planning permission is granted, subject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

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

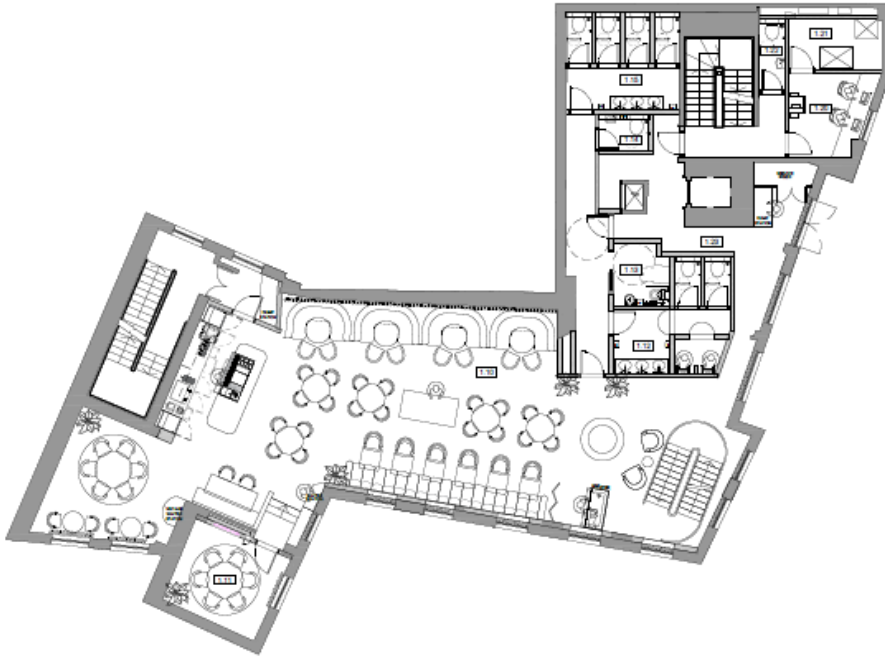
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT [mwalton@westminster.gov.uk](mailto:mwalton@westminster.gov.uk)

11. KEY DRAWINGS

Approved ground floor plan:



Approved first floor plan:



Approved second floor plan:



**DRAFT DECISION LETTER**

**Address:** 8 Lancashire Court, London, W1S 1EY

**Proposal:** Variation of condition 9 of planning permission dated 07 February 2024 (RN: 23/06821/FULL) for the: Use of the building as a private members club (sui generis use) and alterations to the ground floor including the change of some windows to doors. Namely, to increase the maximum capacity of the premises to 350 customers. (Application under Section 73 of the Act).

**Reference:** 24/03288/FULL

**Plan Nos:** Drawings: 2345\_SH\_DD\_04, 2345\_SH\_PR\_B1 RevA, 2345\_SH\_PR\_00 RevC, 2345\_SH\_PR\_01 RevA, 2345\_SH\_PR\_02 RevA, 2345\_SH\_EX\_03, 2345\_SH\_PR\_EL RevB, Documents: 8 Lancashire Court Draft Management Plan.

**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 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)

- 4 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 (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 property. 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)

- 5 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)

- 6 You must apply to us for approval of details of secure cycle storage for the private members club (sui generis) use. You must not start any work on this part of the development 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 property. You must not use the cycle storage for any other purpose. (C22HA)

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)

- 7 You must carry out the measures included in your management plan titled '8 Lancashire Court Draft Management Plan' at all times that the private members club is in use.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 16 of the City Plan 2019 - 2040 (April 2021). (R05AC)

- 8 Customers shall only be permitted within the private members club during the following hours:  
Monday to Thursday: 08:00 - 00:30 the following morning,  
Friday to Saturday: 08:00 - 01:30 the following morning,  
Sunday: 10:00 - 23:30

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)

- 9 You must not allow more than 350 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)

- 10 All windows and the 'French Doors' to the ground floor 'courtyard' at the front of the property shall be fixed shut between 23:00 and 08:00 the following morning.

Reason:

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

- 11 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 Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 12 You must operate and retain the existing high level extract duct terminating at main roof level 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)

- 13 (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 private members club 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 private members club use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:, (a) The location of most affected noise sensitive receptor location and the most affected window of it;, (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;; (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;; (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;; (f) The proposed maximum noise level to be emitted by the activity. (C47AC)

**Reason:**

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AC)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 You must register your food business with the Council, please use the following link: [www.westminster.gov.uk/registration-food-business](http://www.westminster.gov.uk/registration-food-business). Please email the Environmental Health Consultation Team (Regulatory Support Team 2) at [ehconsultationteam@westminster.gov.uk](mailto: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](http://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](http://www.opsi.gov.uk/SI/si1992/Uksi_19923004_en_1.htm), , The following are available from the British Standards Institute - see [shop.bsigroup.com/](http://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](http://www.equalityhumanrights.com)). The Centre for Accessible Environment's 'Designing for Accessibility' (2012) is a useful guide ([www.cae.org.uk](http://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](http://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 3 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.

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.