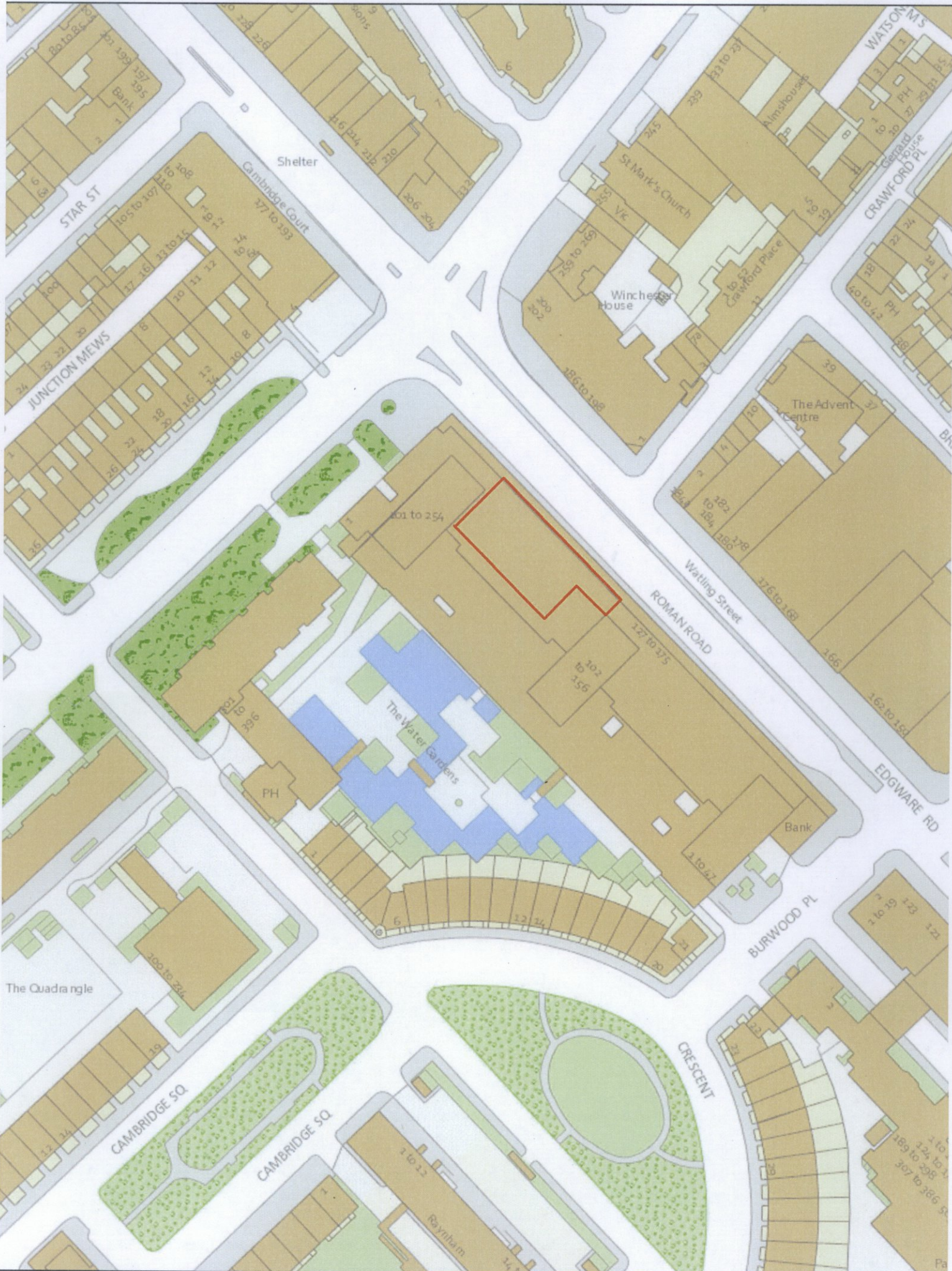


CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 15 December 2015	Classification For General Release	
Report of Director of Planning		Wards involved Hyde Park	
Subject of Report	159-169 Edgware Road, London, W2 2HR		
Proposal	Use of basement and part ground floor level as members only snooker club (D2 use class)		
Agent	Bidwells		
On behalf of	Future Leisure Limited		
Registered Number	15/05541/FULL	TP / PP No	TP/2286 : PP-04281546
Date of Application	19.06.2015	Date amended/ completed	19.06.2015
Category of Application	Other		
Historic Building Grade	Unlisted		
Conservation Area			
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone Outside Central Activities Zone		
Stress Area	Within Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.



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Data Source:

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159-169 EDGWARE ROAD, W2

2. SUMMARY

The application property is a basement unit accessed at ground floor level off Edgware Road. It is located on a named street and frontage to the Central Activities Zone (CAZ). It is also within the Edgware Road Stress Area (relating to entertainment uses) and is not within a conservation area.

The applicant seeks planning permission for a change of use at part ground floor and basement from retail to a private members snooker club (Use Class D2). The proposed club would operate 24 hours a day, seven days a week. No external alterations are proposed under this application.

The key issues are:

- Loss of retail floorspace;
- Provision of an entertainment use within the Edgware Road Stress Area;
- Impact on residential amenity; and
- Impact on highways and parking.

Loss of this retail floorspace would be acceptable given its basement location and long history of vacancy. Access to the proposed snooker club would be restricted to members only. It would also be located within a basement and away from existing concentrations of other entertainment uses. Accordingly, it would not harm the character and function of the local area or exacerbate existing issues within the Edgware Road Stress Area. The proposed snooker halls location at basement level and the conditions recommended would ensure that it does not result in unacceptable loss of amenity. As such, conditional permission should be granted.

3. CONSULTATIONS

TRANSPORT FOR LONDON

No objection.

DESIGNING OUT CRIME OFFICER

No objection.

HIGHWAYS PLANNING MANAGER

Undesirable on transportation grounds, but could be made acceptable with conditions to control cycle parking, waste storage and doors opening over the highway.

ENVIRONMENTAL HEALTH OFFICER

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 273; Total No. of Replies: One objection.

In summary, the issues raised include the following:

- 24 hour operation of the club will be detrimental to quality of life;
- There are already eight pubs, bars, coffee shops and alcohol vendors within 200 yards of the application site that do not contribute to the safety and well-being of local residents;
- Club would be located next to a primary school; and
- Change of use to a 24 hour club selling alcohol 24 hours a day will turn Edgware Road into a Las Vegas "Strip".

Where they are material planning considerations, these issues are considered below.

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION

4.1 The Application Site

The application property is a basement unit accessed at ground floor level off Edgware Road. The site forms part of a larger unit which was previously in use as a supermarket (Use Class A1) and has been split into separate units.

The application site is on a named street and frontage to the Central Activities Zone (CAZ). It is also within the Edgware Road Stress Area (relating to entertainment uses) and is not within a conservation area. The site is located within a development known as The Water Gardens which comprises commercial units at ground/basement facing Edgware Road with offices at first floor and residential flats at second floor and above.

4.2 Relevant Planning History

Planning permission (ref: 12/11047/FULL) was granted for a change of use from retail (Use Class A1) to a health centre (Use Class D2) at ground floor and basement levels in February 2013. That permission has not been implemented.

5. THE PROPOSAL

The applicant seeks planning permission for a change of use at part ground floor and basement from retail to a private members snooker club (Use Class D2). The proposed club would operate 24 hours a day, seven days a week. No external alterations are proposed under this application.

6. DETAILED CONSIDERATIONS

6.1 Land Use

Loss of Retail

Policy S20 of the Westminster City Plan: Strategic Policies (adopted 2013) ("the City Plan") states "Existing A1 retail will be protected throughout Westminster except where the council considers that the unit is not viable, as demonstrated by long-term vacancy despite reasonable attempts to let".

Policy SS5 of the Unitary Development Plan (adopted 2007) ("the UDP") seeks to achieve an appropriate balance of town centre uses on CAZ frontages outside the primary shopping frontages, and explicitly states that A1 uses at ground, basement or first floor level will be protected within the CAZ frontage. Policy SS5 is flexible and does allow for non-A1 uses provided that the introduction of a non-A1 town centre use would not be detrimental to the character and function of an area or to the vitality or viability of a shopping frontage or locality. Furthermore, the proposal should not lead to, or add to, a concentration of three or more consecutive non-A1 uses.

The principle of losing this retail floorspace was established under planning permission ref: 12/11047/FULL which remains extant. At the time that permission was granted, marketing evidence was available to demonstrate that this premise had been vacant and marketed for over 18 months and it has remained vacant since that permission was granted. Unlike that permission, the loss or retail would be restricted to the basement level only which would also allow for the retail frontage to be retained. Accordingly, the proposal would not result in a concentration of three or more non-A1 uses. It would also be an isolated entertainment use and would therefore not result in an over-concentration of entertainment uses. Given the

basement location, the change of use would not be detrimental to the character and function of the area or to the vitality or viability of the shopping frontage or locality. Accordingly, an objection to the loss of retail-proposed could not be sustained.

Provision of Entertainment Use

The proposed use is classified as an entertainment use under both the City Plan and UDP.

Policy S8 of the City Plan specifies that within the Edgware Road Stress Area, new entertainment uses will only be allowed where the council considers that they are low-impact and would not result in an increased concentration of late-night uses.

Policy TACE 10 of the UDP specifies that entertainment uses of the size proposed under this application and within stress areas will only be permitted in exceptional circumstances.

There are no other snooker clubs located within the Edgware Road Stress Area. The proposed snooker club would also be a member's only club and would not be open to the general public. The application site is also located within a part of the stress area that is relatively free of other entertainment uses, which tend to be concentrated more around the Edgware Road/Bayswater Road/Oxford Street intersection to the south and the Edgware Road/Marylebone Road intersection to the north. Accordingly, the proposed change of use would not give rise to an unacceptable concentration of entertainment uses. Notwithstanding this, the snooker club would be discreetly located at basement level where its impact on the local environment and character and function of the area would not be minimal to non-existent.

The impact of the proposal on residential amenity is considered below. Subject to there being no unacceptable loss of amenity to nearby residents, the proposed change of use would be consistent with policy S8 of the City Plan and policy TACE 10 of the UDP.

6.2 Amenity

Policy S32 of the City Plan specifies that the Council will work to reduce noise pollution by, inter alia, requiring that development minimise and contain noise and vibration.

Policy ENV 7 of the UDP specifies that the City Council will require the applicant to demonstrate, inter alia, that any noise emitted from internal activities, including noise from amplified or unamplified music and human voices, will be contained within suitable noise limits.

The applicant proposes 24 hour operation of the snooker club. The application premise is located within a basement area where it is separated from the nearest residential property above by the retained retail premise at ground floor level and an office above that. A canopy above the footpath on Edgware Road also provides further noise attenuation above the entrance to the premise. The proposed use (i.e. a members only snooker club) is also not one that is inherently noisy or that involves live or amplified music.

A premises licence has also recently been issued for this use (ref: 15/04057/LIPN) and is attached to the background papers. This includes restricting the sale of alcohol to no later than midnight. It also includes the following conditions intended to minimise harm to residential amenity:

- No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- Loudspeakers shall not be located in the ground floor entrance lobby or outside the premises building.

- No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
- No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
- The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 100 persons.
- Access to the premises may only be by members of a private club and their bona fide guests (not exceeding 4 guests per member). No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.
- A list of the names and addresses of members of the Club shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council.

The above conditions would provide sufficient safeguards for the amenity of nearby residents. In accordance with the 'six tests' contained within the NPPF and the NPPG, repetition of all of these conditions would be unnecessary as they are covered by licensing legislation, which has stronger powers of enforcement than those under the planning acts, should these conditions be contravened. However, several of these conditions, such as the membership requirements and the limitation on the number of persons within the premise, are necessary as they go to the heart of whether permission should be granted, having regard to policy TACE 10 of the UDP. Accordingly, these conditions have been recommended to the Committee. A condition has also been recommended to limit use of the premise to a member's only snooker club, which would prevent a permitted change of use to another D2 class use (e.g. music hall) that may result in harmful noise levels.

Subject to the recommended conditions, the proposed use would not result in unacceptable loss of amenity and would be consistent with policies S8 and S32 of the City Plan and policies TACE 10 and ENV 7 of the UDP.

6.3 Highways, Servicing and Parking

Policy TRANS 22 of the UDP specifies that car parking facilities will not normally be permitted for entertainment uses. In accordance with this policy, no car parking is provided for the proposed use. Notwithstanding this, this site is within a Control Parking Zone which means anyone who does drive to the site will be subject to those controls. Accordingly, the impact of this change of use on parking levels will be minimal.

Policy TRANS 20 of the UDP also requires off-street servicing and none is proposed for this development. The largest regular service vehicle expected to be associated with this development in this location is the refuse collection vehicle. The level of servicing likely to be attracted to the site is expected to be small with the majority associated with the small ancillary bar area. However, it is highly likely to generate significantly less servicing requirement/trips than the lawful A1 use that it would replace. Accordingly, the servicing requirements proposed are acceptable.

Conditions have been recommended requiring the provision of satisfactory cycle parking and waste storage.

6.4 Economic Considerations

None relevant.

6.5 Equalities and Diversities (including disabled access)

The proposed use would be accessed via a lift and located on one level floor. Accordingly, it would provide satisfactory access for disabled persons.

6.6 London Plan

The proposal does not raise strategic issues.

6.7 National Planning Policy Framework (NPPF)

The relevant NPPF considerations have been assessed above.

6.8 Planning Obligations

The proposed development is not large enough to require completion of a section 106 agreement.

6.9 Environmental Assessment including Sustainability and Biodiversity Issues

None.

6.10 Other UDP/Westminster Policy Considerations

None.

6.11 Conclusion

Loss of this retail floorspace would be acceptable given its basement location and long history of vacancy. Access to the proposed snooker club would be restricted to members only. It would also be located within a basement and away from existing concentrations of other entertainment uses. Accordingly, it would not harm the character and function of the local area or exacerbate existing issues within the Edgware Road Stress Area. The proposed snooker halls location at basement level and the conditions recommended would ensure that it does not result in unacceptable loss of amenity. As such, conditional permission should be granted.

BACKGROUND PAPERS

1. Application form.
2. Copy of premise license dated 24 November 2015 (ref: 15/04057/LIPN)
3. Memorandum from Highways Planning Manager dated 9 July 2015.
4. Representation from owner/occupier of 136 The Water Gardens, Burwood Place.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT NATHAN BARRETT ON 020 7641 5943 OR BY E-MAIL – NBARRETT @westminster.gov.uk

DRAFT DECISION LETTER

Address: 159-169 Edgware Road, London, W2 2HR

Proposal: Use of basement and part ground floor level as members only snooker club (D2 use class)

Plan Nos: Site Location Plan; Drawing numbers 2014-1575 and 2014-1575 C; Planning Statement by Bidwells (June 2015).

Case Officer: Nathan Barrett

Direct Tel. No. 020 7641 5943

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 You must use the property only as members only snooker club. You must not use it for any other purpose, including any within Class D2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 3 You must not play live or recorded music on your property. (C13IA)

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 4 The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 100 persons.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 5 Access to the premises shall only be by members of a private club and their bona fide guests (not exceeding 4 guests per member). No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an

interval of at least 48 hours between their nomination or application for membership and their admission.

A list of the names and addresses of members of this club shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by an authorised officer of the Council.

Reason:

The members only nature of this use is integral to its being allowed in the Edgware Road Stress Area, as set out in TACE 10 of our Unitary Development Plan that we adopted in January 2007. To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 6 All servicing must take place between 0800 and 2300. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 7 You must apply to us for approval of details of secure cycle storage for the snooker hall use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development, as set out in policy 6.9 of The London Plan (FALP - March 2015).

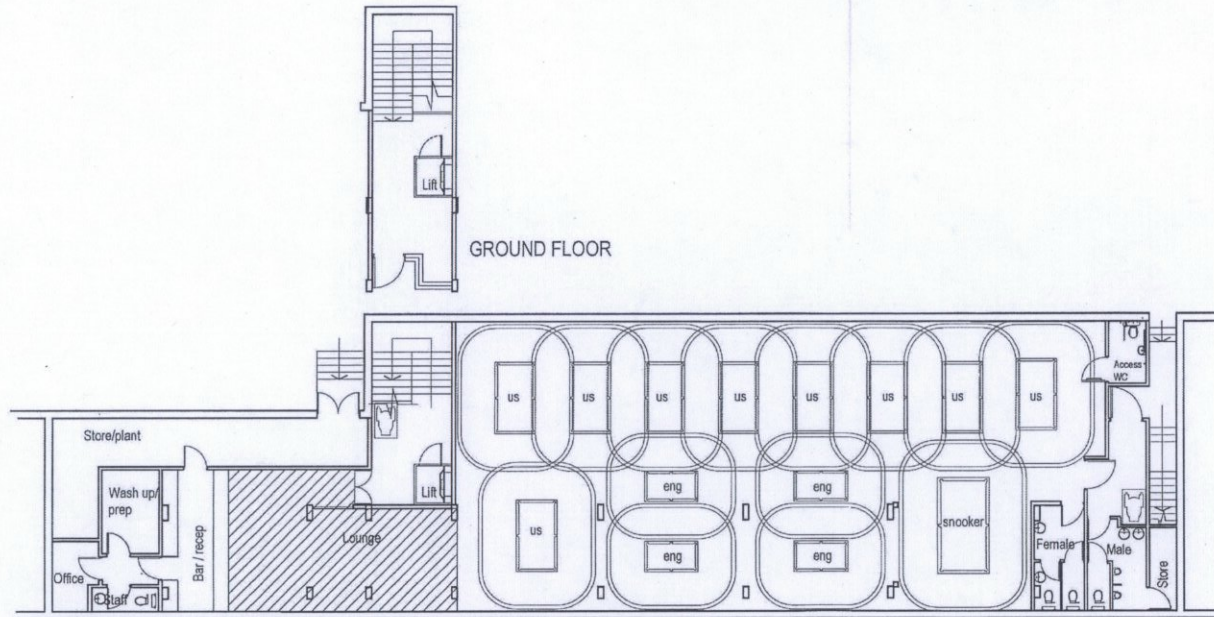
- 8 You must apply to us for approval of details of how waste is going to be stored on the site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the snooker hall. You must not use the waste store for any other purpose. (C14CD)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.



Proposals subject to surveys & statutory approvals

Lower Ground Floor

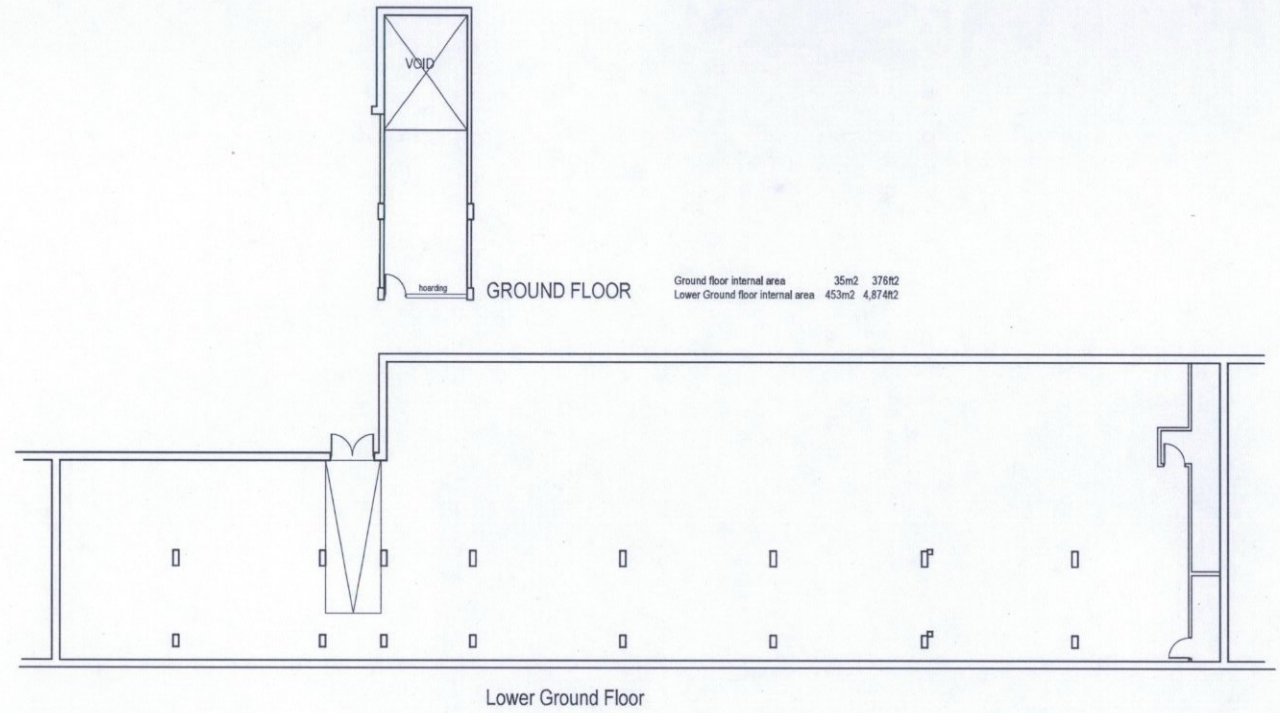
REVISION	DATE
A Option 2 omitted, WC reconfiguration	19.05.15
B In line with licensing dig	04.06.15
C Shopfront amend.	17.06.15

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RIBA
 Chartered Practice

Client	FUTURE LEISURE Ltd
Job	159-62 EDGWARE ROAD LONDON
Drawing Title	PROPOSED LAYOUT
Scale	1:100 @A1
Date	MAY 2015
Drawn by	
Job Number	2014-1575
Drawing Number	1575-101 C
Status	
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Ground floor internal area 35m² 378R2
 Lower Ground floor internal area 453m² 4,874R2

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RIBA 
 Chartered Practice

Client	FUTURE LEISURE Ltd
Job	159-162 EDGWARE ROAD LONDON
Drawing Title	EXISTING SHELL
Scale	1:100 @A1
Date	MAY 2015
Drawn By	
Job Number	2014-1575
Drawing Number	1575-100
Status	

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