

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 31 May 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Vincent Square	
<b>Subject of Report</b>	<b>Greencoat House, Francis Street, London, SW1P 1DH,</b>		
<b>Proposal</b>	Change of use to a gym (Class D2) at part ground, basement and sub-basement levels.		
<b>Agent</b>	Mr Richard Hillebron		
<b>On behalf of</b>	Derwent Valley Central Limited		
<b>Registered Number</b>	15/06747/FULL	<b>Date amended/ completed</b>	21 October 2015
<b>Date Application Received</b>	23 July 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Westminster Cathedral		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The site is an unlisted building within the Westminster Cathedral Conservation Area and is located in the Core CAZ.

Planning permission is sought for the use of the basement, sub basement and ground floor entrance at Greencoat House, Francis Street as a gym. The floor area proposed for the gym use is 2,479 sq m.

The site is in use as offices (Class B1). The basement levels are ancillary to the office use and are currently vacant as there is insufficient natural light for them to be occupied as offices. There is no policy to protect the loss of offices where the change of use is to other commercial uses and so the proposed use is acceptable in land use terms.

The application notes that in order to implement the proposed gym (Class D2) use further works will be required (access, signage, ventilation extract) which will be the subject of separate applications. Planning permission was recently granted in April 2016 for alterations to the Francis Street entrance, including the removal of existing steps and doors and installation of new double doors to create level access into the building. A condition is recommended requiring that this permission is implemented prior to the commencement of the gym use.

An existing internal lightwell to the roof will provide routing for any flues or risers which may be required in order to provide cooling to the gym.

The proposed hours of use for the gym as set out in the Design and Access Statement are Monday to Friday 6 am to 11 pm, Saturday and Sunday and bank holidays, 8 am to 8 pm. A comment has been raised by the Westminster Society that 06:00 could be too early a start time as it may create disturbance to local residents. The hours of operation were also raised as both a comment by a neighbouring resident who noted that these had not been provided on the application form and as an objection by other residents who consider them too long.

The same resident has raised a comment that no details have been provided in relation to employee numbers and likely user numbers. It is understood that 500 is the maximum number of people who will be allowed into the area at any one time. For an area of 2,479m<sup>2</sup> this number is considered acceptable and is recommended to be limited by condition.

Objections have been raised to the proposed use on the grounds of noise created from users opening doors and from cars on evenings and weekend, general disturbance from increased footfall and increased traffic and associated nuisances which would mean that this mainly residential area would change for the worse.

This part of Francis Street is largely commercial although a number of residential units exist on the opposite side of the street. Although the proposed use is likely to generate additional activity in this area, this would only be from people entering and leaving the gym from an entrance on Francis Street. This entrance is located opposite and adjacent to existing commercial uses.

Given that offices and shops exist in the immediate vicinity and that Francis Street is a wide through road it is not considered that this potential additional activity although early in the morning and late at night is likely to be so considerable to justify a refusal of the application on these grounds.

However, an Operational Management Statement is also recommended to be secured by condition in order to ensure the appropriate management of the facility and that class schedules would not cause an adverse effect on neighbouring amenity, particularly at the beginning or end of the day.

With regard to noise from the use itself, the floor to ceiling height within the basement levels and the density of the walls will serve to deaden sound inside. A condition requiring that no amplified music is to be heard outside the building is recommended to protect residential amenity, in addition to conditions protecting residents and users within the same and adjoining buildings from noise. In addition, a condition requiring that the structure of the development shall be designed to such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration.

With these conditions in place it is considered that the application would not lead to an unacceptable impact on neighbourhood amenity sufficient to justify a refusal of the application and would be compliant with policies S29 of the City Plan and ENV13 of the UDP which seeks to protect residential amenity.

Objections have been raised that the proposals will lead to additional parking pressure in the area. Highways have raised no objection given that the site is within a Controlled Parking Zone and given the high level of public transport provision in the surrounding area. Highways do however require the provision of cycle parking in accordance with the London Plan standard of 1 cycle parking per 8 staff. It

is recommended that details are secured by condition.

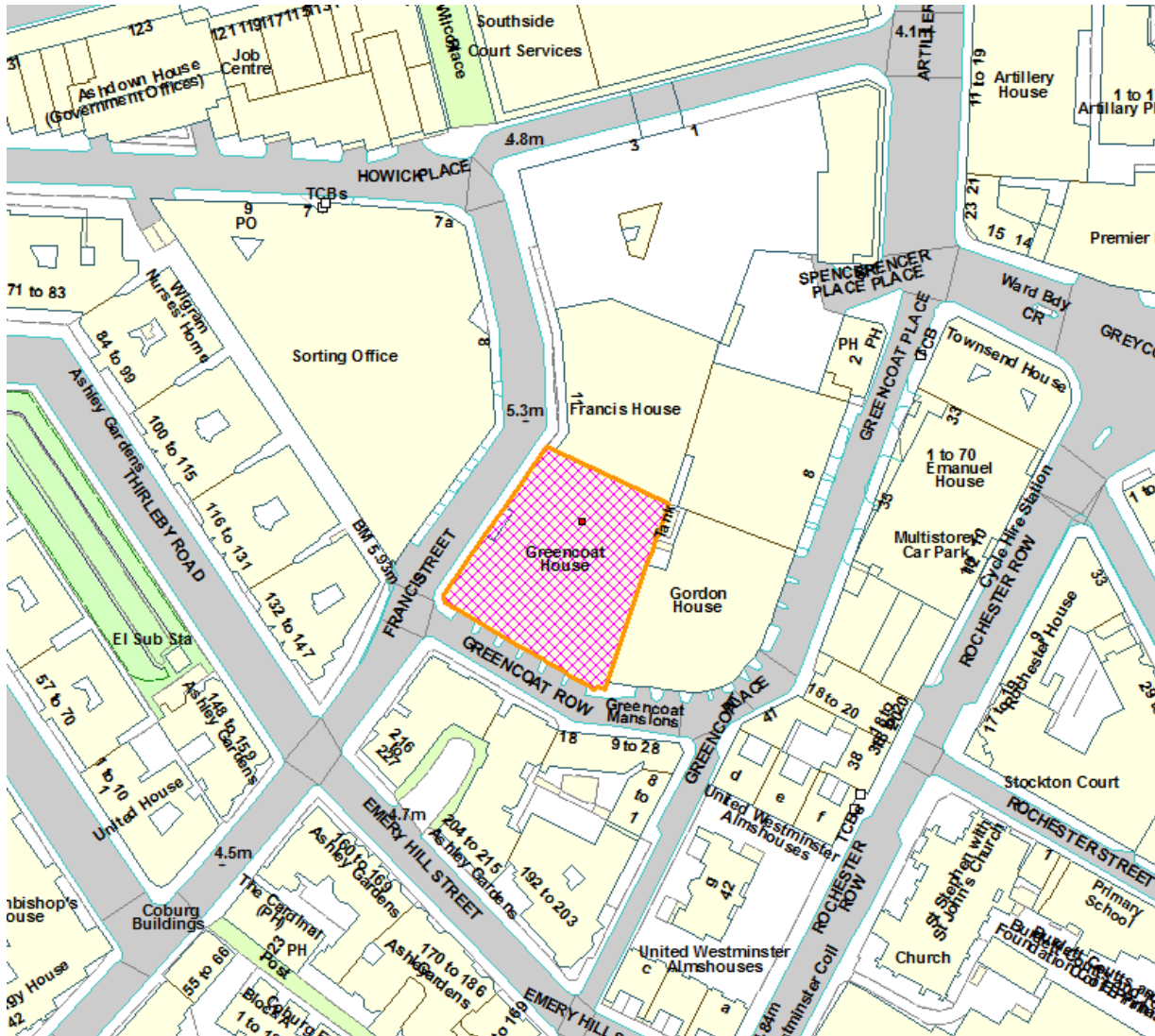
Cleansing require details of an internal waste storage facilities to be submitted for approval. It is recommended that details are secured by condition.

Other objections have been received on the grounds that there are already other gyms in the area. Whilst this is noted, given the growth of the office population in Victoria over recent years and into the future there is clearly an increasing demand for gym accommodation and permission could not be refused on these grounds.

Further objections have been received on the grounds that consultation has been inadequate and from one objector that they were only notified from another resident. The appropriate statutory consultation was undertaken and the consultation area was expanded at the start of March 2016 to allow more residents to be informed of the proposals and given the opportunity to comment. The majority of comments received have been made following this second round of consultation.

Given the above considerations it is recommended that planning permission be granted, subject to conditions.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### WESTMINSTER SOCIETY

No objection in principle, but 06:00 could be too early a start time as it may create disturbance to local residents.

### HIGHWAYS PLANNING

No cycle parking. This should be secured by condition.

### CLEANSING MANAGER

No provision for waste storage. This should be secured by condition.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 165

Total No. of replies: 11

No. of objections: 9

No. in support: 0

Eleven letters received from local residents, nine objecting on the following grounds:

#### Highways

\*Additional parking pressure.

#### Amenity

\*Appropriate conditions to ensure no noise transference from the gym to the offices above.

\*Noise from people opening doors and cars on evenings and weekend, mainly residential area would change for the worse.

\*General disturbance from increased footfall and increased traffic.

\*Associated nuisances.

#### Other

\*Hours are ridiculously long.

\*Only notified from another resident.

\*Consultation inadequate.

\*Already other gyms in the area.

\*Zero as the number of employees on the application form and 'not known' as being entered in terms of the opening hours/days.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND PAPERS

1. Application form
2. Response from Westminster Society, dated 1 December 2015
3. Response from Highways Planning - Development Planning, dated 16 November 2015
4. Response from Cleansing - Development Planning, dated 13 November 2015
5. Letter from occupier of 132A Ashley Gardens, Thirleby Road, dated 17 November 2015
6. Letter from occupier of 147B Ashley Gardens, Thirleby Road, dated 3 March 2016

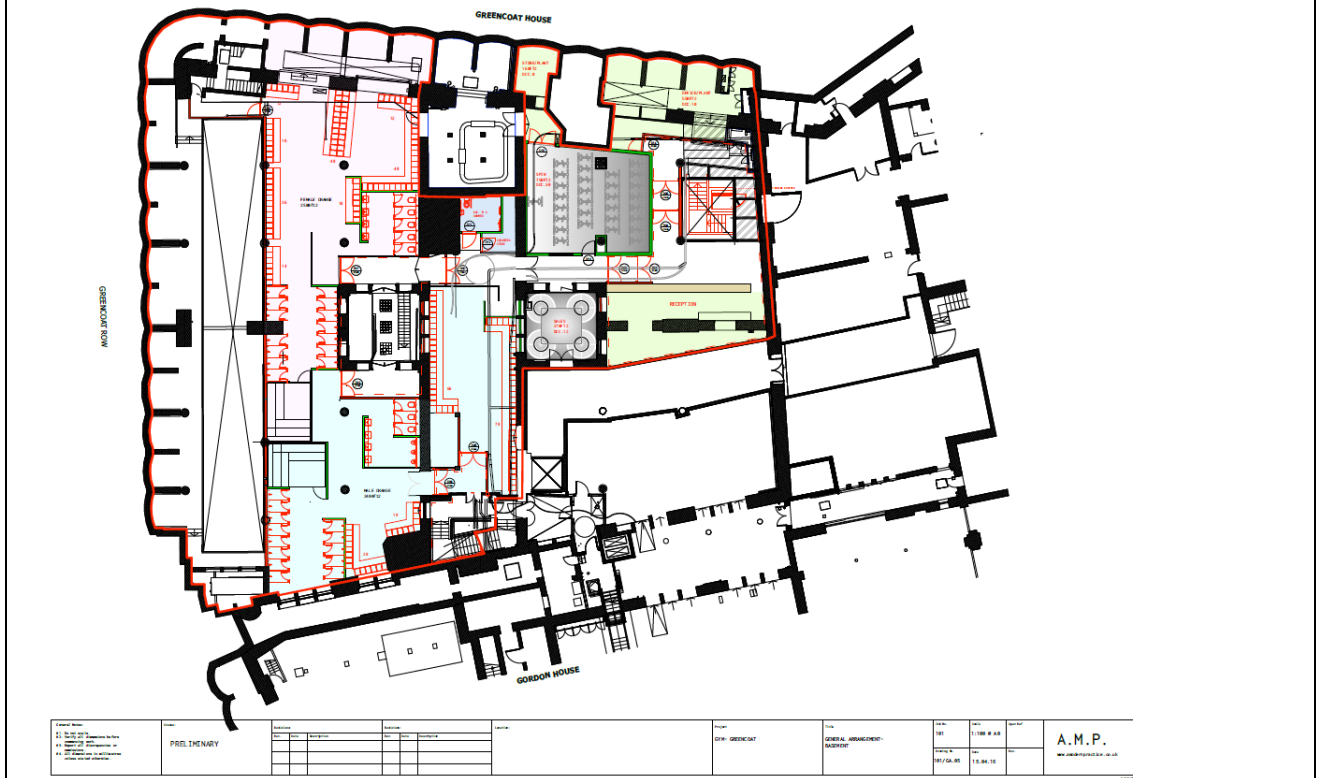
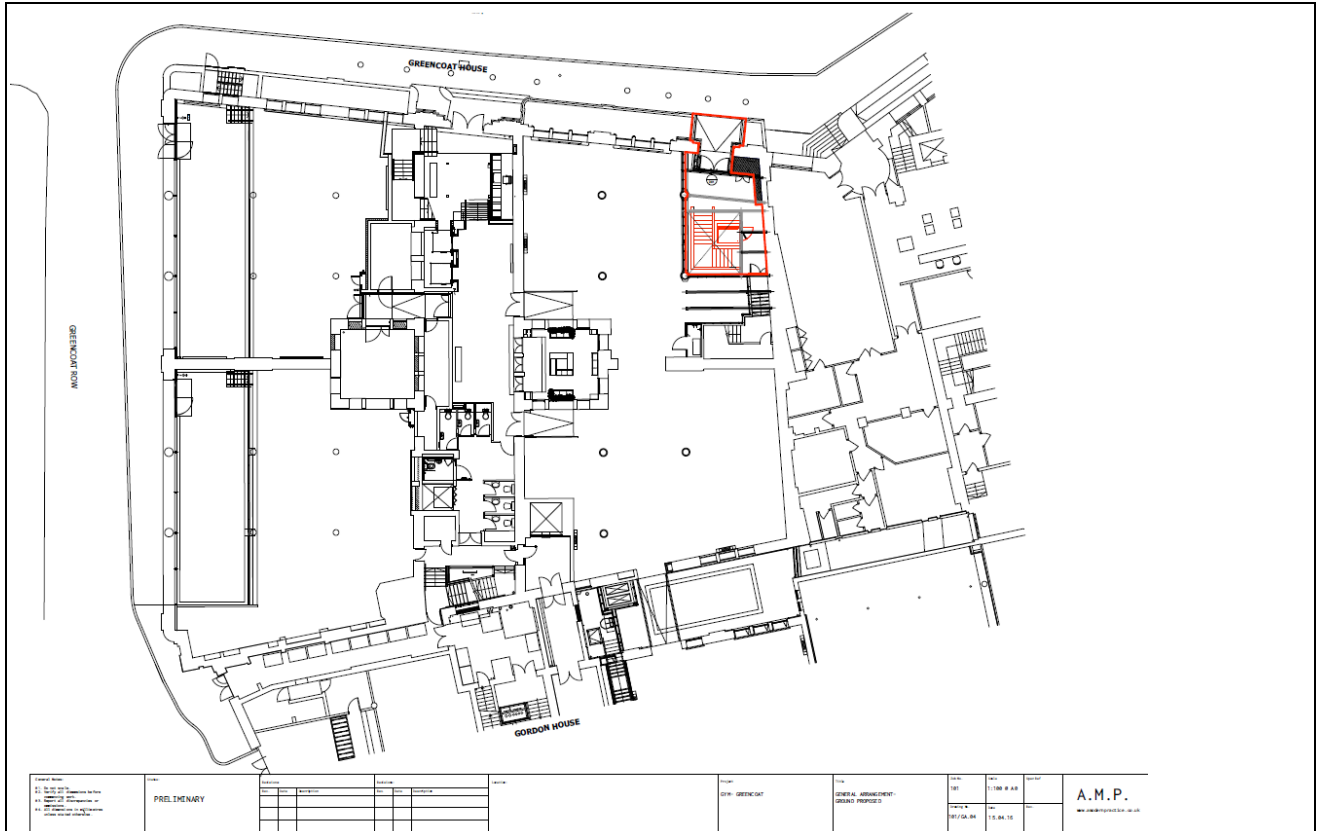
7. Letter from occupier of 133A Ashley Gardens, Thirleby Road, dated 3 March 2016
8. Letter from occupier of 132A Ashley Gardens, Thirleby Road, dated 3 March 2016
9. Letter from occupier of 125A Ashley Gardens, Thirleby Road, dated 3 March 2016
10. Letter from occupier of 137B Ashley Gardens, Thirleby Road, dated 3 March 2016
11. Letter from occupier of 168A Ashley Gardens, Emery Hill street, dated 4 March 2016
12. Letter from occupier of 167 Ashley Gardens, Emery Hill Street, dated 4 March 2016
13. Letter from occupier of 205 Ashley Gardens, London, dated 6 March 2016
14. Letter from occupier of 147B Ashley Gardens, Thirleby Road, dated 6 March 2016
15. Letter from occupier of Greencoat House, 1 Greencoat Row, dated 1 April 2016

### **Selected relevant drawings**

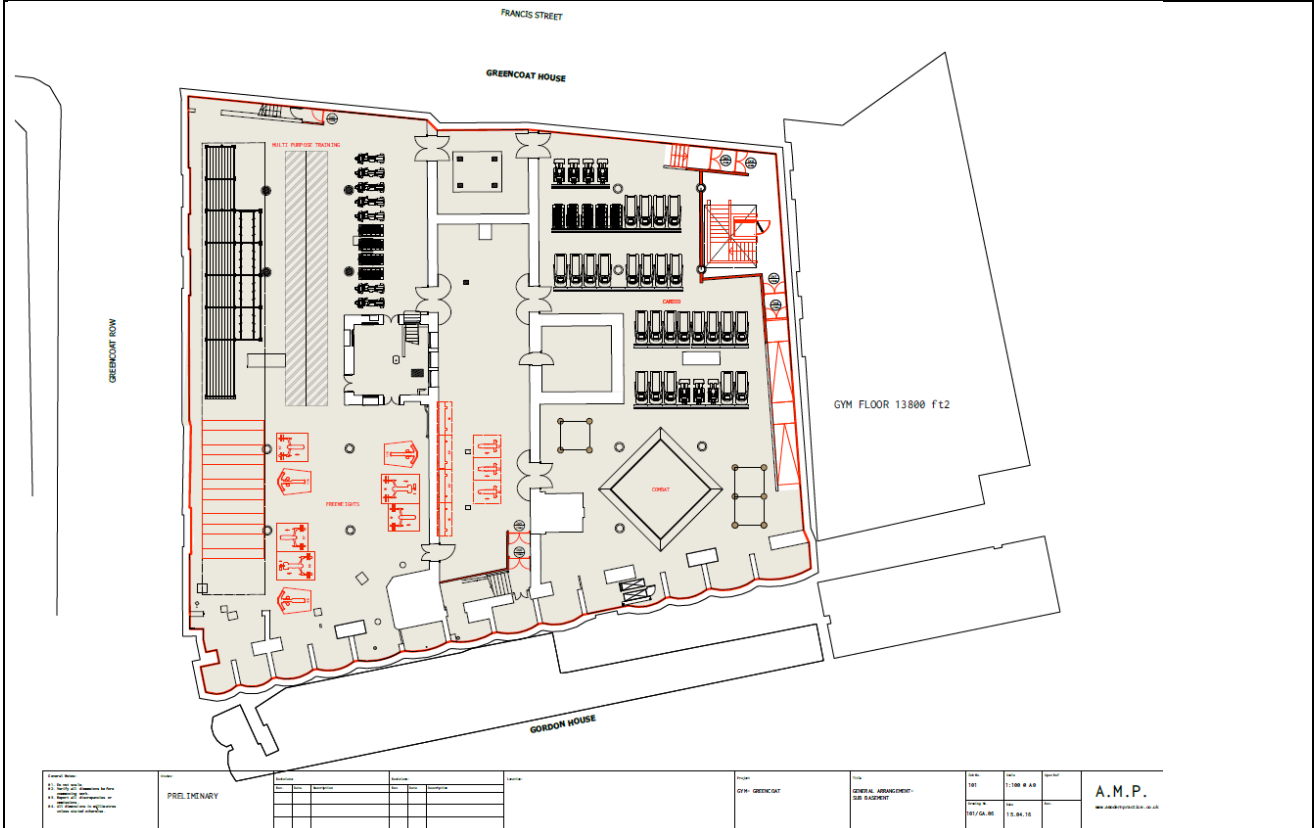
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT MATTHEW MASON ON 020 7641 2926 OR BY EMAIL AT [mmason@westminster.gov.uk](mailto:mmason@westminster.gov.uk)

# 7. KEY DRAWINGS







**DRAFT DECISION LETTER**

**Address:** Greencoat House, Francis Street, London, SW1P 1DH,

**Proposal:** Change of use to a gym (Class D2) at part ground, basement and sub-basement levels.

**Reference:** 15/06747/FULL

**Plan Nos:** Site location plan; C645\_B2\_P\_00\_001 Rev A; C645\_B2\_P\_B1\_001 Rev A; C645\_B2\_P\_B2\_001 Rev A; C645\_B2\_P\_00\_002 Rev B; C645\_B2\_P\_B1\_002 Rev B; C645\_B2\_P\_B2\_002 Rev B.

**Case Officer:** Sebastian Knox

**Direct Tel. No.** 020 7641 4208

**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 apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. 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 stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the gym facility. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling 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. (R14CC)

- 3 You must apply to us for approval of details of secure cycle storage for the staff of the gym. 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 and make it available at all times to staff of the gym. 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 (Table 6.3) of the London Plan 2015.

- 4 The access arrangements to the gym and the alterations to the entrance onto Francis Street including the removal of steps and replacement of the door must be undertaken in accordance with planning permission RN 16/00717/FULL dated 18 April 2016 (or as subsequently approved by any permission which varies this permission) prior to the commencement of the gym use.

Reason:

To make sure that there is reasonable access for people with disabilities, and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and H 8 and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20BC)

- 5 Customers shall not be permitted within the gym premises before 06.00 or after 23.00 Monday to Friday and 10.00 to 20.00 on Saturdays, Sundays, bank holidays and public holidays. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and SOC 1 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 6 No amplified sound from the gym hereby permitted shall be audible from outside the premises.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and SOC 1 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 7 You must not allow more than 500 customers into the gym at any one time.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and SOC 1 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 8 Prior to the implementation of the gym use hereby permitted, an Operational Management Plan shall be submitted to and approved in writing by the City Council. The plan shall address how the gym will be managed, including how people arriving at and leaving the premises would not cause an adverse effect on neighbouring amenity. The Plan shall thereafter be adhered to in full accordance with the approved details.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and SOC 1 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 9 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the gym (Class D2) use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest., (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the gym (Class D2) use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) The location of most affected noise sensitive receptor location and the most affected window of it; (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (d) The lowest existing LA90, 15 mins measurement recorded under (c) above; (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition; (f) The proposed maximum noise level to be emitted by the activity.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in

ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, 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.

- 10 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 at night.

**Reason:**

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

**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.
- 2 This permission does not allow any work which would change the outside appearance of the property. (I18AA)

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.