

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 2 August 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	10A Craven Street, London, WC2N 5PE,		
<b>Proposal</b>	Continued use of basement for auditions, rehearsals and teaching of courses for film-making and the performing arts and an ancillary office (sui generis).		
<b>Agent</b>	Mr Martin Witts		
<b>On behalf of</b>	Mr Martin Witts		
<b>Registered Number</b>	15/02899/FULL	<b>Date amended/ completed</b>	24 June 2016
<b>Date Application Received</b>	1 April 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Trafalgar Square		

## 1. RECOMMENDATION

1. Grant conditional planning permission.

## 2. SUMMARY

The application property is located towards the northern end of Craven Street in close proximity to Charing Cross Station and the Strand and falls within the Core Central Activities Zone (Core CAZ).

Planning permission was granted in December 2008 for the use of part basement for auditions and rehearsals for the performing arts. This permission was subject to conditions limiting the permission to a temporary period of 12 months to allow the impact on neighbouring residential properties to be monitored, and controlling opening hours and number of people visiting the premises. The use has continued to the present day. This application seeks to continue the use on a permanent basis and include the teaching of courses for film making.

The underlying use of the basement is storage (Class B8), however, planning permission was granted for the temporary use of the basement as a health club for up to 50 customers in 2006 and subsequently in 2008. The City Council does not seek to protect storage use and policy S22 of the City Plan supports the provision of arts and cultural uses within the Core CAZ.

Since the 2008 permission, the applicant has confirmed that there have been changes to the

organisations using the premises. The users have expanded to include the Entertainment Heritage Trust, Rain Dance Film Festival and Independent Film Trust, along with their partner organisations and theatres. The use has also expanded to include the teaching of courses for film-making and the performing arts. The applicant has advised that the teaching of courses subsidises the running of the premises allowing the auditions and rehearsals to take place and has argued that a limit of 24 persons on the teaching of courses would make them unviable, therefore making it difficult to keep the premises open.

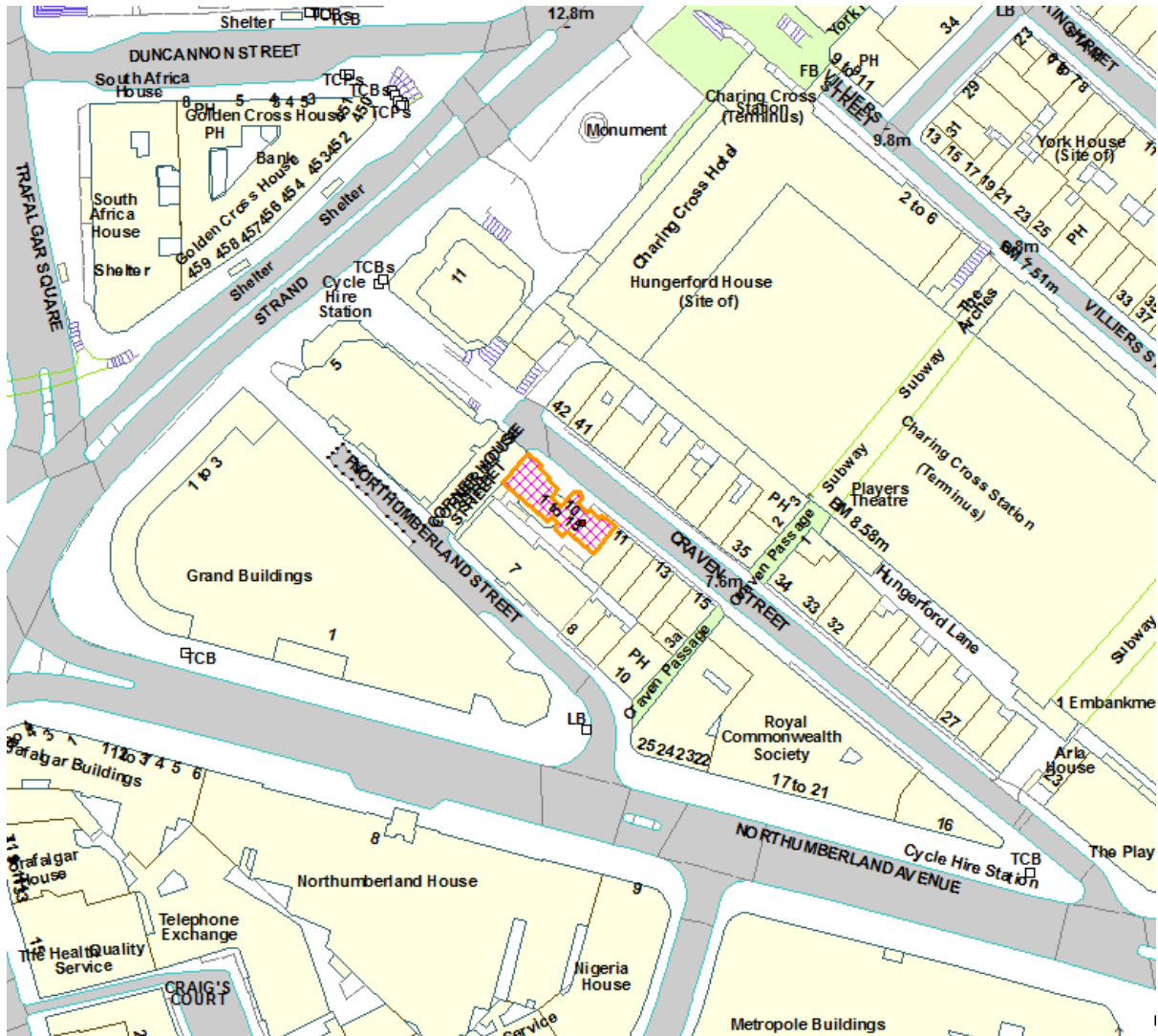
The applicant has requested that a limit of 50 students is applied for the teaching of classes, whilst maintaining the 24 person limit previously permitted for auditions and rehearsals, and is also seeking permission to open on Sundays and Bank Holidays. The applicant has provided 15 letters of support from various theatres, film and production companies who have written to express how valuable a use this is to have in Westminster.

The application has attracted 16 objections from residents above in 10 Craven Street on land use and amenity grounds, primarily with regards to noise and disturbance from people coming and going to and from the premises and congregating around the entrance.

No complaints have been made to the Council's Environmental Health Noise Team on noise grounds since the use began in 2008. The applicant has submitted a Management Statement which states that a member of staff will be present outside the building after workshops and classes finish to ensure that all persons attending are quickly dispersed and to ensure that attendees do not smoke in front of the building or throw litter. An emergency contact number is to be provided to all residents in 10 Craven Street during the opening hours of the premises should any issues arise. It is recommended that adherence to the management statement be secured by condition with a requirement to seek approval from the Council should any changes be sought in the future. It is also recommended that the conditions previously imposed relating to noise, vibration and noise transmission are applied to ensure that neighbouring residents amenity is protected.

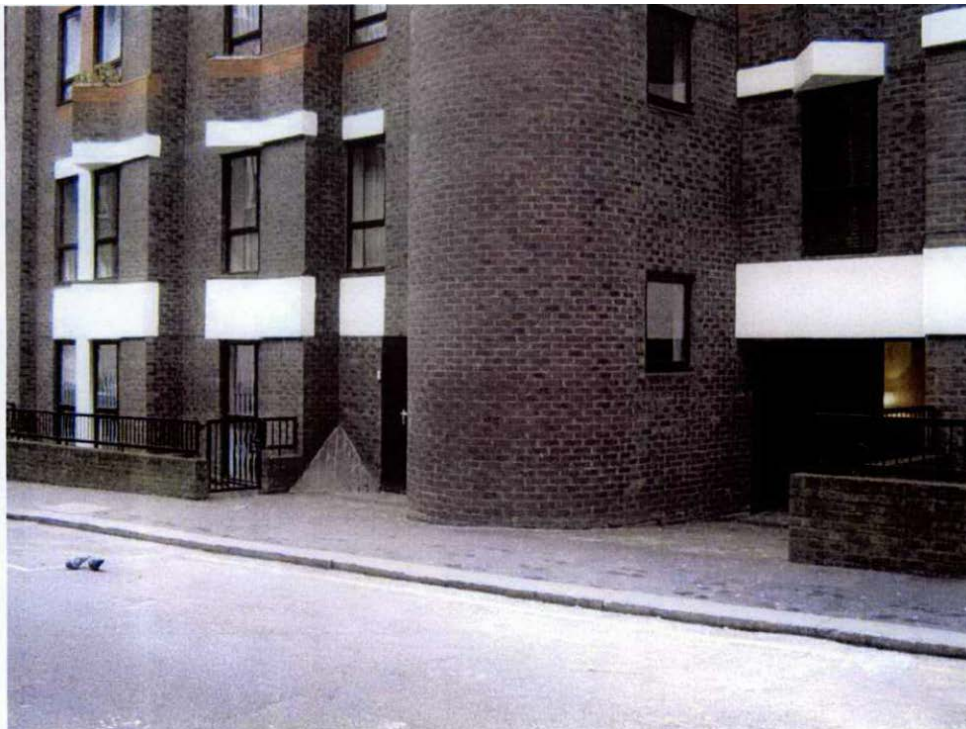
Subject to the imposition of conditions as outlined above, the proposed use is considered acceptable in land use and amenity terms and it is recommended that planning permission be granted.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### WESTMINSTER SOCIETY

No objection.

### HIGHWAYS PLANNING

Conditions recommended to secure waste storage and cycle parking.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 49

Total No. of replies: 16

No. of objections: 16

No. in support: 0 (The applicant has submitted 15 letters in support from various theatres, film and production companies)

Sixteen letters received from residents of 10 Craven Street, including four from the same flat, objecting on the following grounds:

#### Land use

- \* Nature of use has changed since planning permission was last granted.
- \* Use cannot be appropriate for a predominantly residential area.
- \* Use not appropriate in a residential building.
- \* Use being continued despite planning permission having expired.

#### Amenity

- \* General noise and disturbance around entrance area.
- \* Smoking around entrance area.
- \* Internal noise to flat overhead.
- \* Litter being dropped outside the property.
- \* Waste disposal arrangements.
- \* Hours allowed in last permission are being exceeded.

#### Other

- \* Security risk as fire escape to basement is linked to the stairwell of the main block of flats.
- \* Fire escapes being used for ventilation and access.
- \* Not received consultation letter.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 Recent Relevant History

Planning permission was refused in February 2006 for the use of the basement as a private gymnasium/health club on the grounds of noise and disturbance for the people living within the ground and first floor flats of No. 10 Craven Street, due to the hours of

operation, associated audio and mechanical equipment and the number of comings and goings to the premises.

The use of the basement as a health club commenced and retrospective planning permission was granted in August 2006 for a temporary period until 31 August 2007. Conditions were also attached restricting hours of opening and number of customers.

This use discontinued and a subsequent application was submitted by another prospective tenant in March 2007 for the use of the basement as a yoga studio. This proposal also sought to vary conditions of the previous planning permission granted in August 2006 to allow extended opening hours, the permanent use of the premises as a yoga studio and to increase customer numbers. This application was refused permission in May 2007 as it was considered that the proposal would lead to additional noise and disturbance for the people living within the ground and first floor flats of No. 10 Craven Street due to the extended hours and days of operation and the increased number of comings and goings to the premises.

An application to renew the temporary permission granted in August 2006 for the use of the basement as a health club was granted in January 2008, again for a temporary period of one year in order to allow the impact on neighbouring residential occupiers to be re-assessed.

Planning permission was granted in December 2008 for the use of part basement for auditions and rehearsals for the performing arts. This permission was subject to a condition limiting the permission to a temporary period of 12 months to allow the impact on neighbouring residential properties to be monitored, and to conditions controlling the opening hours and numbers of people visiting the premises. The use has continued to the present day.

## **7. BACKGROUND PAPERS**

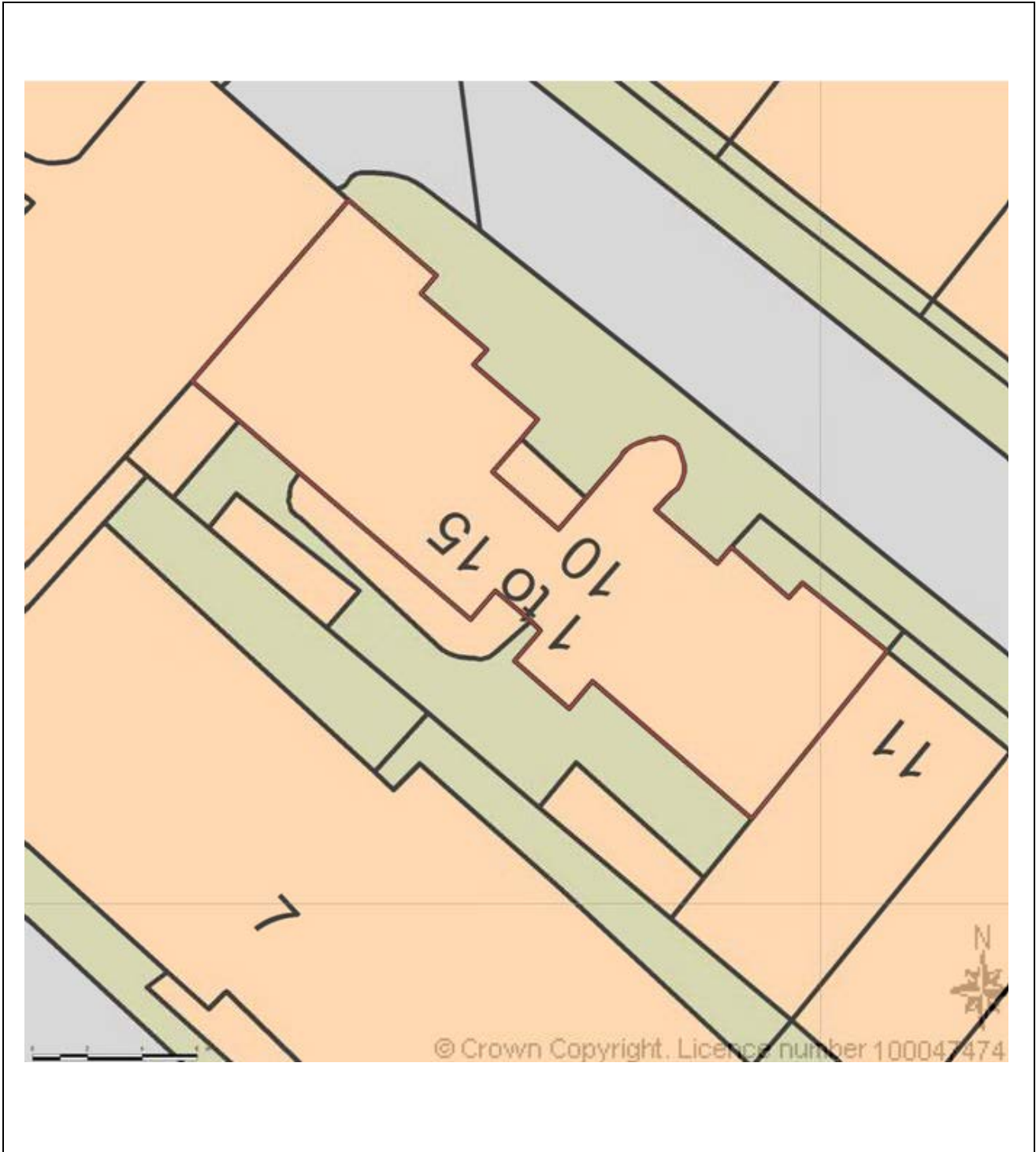
1. Application form
2. Letter from occupier of Flat 1, 10 Craven Street, dated 12 May 2015
3. Letter from occupier of Flat 11, 10 Craven Street, dated 12 May 2015
4. Letter from occupier of Flat 5 10 Craven Street, dated 13 May 2015
5. Letter from occupier of Flat 13, 10 Craven Street, dated 13 May 2015
6. Letter from occupier of Flat 13, 10 Craven St, dated 13 May 2015
7. Letter from occupier of Flat 14, 10 Craven Street, dated 13 May 2015
8. Letter from occupier of Flat 13, 10 Craven Street, dated 13 May 2015
9. Letter from occupier of 10 Craven Street, dated 13 May 2015
10. Letter from occupier of Flat 9, 10 Craven Street, dated 13 May 2015
11. Letter from occupier of Flat 13, 10 Craven Street, dated 14 May 2015
12. Letter from occupier of 10 Craven Street, dated 14 May 2015
13. Letter from occupier of Flat 3, 10 Craven Street, dated 14 May 2015
14. Letter from occupier of Flat 7, 10 Craven Street, dated 14 May 2015
15. Letter from occupier of Flat 15, 10 Craven Street, dated 14 May 2015
16. Letter from occupier of Flat 10, 10 Craven Street, dated 15 May 2015
17. Letter from occupier of Flat 6, 10 Craven Street, received 15 May 2015
18. Letter from applicant (enclosing 15 letters of support), dated 15 July 2015

**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 JULIA ASGHAR ON 020 7641 2518 OR BY EMAIL AT [SouthPlanningTeam@westminster.gov.uk](mailto:SouthPlanningTeam@westminster.gov.uk)

8. KEY DRAWINGS





**DRAFT DECISION LETTER**

**Address:** 10A Craven Street, London, WC2N 5PE,

**Proposal:** Continued use of basement for auditions, rehearsals and teaching of courses for film-making and the performing arts and an ancillary office (sui generis).

**Plan Nos:** Site location plan; block plan; covering letter dated 1 April 2015; Management Statement.

**Case Officer:** Sebastian Knox

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

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 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 Unless otherwise agreed in writing by the City Council as local planning authority, you must use the relevant part of the basement only for auditions, rehearsals and teaching of courses for film-making and the performing arts. You must not use it for any other purpose, including for the staging of theatrical performances.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet ENV6, TACE5, and STRA16 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 3 You must not open the auditions/rehearsals/teaching space to customers, and you must not allow customers on the premises, outside the following times: between 09.00 and 21.00 hours on Mondays to Fridays and between 10.00 and 17.00 on Saturdays, Sundays and Bank Holidays.

Reason:

To protect the environment of people in neighbouring properties as set out in STRA 13, STRA 16, STRA 17, ENV 6, ENV 7 and TACE5 of our Unitary Development Plan that we adopted in January 2007. (R12AB)

- 4 You must not allow more than 24 customers for auditions and rehearsals, or more than 50 customers for the teaching of courses, into the property at any one time. (C05HA)

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

TACE5 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 5 No amplified sound shall be audible outside the premises or within the neighbouring residential properties.

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 TACE5 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 6 The front door must be fitted with a quiet closing mechanism to minimise noise impacts of customers arriving and leaving.

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 TACE5 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 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 auditions/rehearsals/teaching space 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 auditions/rehearsals/teaching space 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.

- 8 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 9 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.

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.

- 10 The use shall only be operated in accordance with the Management Statement dated 22 July 2016. Should any changes be required you must apply to us for an alternative Management Statement prior to making any changes. If we approve an alternative Management Statement you must then carry out the use in accordance with the approved Management Statement.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE TACE5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

(R05GB)

**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 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)

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.