

Committee:	Date:
Planning Applications Sub Committee	30 April 2024
Subject: 9A - 9B Crutched Friars, EC3N 2AU Change of use of Arches 9A and 9B to Class E (Commercial, Business and Services), and Sui Generis drinking establishment, drinking establishments with expanded food provision, along with external alterations, front and rear facade treatments and associated works.	Public
Ward: Tower	For Decision
Registered No: 23/00895/FULL	Registered on: 15 August 2023
Conservation Area: Fenchurch Street Station	Listed Building: No

Summary

The application property is within the railway arches beneath Fenchurch Street railway station. The site comprises two of the three units within this group of railway arches, one known as 9A and 9B Crutched Friars, and the other 26A Savage Gardens.

26A was most recently in use as a mixed-use restaurant and bar (sui generis) over a small part of the ground and the entire first floor level, and has been vacant since 2016.

9A and 9B Crutched Friars forms the remainder of the ground floor of the application site demise, with its entrance off Crutched Friars, and was previously used as a betting shop (sui generis). The site also includes the yard to the rear.

The site is in the Fenchurch Street Station Conservation Area. It is not a listed building.

As originally submitted, the proposal was for a change of use of the property to Class E, and Night Club (sui Generis), and Music Venue (sui Generis), and the application form requested opening until 2am 6 nights per week.

Following objections received from residents, and concerns raised by officers, the applicant was advised by planning officers to amend the proposal, to remove the night club and music venue uses, as they would not be supported. Furthermore, the applicant has agreed to a restriction on hours of operation to no later than 11pm, and this would be a condition of development.

Planning permission is now sought for the change of use of the property to Class E (Commercial, Business and Services), and Sui Generis drinking establishment, drinking establishments with expanded food provision, along with external alterations, front and rear facade treatments and associated works.

38 objections have been received from surrounding residential occupants or property owners, primarily within the adjoining 1 Pepys Street development, as well as a property on Savage Gardens. Objections have also been received from the nearby St Olave's Church, Alderman Nicholas Lyons and Nickie Aiken MP.

It is noted that a large majority of objections relate primarily to late night, night club and music venue uses, which have subsequently been removed from the proposal during the determination period. Many of the objections request the night club and music venue uses be removed, and also state that no premiss should be allowed to open past 11pm. These requests have been fulfilled through negotiations with the applicant.

The broad themes of objection include (a) the potential for noise and disturbance to harm residential amenity from the proposed uses, particularly night club and music venue uses and use of rear yard, (b) anti-social behaviour and crime associated with drinking establishment and late night uses (c) public safety and crime, (d) construction impacts. The comments are discussed and addressed in the following report.

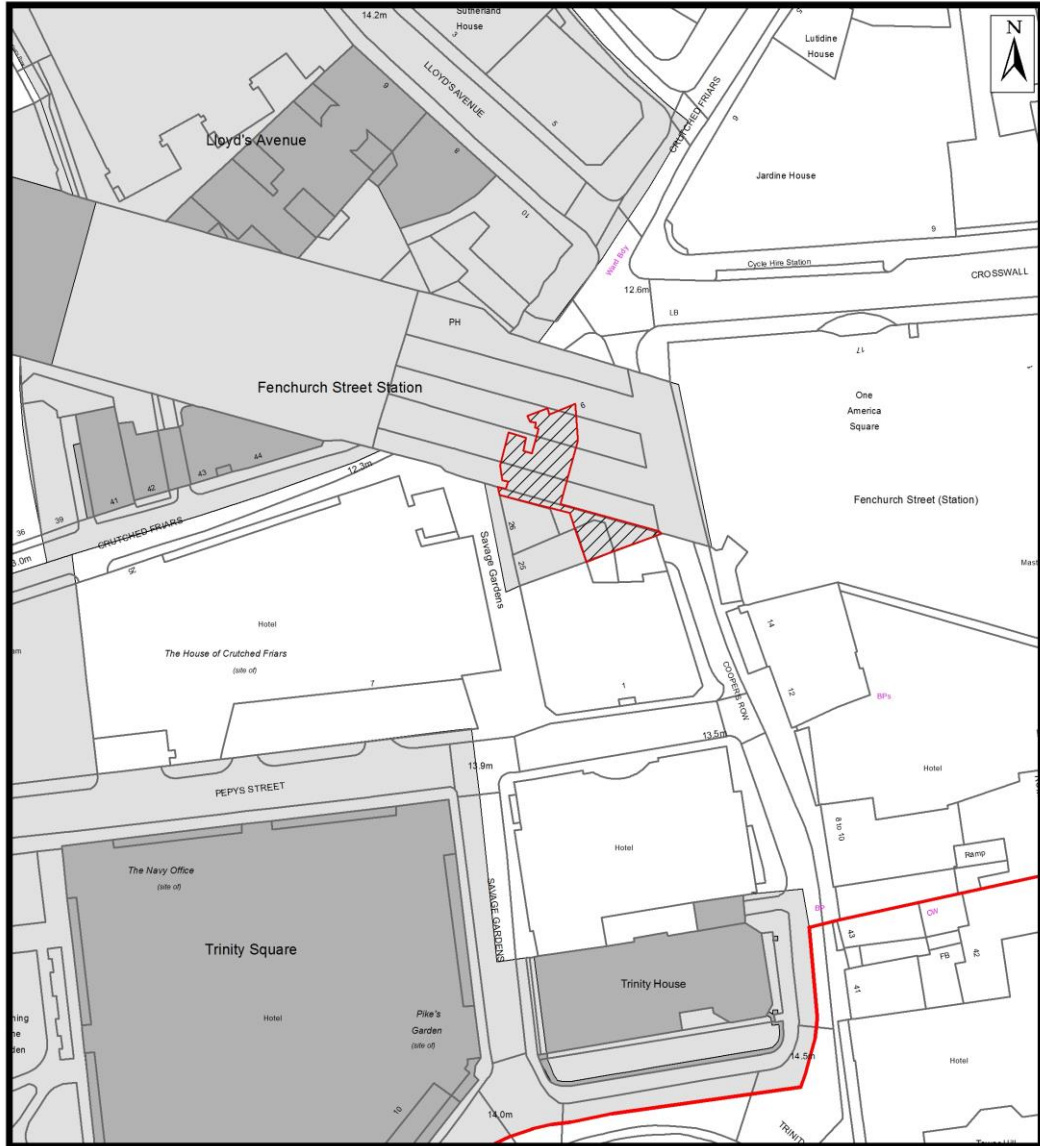
Officers consider that the proposed use of the site falling within Class E, drinking establishment and drinking establishment with expanded food provision is acceptable in land use terms. The proposed external alterations would improve the appearance of the building and wider area. Subject to the recommended conditions, it is not considered that the proposal would result in harm to neighbouring residential amenity, nor the local transport network and planning permission is therefore recommended to be granted.

It should be noted a similar development proposal to provide a Sui Generis drinking establishment use in this location has been granted permission by the Planning applications sub-committee under reference 19/00292/FULL on 23 October 2019, however this permission was never implemented, and the three-year time period for implementation has passed.

Recommendation

That subject to the recommended conditions as set out in s in respect of the matters set out under the heading 'Schedule 1' the Planning and Development Director be authorised to issue a decision notice granting planning permission for the above proposal in accordance with the details set out in the attached schedule.

Site Location Plan



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ADDRESS:
9A & 9B Crutched Friars and 26A Savage Gardens

CASE No.
23/00895/FULL

-  SITE LOCATION
-  LISTED BUILDINGS
-  CONSERVATION AREA BOUNDARY
-  CITY OF LONDON BOUNDARY



ENVIRONMENT DEPARTMENT

Photo 1: Existing Crutched Friars Elevation



Photo 2: Existing Coopers Row Elevation

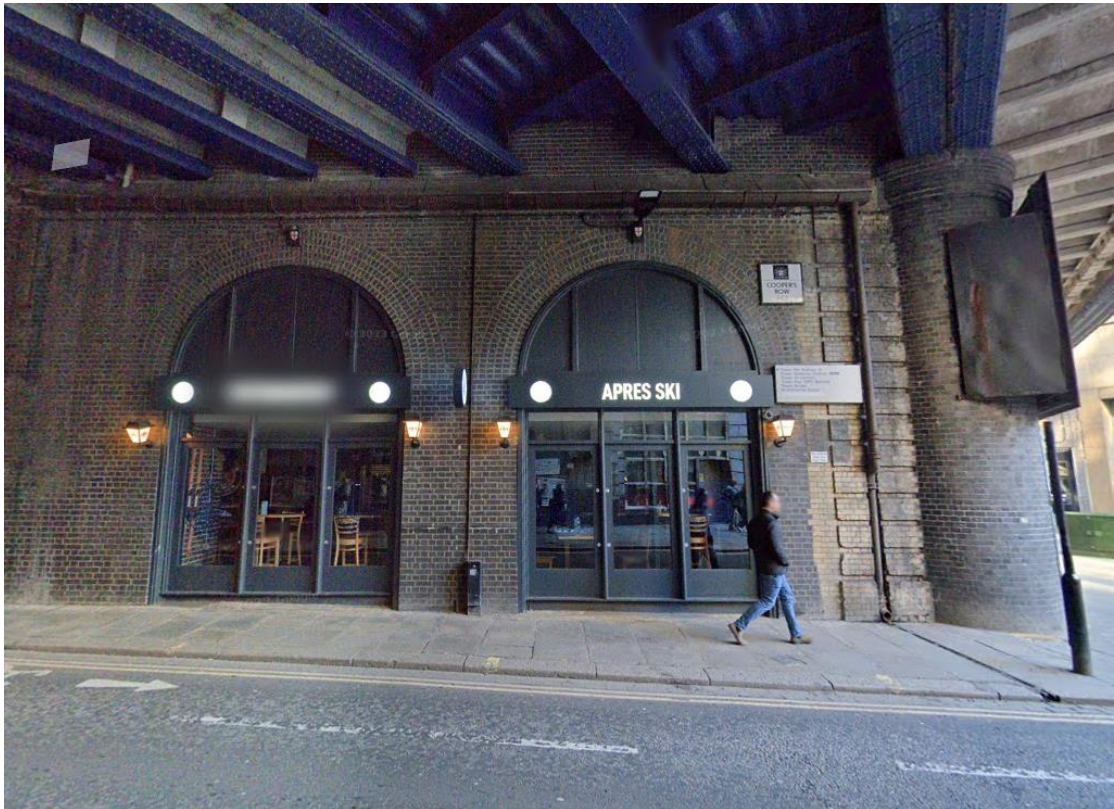


Photo 3: Existing Savage Gardens Elevation



Photo 4: Existing rear condition



Main Report

Site and Surroundings

1. The application site is beneath the railway of Fenchurch Street Station, within a group of five railway arches (three of which front Crutched Friars, and two of which front Copper's Row). It is a two-storey property set over ground and first floor level.
2. The ground floor of the subject property is contained to the western-most arch which fronts Crutched Friars, and would include the main entrance. The first-floor level is larger, comprising of the entire first floor area of this group of arches. The site also includes the external yard area to the rear, which can be accessed via a separate entrance off Savage Gardens (the previous entrance to the 26A Savage Gardens).
3. The site comprises two of the three units within this group of railway arches, 9A and 9B Crutched Friars, and 26A Savage Gardens. 26A was most recently in use as a mixed use restaurant and bar (sui generis) over a small part of the ground (for access from Savage Gardens) and the entire first floor level, and has been vacant since 2016. 9A and 9B Crutched Friars forms the remainder of the ground floor of the application site demise, with its entrance off Crutched Friars, and was previously used as a betting shop (sui generis).
4. The remainder of the ground floor of this section of arches is in use as a drinking establishment, currently operated by Munich Cricket Club, and is not the subject of this application.
5. The rear yard is bound by the railway arches to the north, the residential buildings of 25 and 26 Savage Gardens to the west and 1 Pepys Street to the south. 25 and 26 Savage Gardens contain a total of nine residential units and 1 Pepys Street contains ninety residential units. The flank wall of 26 Savage Gardens adjoins the yard and all the residential buildings have windows overlooking it.
6. External access to the yard is via the former entrance to 26A Savage Gardens along a narrow covered alleyway. This route forms a secondary

means of emergency escape with all 3 units located under the arches having access to the yard and alleyway.

7. The surrounding area is characterised by a mixture of uses typical of this area of The City, largely comprising commercial office space at upper floor levels with retail uses at ground floor with predominantly food and drink oriented sales. The majority of residents in the area are located directly adjacent to the site as described above. There are additional residential units further along Crutched Friars, with several hotels located in the surrounding area. St Olave's Church (GI Listed) is located approximately 115m to the west, on Hart Street.
8. There are three existing drinking establishment (sui Generis) on Crutched Friars, within 100m of the site: Cheshire Cheese, The Crutched Friar and Munich Cricket Club. Other surrounding public houses include The Ship, The Corn Exchange and The Windsor, which are a short walk away from the site. Proud City Cabaret Club on Mark Lane is also within proximity of the site, and is licensed to 3am on Thursdays and Fridays, and midnight on Sundays.
9. The 'Site' sits within the Fenchurch Street Conservation Area. The property is not listed, and the nearest listed buildings are Nos. 41 (GII), 42 (GII*), and 43 and 44 (GII) Crutched Friars, approximately 25m to the west, immediately adjacent to the railway bridge which passes over the application site.
10. There are no other designations or constraints relevant to the Site or the proposals.

Relevant Planning History

11. At their meeting on 1 October 2019, the Planning and Transportation Committee granted Planning Permission (19/00292/FULL, dated 23 October 2019) for:

"Change of use of part ground floor from betting office (sui generis) to a mix of restaurant and drinking establishment (sui generis) (110sq.m) and works comprising:

(i) replacement of shopfront on Crutched Friars; (ii) replacement of first floor windows on Crutched Friars and Coopers Row; (iii) installation of first floor window on Savage Gardens; (iv) replacement of first floor rear doors and windows fronting rear yard with new doors and glazing under the arches and installation of an external green screen; (v) replacement of door and installation of windows to the rear at ground floor; (vi) extension of external walkway on first floor rear elevation and replacement of external stairs for use as a means of escape; (vii) installation of a fence between the external walkway and neighbouring residential properties; and (viii) replacement of extract flue on rear elevation.”

The permission has not been implemented, and three-year time limit for implementation has expired, however it is a material consideration in the determination of the current application.

12. On 6 February 1969 planning permission was granted for the change of use of the first floor from warehouse to licensed restaurant at Arches 9A, B, C, D & E Crutched Friars (Ref: 4489K).
13. On 20 September 1962 planning permission was granted for change of use from warehouse to betting office at Arches 9a & 9b Crutched Friars.

Proposals

14. Planning permission is sought for the change of use of ‘the property’ to a flexible use comprising Class E (Commercial, Business and Services), and Sui Generis drinking establishment, and drinking establishments with expanded food provision.
15. This is together with external alterations including:
 - Replacement of blacked out windows within the arches at first floor level on the northern (Crutched Friars facing) and eastern (Cooper’s Row facing) elevations with new glazing.
 - New main entrance door on northern elevation
 - New solid infill finished in painted render, and double set of glazed doors and 3 fixed, obscure glazed windows within the arches on the southern (rear courtyard facing) elevation.
 - Bricking up of opening at ground floor level, within the covered rear alleyway.
 - New set of external stairs to form emergency escape from first floor level and removal of first floor walkway within alleyway.

- Internally a new set of stairs would be added to provide access to the first floor level, and cycle parking for staff would be added into the lower ground floor area.
16. The proposal has been amended during the determination period to remove the reference to nightclub and music venue from the proposed uses. The rear elevation alteration proposals have also been revised to reduce the amount of glazing within the first floor archways, and to specify all glazing would be of frosted glass.

Consultation

Internal Consultations

17. Environmental Health Officer: Concern has been raised with respect to potential noise and disturbance resulting from patrons leaving the premises. There are difficulties associated with controlling the noise resulting from dispersal of customers from the premises at closing time, which if not adequately managed could cause significant disturbance to neighbouring residents. However, Environmental Health have not objected to the proposal, and have recommended a number of conditions, should the application be approved. These are to include restriction on opening hours with a closing time no later than 11pm every night, no use of rear yard by customers or for staff cycle parking, restriction on music noise levels, restriction on servicing hours, restriction on openable windows and doors, restriction on plant noise and a scheme of protection for residents during construction works. This is discussed in full in the Amenity Impacts section of the report.
18. City Police Licensing Officer: No objection from a policing perspective, subject to recommended conditions (11pm closing time, operational management plan) and removal of “nightclub” and “music venue” from proposed use.
19. District Surveyor’s Office: No objections, proposals compliant with relevant fire safety policies.
20. Air Quality Officer: No objections, recommended condition with respect to Non-Road Mobile Machinery registration by contractor prior to works.
21. Conservation Area Advisory Committee: No objections were raised.
22. Waste Division: No objections.

Statutory Consultations

23. As part of the current application, the City of London Corporation acting as the Local Planning Authority ('LPA') has undertaken consultation with neighbouring residents in line with statutory duties. This includes a further consultation exercise following an amendment to the description of development.
24. Neighbour letters were sent to 99 surrounding residential properties; site notices were posted on 24 August 2023 and 14 September 2023, and the applications were advertised via a press notice in City AM on 29 August 2023, and in the 'weekly list' of 21 August 2023.
25. In response to the original consultation, which included night club and music venue uses 49 objections were received. Copies of all received letters and emails making representations are attached in full and appended to this report. A summary of the representations received, and the consultation responses is set out in the table below. These are summarised into key 'themes' of objection and include some direct quotes from representations received, as well as officers' response to the comments.
26. Following the original consultation period, as a result of officers' advice to the applicant the proposal was amended. Additional neighbour letters were sent to all immediately surrounding residential properties on 10 January 2024, advising of the amended description of development, which removed reference to the night club and live music venue. No additional or new responses were received as a result.

Representation Themes (Objection)	Example comment	Officer Response / comments
Proposed use as a music venue and/or nightclub, and associated amenity impacts.	<i>The establishment of a nightclub and music venue in a building connected to ours is strongly opposed.</i> <i>This is a residential</i>	The proposal as originally submitted included the use of the property as a night club and music venue, however following objections and officer advice to the applicant, they agreed to

	<p><i>professional block with quiet space...not the space for a night club. Imagine the riff raft it would draw in and out from the tube station at those hours! There are children in the building too.</i></p> <p><i>The obvious noise emitted by nightclubs and their often inebriated clients, is obviously undesirable.</i></p>	<p>amend the proposed use to remove reference to these elements.</p>
<p>Proposed late night opening</p>	<p><i>The applicant has applied for 2am closing, 6 nights a week and 12am on Sunday. We have requested that the proposed closing hours for the establishment be no later than 11 pm to mitigate disturbances to residents.</i></p> <p><i>The level of disturbance that will be caused by customers after 11pm will be unacceptable. The proposed use would negatively impact my quality of life, safety, and overall well-being. It will particularly impact on sleeping patterns for all local residents.</i></p> <p><i>We ask that the application is not permitted and that any license granted to an occupier should not exceed 11pm as with the adjacent Munich Cricket Club and the Cheshire Cheese pub opposite.</i></p>	<p>Following objections and officer advice, the applicant has agreed to the development being under the condition that any future operator would close for customer operations no later than 11pm on any night.</p>
<p>Dispersal of drinking establishment customers, and potential for associated noise and disturbance</p>	<p><i>The level of disturbance that will be caused by patrons (most of whom will be feeling the effects of alcohol) leaving in the early hours will be unacceptable. We firmly believe that this use would negatively impact our quality</i></p>	<p>It is recommended that a condition is attached to any permission for an operational management plan to be submitted for approval, prior to commencement of any approved use. Furthermore as noted</p>

	<p><i>of life, safety, and overall well-being.</i></p> <p><i>This is already a busy and noisy area, and this proposal will make it intolerable for residents of Peep St. Patrons will be leaving and loitering (jeering, chatting and everything else) on savage gardens (the pedestrianised lane between the Hilton and the building) at all hours.</i></p>	<p>above, the premises would need to close by 11pm.</p>
<p>Operational noise and disturbance</p>	<p><i>Any permission for the site must require that the rear arches, currently poorly boarded, are fully bricked up to prevent noise and light pollution impacting on so many of us who live in The City. It is clearly not acceptable to simply use "frosted glass" as mentioned in the proposal. Only a solid barrier preventing light and sound escaping would be effective, given the immediate proximity to so many residences.</i></p> <p><i>Will the music blare out? How many days a week, and what hours? What decibel will it be? The cover letter noted past establishments received similar complaints from residents who stated leaving their windows open became an issue.</i></p>	<p>It is noted that the vast majority of objections on this theme refer to the night club / music venue uses, which are no longer proposed.</p> <p>A condition is recommended that no music is to be audible from outside the premises, and that all windows and doors remain closed during operation.</p> <p>It is also recommended that a condition be attached for an operational management plan to be submitted and approved by officers, prior to commencement of the new use.</p> <p>Furthermore, details of the proposed new rear infill and windows is to be secured by condition.</p>
<p>Objections to the use of yard at the rear by customers or for staff cycle storage</p>	<p><i>The proposed use of the yard at the back of the premises, including a bike store and smoking area, would create significant disturbances for residents due to its proximity to windows and bedrooms.</i></p>	<p>It is recommended that a condition be attached that the yard not be used by customers at any time. The cycle storage area has been removed from the rear yard in response to objections, and staff parking would be provided at lower ground level.</p>

	<i>The smell and noise emitted from outside smoking places underneath residents open windows on warm summer nights.</i>	
Crime and antisocial behaviour associated with drinking establishment use	<i>The proposed change of use will make Pepys St a more dangerous place to live. The current local crime statistics are quite startling.</i>	It is recommended that a condition be attached for an operational management plan to be submitted for approval, prior to commencement of any commercial use. City Police Licensing have confirmed no objections to the proposal.
Servicing and deliveries and associated disturbance	<i>We ask that any servicing of the premises use the entrance on Crutched Friars and not the rear yard which is overlooked by some residents at 1 Pepys Street as well as the residents of 25 and 26 Savage Gardens.</i> <i>There should be no servicing of 26a Savage Gardens or deliveries before 8:00 am and the front entrance should be on Crutched Friars and the side entrance on Savage Gardens used only for disabled / emergency access.</i>	Small amount of delivery and servicing required would not result in significant impacts. Delivery hours will be restricted, with no servicing to occur between 07:00-10:00, 12:00-14:00 and 16:00-19:00 on weekdays to avoid peak hours, and between 21:00 on one day and 07:00 on the following day from Monday to Saturday and between 21:00 on Saturday and 07:00 on the following Monday. Furthermore, deliveries would only be taken from the main Crutched Friars entrance, and a full delivery and servicing plan is recommended to be secured by a planning obligation to ensure the impacts are acceptable.
Cumulative impacts of multiple drinking establishments in area	<i>It can already get rowdy round here with so many bars and clubs dotted around but this will tip us over the edge.</i> <i>The quality of life in the area has deteriorated over the years beyond what is humanly acceptable. There are plenty of pubs, night clubs and similar around</i>	Officers note the most recent use of most of the property was as a mixed use restaurant and bar, and therefore this proposal would not result in an additional drinking establishment, though it is acknowledged the new premises would be larger, and therefore have a larger capacity for customers. An operational management plan is to be secured by condition, to ensure

	<p><i>already, facilitating the most reprehensible behaviour.</i></p> <p><i>I am concerned by the proposal for the use of the arches as a nightclub/music venue, as I am confident that this will contribute further to the noise levels already present in the area from patrons of the local pubs.</i></p>	patrons are suitably managed to minimise any impacts.
Shop or restaurant use to serve community needs would be preferred.	<i>We envision a more positive contribution to the local community, such as a restaurant, café, or convenience shop, that would enhance the appeal of the area. We do not object to the amalgamation of the two units for such purposes.</i>	The proposal is for a mix of uses to allow flexibility in finding an operator. Class E includes restaurants, cafes and shops. The proposed drinking establishment use is considered acceptable in principle in land use terms.
Overlooking from the rear into neighbouring dwellings	<i>Any permission for the site must require that the rear arches, currently poorly boarded, are fully bricked up to prevent the residences becoming a goldfish bowl for those frequenting the arch establishments.</i>	Rear glazing would be frosted, and windows and doors would remain closed – these would both be conditions of development. There would be no overlooking of residential properties as a result of the proposal.
Construction impacts	<i>The Noise Statement report does not entail the construction methodology. There are no concrete measures in place that are stated beyond saying that the construction will not impact the noise levels</i>	It is recommended that a condition be attached for a scheme for protecting nearby residents and commercial occupiers from noise, dust and other environmental effects during construction to be submitted to and approved in writing prior to commencement.

27. The Rector and his wife, as well as The Parochial Church Council of the Ecclesiastical Parish of St Olave have submitted representations objecting to the proposal. They are concerned the change would have an extremely detrimental effect, citing issues resulting from existing late night establishments causing anti-social behaviour, including drug use, shouting and urinating on the street outside the church and rectory, and

noise from taxi and car pick-ups throughout the night, which is considered to pose a public safety issue. They strongly object to any night-club or music venue use, have stated that restaurant, café or convenience shop uses would be welcomed, and that any premises licence should extend no later than 11pm. It is suggested that the main entrance should be on Crutched Friars with the Savage Gardens entrance only used as a fire exit or to provide disabled access.

28. Alderman Nicholas Lyons has objected: *I am strongly against this application to change the use of this property on the grounds of the disturbance that it would be bound to cause residents. More than 100 are likely to be affected if this property is approved for late night opening and live music. Given other examples in the City, it is easy to see why so many local residents are opposing this. The building has worked adequately as a restaurant with an 11pm closing time and this is all that it should be used for. We know that those using late night venues make noise coming and going and there is often antisocial behaviour also. The location of this site, so close to residential flats, makes it completely unsuitable for this proposed change of use. Additionally, as others have noted, there is significant danger of a fire escape being compromised. We have had to put up with a change of use of a property in Crutched Friars from an office use to student accommodation against the wishes of residents and in the face of opposition from all members of common council for the Ward. This is seen as an inexorable and undemocratic drift into the nighttime economy in the Ward. We are a business and residential Ward. We do not want late night venues opening and disturbing the balance between workers and residents.*

29. Nickie Aiken (MP) has objected: *I wish to object in the strongest terms my objection to this ill thought out and inappropriate application. If granted I believe my constituents living in close proximity will suffer noise and public nuisance which will severely affect their public amenity. There will be over 100 people detrimentally affected if this application is granted. I fail to see how a such a late night premises providing such entertainment as laid out in the application will not negatively affect its neighbours. Having visited the site I was very concerned to see that a bedroom window is located approximately a metre from the proposed venue. The venue also backs on to the residential building at 1 Pepys Street EC3, with bedrooms being predominantly situated facing the back of the venue. I sincerely believe the public amenity will be deeply affected for those living in these homes as well as those on Savage Gardens. The noise from the patrons leaving the premises late at night, the servicing of the premises with refuse*

collections and deliveries and music noise and patrons is likely to escape from the building. I believe the premises was previously a restaurant which appears to be a more appropriate type of business for this location. I believe this application is entirely inappropriate for this location and would urge the planning authority not to grant on noise, anti-social behaviour, and public amenity grounds. If the authority was minded to grant I would hope a list of conditions would be attached to protect public amenity for the local residents including:

- the operating hours to be no later than 11pm Sunday-Saturday*
- all deliveries be restricted to 7am-5pm and through the Crutched Friars entrance with Savage Gardens only being used for disable access or as a fire exit.*
- the rear Yard to be exempt from all uses bar a fire escape. This area should not be accessed by the public bar emergency access and it certainly should not be used as a bike store and smoking area.*

30. Officers note that a large majority of objections mention late night, night club and music venue uses, which have been removed from the proposal during the determination period. No objections have been formally withdrawn however officers consider the majority of concerns raised above have been addressed through the revisions to the application, as discussed in the main body of the report.

Policy Context

31. The development plan consists of the London Plan 2021 and the City of London Local Plan 2015. The London Plan and Local Plan policies that are most relevant to the consideration of this case are set out in Appendix B to this report.
32. The City of London has prepared a draft plan, the City Plan 2040, which was approved for Regulation 19 consultation in January 2024. This consultation commenced on 18th April 2024. It is anticipated that the City Plan will be submitted to the Secretary of State in Autumn 2024. Emerging policies are considered to be a material consideration with limited weight with an increasing degree of weight as the City Plan progresses towards adoption, in accordance with paragraph 48 of the NPPF. The emerging City Plan 2040 policies that are most relevant to the consideration of this case are set out in Appendix B to this report.

33. Government Guidance is contained in the National Planning Policy Framework (NPPF) September 2023 and the Planning Practice Guidance (PPG) which is amended from time to time.
34. The National Planning Policy Framework (NPPF) states at paragraph 2 that “Planning Law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise”.
35. Paragraph 10 of the NPPF states that “at the heart of the Framework is a presumption in favour of sustainable development. That presumption is set out at paragraph 11. For decision-taking this means:
 - approving development proposals that accord with an up-to-date development plan without delay;
36. Chapter 8 of the NPPF seeks to promote healthy, inclusive, and safe places.
37. Paragraph 92 states that planning decisions should aim to achieve healthy, inclusive, and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles.
38. Paragraph 130 sets out how good design should be achieved including ensuring developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, establish or maintain a strong sense of place, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible and which promote health and wellbeing.

Considerations in this case

39. The Corporation, in determining the planning application has the following main statutory duties to perform:
 - to have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);

- to determine the application in accordance with the development plan unless other material considerations indicate otherwise. (Section 38(6) of the Planning and Compulsory Purchase Act 2004);
- In determining a planning application for a building in a conservation area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area (S.72(1) Planning (Listed Buildings and Conservation Areas) Act 1990).
- account has to be taken of the statutory and policy framework, the documentation accompanying the application, and the views of both statutory and non-statutory consultees.

40. The principal considerations in this case are:

- The extent to which the proposals comply with the development plan
- The extent to which the proposals comply with the NPPF
- The acceptability of the proposed use of 'the site'.
- The impact of the development in design and heritage terms including special architectural and historic interest and heritage significance of the character and appearance and significance of the Fenchurch Street Conservation Area.
- The impact of the proposed development on the amenity of residential occupiers with regards noise, disturbance and general amenity.
- Transport impacts of the proposed development

Land Use

41. Adopted Local Plan (2015) Policy CS20 states that existing retail facilities should be protected unless it is demonstrated that they are no longer required and to resist the loss of retail frontage and floorspace.
42. Paragraph 3.20.6 of the Local Plan sets out that retailing comprises several uses, including restaurants and cafes and drinking establishments. These use classes have been replaced by amendments to the Town and Country Planning (Use Classes) Order 1987 (as amended) in recent years, which have established Class E covering a broad range of uses including retail, restaurants and cafes, offices, and other uses. Drinking establishments (including those with expanded food provision) are now classed as a sui Generis use.

43. The Local Plan was adopted prior to these changes, but it remains the basis for decision-making in the City, subject to other material considerations. Policy DM20.3 of the Local Plan resists the loss of isolated retail units and small groups of retail units outside the Principal Shopping Centres (PSCs) and Retail Links that form an active retail frontage, and which enhance the City's vibrancy. The Local Plan considered pubs to be a form of retail use (as per paragraph 3.20.6).
44. The City of London is within the Central Activities Zone (CAZ) as defined by the London Plan (2021), where the majority of London's night time activities are concentrated.
45. The existing building was most recently in separate use as a mixed-use restaurant and drinking establishment (sui Generis) over the entire first floor level and part of the ground (previously known as 26A Savage Gardens), and the remainder of the ground floor (9A&9B Crutched Friars) was in use as a betting office (sui Generis). Furthermore, the planning history of the site suggests there has been a licensed restaurant at 26A Savage Gardens since approximately 1969.
46. There are no objections to the loss of the betting office use, and the proposed mix of uses falling within Use Class E, and the (Sui Generis) drinking establishment (and drinking establishment with expanded food provision) are acceptable land uses in accordance with the local plan, subject to the impact to residential amenity, and the amenity of the area generally.
47. The proposed use of 'the site' aligns with local plan policies, as well as London Plan Policies: HC6(6) which requires planning decisions to protect and support evening and night-time cultural venues such as pubs, night clubs, theatres, cinemas, music and other arts venues.
48. There would also be improvements to existing active retail frontage and the application supports the aims of Policy DM20.3: Retail uses elsewhere in the City, as the spaces would provide local facilities for the City's workforce, enhance vibrancy, and improve existing active frontages.

Design and Heritage

49. The proposed external alterations to the Northern elevation (Crutched Friars facing) include the installation of a new main entrance door with an aluminium framed door/window composition similar to the other existing doors on this elevation, which serve the adjacent property (Munich Cricket Club), together with the reinstatement of clear glazing to the blacked out windows above the three doors on this elevation, to serve the first floor level. Arched windows would also be reinstated on the Eastern (Cooper's Row facing) elevation to serve the first floor level. The proposed alterations would be a welcome improvement to the appearance of the property, and would be consistent with the character of the site and surrounding area.

50. On the rear elevation (courtyard facing), at first floor level, the existing timber infill of the rear archways would be replaced with solid infill finished in painted render. This would include a set of double doors, together with 2 fixed windows, finished in frosted glass, as well as the replacement of a door with a fixed, frosted window. The set of external stairs to the rear would also be replaced with fire regulation compliant stairs, and would be used as an emergency exit only.

51. The proposed external alterations are relatively minor, and would improve the appearance of the property, and the surrounding area generally. The alterations would be consistent with the character and appearance of the existing building, and would respect and enhance the special characteristics of the Fenchurch Street Station conservation area. The proposal alterations would not impact upon the setting of nearby listed buildings at 41-44 Crutched Friars.

Fire Safety

52. Policy D12 of the London Plan requires all development proposals to achieve the highest standards of fire safety. Policy D5 of the London Plan requires development to be designed to incorporate safe and dignified emergency evacuation for all building users.

53. A fire strategy has been submitted, and the City's District surveyor has been consulted on this. They have raised no objections, and confirmed the fire strategy to be in line with Policies D5 and D12 of the London Plan.

Access

54. Due to the existing basement level and the subsequent raised ground floor level compared to the pavement from the proposed main entrance on Crutched Friars, level access to the unit is only possible from the rear/side access on Savage Gardens. It is proposed for the accessible entrance to be located via Savage Gardens, and through the rear of the building.
55. The constraints of the site mean that level lift access to the first floor is not feasible without substantial alterations and is therefore not being proposed as part of the landlord's shell fit out.
56. The design and access statement states that the unit will have space at the rear of the unit to install an accessible WC and other welfare facilities that may be required. The landlord's shell development will provide capped building services for future occupiers to fit out facilities to suit their bespoke fit out and use of the site.
57. To ensure the property remains suitably and reasonably accessible, an access management plan is recommended to be secured by condition. This will be expected to detail the procedure for allowing access to the site by customers with specific access requirements, including the procedure to ensure the Savage Gardens entrance is not used by any other customers who do not have specific access requirements.

Design Conclusions

58. The proposals are considered to have a positive impact on the appearance of the building and wider surrounding area generally.
59. Considerable importance and weight has been attached to and special attention has been paid to the desirability of preserving or enhancing the character or appearance of Fenchurch Street Station Conservation Area under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended and the impacts are considered to be acceptable, as the alterations would result in an improved appearance of the host building, and therefore the surrounding area generally.

Amenity

60. London Plan policy D13 ('Agent of Change') and Policy D14 ('Noise') requires development to limit and mitigate noise impacts from proposals.
61. Local Plan Policy DM3.5 (Night-time entertainment) and Draft Local Plan Policy CV4 (Evening and Night-Time Economy) sets out that any proposals for new night-time entertainment and related uses will only be permitted where there is no unacceptable impact on the amenity of residents or on environmental amenity, taking into account the potential for noise, disturbance and odours from the operation of the premises, customers arriving and leaving the premises and the servicing of the premises.
62. Local Plan Policies CS21 (Housing) and DM21.3 ('Residential Environment') and draft City Plan policies S3 and HS3, requires amenity of existing residents in identified residential areas to be protected.
63. Local Plan policy DM15.7 and Draft City Plan policy HL3 require noise pollution to be considered.
64. As originally submitted, the application proposed the use of the site to include music venue and/or nightclub. Officers considered these uses would result in a harmful impact to the amenity of neighbouring occupants, and the area generally, and agree with a large number of the objections made against these uses. This is primarily due to the late night opening and associated noise and disturbance, which officers do not consider to be appropriate in such proximity to this number of residential properties.
65. Consequently, officers advised the applicant that the proposal as originally submitted was unacceptable, and the proposal has been amended in response. No music venue or nightclub use is now proposed as part of the application.
66. The site location, close to a railway station in The City, in the Central Activities Zone of London, has an inherent busy character and a certain level of foot traffic and the noise that comes with that is to be expected.

There are two drinking establishments in the immediate vicinity, and several more within walking distance of the site.

67. It is also noted that permission was granted for a drinking establishment in this location in October 2019, and whilst this permission was not implemented, and no longer could be as the time limit has passed, it remains a material consideration in determination of the current planning application. The policy context and residential environment surrounding the application site is not materially different than when that decision was made.
68. Concerns have been raised against the proposals, related to the potential for noise and disturbance from within the property, the increase in the number of drinking establishments, resulting in higher levels of late-night foot traffic, anti-social behaviour, potential for crime and late-night noise and use of the rear yard by customers. Objectors have stated that there are existing issues arising from night time and drinking establishment uses that already exist in the area.
69. It is noted that the vast majority of objections are against the originally proposed music venue and night club uses, and late night opening until 2am, which are no longer part of the proposal. It is therefore recommended that a condition be attached to any permission for any use to close at 11pm on any given day.
70. Concerns relating to the proposed drinking establishment use are acknowledged, and these include the dispersal of customers at the 11pm closing time and associated noise and disturbance, including cumulative impacts considering other existing nearby licensed premises.
71. Environmental health officers have been consulted, and have raised concerns with respect to potential noise and disturbance resulting from patrons leaving any premises. They noted there are difficulties associated with controlling the noise resulting from dispersal of customers from the premises at closing time, which if not adequately managed could cause significant disturbance to neighbouring residents.
72. Despite the concerns raised, environmental health have not formally objected to the proposal, and have recommended a number of conditions, should the application be approved, including restriction on opening hours

with a closing time no later than 11pm on any given day, restriction of use of rear yard by customers, restriction on music noise levels, restriction on servicing hours, restriction on openable windows/doors, restriction on plant noise and a scheme of protection for residents during construction works.

73. Officers consider the imposition of a condition requiring an operational management plan to be submitted by any future operator, prior to commencement of any use, together with the 11pm closing time, would be sufficient to ensure that the proposed drinking establishment uses would not result in unreasonable noise and disturbance to neighbouring residential amenity. This would include details of how the potential impact of customers leaving the premises would be suitably mitigated against. This approach was considered acceptable in determination of the previous, lapsed permission.

74. Furthermore, the City Police licensing officer has been consulted on the proposal, and has confirmed that, subject to the removal of “music venue and nightclub” uses from the proposal, together with the condition requiring an operational management plan and 11pm closing time, that from a policing perspective the proposal is acceptable in principle. It is noted that City Police would have the opportunity for further input in the event that a premises licence application was made.

75. Uniting the two units means that the primary entrance to the premises would now be on Crutched Friars, where it would add to the vitality of the street, whilst moving it away from the residential units on Savage Gardens, where the entrance to the previously operating restaurant/bar unit (No 26A) is located. This is considered to be a benefit of the scheme, and this arrangement has been requested by many of the objectors. Furthermore all deliveries and servicing would need to take place from Crutched Friars, and this would be secured through the S106 agreement, which will secure a delivery and servicing plan.

76. A noise assessment has been submitted, relating to the construction phase and for proposed plant, which concludes the impacts would not be harmful. In order to ensure the impacts during the construction phase are acceptable, a condition requiring submission of a Scheme of protective works is recommended. The noise levels from any proposed plant is also controlled by conditions to limit the noise levels to the required City Standards of 10dBA below the existing background level.

77. It would also be a condition of development, that details of any extraction equipment related to a future commercial kitchen be submitted for approval by the Local Planning Authority prior to commencement of such a use.
78. No operational noise impact assessment has been submitted, however it is recommended that a condition be attached ensuring that no music could be audible outside of the property (noise levels that are at least 10dB below the existing background (LA90(T)) noise level can be considered to meet this criterion), and furthermore no promoted events would be allowed to take place. It would also be a condition that windows and doors are to remain closed, and retain self-closing mechanisms. They would only be permitted to be opened during an emergency for escape. Furthermore opening of the premises would be prohibited between 23:00 and 7:00.
79. Concern has been raised by neighbouring residents with regard to overlooking, noise spill out and the potential for internal lighting within the premises to cause disturbance to neighbours as a result of light spill or glare from the proposed glazing at the rear. It is also noted that the proposed rear elevation has been amended during the determination period to reduce the amount of glazing significantly.
80. A relatively small amount of glazing is now proposed and a condition is recommended for this to be retained as obscure glazing, with details to be submitted to officers for approval, which would ensure no overlooking from the windows.
81. The proximity of neighbouring windows is acknowledged, however, due to the small size of the proposed windows and the obscure glazing to be used, these windows at the rear would not be expected to result in levels of light spill or glare resulting in harm to neighbouring residential amenity. The condition controlling the level of noise that may be heard outside the building as well as that to keep doors and windows closed, would ensure no harmful levels of noise would emanate from the building that could cause a nuisance to surrounding residential properties.
82. The proposed situation is similar to that which existed before 2016, when a restaurant/pub already existed at No.26A, as well as a betting office at 9A/9B. There are also 2 pubs in the immediate vicinity, and this is a busy area of the Central Activities Zone next to a Fenchurch Street Station and in proximity to tube stations. It is acknowledged that the increased size of the premises compared to the previously existing could result in a higher

number of patrons leaving from this specific location, however this would not create significant higher levels of noise and disturbance than already exists, subject to compliance with the recommended conditions.

83. Class E uses within the premises, which includes restaurants, are generally supported by the public representations that have been submitted, and officers do not consider there would be any harmful amenity impacts as a result of uses within Class E, subject to the recommended conditions.
84. To ensure any future kitchens on site do not have a harmful impact on residential amenity, it would be a condition of development that no cooking shall take place until fume extract arrangements and ventilation have been installed to serve that unit in accordance with a scheme approved by the Local Planning Authority.
85. The applicant wishes to retain flexibility in finding an end user for the property, and therefore a flexible Class E (which covers the vast majority of commercial operations as defined by the Use Classes Order), as well as drinking establishment or drinking establishment with expanded food provision, both of which are Sui Generis uses is proposed, and this approach is considered acceptable. The internal fit out has not been defined to retain this flexibility.
86. The most recent use of a large proportion of the site (the first floor area, 26A Savage Gardens) as a restaurant/ drinking establishment (sui generis) must be considered, although it is acknowledged that the unit has been vacant since approximately 2016. It is considered that the proposed development could operate in a similar neighbourly manner to the previous use, as well as the adjacent use (Munich Cricket Club) and that opposite (Cheshire Cheese), which are also drinking establishments (with expanded food provisions), subject to the recommended conditions.

Amenity Impacts Conclusions

87. It is considered that the impacts of the proposed drinking establishment use (including with expanded food provision) and the concerns expressed by objectors would be suitably controlled through the imposition of the aforementioned conditions and that the proposal would not result in an unacceptable impact on the amenity of surrounding residents.

88. Overall, the proposals are in accordance with policies CS20, DM15.7, DM21.3 of the Local Plan and policies HL3, S3 and HS3 of the draft City Plan 2040.

Transport, delivery and servicing

Public Transport

89. The site has the highest level of public transport provision with a public transport accessibility level (PTAL) of 6b which is the highest score. There are a number of bus stops within proximity of the site, to the north there are bus stops on Fenchurch Street, to the east on Minories, while east and westbound bus stops can also be found on Tower Hill a short walk to the south of the site. The site is also well serviced by tube and train connections with London Fenchurch railway station, Tower Hill underground and Tower Gateway DLR station in proximity.

Trip Generation

90. A trip generation assessment was not required as part of this application due to its small size. The site is also well serviced by local public transport as outlined above, no car parking will be associated with the development and therefore any impact on the local highway is considered negligible and does not raise any concerns.

Servicing

91. The proposed development will be car free. As a result, all vehicle trips generated by the development will be associated with delivery and servicing. Due to the constraints of the site no servicing bays can be provided off the public highway, but this is considered acceptable due to the low number of trips expected with only 2 to 3 deliveries a day.
92. Officers have been in discussions with the applicant to ensure servicing for the unit will be undertaken via the front door, with delivery vehicles stopping where appropriate and legal on Crutched Friars. The use of the front door for servicing will minimise noise for Savage Gardens and Cooper's Row.

93. Loading restrictions are present in the vicinity of the site, specifically on the southern side of Crutched Friars from its junction with Cooper's Road to a point circa 15m west of the overbridge. Servicing is permitted on the northern side of Crutched Friars, and on the southern side further west of the restrictions identified.
94. It is also recommended to limit servicing hours to outside of peak hours to reduce impact on the public highway, so no servicing will take place between 07:00-10:00, 12:00-14:00 and 16:00-19:00 in accordance with policy. There will also be no overnight servicing between 21:00 and 07:00, or any servicing at all on Sundays to protect the amenity of neighbours.
95. It is recommended that Servicing Management Plan be secured via condition in order to meet London Plan policy T4 and Local Plan Policy 16.1. This would ensure the applicant would only use the main entrance for delivery of goods services, along with restrictions of delivery times outside of peak hours.

Disabled Motor Vehicle Parking

96. Providing an allocated space on-site has not been possible for disabled motor vehicle parking. It is acknowledged that local disabled bay parking is available on the local highway as mentioned in the submitted Transport Assessment. The nearest disabled parking bay is located less than 50metres from the site entrance which is limited to a maximum stay of 4 Hours on Mondays to Fridays inclusive, with no restricted hours of weekends.
97. Due to the proximity of the nearest disabled parking bay it is considered that adequate provision is in place to allow access for disabled motor vehicles users.

Cycle Parking

98. London Plan Policy T5 (Cycling) requires cycle parking be provided at least in accordance with the minimum requirements set out within the plan. Policy T5 (Cycling) requires cycle parking to be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards and that developments should cater for larger cycles, including adapted cycles for disabled people.

99. The level of cycle parking proposed as part of the development is compliant based on the London Plan requirements for long stay parking, however it fails to meet the requirement for short stay parking.
100. The long stay cycle parking is proposed at basement level by provision of a wall hook which is accessible via a small set of steps accompanied by a wheel ramp to provide easier access. While this does not provide a step free access to the long stay and the wall hooks are not ideal for all bicycle storage, it should be recognised that the constraints of the site present significant challenges.
101. No new short stay parking is proposed to be provided as part of the development. However it should be noted that there are spaces already provided close to the site with four Sheffield cycle stands which are located to the front of the site and five stands which are located to the west on Savage Gardens. This caters for 18 bicycles. Santander docking stations are also located near the site, approximately 40m north on Crosswall, providing 34 docking stations with another 17 available to the south at the Aldgate High Street/ Jewry Street junction.
102. It is considered in this case, due to the significant constraints for space on site and the existing on-street provision and that the application only seeks a change of use, that it would be unreasonable to refuse permission for this reason. Therefore, a condition is recommended for the provision and retention of 3 long stay cycle parking spaces.

Management of Construction Impacts on the Public Highway in the local area

103. While the works may have some impact on local residents during the construction, these works are considered to be minimal and for a relatively short period, and would not have a significant impact on local or strategic transport networks, and a construction logistic plan is therefore not required on this occasion.

Transport Impact Conclusions

104. The proposals are acceptable in transport terms, subject to compliance with the recommended conditions and planning obligation.
105. Should planning permission be granted the following S106 planning obligations and conditions would need to be secured:
106. A condition requiring the provision of 3 long stay cycle parking spaces designed to London Cycle Design Standards and the ongoing retention of these facilities, details of which will need to be submitted and approved, and approval should be reserved by condition. A delivery and servicing plan is also recommended to be secured by condition, prior to first occupation of the building. The servicing hours are also proposed to be restricted by condition.

Planning Obligations and Community Infrastructure Levy

107. The proposed development is not CIL liable as no additional floorspace would be created.
108. No legal agreement is required for this planning application.

Public Sector Equalities Duty

109. When considering the proposed development, the Public Sector Equality Duty requires the City of London Corporation to consider how the determination of the application will affect people who are protected under the Equality Act 2010, including having due regard to the effects of the proposed development and any potential disadvantages suffered by people because of their protected characteristics.
110. Under the Act, a public authority must, in the exercise of its functions, have due regard to the need to:-
- eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

111. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

112. Public authorities also need to have due regard to the need to eliminate unlawful discrimination against someone because of their marriage or civil partnership status.

113. This application has been assessed against the Equality Act 2010 and any equality impacts identified.

114. It is acknowledged that the proposal would not provide the same access for disabled wheelchair users or others who require level access, because they will be required to use a different access at the rear (from Savage Gardens), and no access would be provided to the upstairs area of the building at all as part of the current proposal.

115. It is acknowledged that equal access through the same entrance would have been preferable, however in this case the application is for a change of use and not a comprehensive redevelopment and there are no extensions to the building proposed. There are significant constraints of the existing building, and it has not been possible for the applicant to provide level access at the front of the building, nor to propose the inclusion of a lift within the building. At this stage, the internal fit-out has not been finalised, as this would be down to the future operator of the space, who could choose to include a lift. A condition is recommended requiring submission of an Accessibility Management Plan prior to occupation of the building, which will provide details of how the building will be made reasonably accessible by a future commercial occupier.

116. Considering the access that will be provided, it is the view of officers that a decision to grant planning permission, although it would disadvantage some disabled people, who are protected under the Equality Act 2010, would be acceptable on balance, considering the merit of bringing an unused commercial building back into operation and improving the appearance of the surrounding area.

117. In relation to policy GG1 of the London Plan, the proposals are considered to support and promote the creation of an inclusive London where all Londoners, regardless of their age, disability, gender, gender identity, marital status, religion, race, sexual orientation, social class, or whether they are pregnant or have children, can share in its prosperity, culture and community, minimising the barriers, challenges and inequalities they face.

Human Rights Act 1998

118. It is unlawful for the City, as a public authority, to act in a way which is incompatible with a Convention right (being the rights set out in the European Convention on Human Rights ("ECHR")).

119. It is the view of officers, that there would be no infringement of the ECHR.

Conclusions

120. The proposal has been assessed in accordance with the relevant statutory duties and having regard to the development plan and other relevant policies and guidance including SPDs and SPGs, the NPPF, the emerging Local Plan and considering all other material considerations.

121. The proposed mix of uses falling within Class E (commercial) and the drinking establishment (including with expanded food provision) is considered acceptable. It would add to the vibrancy of this area, whilst improving the external appearance of the building, and bringing an underused railway arch back into commercial usage. The application supports the aims of Policy DM20.3: Retail uses elsewhere in the City, as the space would provide local facilities for the City's workforce, enhance vibrancy, and create active frontages.

122. In order to address concerns raised in respect of potential impacts on the amenity of surrounding residents as well as the area generally, originally proposed music venue and nightclub uses were removed from the proposal. Furthermore conditions are recommended including a closing time no later than 11pm, no use of the rear yard by customers, details of an operational management strategy, doors and windows to be kept closed, delivery and servicing timing restrictions and submission of a

servicing management plan to be secured through a Section 106 agreement.

123. Having assessed the impact of the proposal and recognising the weight to be given to any potential harm, it is considered that the proposals would achieve a use for the premises which would contribute positively to the vibrancy and activity of this group of railway arches, and the area in general. Subject to the recommended conditions the proposed Class E and drinking establishment (including with expanded food provision) would result in an acceptable impact to the amenity of residents and the surrounding area.
124. It is therefore recommended that planning permission is granted for the proposed use and the associated external alterations.

APPENDIX A: BACKGROUND PAPERS

Internal Consultation Responses:

Email –Cleansing Division dated 22 August 2023
Memo – Air Quality Officer dated 23 August 2023
Memo - Environmental Health Officer dated 20 October 2023
Memo – District Surveyors dated 30 November 2023
Letter – Transport Officer dated 13 February 2024
Email – City Police Licensing Officer dated 10 April 2024

External Consultation Responses:

Comment: Alderman Nicholas Lyons
Comment: Mrs Nickie Aiken (MP)
Letter: The Parochial Church Council of the Ecclesiastical Parish of St Olave's Church dated 7 November 2023
Letter: City of London Conservation Area Advisory Committee dated 8 September 2023

Public Representations:

1. O. H.
2. Keith Mansfield
3. Mr Geoff Boyd
4. Paul Pavlou
5. Dr. Jayne Evans
6. Rev Arani Sev
7. Mr Solomon Peters
8. Mrs Nickie Aiken
9. Carol Hall & Adrian Taylor (11/10/23)
10. Bev Hurley
11. Tim Jordan
12. John Walsh

13. Ms Phoebe Chau
14. Mr John Walsh
15. Mr Salim Chatoo
16. Ms Phoebe Chau
17. Mr Ali Cetin
18. Ms Emma Wood
19. Ms Graeme Smith
20. Mrs Bhamini Sarin
21. Dary Sweeney
22. Mrs Lisa Allan
23. Mr Naeem Sadiq
24. Mr Ated Eden
25. Mr Lewis McGivern
26. Ms Jackline Staats
27. Ms HSIN CHIH TSAI
28. Mrs Linda Mahalski
29. Dr Francois Barker
30. Ms F Yang
31. Mr Graeme Smith
32. Miss Sasha O'Hanlon
33. Dr Girija Purushothaman
34. Dr Moothathamby Sri-Ganeshan
35. Dr Muhuntha Sri-Ganeshan
36. Mr Terry Boyle
37. Graham Mundy - On Behalf of The PCC
38. Mr Nicholas Jepson
39. Ms Yulia Kozlova
40. Ms Yunxuan Lu
41. Mr LAURENCE Cohen

42. Dr Muhuntha Sri-Ganeshan

43. Mr Nicholas Lyons

44. Mr Nicholas Lyons

45. Dr Chiara Mancuso

46. Dr Chiara Mancuso

47. Dr Tarun Makker

48. Carlos Queiroz

49. Mr JEA HYEON PARK

Application Documents:

Application Form dated 14 August 2023

Cover Letter (Rapleys, dated 14 August 2023)

Response to consultation comments (Rapleys, dated 10 January 2024)

Air Quality Assessment (AAC, dated August 2023)

Noise Assessment (AAC, dated August 2023)

Design and Access Statement (Rapleys, dated July 2023)

Transport Statement (TPA, dated August 2023)

Transport Technical Note (TPA, dated January 2024)

Fire Strategy Drawing No: FS-001 (Rapleys, dated July 2023)

Fire Strategy Drawing No: FS-002 (Rapleys, dated July 2023)

APPENDIX B

Relevant London Plan Policies

Policy GG1 (Building strong and inclusive communities) encourages early and inclusive engagement with stakeholders, including local communities, in the development of proposals, seeking to ensure positive changes to the physical environment and provide access to good quality community spaces, services, amenities and infrastructure. In addition, it supports London continuing to generate a wide range of economic and other opportunities promoting fairness, inclusivity and equality.

Policy D4 states that "design and access statements submitted with development proposals should demonstrate that the proposal meets the design requirements of the London Plan."

Policy D14 (Noise) seeks to avoid significant adverse noise impacts on health and quality of life, and mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development.

Policy HC1 (Heritage conservation and growth) requires development proposals "should demonstrate a clear understanding of the historic environment and the heritage values of sites or areas and their relationship with their surroundings."

Policy HC6 Supporting the night-time economy seeks to promote the night-time economy, where appropriate, particularly in the Central Activities Zone; to diversify the range of night-time activities, including extending the opening hours of existing daytime facilities such as shops, cafés, libraries, galleries and museums; to address the cumulative impact of high concentrations of licensed premises on anti-social behaviour, noise pollution, health and wellbeing and other issues for residents and nearby uses, and seek ways to diversify and manage these areas; and to protect and support evening and night-time cultural venues such as pubs, night clubs, theatres, cinemas, music and other arts venues.

Relevant GLA Supplementary Planning Guidance (SPGs)

- Accessible London: Achieving an Inclusive Environment SPG (October 2014);
- Social Infrastructure (May 2015);
- Culture and Night-Time Economy SPG (November 2017);
- London Environment Strategy (May 2018);
- Cultural Strategy (2018);
- Central Activities Zone (March 2016).

Relevant Local Plan Policies

DM3.5 Night-time entertainment

- 1) Proposals for new night-time entertainment and related uses and the extension of existing premises will only be permitted where it can be demonstrated that, either individually or cumulatively, there is no unacceptable impact on:
 - a) the amenity of residents and other noise-sensitive uses;
 - b) environmental amenity, taking account of the potential for noise, disturbance and odours arising from the operation of the premises, customers arriving at and leaving the premises and the servicing of the premises.

- 2) Applicants will be required to submit Management Statements detailing how these issues will be addressed during the operation of the premises.

CS11 Encourage art, heritage and culture

To maintain and enhance the City's contribution to London's world-class cultural status and to enable the City's communities to access a range of arts, heritage and cultural experiences, in accordance with the City Corporation's Destination Strategy.

DM11.1 Visitor, Arts and Cultural

- 1) To resist the loss of existing visitor, arts and cultural facilities unless:
 - a) replacement facilities are provided on-site or within the vicinity which meet the needs of the City's communities; or
 - b) they can be delivered from other facilities without leading to or increasing any shortfall in provision, and it has been demonstrated that there is no demand for another similar use on the site; or
 - c) it has been demonstrated that there is no realistic prospect of the premises being used for a similar purpose in the foreseeable future.

- 2) Proposals resulting in the loss of visitor, arts and cultural facilities must be accompanied by evidence of the lack of need for those facilities. Loss of facilities will only be permitted where it has been demonstrated that the existing floorspace has been actively marketed as a visitor, arts or cultural facility at reasonable terms.

CS15 Creation of sustainable development

To enable City businesses and residents to make sustainable choices in their daily activities creating a more sustainable City, adapted to the changing climate.

DM15.7 Noise and light pollution

1. Developers will be required to consider the impact of their developments on the noise environment and where appropriate provide a noise assessment. The layout, orientation, design and use of buildings should ensure that operational noise does not adversely affect neighbours, particularly noise-sensitive land uses such as housing, hospitals, schools and quiet open spaces.
2. Any potential noise conflict between existing activities and new development should be minimised. Where the avoidance of noise conflicts is impractical, mitigation measures such as noise attenuation and restrictions on operating hours will be implemented through appropriate planning conditions.
3. Noise and vibration from deconstruction and construction activities must be minimised and mitigation measures put in place to limit noise disturbance in the vicinity of the development.
4. Developers will be required to demonstrate that there will be no increase in background noise levels associated with new plant and equipment.
5. Internal and external lighting should be designed to reduce energy consumption, avoid spillage of light beyond where it is needed and protect the amenity of light-sensitive uses such as housing, hospitals and areas of importance for nature conservation.

DM16.3 Cycle parking

1. On-site cycle parking must be provided in accordance with the local standards set out in Table 16.2 or, for other land uses, with the standards of the London Plan. Applicants will be encouraged to exceed the standards set out in Table 16.2.
2. On-street cycle parking in suitable locations will be encouraged to meet the needs of cyclists.

CS20 Improve retail facilities

To improve the quantity and quality of retailing and the retail environment, promoting the development of the five Principal Shopping Centres and the linkages between them.

DM20.3 Retail uses elsewhere

To resist the loss of isolated and small groups of retail units outside the PSCs and Retail Links that form an active retail frontage, particularly A1 units near residential areas, unless it is demonstrated that they are no longer needed.

DM21.3 Residential environment

1. The amenity of existing residents within identified residential areas will be protected by:
 - a) resisting other uses which would cause undue noise disturbance, fumes and smells and vehicle or pedestrian movements likely to cause disturbance;
 - b) requiring new development near existing dwellings to demonstrate adequate mitigation measures to address detrimental impact.
2. Noise-generating uses should be sited away from residential uses, where possible. Where residential and other uses are located within the same development or area, adequate noise mitigation measures must be provided and, where required, planning conditions will be imposed to protect residential amenity.
3. All development proposals should be designed to avoid overlooking and seek to protect the privacy, day lighting and sun lighting levels to adjacent residential accommodation.
4. All new residential development proposals must demonstrate how potential adverse noise impacts on and between dwellings will be mitigated by housing layout, design and materials.
5. The cumulative impact of individual developments on the amenity of existing residents will be considered.

Relevant Draft City Plan 2040 Policies

S1 Healthy and inclusive city

HL1 Inclusive buildings and spaces

HL3 Noise and light pollution

S2 Safe and Secure City

S6 Culture, Visitors and the Night -time Economy

S9 Vehicular transport and servicing

AT3 Cycle parking

S11 Historic environment

Relevant City Corporation Guidance and Supplementary Planning Documents (SPDs)

Cultural Strategy 2018 – 2022 (2018).

SCHEDULE 1

APPLICATION: **23/00895/FULL**

9A-9B Crutched Friars and 26A Savage Gardens

Change of use of Arches 9A and 9B to Class E (Commercial, Business and Services), and Sui Generis drinking establishment, drinking establishments with expanded food provision, along with external alterations, front and rear facade treatments and associated works.

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notification of the start of works on site shall be sent to Historic England, and a copy sent to the City of London Corporation at least seven days before the works hereby approved are commenced.
REASON: To ensure compliance with the terms of Section 91 of the Town and Country Planning Act 1990
- 2 Before any works hereby permitted are begun additional details and information in respect of the following shall be submitted to and approved in writing by the Local Planning Authority and all development pursuant to this permission shall be carried out in accordance with the approved details:
 - (a) detailed elevations and materials of the proposed new shopfront and rear archway infill;
 - (b) details of windows, including obscure glazing for all windows at the rear, and external joinery;
 - (c) details of the proposed bin enclosure;
 - (d) details and materials of the proposed boundary fencesReason: To ensure that the Local Planning Authority may be satisfied with the detail of the proposed development and to ensure a satisfactory external appearance in accordance with the following policies of the Local Plan: DM3.2, DM10.1, DM10.5, DM12.2.
- 3 There shall be no construction on the site until a scheme for protecting nearby residents and commercial occupiers from noise, dust and other environmental effects during construction has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the Department of Markets and Consumer Protection's Code of Practice for Deconstruction and Construction Sites and arrangements for liaison and monitoring (including any agreed monitoring contribution) set out therein. A staged scheme of protective works may be submitted in respect of individual stages of the construction process but no works in any individual stage shall be commenced until the related scheme of protective works has been submitted to and approved in writing by the Local Planning Authority.

The development shall not be carried out other than in accordance with the approved scheme (including payment of any agreed monitoring contribution).

REASON: In the interests of public safety and to ensure a minimal effect on the amenities of neighbouring premises and the transport network in accordance with the following policies of the Local Plan: DM15.6, DM15.7, DM21.3. These details are required prior to demolition in order that the impact on amenities is minimised from the time that the construction starts.

- 4 Prior to the commencement of the development, the developer/ Construction contractor shall sign up to the Non-Road Mobile Machinery Register. The development shall be carried out in accordance with the Mayor of London Control of Dust and Emissions during Construction and Demolition SPG July 2014 (Or any subsequent iterations) to ensure appropriate plant is used and that the emissions standards detailed in the SPG are met. An inventory of all NRMM used on site shall be maintained and provided to the Local Planning Authority upon request to demonstrate compliance with the regulations. Reason: To reduce the emissions of construction and demolition in accordance with the Mayor of London Control of Dust and Emissions during Construction and Demolition SPG July 2014 (or any updates thereof), Local Plan Policy DM15.6 and London Plan Policy SI1D. Compliance is required to be prior to commencement due to the potential impact at the beginning of the construction.
- 5
 - (a) The level of noise emitted from any new plant shall be lower than the existing background level by at least 10 dBA. Noise levels shall be determined at one metre from the window of the most affected noise sensitive premises. The background noise level shall be expressed as the lowest LA90 (10 minutes) during which the plant is or may be in operation.
 - (b) Following installation but before the new plant comes into operation measurements of noise from the new plant must be taken and a report demonstrating that the plant as installed meets the design requirements shall be submitted to and approved in writing by the Local Planning Authority.
 - (c) All constituent parts of the new plant shall be maintained and replaced in whole or in part as often is required to ensure compliance with the noise levels approved by the Local Planning Authority.REASON: To protect the amenities of neighbouring residential/commercial occupiers in accordance with the following policies of the Local Plan: DM15.7, DM21.3.
- 6 Before any mechanical plant is used on the premises it shall be mounted in a way which will minimise transmission of structure borne sound or vibration to any other part of the building in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

REASON: In order to protect the amenities of commercial occupiers in the building in accordance following policy of the Local Plan: DM15.7.

- 7 Prior to any plant being commissioned and installed in or on the building an Air Quality Report shall be submitted to and approved in writing by the Local Planning Authority. The report shall detail how the finished development will minimise emissions and exposure to air pollution during its operational phase and will comply with the City of London Air Quality Supplementary Planning Document and any submitted and approved Air Quality Assessment. The measures detailed in the report shall thereafter be maintained in accordance with the approved report(s) for the life of the installation on the building.

REASON: In order to ensure the proposed development does not have a detrimental impact on air quality, reduces exposure to poor air quality and in accordance with the following policies: Local Plan policy DM15.6 and London Plan policy 7.14B

- 8 Details of a Management Statement demonstrating how the amenity of nearby residents would be addressed during the operation of the premises shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted. The Statement should detail:

1. How the operator proposes to discourage noise, disturbance and anti-social behaviour;
2. What measures will be put into place to ensure any music played, or other noise emanating from the proposed use will be attenuated to ensure neighbouring residential amenity is not disturbed;
3. A smoking control scheme relating to the supervision and control of any smoking patrons outside the premises during the hours that the premises are open to the public;
4. A scheme relating to the efficient and quiet dispersal of patrons leaving the premises after 23:00;
5. How the operator will ensure customers will not access the rear yard (except in an emergency);
6. The circumstances and time periods, which trigger the need for a review of the visitor management plan.

The building facilities shall thereafter be operated at all times in accordance with the approved Management Statement (or any amended Management Statement that may be approved from time to time by the Local Planning Authority) for the life of the use.

REASON: To safeguard the amenity of the adjoining premises and the area generally in accordance with the following policies of the Local Plan: DM3.5, DM21.3.

- 9 Details of a Delivery and Servicing Management Plan demonstrating the arrangements for control of the arrival and departure of vehicles servicing the premises shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted. The building facilities shall thereafter be operated in accordance with the approved Delivery and Servicing

Management Plan (or any amended Servicing Management Plan that may be approved from time to time by the Local Planning Authority) for the life of the building.

REASON: To ensure that the development does not have an adverse impact on the free flow of traffic in surrounding streets in accordance with the following policy of the Local Plan: DM16.1.

- 10 Refuse storage and collection facilities shall:
 - (a) be provided within the curtilage of the site to the development in accordance with details which must be submitted to and approved in writing by the Local Planning Authority prior to occupation; and (b) thereafter be maintained as approved throughout the life of the building.REASON: To ensure the satisfactory servicing of the building in accordance with the following policy of the Local Plan: DM17.1. These details are required prior to commencement in order that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.
- 11 No cooking shall take place within any commercial kitchen hereby approved until fume extract arrangements and ventilation have been installed to serve that unit in accordance with a scheme approved by the Local Planning Authority. Flues must terminate at roof level or an agreed high level location which will not give rise to nuisance to other occupiers of the building or adjacent buildings. Any works that would materially affect the external appearance of the building will require a separate planning permission.
REASON: In order to protect the amenity of the area in accordance with the following policies of the Local Plan: DM15.6, DM21.3.
- 12 Prior to first occupation, an accessibility management plan shall be submitted to the Local Planning Authority which shall provide specific details on how the development will be operated and managed to ensure that the highest reasonable standard of accessibility is provided. This management plan shall include details of access for customers with specific access requirements to enter via the Savage Gardens entrance, and details of disabled toilet facilities. The agreed scheme shall be implemented before the development hereby permitted is brought into use and retained as such for the lifetime of the development.
REASON: To ensure reasonable adjustments are carried out in pursuit of an accessible and inclusive facility in accordance with Policy DM10.8 and Policy D5 of the London Plan.
- 13 Unless otherwise approved by the Local Planning Authority the doors and windows to any bar or restaurant shall be kept closed. The doors may be used only for access or egress and in an emergency or for maintenance purposes.

REASON: To safeguard the amenity of the adjoining premises and the area generally in accordance with the following policies of the Local Plan: DM15.7, DM21.3.

- 14 Self-closing mechanisms must be fitted on the doors at the rear of the premises before the sui generis use hereby approved commences and shall be retained for the life of the premises. The doors must not be left open except in an emergency.

REASON: To safeguard the amenity of the adjoining premises and the area generally in accordance with the following policies of the Local Plan: DM15.7, DM21.3.

- 15 No servicing of the premises shall be carried out between the hours of:

(i) 21:00 on one day and 07:00 on the following from Monday to Saturday and between 21:00 on Saturday and 07:00 on the following Monday and on Bank Holidays. For part (i) Servicing includes the loading and unloading of goods from vehicles and putting out or collecting rubbish from outside the building including the rear yard.

or

(ii) 07:00hrs and 10:00hrs, 12:00hrs and 14:00hrs, 16:00hrs and 19:00hrs, Mondays to Fridays. For part (ii) servicing includes the loading and unloading of goods from vehicles and collection of rubbish.

REASON: To ensure the satisfactory servicing of the building and to safeguard the amenity of the adjoining premises in accordance with the following policy of the Local Plan: DM15.7, DM17.1, DM21.3.

- 16 The Class E/Sui Generis premises hereby permitted shall not be open to customers between the hours of 23:00 on one day and 07:00 on the following day.

REASON: To safeguard the amenity of the adjoining premises and the area generally in accordance with the following policies of the Local Plan: DM15.7, DM21.3.

- 17 Customers of the licensed premises must not be allowed to spill out to surrounding streets, nor be allowed access to the rear service area, and this part of the property must not be used as part of the Class E/Sui Generis use hereby approved, including for storage of bicycles. The area may be used by customers only for access or egress in an emergency.

REASON: To safeguard the amenity of the adjoining premises and the area generally in accordance with the following policies of the Local Plan: DM15.7, DM21.3.

- 18 No live or recorded music that can be heard outside the premises shall be played. Noise levels that are at least 10dB below the existing

background (LA90(T)) noise level can be considered to meet this criterion.

REASON: To safeguard the amenity of the adjoining premises and the area generally in accordance with the following policies of the Local Plan: DM15.7, DM21.3.

- 19 There shall be no promoted events on the premises. A promoted event for this purpose, is an event involving music and dancing where the musical entertainment is provided at any time by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public.

REASON: To safeguard the amenity of the adjoining premises and the area generally in accordance with the following policies of the Local Plan: DM15.7, DM21.3.

- 20 All parts of the ventilation and extraction equipment including the odour control systems installed shall be cleaned, serviced and maintained in accordance with Section 5 of 'Control of Odour & Noise from Commercial Kitchen Extract Systems' dated September 2018 by EMAQ+ (or any subsequent updated version). A record of all such cleaning, servicing and maintenance shall be maintained and kept on site and upon request provided to the Local Planning Authority to demonstrate compliance.

Reason: To protect the occupiers of existing and adjoining premises and public amenity in accordance with Policies DM 10.1, DM 15.7 and DM 21.3

- 21 Unless otherwise agreed in writing by the local planning authority all combustion flues must terminate at least 1m above the highest roof in the development in order to ensure maximum dispersion of pollutants, and must be located away from ventilation intakes and accessible roof gardens and terraces.

Reason: In order to ensure that the proposed development does not have a detrimental impact on occupiers of residential premises in the area and to maintain local air quality and ensure that exhaust does not contribute to local air pollution, particularly nitrogen dioxide and particulates PM10 and 2.5, in accordance with the City of London Air Quality Strategy 2019, Local Plan Policy DM15.6 and London Plan policy SI1.

- 22 No doors, gates or windows at ground floor level shall open over the public highway. REASON: In the interests of public safety

- 23 The development shall not be carried out other than in accordance with the following approved drawings and particulars or as approved under conditions of this planning permission:

Proposed Layout - 10000843-PR-001.B Received 31 January 2024;

Proposed Elevations - 10000843-EL-PR-001.A Received 11 October 2023;

Fire Strategy Drawings: FS-001; FS-001 Received 16 November 2023;

Received 15 August 2023:

Site Location Plan - LP-001;

Existing Layout - 10000843-EX-001;

Existing Elevations - 10000843-EL-EX-001;

REASON: To ensure that the development of this site is in compliance with details and particulars which have been approved by the Local Planning Authority.

INFORMATIVES

- 1 In dealing with this application the City has implemented the requirements of the National Planning Policy Framework to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in dealing with planning applications in the following ways:

detailed advice in the form of statutory policies in the Local Plan, Supplementary Planning documents, and other written guidance has been made available;

a full pre application advice service has been offered;

where appropriate the City has been available to provide guidance on how outstanding planning concerns may be addressed.

- 2 This permission must in no way be deemed to be an approval for the display of advertisement matter indicated on the drawing(s) which must form the subject of a separate application under the Advertisement Regulations.

- 3 Access for people with disabilities is a material consideration in the determination of planning applications. The City of London Corporation has published design standards giving advice on access for people with disabilities and setting out the minimum standards it expects to see adopted in the City buildings. These can be obtained from the City's Access Adviser, Chief Planning Officer and District Surveyor. Further advice on improving access for people with disabilities can be obtained from the City's Access Adviser. Your attention is drawn to the Disability Discrimination provisions of the Equality Act 2010 to ensure that disabled people are not significantly disadvantaged. Service providers, etc., should make "reasonable adjustments" to facilitate access to their premises and the City asks all applicants for planning permission to ensure that physical barriers to access premises are minimised in any works carried out.

- 4 Compliance with the Clean Air Act 1993: Any furnace burning liquid or gaseous matter at a rate of 366.4 kilowatts or more, and any furnace burning pulverised fuel or any solid matter at a rate of more than 45.4 kilograms or more an hour, requires chimney height approval. Use of such a furnace without chimney height approval is an offence. The calculated chimney height can conflict with requirements of planning control and further mitigation measures may need to be taken to allow installation of the plant.