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| Committee: | Date: |
| Planning Applications Sub Committee | 10 September 2024 |
| Subject: Ground Floor and Basement Retail Unit 165 Fleet Street London EC4A 2DY Change of use of part ground floor and part basement floor from commercial use (Class E) to a mixed use including a noodle bar with cafe and part leisure (mini golf) at ground floor level, and ten pin bowling and ancillary facilities at basement level (Sui Generis). | Public |
| Ward: Castle Baynard | For Decision |
| Registered No: 24/00236/FULL | Registered on: 5 th March 2024 |
| Conservation Area: Fleet Street | Listed Building: No |

Summary

The proposal seeks planning permission for the change of use of part ground floor and part basement floor from commercial use (Class E) to a mixed use (Sui Generis) which would include a noodle bar with cafe and mini golf at ground floor level, and ten pin bowling and ancillary facilities at basement level. No external alterations are proposed as part of this application.

The site, a nine-storey building located on the western end, north side, of Fleet Street between St Dunstan's Court and Johnsons Court, which forms part of the Fleet Street Conservation Area and the Fleet Street Principal Shopping Centre.

The building was refurbished in the early 2000s and provides for office (Class E(g)(i)) use on the upper floors and a retail bank (Class E(c)(i)) at part ground and basement levels. The retail bank premises, which is the subject of this application has been vacant since late 2021.

The building is not listed.

Representations were received from thirty residential and commercial neighbours, including three from Ward Councillors. All object to the proposals. The representations covered the broad themes of (a) impact on residential amenity; (b) anti-social behaviour; (c) public safety; and (d) the impact the character of the Fleet Street Conservation Area. The representations are addressed within the body of the attached report.

In order to address concerns raised in respect of potential impacts on the amenity of Fleet Street and residents in the surrounding courts and alleyways, conditions are attached that would control operational noise and require compliance with an approved Management Statement and dispersal policy which would be subject to review.

The proposal aligns with the changes to the Use Classes Order changes to allow flexibility for businesses to adapt and diversify in order to meet changing demands and supports the primary business function of the City. There would be no loss of active retail frontage, and the application supports the aims of Policy DM20.1: Principal shopping centres, as the use would contribute to the function and character of the PSC, provide facilities for the City's workforce and enhance vibrancy. As such, the proposal is considered acceptable in land use terms.

Extensive, and ongoing, redevelopment works in the area have led to temporarily reduced footfall along Fleet Street. However, when surrounding developments, such as the new Courts building at Salisbury Square and River Court (120 Fleet Street) are completed, contributing to the creation of a new "Fleet Street Quarter", there will be increased local demand for retail and leisure facilities, such as that proposed, to service the increased level of activity in the area.

Fleet Street is a busy main thoroughfare and forms one of the City's five Principal Shopping Centres. It is the established processional route which runs from the boundary with the City of Westminster eastwards to Ludgate Hill, St. Paul's Cathedral and beyond to the Royal Exchange. Although the newspaper industry, which dominated the area from the mid-nineteenth century through to the late twentieth century, has largely been replaced by other commercial activities, such as, banking, insurance and legal services, the perceived character of Fleet Street remains as a busy commercial centre with retail and leisure facilities providing for workers and residents.

Commensurate with the PSC location, there are many retail outlets in the immediate vicinity including eight drinking establishments within 300m of the proposal site, three (The Editors Tap, The Tipperary and Ye Olde Cheshire Cheese) within 100m. It is considered that the proposed mixed-use, comprising food and beverage uses with indoor activities, would not be out of character in this location.

Recommendation

(1) That Planning Permission be granted for the above proposal in accordance with the details set out in the attached schedule.

Site Location Plan



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ADDRESS:
165 Fleet Street

CASE No.
24/00236/FULL

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



CITY OF LONDON

ENVIRONMENT DEPARTMENT

APPLICATION COVER SHEET

165 Fleet Street London EC4A 2DY

| TOPIC | INFORMATION | | | | |
|--------------------------------|------------------------------|------------|----------------------------|------------|--|
| 1. HEIGHT | EXISTING | | PROPOSED | | |
| | N/A | | | | |
| 2. FLOORSPACE GIA (SQM) | USES | EXISTING | | PROPOSED | |
| | Class E(c)(i) Retail Bank | 1643.54sqm | Sui Generis (mixed-use) | 1643.54sqm | |
| | | | | | |
| | | | | | |
| | | | | | |
| | TOTAL | 1643.54sqm | TOTAL | 1643.54sqm | |
| | | | TOTAL UPLIFT: | 0 sqm | |
| 3. OFFICE PROVISION IN THE CAZ | Existing: | | | | |
| | Proposed: | | | | |
| | Office uplift: | | | | |
| 4. EMPLOYMENT NUMBERS | EXISTING | | PROPOSED | | |
| | 0 | | 20 Full-time | | |
| 5. VEHICLE/CYCLE PARKING | EXISTING | | PROPOSED | | |
| | N/A | | N/A | | |
| | | | | | |
| | | | | | |
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| 6. HIGHWAY LOSS / GAIN | N/A | | | | |

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| | | |
| 7. PUBLIC REALM | N/A | |
| 8. STREET TREES | EXISTING | PROPOSED |
| | N/A | |
| 9. SERVICING VEHICLE TRIPS | EXISTING | PROPOSED |
| | N/A | |
| 10. SERVICING HOURS | <p>No servicing between the hours of 23:00 on one day and 07:00 on the following day from Monday to Saturday and between 23:00 on Saturday and 07:00 on the following Monday and on Bank Holidays.</p> <p>The servicing arrangements are in accordance with the original planning permission for this site.</p> | |
| 11. VOLUME OF RETAINED FABRIC | 100% | |
| 12. REGULATED Operational CARBON SAVINGS | N/A | |
| 13. OPERATIONAL CARBON EMISSION | N/A | |
| 14. EMBODIED CARBON EMISSIONS | N/A | |

15. WHOLE LIFE CYCLE
CARBON EMISSIONS

N/A

16. WHOLE LIFE-CYCLE
CARBON OPTIONS

17. TARGET BREEAM
RATING

N/A

Main Report

Site

1. 165 Fleet Street is a nine-storey building located on the western end, north side, of Fleet Street between St Dunstan's Court and Johnsons Court.
2. The site lies within the Fleet Street Conservation Area and the Fleet Street Principal Shopping Centre.
3. The building was refurbished in the early 2000s and provides for office (Class E(g)(i)) use on the upper floors and a retail bank (Class E(c)(i)) at part ground and basement levels.
4. The building is not listed.

Relevant Planning History

5. Conditional planning permission (application no. 0485BF) was granted on 16 October 2002 for the "Refurbishment and alteration of [the] existing building including extensions to upper floors to provide 8,239 square metres of offices (B1) and 2,674 square metres shop (A1)".
6. Conditional planning permission (application no. 07/00284/FULL) was granted on 17 July 2007 for the "Use of basement and ground floors as bank, professional and financial use (Class A2) (1766 sq.m.), in lieu of approved Class A1 use, including alterations to the shopfront and installation of three ATM's".
7. At the time planning permission 07/00284/FULL was granted, retail banking/financial services fell within Class A2 of the Town & Country Planning (Use Classes) Order 1987.
8. Revisions to the above Order, which came into force in September 2020, amalgamated Classes A1, A2, A3 and B1 into a new Class E (Commercial, Business and Service) use.

Licensing

9. Following a formal hearing, a premises licence was granted by the Licensing Sub-Committee on 16 April 2024. The licence allows for licensable activities between 10:00 and 00:00 Monday to Wednesday, 10:00 and 01:00 Thursday to Saturday, and 10:00 to 23:00 on Sundays. Opening hours are extended by a further 30mins each day. Conditions have been attached to mitigate potential public nuisance and the operator has agreed to provide CCTV coverage, a Challenge 25 policy, incident recording, and controlled entry and dispersal policies to ensure safety and minimise disturbance.

Proposals

10. Planning permission is now sought for the change of use of part ground floor and part basement floor from commercial use (Class E) to a mixed use (Sui Generis) which would include a noodle bar with cafe and mini golf at ground floor level, and ten pin bowling and ancillary facilities at basement level.

11. No external alterations are proposed as part of this application.

Consultations:

12. The planning application was advertised on site and in the press. Neighbouring residential occupiers located in the immediate vicinity at Bolt Court, 53A, 54A and 62A Fleet Street, Pleydell House, Red Lion Court, Crane Court and Pemberton Row were consulted on an individual basis.

13. Thirty-one representations, including three from Ward Councillors and a supplementary submission from residents at Bolt Court, have been received. All object to the proposals.

Copies of the representations are attached in full to this report.

14. The representations covered the broad themes of (a) impact on residential amenity; (b) anti-social behaviour; (c) public safety; and (d) the negative impact on the character of the Fleet Street Conservation Area.

15. The table below summarises the public representations received:

| Principal Themes | Nature of representations (Sample) | Number of comments on this theme | Response |
|-------------------------------|--|---|---|
| Impact on residential amenity | 1. ...the proposed facility will have a significantly detrimental effect on local residents on account of noise, pedestrian traffic and antisocial behaviour where consumption of alcohol is involved. 165 Fleet Street is accessible via an alleyway that directly passes the entrance to 6 Bolt Court's and will be an inevitable thoroughfare for the many potential revellers coming and going from the proposed premises. Bolt Court is a peaceful sanctuary enjoyed by residents and this proposed | 26 | A Management Statement has been submitted that seeks to address the concerns of residents and local businesses. |

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| | <p>premises will certainly disrupt that peace.</p> <p>2. The narrow alley ways would become a thoroughfare and a place to loiter, for the venue's customers which would make it unbearable for the residents of Bolt Court given the layout of the courtyard. Such a venue should not be located near residential buildings.</p> | | |
| Anti-social behaviour | <p>Many guests from the proposed change of use will have drunk alcohol and a proportion will be drunk, unacceptably impacting the amenity of residents and the environmental amenity in St Dunstan's Court, Bolt Court and in other nearby streets. This is from the likely anti-social behaviour, public nuisance and/or crimes of: (a) Public urination and vomiting; (b) Littering of cigarette butts, disposable vapes, and drinks containers; (c) In some cases, abusive/threatening language to residents/office workers; (d) In the worse cases, fights/violent disorder from drunk or high patrons.</p> | 20 | <p>It is considered that the proposed Management Statement and dispersal strategy, along with the gradual dispersal of smaller groups would help mitigate any anti-social behaviour.</p> |

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| | <p>2. ... increased anti-social behaviour and crime that will seep into the small alleys off of Fleet Street should this new property continue with their plans. These alleys are not designed to be high traffic areas, and by allowing this mixed-use space to open, the increased foot traffic will inevitably lead to more discarded rubbish, dangerous debris such as broken glass, and the increased potential for criminal and unhoused populations to take root</p> | | |
| Public Safety | <p>1. I work late into the evening and am concerned that the environment will become unsafe if a business serving alcohol for 16 hours a day, for consumption on and off the premises, is opened at 165 Fleet Street... the courts off Fleet Street, through which I walk, are, by their historic nature, quiet and labyrinthine and as such lend themselves to various other criminal activities that can be associated with night time venues such as dealing and consumption of illegal substance. There will</p> | 2 | <p>While the premises would be open to the public throughout the day, it would not operate as a public house. Patrons would have pre-booked time slots during which they would take part in the activities (mini-golf and/or ten pin bowling) eat and drink. Dispersal would be in small groups with the number of</p> |

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| | <p>undoubtedly be the potential for an increase in other crimes.</p> <p>2. I have not previously worried about inevitable late-night working and commuting for male and female employees and residents, young or mature, and my own Family. I will if this Application is granted.</p> | | <p>departures increasing towards the terminal hour but managed to ensure a more gradual dispersal and help mitigate any anti-social behaviour.</p> |
| <p>Impact on character of the Fleet Street Conservation Area</p> | <p>1. contrary to DM12.2 of Local Plan as it doesn't not preserve or enhance the character or appearance of the conservation area. Fleet Street is in a conservation and is the main processional route to St Paul's Cathedral. Conservation areas are defined as designated heritage assets and so this development proposal does not sustain or enhance the setting or its significance. Having a leisure venue that will have a footfall of over 1,500 people a day, selling alcohol inside and outside those premises until 2am, is not in keeping of an area that its rich in history and listed buildings. Its use does not sit at all well within the existing</p> | <p>14</p> | <p>Forming one of the City's designated Principal Shopping Centres, the perceived character of Fleet Street (rather than it's built form) is that of a busy commercial area with commensurate retail and leisure provision.</p> |

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| | <p>street patterns; the setting; nor the frontage it proposes on Fleet Street.</p> <p>2. Notable features of the Fleet Street Conversation Area include legal history, ceremonial grandeur, Dickensian alleyways and courtyards, a Grade 1 listed church, the famous newspaper connection, historic pubs and Dr Johnson's House. The proposed change of use to a late-night bowling alley and mini golf leisure facility (which apparently could see 1,000 to 2,000 visitors per day/night), does not accord with the character of the Fleet Street Conversation Area</p> | | |
| Other | <p>1. Other leisure facilities in the area include historic pubs and wine bars and The Dr Johnson museum. These traditional venues situated in an historic area will suffer damage from a brash venue open 16 hours a day with an active frontage in such close proximity.</p> <p>2. The anticipated increase in footfall around Fleet Street may overwhelm the</p> | 2 | <p>Competition between businesses is not a planning consideration.</p> <p>Fleet Street is one of the City's five Principal Shopping Centres (PSCs)</p> |

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| | <p>existing infrastructure and disrupt the established character of the financial quarter. This could have adverse effects on the local businesses, including pubs and eateries, by diverting customers and attracting the wrong crowds, particularly after 11pm.</p> | | |
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16. Several respondents referenced their agreement with comments of Alderwoman Martha Grekos.

The Alderwoman’s comments are laid out in full below:

Objection

As Alderwoman of Castle Baynard Ward. I am writing to submit the below representation on behalf of some of the residents in the ward (especially for those living at 6 Bolt Court which is directly behind 165 Fleet Street) for the planning application to covert the ground floor and part basement into leisure facilities (namely a mini golf, ten pin bowling) noodle bar and cafe and ancillary facilities.

Myself and the residents, as well as many others including the **Planning Department* of the City of London, have objected on strong terms with regards to the licensing application. Those comments still stand not just for the licensing application but also this planning application.

We all want to welcome with open arms new businesses into this area but their planning applications need to be accordance with the City of London’s Adopted Local Plan. I have read the application, but apart from the applicant’s statement that their application will not impact on or reduce the existing office provision in accordance with policies CS1 (Offices) and DM1.1 (Protection of office accommodation) and that it will not have an impact on the setting of the Fleet Street Conservation Area as there are no proposed external changes, thus being in accordance with policy DM12 (Development in Conservation Areas) and the London Plan and the National Planning Policy Framework policies, there is no mention or consideration of Policy DM 3.5 (Nighttime entertainment) or indeed any such considerations for a day-time entertainment,

Local Plan Policy DM 3.5

Policy DM 3.5 states that:

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:

(i) the amenity of residents and other noise-sensitive uses;

(ii) 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.

The applicant has failed to provide a Management Statement to detail how these issues will be met. As such, I am objecting to this application as I am not satisfied that the amenity of the residents and other noise-sensitive uses have been considered nor am I satisfied that the environmental amenity has also been taken into account. I give my further reasons below.

Reasons

The applicant has not provided any operating hours of the restaurant or the cafe or the bowling alley/mini golf nor taken into account views from residents and local businesses in designing their premises for night-time entertainment uses and planning the operation of the proposed use to minimise adverse impact on amenity. The only facts as to its operation are in its licensing application - which is separate to this planning application - which states that they will be providing a themed mini golf course bar to show films, play live music and serve alcohol from 10am to 2am every day (and specifically the licence application states to provide late night refreshments inside and outside these premises from 11pm till 2am each day and to sell alcohol onsite and offsite every day from 10am to 2am every day - with premises open to the public till 2.30am).

This is an unacceptable impact on residential amenity, contrary to Policy DM 3.5. Behind 165 Fleet Street, there is a large residential community found on Johnson's Court and Bolt Court. There are also flats at 171 Fleet Street and blocks of flats in Red Lion Court and Crane Court. None have been consulted about this planning application nor the licensing application. In addition, we are welcoming, hopefully shortly if granted consent, a large student accommodation block of 750 residential units opposite 165 Fleet Street (namely 65 Fleet Street, next to the Tipperary). The noise, in the early hours (11pm to 2am) will mean large disturbance to residents' sleep given the premises will be open until 2am and customers will be arriving and leaving the premises then. No other premises on Fleet Street is open beyond 11pm in order to fit in with the local context and to respect the residents' amenity as well as the business community.

The sale of alcohol, inside and outside (but especially outside as there is no outdoor sitting area being provided with this planning application) will mean that there will be an acceptable impact on the environmental amenity, which is contrary to Policy DM 3.5. Given the consumption of alcohol off premises till 2am, potentially there will be an increase in anti-social behaviour at those hours if a license is given to provide alcohol onsite and offsite. No other premises in that area is open until 2am and sells alcohol offsite at those hours. Despite the proposed efforts of the applicant to have a sign to leave quietly and also CCTV footage, this will not abate such nuisance and crime. Such licenced premises will just exacerbate the situation and put the community at risk of increased crime/disorder and public nuisance. Our alleyways and courtyards just off Fleet Street is where such anti-social behaviour will congregate, impacting residents, given that is where the majority of the residential blocks are situated. In addition, there will be more rubbish in those alleyways and courtyards and on the main street and nothing has been suggested as to how to abate all of this. I am already contacted most mornings by local businesses with concerns over the rubbish they find on the streets as they come into work. The new premises license will just fuel the issues we are already trying to control in the area.

Paragraph 3.3.22 of the Local Plan states that: "Planning applications for new and extended nighttime entertainment uses or for variations of planning conditions must be accompanied by a Management Statement that addresses planning amenity issues, sets out how potential impacts on amenity will be addressed through the design of the premises and how they will operate without causing disturbance including: hours of closure to protect amenity; noise mitigation plans related to both internal and external noise, including measures to reduce sound transfer, such as sound-proofing, noise controls and double entry lobbies; arrangements for the storage, handling and disposal of waste; a timed programme for deliveries and collections and other servicing arrangements; measures to deal with the emission of odours; and location of ventilation ducts and plant."

Paragraph 3.3.23 of the Local Plan also states that "Assessment of the Management Statement will have regard to the City Noise Strategy, the provisions of the City of London Statement of Licensing Policy and to any submitted licence application operating schedule."

No such detail has been provided.

Lastly, the applicant has failed to demonstrate where the mini-golf or cafe will be on the ground/basement plan. On the submitted ground plan, I can see solely the restaurant proposals. On the submitted basement plan, I can see solely the bowling alley proposals.

Conclusion

As such, given the lack of detail and consideration of Local Plan Policy DM3.5 as well as lack of consultation by the applicant with myself as Leader of Castle Baynard Ward, my fellow ward Councillors as well as

residents and businesses in this area, I urge you to decline this application.

[*Note - As a Responsible Authority, the Planning Division raised concerns in respect of the Premises Licence application but noted that any issues “*might be addressed by the imposition of suitable conditions limiting the terminal hour of the licensable activities, particularly the sale of alcohol for consumption on and off the premises, and (if applicable under the licencing regime) requiring a customer management plan.*”

The Licensing Sub-Committee, as part of their considerations, limited the hours of licensable activities, off-sales were removed from the application and a number of conditions relating to noise, odour and fumes were appended to the licence, addressing the concerns raised.]

17. Objections were also received from Ward Members Henrika Priest CC and Catherine McGuinness CBE CC. These are attached in full to this report.
18. The waste storage and collection facilities indicated in the Design and Access Statement, April 2024, comply with the requirements of the Cleansing Division.
19. Information provided in respect of proposed passive and active safety measures, construction products and materials is sufficient to meet London Plan policies D5 and D12.
20. Environmental Health have raised no objection to the proposed use and proposed operational hours, subject to conditions being imposed to ensure the amenity of the surrounding area is protected. These are included in the attached schedule.

Policy Context

21. 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 A to this report.
22. The City of London (CoL) is preparing a new draft plan, the City Plan 2040, which was published for Regulation 19 consultation in Spring 2024. It is anticipated that the City Plan will be submitted to the Secretary of State in Summer 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.
23. 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.
24. 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.”

25. Chapter 7 of the NPPF seeks to ensure the vitality of town centres.
26. Paragraph 90 states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:
 - a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;
 - b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;
 - f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.
27. Chapter 8 of the NPPF seeks to promote healthy and safe communities.
28. Paragraph 96 states that planning decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which:
 - a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
 - b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of beautiful, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and
 - c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.
29. Paragraph 97 states:

“To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

 - a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of

- worship) and other local services to enhance the sustainability of communities and residential environments;
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
 - c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
 - d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
 - e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Considerations

30. 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).
31. The principal issues in considering this application are:
- The extent to which the proposals comply with Government policy advice (NPPF).
 - The extent to which the proposals comply with the relevant policies of the Development Plan.
 - The impact of the proposals on residential amenity.

Land Use

32. 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. Paragraph 3.20.6 of the Local Plan sets out that retailing comprises several uses, including restaurants and cafes (Class A3) and drinking establishments (Class A4). By virtue of changes to the Town and Country Planning (Use Classes) Order 1987 introduced by the Business and Planning Act 2020, these use classes have been amalgamated and reclassified within the newly established Class E, which covers a broad range of uses including retail, restaurants and cafes, offices, and other uses. Drinking establishments were reclassified as a sui generis use.

33. 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. In that regard, when considered against adopted policy, it is officers view that the proposed mixed-use which would include a food and beverage offer, as well as indoor activities, would not result in a significant loss of a retail type uses in this location.
34. Although only of limited weight, emerging Local Plan Strategic Policy S22: Fleet Street and Ludgate, seeks to enhance the cultural offer and provide complementary uses to the judicial and retail functions.
35. Paragraph 14.7.7 adds “The PSC is an important aspect of Fleet Street that provides vibrancy along its length; however, the PSC is under-performing and has the potential to diversify. To strengthen the PSC, it should continue to provide comparison and convenience shopping, but also look to extend its retail offer into the evenings and weekends and provide a broader range of retail and leisure uses and extend activity into the evening and weekends in this key area of change.
36. The emerging Local Plan also encourages the provision of active frontages across the City provided they do not impact adversely on the amenity of residents, workers, and visitors.
37. In recent years the Fleet Street PSC has seen an increase in retail vacancy due to reduced footfall associated with extensive redevelopment in the area. The City of London Retail Survey indicates that there are 19 vacant units from the boundary with Westminster to the west side of Ludgate Circus.
38. The unit at 165 Fleet Street, previously occupied by HSBC, has been vacant since late 2021.
39. This application proposes a mixed-use unit, comprising food and beverage uses with indoor activities which aligns with the Use Classes Order changes to allow flexibility for businesses to adapt and diversify in order to meet changing demands and supports the primary business function of the City. There would be no loss of active retail frontage and the application supports the aims of Policy DM20.1: Principal shopping centres, as the use would contribute to the function and character of the PSC and provide facilities for the City’s workforce and enhance vibrancy. As such the proposal is considered acceptable in land use terms.

Impact on Residential Amenity and the Character of the Fleet Street Conservation Area

40. 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.

41. London Plan Policy D13 sets out the Agent of Change Principle, under which new noise and other nuisance generating development proposed close to residential should put in place measures to mitigate and manage any noise impacts for neighbouring residents and businesses.
42. Current Policy DM3.5, draft Policy CV5 (Evening and Night-Time Economy) and draft Policy SA2 (Dispersal Routes) states that applications for night-time entertainment and related uses should include a Management Statement setting out how any impacts on residential amenity and environmental amenity will be addressed and setting out proposals for the dispersal of patrons.
43. A 'Management Statement' has been submitted as an appendix to the Design and Access Statement. This outlines the management measures to be taken to avoid disturbance caused by users of the premises to the area generally.
44. It is recommended that a condition be imposed requiring the operation of the premises in accordance with the approved 'Management Statement' that allows for a review of the statement as and when required.
45. Environmental Health Officers have recommended conditions relating to the control of noise and odour nuisance from mechanical plant, disturbance caused by music and hours of servicing.
46. Fleet Street, one of the City's five Principal Shopping Centres, forms the established processional route, including for the Lord Mayor's Show, which runs from the boundary with the City of Westminster eastwards to Ludgate Hill, St. Paul's Cathedral and beyond to the Royal Exchange. It is a busy main thoroughfare that was dominated by the newspaper industry from the mid-nineteenth century through to the late twentieth century; along with a thriving pub trade. Writing in 1879, Charles Dickens junior remarked: 'A tavern-street, as well as a literary centre, Fleet Street was and is' (Fleet Street CA Character Summary and Management Strategy Feb 2016).
47. Although the newspaper industry has largely been replaced by other commercial activities, such as, banking, insurance and legal services, the perceived character of Fleet Street remains as a busy commercial centre with retail and leisure facilities providing for workers and residents. The proposed use does not detract from that established character.
48. It is acknowledged that the extensive, and ongoing, redevelopment works in the area have led to temporarily reduced footfall along Fleet Street. However, when surrounding developments, such as the new Courts building at Salisbury Square and River Court (120 Fleet Street) are completed, all contributing to the creation of a new "Fleet Street Quarter", there will be increased local demand for retail and leisure facilities, such as that proposed, to service the increased level of activity in the area.

49. Commensurate with the PSC location, there are many retail outlets in the immediate vicinity including eight drinking establishments within 300m of the proposal site, three (The Editors Tap, The Tipperary and Ye Olde Cheshire Cheese) within 100m. It is considered that the proposed mixed-use, comprising food and beverage uses with indoor activities, would not be out of character in this location.
50. There are a large number of residential occupiers in the immediate vicinity of the proposal site. They are principally located on the north side of Fleet Street within the neighbouring courts and alleyways, and to the south on Fleet Street.
51. The applicant advises that the nature of the business is not that of a drinking establishment. Patrons would have pre-booked time slots during which they would take part in the activities (mini-golf and/or ten pin bowling) eat and drink. Therefore, arrival and dispersal would be at generally gradual pace. It is acknowledged that this would increase towards the terminal hour, but this would be managed to ensure a gradual dispersal.
52. The business model aims for corporate business during the week with families and groups on the weekend. Some "walk-ins" would be allowed if slots were available.
53. The venue's proposed operating hours are 10:00 - 00:30 Monday to Wednesday, 10:00 - 01:30 Thursday to Saturday and 10:00 - 23:30 on Sunday. This aligns with the opening hours granted by the Licensing Sub-Committee. A planning condition is recommended to ensure that the premises is not open to customers between the terminal hour on one day and 10:00am the next day.
54. The submitted Management Statement advises that during operating hours:
- Customers will not be permitted to use, stand, or consume food or alcoholic drinks purchased within the premises on either St. Dunstan's Court or Johnson's Court at any time.
 - No staff will be permitted to use the side doors or courtyard space for breaks.
 - A weekly risk assessment will be carried out by management, and for expected busy periods like the Christmas season, security will be employed to both monitor the site's entrance but also the side lanes of St Dunstan and Johnson Court.
 - The daily management checklist will include a sweep of these outside areas at closure as an extra preventive measure.
 - All residents to be sent contact details for management of premises.
55. It should be noted that, contrary to points raised in the attached objections, no off-sales of alcohol are permitted under the current premises licence.
56. Officers consider that the measures proposed in the Management Statement, together with the imposition of appropriate and relevant

conditions, would mitigate the concerns expressed by residential and commercial neighbours in relation to any potential impact on local and residential amenity.

57. The applicant has reviewed and agreed the proposed planning conditions and the implementation of an on-going review of the Management Plan. This corresponds with similar requirements imposed through the Licencing regime (see paragraph 9 above).

Anti-social Behaviour and Public Safety

58. There are many licensed premises within the local area, including those just to the west within the City of Westminster's jurisdiction, which operate late hours. It is considered that the proposed Management Statement (including the dispersal strategy contained therein) along with the gradual dispersal of smaller groups would help mitigate any anti-social behaviour.
59. It is noted that objectors have referenced a single incident that took place at a similar venue in the City of Westminster. Such reference is not pertinent to the consideration of this application.

Access

60. The premises has a large sliding door with level access from the street and an internal ramp bringing customers into the main ground floor area where an existing stairwell and lift connects to the basement.
61. There are no changes to the access arrangements proposed as part of this application.

Servicing

62. Due to the location and layout of the building it is necessary for all deliveries to be made via the main door on Fleet Street, and the side service door on St Dunstan's Court.
63. Deliveries will be restricted to between 8am and 1pm in line with the loading restrictions currently in place on Fleet Street.

Waste

64. The waste storage and collection facilities indicated in the Design and Access Statement, April 2024, meet the requirements of the Cleansing Division and accord with Policy DM17.1.

Transport

65. With eight bus routes and nearby underground and overground stations, the site has a Public Transport Accessibility Level (PTAL) rating of 6B.
66. With an average capacity of 250 persons at anyone time, the premises are unlikely to have a detrimental impact on the local transport network.

Cycle Parking

67. The site does not benefit from any external space and, therefore, there is no opportunity to provide for external customer cycle parking.

68. Due to the high level of accessibility via public transport, it is not proposed to provide any onsite cycle parking for staff.

Public Sector Equalities Duty

69. When considering 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.

70. 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.

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

72. 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.

73. It is the view of officers that a decision to grant permission, subject to appropriate conditions, would not disadvantage those who are protected under the Equality Act 2010.

74. 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

75. 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")).

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

Conclusions

77. 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.
78. The proposed change of use of the premises to a mixed use including a noodle bar with cafe and part leisure (mini golf) at ground floor level, and ten pin bowling and ancillary facilities at basement level (Sui Generis) use is considered acceptable. There would be no loss of active retail frontage, and the application supports the aims of Policy DM20.1: Principal shopping centres, as the use would contribute to the function and character of the PSC providing local facilities for the City's workforce, enhance vibrancy, and retain an active frontage.
79. In order to address concerns raised in respect of potential impacts on the amenity of Fleet Street and residents in the surrounding courts and alleyways, conditions are attached that would control operational noise and require compliance with an approved Management Statement and dispersal policy which would be subject to review.
80. 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 the Fleet Street Conservation Area and the area in general.
81. Approval of the proposed mixed (Sui Generis) use, which would include a noodle bar with café, mini golf, ten pin bowling and ancillary facilities, is recommended.

Background Papers

Comment 15.03.2024 Dr Rosemarie Hutchinson

Comment 16.03.2024 Mr Arvind Shah

Comment 18.03.2024 Mr Andrew Gavan

Comment 18.03.2024 Alderwoman Martha Grekos CC

Comment 20.03.2024 Mr Michael Harris and Prof. Emerita Rebecca Bailey Harris

Comment 26.03.2024 Ms Martha Grekos

Comment 27.03.2024 Ms Katherine Lau

Comment 27.03.2024 Dr Kirsty Mann

Comment 27.03.2024 Efstathios Kapelis

Comment 27.03.2024 Mr David Canty

Comment 27.03.2024 Mr Yikai Zhang

Comment 27.03.2024 Dr Mark Yates

Comment 28.03.2024 Miss Kristy Fok

Comment 28.03.2024 Mr Christopher Field

Comment 28.03.2024 Mr Michael Radford

Comment 28.03.2024 Dr Charlotte Spencer

Comment 29.03.2024 Mr Allan O'Neill

Comment 29.03.2024 Noel Chun

Comment 29.03.2024 Mrs Margaret Mann

Comment 29.03.2024 Mr Julian Cooper

Comment 31.03.2024 Henrika Priest CC

Comment 01.04.2024 Toby Brown

Comment 01.04.2024 Mr John Griffiths

Comment 01.04.2024 Mr Joseph Sullivan

Comment 01.04.2024 Miss Catherine McGuinness CC

Comment 01.04.2024 Mr Darren Shapland

Comment 02.05.2024 Miss Vasiliki Manta

Comment 03.05.2024 Ms Amanda Singleton

Comment 06.05.2024 Mr Jeremy Simons

Comment 24.05.2024 Mrs Alice Gambato

Comment 14.10.2024 Prof. Emerita Rebecca Bailey and Toby Brown

Appendix A

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 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 S1 (Developing London's social infrastructure) states that development proposals should provide high quality, inclusive social infrastructure that addresses a local or strategic need and supports service delivery strategies. New facilities should be easily accessible by public transport, cycling and walking and should be encouraged in high streets and town centres.

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 Draft City Plan 2036 Policies

S1 Healthy and inclusive city

HL1 Inclusive buildings and spaces

HL3 Noise and light pollution

S2 Safe and Secure City

SA1 Crowded Places
S6 Culture, Visitors and the Night -time Economy
CV2 Provision of Visitor Facilities
DE9 Lighting
S9 Vehicular transport and servicing
S10 Active travel and healthy streets
AT1 Pedestrian movement
AT2 Active travel including cycling
AT3 Cycle parking
S11 Historic environment
CE1 Zero Waste City

Relevant City Corporation Guidance and Supplementary Planning Documents (SPDs)

City Public Realm (2016);
Cultural Strategy 2018 – 2022 (2018).

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.

DM10.8 Access and inclusive design

To achieve an environment that meets the highest standards of accessibility and inclusive design in all developments (both new and refurbished), open spaces and streets, ensuring that the City of London is:

- a) inclusive and safe for all who wish to use it, regardless of disability, age, gender, ethnicity, faith or economic circumstance;
- b) convenient and welcoming with no disabling barriers, ensuring that everyone can experience independence without undue effort, separation or special treatment;
- c) responsive to the needs of all users who visit, work or live in the City, whilst recognising that one solution might not work for all.

DM15.6 Air quality

1. Developers will be required to consider the impact of their proposals on air quality and, where appropriate, provide an Air Quality Impact Assessment.
2. Development that would result in deterioration of the City's nitrogen dioxide or PM10 pollution levels will be resisted.
3. Major developments will be required to maximise credits for the pollution section of the BREEAM or Code for Sustainable Homes assessment relating to on-site emissions of oxides of nitrogen (NOx).
4. Developers will be encouraged to install non-combustion low and zero carbon energy technology. A detailed air quality impact assessment will be required for combustion based low and zero carbon technologies, such as CHP plant and biomass or biofuel boilers, and necessary mitigation must be approved by the City Corporation.
5. Construction and deconstruction and the transport of construction materials and waste must be carried out in such a way as to minimise air quality impacts.
6. Air intake points should be located away from existing and potential pollution sources (e.g. busy roads and combustion flues). All combustion flues should terminate above the roof height of the tallest building in the development in order to ensure maximum dispersion of pollutants.

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.

DM16.2 Pedestrian movement

1. Pedestrian movement must be facilitated by provision of suitable pedestrian routes through and around new developments, by maintaining pedestrian routes at ground level, and the upper level walkway network around the Barbican and London Wall.
2. The loss of a pedestrian route will normally only be permitted where an alternative public pedestrian route of at least an equivalent standard is provided having regard to:
 - a) the extent to which the route provides for current and all reasonably foreseeable future demands placed upon it, including at peak periods;
 - b) the shortest practicable routes between relevant points.
3. Routes of historic importance should be safeguarded as part of the City's characteristic pattern of lanes, alleys and courts, including the route's historic alignment and width.
4. The replacement of a route over which pedestrians have rights, with one to which the public have access only with permission will not normally be acceptable.
5. Public access across private land will be encouraged where it enhances the connectivity, legibility and capacity of the City's street network. Spaces should be designed so that signage is not necessary and it is clear to the public that access is allowed.

6. The creation of new pedestrian rights of way will be encouraged where this would improve movement and contribute to the character of an area, taking into consideration pedestrian routes and movement in neighbouring areas and boroughs, where relevant.

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.

DM17.1 Provision for waste

1. Waste facilities must be integrated into the design of buildings, wherever feasible, and allow for the separate storage and collection of recyclable materials, including compostable material.
2. On-site waste management, through techniques such as recycle sorting or energy recovery, which minimises the need for waste transfer, should be incorporated wherever possible.

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.

DM20.1 Principal shopping centres

1. Within Principal Shopping Centres (PSCs) the loss of retail frontage and floorspace will be resisted and additional retail provision will be encouraged. Proposals for changes between retail uses within the PSC will be assessed against the following considerations:
 - a) maintaining a clear predominance of A1 shopping frontage within PSCs, refusing changes of use where it would result in more than 2 in 5 consecutive premises not in A1 or A2 deposit taker use;
 - b) the contribution the unit makes to the function and character of the PSC;
 - c) the effect of the proposal on the area involved in terms of the size of the unit, the length of its frontage, the composition and distribution of retail uses within the frontage and the location of the unit within the frontage.
2. Proposals for the change of use from shop (A1) to financial and professional service (A2) restaurant and cafes (A3) drinking

establishments (A4) or hot food takeaways (A5), use at upper floor and basement levels will normally be permitted, where they do not detract from the functioning of the centre.

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.

SCHEDULE

APPLICATION: **24/00236/FULL**

Ground Floor and Basement Retail Unit 165 Fleet Street London

Change of use of part ground floor and part basement floor from commercial use (Class E) to a mixed use including a noodle bar with cafe and part leisure (mini golf) at ground floor level, and ten pin bowling and ancillary facilities at basement level (Sui Generis).

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To ensure compliance with the terms of Section 91 of the Town and Country Planning Act 1990.
- 2 Works shall not begin until a scheme for protecting nearby residents and commercial occupiers from noise, dust and other environmental effects 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 development 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: To protect the amenities of nearby residents and commercial occupiers in accordance with the following policies of the Local Plan: DM15.6, DM15.7, DM21.3.
These details are required prior to any work commencing in order that the impact on amenities is minimised from the time that development starts.
- 3 The use hereby approved shall be operated in accordance with the Management Statement attached to document "165 Fleet Street Design and Access Statement April 2024" prepared by Beasley Dickson Architects and received on 10 May 2024. The Management Statement shall be reviewed at the end of Year 1, following the grant of planning permission and, thereafter, as may be required from time to time by the Local Planning Authority. The premises must be operated in accordance with the approved Management Statement for the life of the use.

REASON: To safeguard the amenity of the adjoining public square and the area generally in accordance with the following policies of the Local Plan: DM3.5, DM15.7, DM19.4, DM21.3.

- 4 The Sui Generis use hereby permitted shall not be open to customers between the hours of 00:30hrs on one day and 10:00hrs the next day Tuesday to Thursday; 01:30hrs on one day and 10:00hrs the next day Friday to Sunday; and between 23:30hrs on one day and 10:00hrs the next day Sunday to Monday.

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.

- 5 Unless otherwise approved by the Local Planning Authority the doors on the St. Dunstan's Court elevation shall be kept closed and only used 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.

- 6 No live or recorded music shall be played that can be heard outside the premises.

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

- 7 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 between 23:00 and 07:00 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.

- 8 No servicing of the premises shall be carried out between the hours of 23:00 on one day and 07:00 on the following day from Monday to Saturday and between 23:00 on Saturday and 07:00 on the following Monday and on Bank Holidays. Servicing includes the loading and unloading of goods from vehicles and putting rubbish outside the building.

REASON: To avoid obstruction of the surrounding streets and to safeguard the amenity of the occupiers of adjacent premises, in accordance with the following policies of the Local Plan: DM15.7, DM16.2, DM21.3.

- 9 The proposed Sui Generis use, hereby approved, sharing a party element with office premises shall be designed and constructed to provide resistance to the transmission of sound. The sound insulation

shall be sufficient to ensure that NR40 is not exceeded in the existing neighbouring premises and shall be permanently maintained thereafter. A test shall be carried out after completion but prior to occupation to show the criterion above have been met and the results shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To protect the amenities of occupiers of the building in accordance with the following policy of the Local Plan: DM15.7.

- 10 No cooking shall take place within the Sui Generis unit 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.
- 11 Before any new 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.
- 12 (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 nearest noise sensitive premises. The background noise level shall be expressed as the lowest LA90 (10 minutes) during which 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.
- 13 All parts of the existing and any future 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 any adjoining premises and public amenity in accordance with the following policies of the Local Plan: DM 15.7 and DM 21.3

- 14 The existing refuse storage facilities within the building shall be used by the operators of the use hereby approved, and no waste shall be placed on the public highway.
REASON: To ensure the satisfactory servicing of the building in accordance with the following policy of the Local Plan: DM17.1.
- 15 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:
Drawing nos. 4-C-43130 -01, 4-C-43133 -01; Unnumbered - External Area Extent; Site Location Plan (EGL542149).
Documents: The Aldgate Tap: External Management Plan rec'd 19.11.2023
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 Planning permission is hereby granted only for the change of use. Any works that would materially affect the external appearance of the building or, in the case of a listed building, its special architectural and historic interest, will require a separate application for planning permission and/or listed building consent.

- 3 Access for disabled people is a material consideration in the determination of planning applications. The City of London's Access Advisor has assessed the planning application to ensure that the proposal meets the highest standards of accessibility and inclusive design required by London Plan 2021 Policy D5, Local Plan 2015 Policy DM 10.8 and Draft City Plan 2036 Policy HL1. The Access Advisor promotes good practice standards of inclusive design and encourages early consideration of accessibility in the design process so that a truly inclusive environment can be achieved that everyone will be able to visit, use and enjoy.

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 The Environment Department (Planning Division) should be consulted on:

(a) The display of any advertisement material on the premises. Advertisements may be subject to the City of London Corporation's Byelaws.

- 5 Ventilation for any kitchens will need to be provided to roof level. Planning permission will be required for any ducts, vents or plant that would materially affect the external appearance of the building. It cannot be assumed that ductwork will be permitted on the exterior of the building.

- 6 The Director of Markets and Consumer Protection states that any building proposal that will include catering facilities will be required to be constructed with adequate grease traps to the satisfaction of the Sewerage Undertaker, Thames Water Utilities Ltd, or their contractors.