



Appeal Decision

Site visit made on 8 April 2025

by **S Heywood BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 May 2025

Appeal Ref: APP/X5990/W/24/3350517

75 Dean Street, City of Westminster, London W1D 3PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Soho Estates Limited against the decision of City of Westminster Council.
 - The application Ref is 23/02396/FULL.
 - The development proposed is partial demolition; replacement of the ground floor Dean Street frontage; reconfiguration of the third floor; construction of a new fourth floor; new external terrace at fourth floor; green roofing; alterations to the façades including new windows, new plant equipment and ductwork; cycle parking and associated external works in connection with dual use of the building as offices (Class E) and / or a private members' club (*sui generis*).
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Decision

1. The appeal is allowed and planning permission is granted for partial demolition; replacement of the ground floor Dean Street frontage; reconfiguration of the third floor; construction of a new fourth floor; new external terrace at fourth floor; green roofing; alterations to the façades including new windows, new plant equipment and ductwork; cycle parking and associated external works in connection with dual use of the building as offices (Class E) and / or a private members' club (*sui generis*), at 75 Dean Street, City of Westminster, London W1D 3PU, in accordance with the terms of the application, Ref 23/02396/FULL subject to the conditions in the attached schedule.

Preliminary Matters and Main Issue

2. The proposal seeks consent for a dual or alternative use of the premises as offices within Class E of the Town and Country Planning (Use Classes) Order 1987 (the Use Classes Order) and / or a private members' club for people within the music and creative industries.
3. The proposed internal and external alterations would be generally the same for both the office use and private members' club. The floor plans indicate different potential uses for each part of the building. Both the office use and the private members' club use propose an external terrace on the fourth floor. The Council have not raised any concerns in relation to the proposed alterations to the building or to the use of the building in connection with either the office or private members' club use.
4. This decision will therefore deal with the main issue which relates to the impact of the proposed external terrace on the living conditions of occupiers of nearby properties, with particular reference to the potential for noise disturbance. I will then go on to consider the other matters raised by nearby residents.

Reasons

Policy context

5. The site is located within the Central Activities Zone (CAZ) and the West End Retail and Leisure Special Policy Area (WERLSPA) and the Soho Special Policy Area. The Council's committee report sets out the policies in the City Plan which support additional leisure opportunities and a diverse evening and night-time economy within the WERLSPA (Policy 2) and CAZ (Policy 14).
6. Policy 7 and 33 of the City Plan both seek to prevent adverse noise impacts. Policy 16 of the City Plan, amongst other things, seeks to prevent the over-concentration of food, drink and entertainment uses where this could harm residential amenity. Policy 20 seeks to avoid the cumulative impact of new drinking establishments on the character of Soho's streets and its mix of uses.
7. Policy 10 of the Soho Neighbourhood Plan (SNP) states that proposals for new private members' clubs will only be supported where they can show that they will add vitality and mitigate their impacts. SNP Policy 12, relating to food and drink uses, also seeks to ensure that proposals do not have unacceptable amenity impacts.
8. The Council's Environmental Supplementary Planning Document (SPD) sets noise requirements which seek to prevent adverse noise effects from developments and improve the noise environment.

Noise from external terrace

9. No. 75 Dean Street was previously in use as sound and picture production studios and offices. It is located within a busy and vibrant street containing a mix of uses including several bars, pubs and restaurants, the Soho Theatre, offices and residential uses.
10. Closing times for nearby licensed premises range between 12.30am and 2.30am Monday to Saturday. The adjoining property at No. 76 Dean Street, also a private members' club, has opening hours from 7am to 1am daily. The area is therefore lively and likely to have noise and activity associated with night-time uses into the early hours.
11. However, there are residential properties nearby and a balance therefore needs to be struck between the need to retain the vitality of the area, including the night-time economy, and the need to protect residential amenity.
12. To ensure satisfactory noise levels, the requirements set out in the SPD for the proposed development are 10dB below the minimum external background level where the noise source does not contain tones or intermittent noise, or 15dB below where the noise does have these characteristics. These levels should be measured at 1 metre from the façade of the nearest, most affected, noise sensitive receptor, which in this case is the Soho Lofts apartments on Richmond Mews to the west.
13. The appellants undertook a noise survey which demonstrated that the façade corrected background noise levels at Soho Lofts are a minimum of 54dB. In order to meet the SPD requirements the noise levels 1 metre from the worst affected windows of the nearest properties within Soho Lofts as a result of the development

should be no greater than 39dB. The noise survey, plus supplementary material, demonstrates that this level would be met. A condition can be imposed to ensure that the use ceases if this level is exceeded, until measures are put in place to ensure compliance.

14. The proposed terrace would be enclosed on all four sides by the fourth floor and a 3.4 metre high wall to the north of the terrace. There would also be a solid canopy overhanging the western part of the space. These would all serve to reduce noise transmission to nearby properties from the terrace.
15. In addition, an Operational Management Statement (OMS) sets out detailed controls over the use of the proposed terrace. This would include restricting the use of the terrace to between the hours of 8am and 11pm, limiting its capacity to 40 people, and only when seated and consuming food. The OMS would prevent live or amplified music on the terrace. A condition can be imposed to ensure that the OMS is adhered to.
16. I have noted photographs showing the use of an existing external corridor to the side of the building at third floor by people socialising outdoors. However, in the proposed development this would no longer be possible due to the design of the building. The only outdoor space would be the terrace at fourth floor which would be enclosed by walls on all four sides.
17. The proposed hours of use of the terrace would be between 8am and 11pm. A condition can be imposed to ensure that it cannot be used later into the evening and into the early hours of the morning. Having regard to the design features set out above, the constraints imposed by the OMS, and the much later opening hours of nearby licenced premises, these hours of use of the terrace would strike an appropriate balance between the need to encourage leisure opportunities in the area and to protect the living conditions of nearby occupiers.
18. I turn now to consider noise from plant equipment which would be housed within a plant enclosure at fourth floor. This would be screened with a perimeter enclosure with a louvred roof.
19. The appellants' noise survey sets out that the cumulative plant noise would not exceed the levels set by the Council's SPD based on non-tonal noise, which should be 10dB below the minimum background noise level. Residents have criticised this and consider that the relevant noise level should be based on the tonal noise criteria of 15dB below the minimum background level.
20. The specific plant equipment which will be housed in the plant enclosure has not yet been determined. The Council's committee report therefore includes a condition requiring the submission of a supplementary noise report to demonstrate compliance with the Council's noise criteria before the installation of any plant at the premises. The exact tonality of the noise can be assessed at that stage and such a condition can ensure that any mitigation required to ensure that the Council's criteria are met is secured prior to the use of the equipment. This will ensure that plant noise is to an acceptable level which would meet the Council's requirements.
21. There has been criticism of the appellants' noise information on the basis that it should not have included existing operating plant in the background noise levels. However, in an area such as this, with plant on nearby rooftops, to exclude any

operating plant from the background noise levels would be unrealistic and would likely be unrepresentative of the noise levels in the area. I note that the Council's Regulatory Support Team, having considered the submitted noise assessments, raised no objections to the proposal subject to the imposition of conditions.

22. Having regard to the above, I conclude that the use of the proposed outdoor terrace would not harm the living conditions of surrounding occupiers due to noise disturbance. The proposal would therefore comply with Policies 7 and 33 of the City Plan, Policies 10 and 12 of the SNP and the requirements of the Council's SPD.

Other matters

23. I note that there is a private members' club next door at No. 76, and I have had regard to the information regarding surrounding uses, including two other private members' clubs, provided by objectors to the development. Based on my own observations, the area contains a mix of uses including pubs, restaurants, the private members' clubs, residential and commercial.
24. Whilst the use of the building would change if it were to be used as a private members' club or dual use, the overall mix and balance of uses in the area would not be harmed by the proposals which would be in line with the expectations for the area set out in Policy 2.
25. The Council's committee report assesses the other uses in the area and concludes that the proposals would not result in an over-concentration of drinking uses or a detrimental change in the character of the area. It is also notable that the Council did not refuse the application on these grounds, even though members disagreed with the overall recommendation of the officers. I agree with the Council's position on this matter and conclude that the proposals would not conflict with City Plan Policies 16 and 20.
26. I turn now to other matters relating to the living conditions of nearby occupiers. The proposed opening hours of the premises, other than the use of the terrace, would be between 7am and 1am daily and the Council have not raised any objections to this.
27. The capacity of the premises is said to be 500 patrons, however the use as a private members' club would have several different aspects to it. The building would provide a workspace and library, recording studios, screening room and bedrooms. The proposed bar and lounge would occupy the majority of the ground floor, a restaurant would be sited within part of the second floor and the third and fourth floor would be music lounges. Not all patrons would therefore be using the restaurant and bar areas, and it is therefore unlikely that all patrons would leave the premises at the same time, in the early hours of the morning.
28. I note the Council's Cumulative Impact Assessment (2023) and the information regarding noise, crime and anti-social behaviour within West End Zone 1 (WEZ 1), within which the premises fall. This states that the majority of the licenced premises within the WEZ 1 are restaurants.
29. Due to the previous use of the building as as sound and picture production studios and offices (Class E of the Use Classes Order), it would be possible for the building to house a restaurant use without applying for planning permission.

Consequently, a late-night food and beverage use at the premises could take place with no restrictions on that use.

30. The proposed private members' club would have a number of restrictions on its use to minimise its potential detrimental impacts and these are set out in the attached conditions. These conditions would minimise the potentially harmful aspects of the food and drink aspect of the use on the living conditions of nearby occupiers.
31. Attention has been drawn to a previous appeal reference: APP/X5990/W/23/3330461, however I have not been provided with the particulars of that decision or how that compares with the appeal before me. I have borne in mind that the Council did not refuse permission on the grounds of the impact of the use as a private members' club in principle and they will have been aware of that previous appeal decision and the context of the surrounding uses in both cases.
32. A Servicing Management Plan (SMP) has been provided which indicates that the private members' club would be expected to result in 3-5 deliveries per day and the office use 5-6 per day. The building has an existing service bay to the rear on Richmond Mews and this road is already used for servicing of other properties on Dean Street. The SMP includes the appointment of a Goods In Manager or Site Manager to oversee servicing and delivery activity and will include procedures to manage the impact of deliveries on the surrounding area. A condition can also be imposed to ensure that deliveries only take place between 7am and 7pm daily. Sufficient space is available for use by small and medium sized vans and the number of deliveries would not be so frequent as to cause significant harm to the living conditions of nearby occupiers.
33. A bin storage area is included internally and the SMP states that bins will not be left outside the waste store except when transferred for collection. The Goods In Manager or Site Manager will be responsible for ensuring that waste is stored appropriately. A condition requiring further details of waste storage to be submitted can be imposed. The SMP requires an annual review with the Council which will provide an opportunity to rectify any problems which arise. A condition can be imposed to ensure that the SMP is adhered to.
34. I note comments that the existing service area to the rear of the premises has not been used for a number of years. However, the re-use of the building within the lawful use class has the potential to result in unrestricted deliveries taking place within this area. Having regard to the lawful use of the premises, and subject to conditions, I conclude that the proposed servicing and waste operations would be acceptable and would not result in undue harm to living conditions of nearby occupiers. The proposals would be in accordance with Policy 29 of the City Plan relating to off-street servicing.
35. Having regard to the physical impact of the proposed alterations, the proposed third floor would be only slightly increased in height at the Richmond Mews elevation compared to the existing building. At the level of the existing roof and the proposed fourth floor, there are currently two large flat roofed plant enclosures located towards the western edge of the roof. These have a small gap between them through which the properties at Soho Lofts would be able to see the existing heating and cooling units on other parts of the roof.

36. The proposed fourth floor would be set back from the western elevation and would therefore be further away from the properties at Soho Lofts than one of the existing plant enclosures, and no closer to those properties than the other. Therefore, whilst the proposed fourth floor would extend for the full width of the building, effectively filling in the existing gap between the two structures, the proposal would not create a significantly increased sense of enclosure, loss of outlook or overshadowing of the properties at Soho Lofts.
37. In terms of overlooking concerns, the proposed third floor elevation would be no different to the existing situation in terms of the number of windows facing Soho Lofts. At fourth floor the proposed plans and elevations appear contradictory in terms of the number of openings facing Richmond Mews. The Council's committee report states that the openings would be louvres. However, from the plans, one opening appears to be a window to a staircase and a doorway is also shown. I note that the Design and Access Statement submitted with the application states that access through this door will be to the plant enclosure only.
38. To overcome any potential overlooking issues, a condition can be imposed to ensure that windows and the door would be obscure glazed. To prevent potential noise disturbance, conditions can be imposed to ensure that the doorway would only be used for servicing access and no patrons / office workers are to be allowed access to the area to the west of the plant enclosure at fourth floor level. A similar condition can be imposed regarding use of the space which would be created by the set-back to the east of the proposed fourth floor.
39. The appellants Daylight and Sunlight Report concludes that surrounding residential properties will all meet recommended guidelines¹. The Council's committee report concludes that they are satisfied in this regard, and I have no reason to conclude otherwise on this matter.
40. As set out above, SNP Policy 10 requires developments for private members' clubs to demonstrate that they will add vitality. Whilst I have no specific details on how the proposal would add vitality, I have no doubt that the proposal would increase activity, employment and economic spend in the area. This part of Policy 10 is therefore satisfied.
41. I accept that the use of the building for offices would generally not involve the consumption of alcohol on the premises and would be unlikely to operate into the evening and early hours of the morning. An office use would therefore have a lesser impact on the living conditions of nearby occupiers than a dual use or sole use as a private members' club. I note too that the employment generation of an office use would be far greater than that for a private members' club.
42. Nonetheless, the question for me is not whether the office use would be more acceptable than the private members' club, it is whether the use as applied for would be acceptable in the context of the surrounding area and the issues raised by the parties in this appeal.
43. I conclude that against the background of the lawful use of the property, in the context of the surrounding uses and the location of the building within the WERSPLA and CAZ, the proposals would not cause unacceptable harm to the

¹ In the Building Research Establishment's Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice

living conditions of nearby occupiers. The development would therefore comply with City Plan Policies 7 and 33 and Policies 10 and 12 of the SNP.

Other Matters

44. The building is located within the Soho Conservation Area and the adjoining property at No. 76 Dean Street is on the statutory list as Grade II*. The existing building at No. 75 dates from the 1920s. It has an inoffensive appearance which makes a neutral contribution to the character and appearance of the Conservation Area. In addition to façade alterations, the proposals involve the demolition of the third floor level and erection of a new third floor, fourth floor and green roof. The scale, massing, design and elevational treatment of the proposed building would be in keeping with the character of the Conservation Area.
45. The proportions of the proposed building would be reflective of the adjoining listed building. Elevations would introduce banding to reflect the cornicing on No. 76 and window placement would also reflect those at No. 76. The proposals would not harm the adjoining listed building or its setting. I note that the Council have not raised any concerns relating to the impact of the external alterations on the Conservation Area or listed building.
46. Having regard to the duties in section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am satisfied that the proposals would preserve the listed building and its setting and would preserve the character and appearance of the Conservation Area.

Conditions

47. The Council set out conditions in its committee report and I have altered and added to these where necessary. Both the Council and appellants have been given the opportunity to comment on the conditions set out in the Conditions Schedule below and both confirmed that they had no comments to make.
48. In addition to the conditions referred to in the reasoning above, conditions are required setting out the standard time limit and the approved plans and documents, for the avoidance of doubt as to the approved development. The timing of construction and demolition, including piling operations, is restricted to protect the living conditions of nearby occupiers. To ensure a satisfactory appearance, details of the materials and detailed design of windows and doors is required. To ensure a satisfactory appearance and to contribute towards biodiversity, details of the green roof are required.
49. Details of waste storage is required to ensure these are satisfactory in the interests of public health and the living conditions of nearby occupiers. The development is to be carried out in accordance with the Servicing Management Plan in the interests of highway safety and the living conditions of nearby occupiers. For the same reasons servicing hours are also restricted. To ensure that the development does not block the highway, a condition is imposed to ensure that doors or gates do not overhang the footpath or roads. Details of cycle parking is required to encourage cycle use. The office use is restricted to operational or administrative functions to avoid any potential highway impacts of any other uses within Class E of the Use Classes Order.

50. Conditions are required restricting the use of the fourth floor terrace as follows: use in accordance with the Operational Management Statement; restrictions on hours of use; installation of self-closing doors; construction of wall and canopy; noise level to be adhered to. The use of the spaces created by setbacks to the building at fourth floor is restricted to maintenance only and obscure glazing is required on the fourth floor elevation facing Richmond Mews. A further noise report is to be submitted relating to plant and machinery. Conditions are also imposed in relation to vibration transmission, hours of use of the premises, maximum customer numbers and ventilation / extraction to cooking areas to protect the living conditions of nearby occupiers.

Conclusion

51. Having regard to the factors outlined above, I have concluded that the proposal would not harm the living conditions of surrounding occupiers and would comply with the identified relevant development plan policies.
52. The proposal would comply with the development plan overall and there are no other matters which indicate that permission should be withheld. For the reasons given above the appeal should be allowed.

S Heywood

INSPECTOR

Conditions Schedule

- 1) The development shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following drawings and other documents, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions in this Schedule:

Drawings: 82B RevP01, 820 RevP01, 821 RevP01, 822 RevP01, 823 RevP01, 824 RevP01, 83B RevP01, 830 RevP01, 831 RevP01, 832 RevP01, 833 RevP01, 834 RevP01, 025 RevP05, 080 RevP02, 050 Rev P02, 051 RevP03, 052 RevP04, 053 RevP04, 081 RevP03, 030 RevP03, 031 RevP03, 032 RevP03, 033 RevP03, 034 RevP02, 035 RevP02, 03B RevP03, 060 RevP02, 061 RevP02, 062 RevP02, 063 RevP01, 090 RevP01, 091 RevP01.

Documents: Acoustic Report Ref: M001-B, Acoustic Report Ref: 23120-R01-B, Acoustic Report Ref: M002-B, 75 Dean Street - Operational Management Statement, Servicing Management Plan - 22 May 2024.
- 3) Except for piling, excavation and demolition work, any building work which can be heard at the boundary of the site must only be carried out:
 - between 08.00 and 18.00 Monday to Friday;
 - between 08.00 and 13.00 on Saturday; and,
 - not at all on Sundays, bank holidays and public holidays.Piling, excavation and demolition work must only be carried out:
 - between 08.00 and 18.00 Monday to Friday; and,
 - not at all on Saturdays, Sundays, bank holidays and public holidays.Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety).
- 4) Samples of the facing materials, including glazing, and elevations and roof plans annotated to show where the materials are to be located, shall be submitted to and approved in writing by the City Council. Development shall not begin on the relevant part of the development until the City Council has approved the details in writing. Development must be carried out in accordance with the approved details.
- 5) Detailed drawings (at 1:20 and 1:5) of proposed new windows and doors shall be submitted to and approved in writing by the City Council. Development shall not begin on the relevant part of the development until the City Council has approved the details in writing. Development must be carried out in accordance with the approved details.
- 6) Full details of how waste is to be stored on site and how materials for recycling will be stored separately must be submitted to and approved in writing by the City Council prior to the use either as offices, a private members' club or a dual use commencing. The building shall not be occupied

by any use until the City Council approves the details in writing. The approved details shall be implemented prior to occupation of the premises and shall thereafter be retained. Storage areas must be clearly marked and made available at all times to everyone using the property. The waste and recycling store must not be used for any other purpose.

- 7) The servicing of the building must be carried out in accordance with the stipulations in the Servicing Management Plan - April 2023. This must be adhered to at all times.
- 8) All servicing must take place between 07:00 and 19:00. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.
- 9) All doors or gates must be hung so that they do not open over or across the road or pavement.
- 10) Full details of the proposed cycle parking spaces and associated facilities for cyclists shall be submitted to and approved in writing by the City Council prior to any use commencing. The details as approved shall thereafter be retained and the space used for no other purpose.
- 11) The office use hereby approved shall be restricted to:
 - i) An office to carry out any operational or administrative functions.And for no other purpose, including any other use within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it).
- 12) Detailed drawings and a biodiversity management plan in relation to the green roof areas to include construction method, layout, species and maintenance regime shall be submitted to and approved in writing by the City Council. Works on the relevant part of the development shall not commence until the City Council has approved the details in writing. Development must be carried out in accordance with the approved details and thereafter retained and maintained in accordance with the approved management plan.
- 13) The use of the premises shall be in accordance with the Operational Management Statement (75 Dean Street, London W1D 3SQ - Operational Management Statement dated 22 May 2024). In particular:
 - i. No live music shall be played either within the property or on the fourth floor terrace.
 - ii. The fourth floor terrace shall be used for seated dining only. Use of this terrace shall not be on a drinking only basis and customers shall not be allowed to use the terrace on a standing only basis.
 - iii. No speakers shall be installed and no music shall be played externally on the fourth floor terrace.
 - iv. Only ambient style lighting shall be used on the fourth floor terrace and this shall be switched off when the terrace is not in use.
 - v. The maximum capacity of the fourth floor terrace shall be 40 persons at any one time.
- 14) The terrace area hereby approved at fourth floor level can only be used between the hours of 08:00 and 23:00. When the terrace is not in use the

access doors must be closed. The terrace must not be used outside of these hours other than in the case of an emergency.

- 15) Before use of the fourth floor terrace area begins self-closing doors onto the terrace must be installed. Once the use commences, these doors must be retained and not be left open except in an emergency or to carry out maintenance.
- 16) Before use of the fourth floor terrace area begins the wall on the northern side of the terrace must be constructed to the height shown on the approved drawings and the 3.6m deep glazed roof canopy shall be installed. These structures shall be retained thereafter.
- 17) The noise level emitted from the use of the fourth floor terrace shall not exceed 39dB when measured 1 metre from the façade of the nearest noise sensitive premises. Should this noise level be exceeded, the use of the terrace shall cease until such measures are put in place to secure compliance.
- 18) Spaces created by the setbacks in the building at the front and rear at fourth floor level shall not be used as terraces and access shall be for maintenance purposes only. There shall be no general access to these areas by visitors or customers to the premises.
- 19) All glazing in the fourth floor elevation facing Richmond Mews shall be obscure glazing and shall be retained as such in perpetuity.
- 20) Prior to the installation of any plant, equipment or machinery in the premises, details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria set out in (1) and (2) below, shall be submitted to and approved in writing by the City Council. The development shall be carried out in accordance with the approved details.

(1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm and shall be representative of the plant operating at its maximum.

- 21) No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.
- 22) If the private members' club (sui generis) hereby approved is implemented (alone or as part of a dual use), customers, apart from people staying in the proposed bedrooms, shall not be permitted within the premises before 07:00 or after 01:00 each day.
- 23) If the private members' club (sui generis) hereby approved is implemented (alone or as part of a dual use), no more than 500 customers will be allowed into the premises at any one time.
- 24) If the private members' club use hereby permitted is implemented (alone or as part of a dual use), approval of details of the ventilation and extraction system for cooking areas shall be submitted to and approved in writing by the City Council before the use begins. The development shall be carried out in accordance with the approved details which shall thereafter be retained and maintained in accordance with the manufacturer's instructions.