

Item No.
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CITY OF WESTMINSTER		
PLANNING APPLICATIONS COMMITTEE	Date	Classification
Report of Director of Planning		Ward(s) involved Vincent Square
Subject of Report	75 Page Street, London, SW1P 4LT,	
Proposal	Installation of mechanical plant within an acoustic enclosure on rear first floor flat roof and full height ventilation duct on rear of building in association with restaurant use (Class A3).	
Agent	Mr Anthony Frendo	
On behalf of	Swiss Cottage Properties Ltd.	
Registered Number	16/06059/FULL	Date amended/completed
Date Application Received	28 June 2016	5 July 2016
Historic Building Grade	Unlisted	
Conservation Area	N/A	

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

75 Page Street is a recently constructed building comprising basement, ground and eight upper floors with restaurant use at basement and ground floor level (not currently occupied) and 14 residential flats on the upper floors. Permission is sought for the installation of mechanical plant and a full height extract duct in connection with the restaurant use.

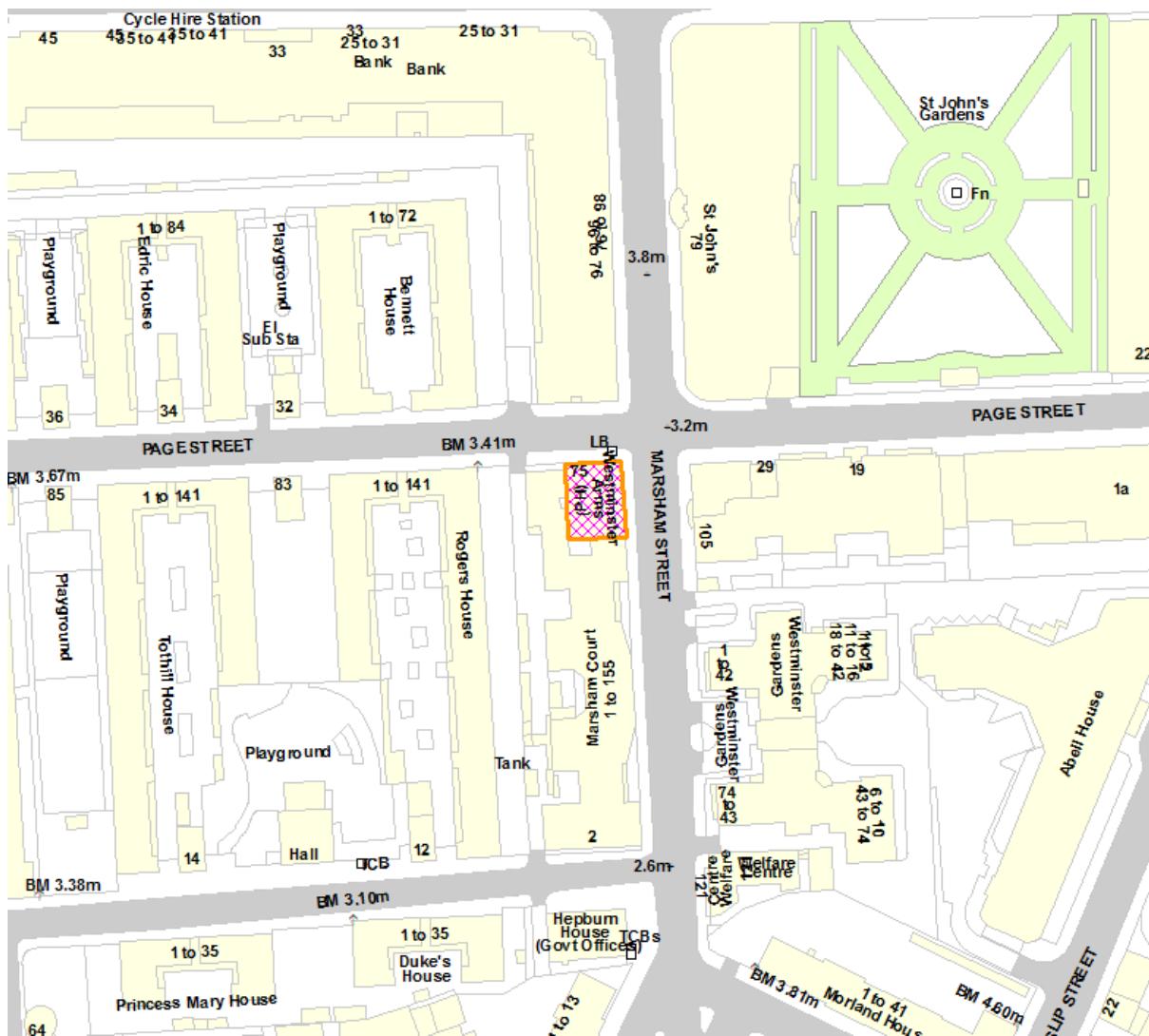
The key issues are:

- *The impact on the character and appearance of the building and area; and
- * The Impact on neighbouring resident's amenity.

The proposed development is considered to be acceptable in design and amenity terms and would accord with policies within the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). As such, it is recommended that conditional planning permission is granted.

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3. LOCATION PLAN



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4. PHOTOGRAPHS



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5. CONSULTATIONS

WESTMINSTER SOCIETY

No objection.

ENVIRONMENTAL HEALTH

No objection, subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 168; Total No. of replies: 20; No. of objections: 19; No. of neutral: 1

Objections received from neighbouring residents in Marsham Court on some or all of the following grounds:

Design

- The building is poorly constructed and an eyesore.
- Mechanical plant and vent would introduce additional massing and be unsightly.
- The lightwell is an inappropriate location for plant.

Amenity:

- The plant and acoustic enclosure would reduce daylight to adjacent flats.
- Noise and vibration from proposed plant.
- Cooking smells coming from the ventilation duct.
- Heat and dirt from plant and machinery.

Other

- The A3 use will generate traffic and noise from customers and servicing.
- An A1 use would be more appropriate.
- Question the need for another restaurant use in this area.
- Concern that the upper floors of the building is being used as a hotel rather than private flats.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

75 Page Street is a newly constructed building located on the corner of Page Street and Marsham Street. It is not located within a conservation area. The building comprises basement, ground and 8 upper floors with a restaurant use at part basement and ground floor level which has not yet been occupied and 14 residential flats on the upper floors.

6.2 Recent Relevant History

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Planning permission was refused on 15 October 2007, but subsequently granted on appeal on 16 April 2008 for the redevelopment of the site to create a building comprising basement, ground and eight upper floors containing a restaurant and 14 flats. An extension of time for the commencement of this development was granted in June 2011.

On 17 March 2016 permission was refused for change of use the basement and ground floors from restaurant (Class A3) to ancillary residential use comprising lounge area, meeting rooms, formal dining room and a resident's only gym; on the grounds that insufficient information was provided to demonstrate that the approved Class A3 floorspace at basement and ground floor level had been marketed for Class A3 purposes and would lead to a loss of Class A3 floorspace which would not meet S21 of the City Plan.

On 13 October 2016 planning permission was granted for shopfront alterations, including the installation of 2 sliding doors and a retractable awning.

7. THE PROPOSAL

Permission is sought for the installation of mechanical plant within an acoustic enclosure on the rear first floor flat roof which forms a shared lightwell with Marsham Court, and a full height ventilation duct terminating at main roof level for use in connection with the consented restaurant unit. The acoustic enclosure measures approximately 1.8m x 7m x1m in height and the duct is approximately 0.9m x 0.42m x 24m high, including its enclosure, which will be rendered to match the building.

The original permission for the building included a full height extract duct routed internally through the building. The applicant has confirmed that the internal route for the duct has been occupied by services and that there is insufficient space for the duct, thus an alternative solution is now required for mechanical ventilation and extraction equipment in order for the restaurant use to be able to operate.

8. DETAILED CONSIDERATIONS

8.1 Land Use

A number of objections have been received in relation to the use of the basement and ground floors as a restaurant (class A3). A public house was previously located on the site and permission was granted for a restaurant use as part of the redevelopment proposals granted in April 2008. The lawful use of the premises is therefore restaurant use (class A3).

8.2 Townscape and Design

The building was recently completed and sits just outside the boundary of the Page Street Conservation Area. The proposed plant is located to the rear of the building and will not be visible from the public realm.

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A number of objections have been received from residents within Marsham Court on design grounds. The proposed plant will be visible from a number of windows in Marsham Court and from the upper levels of the host building. Whilst it is regrettable that the plant is proposed in the lightwell, a condition is recommended to ensure that the enclosure and ductwork is finished in a colour to match the adjoining facing materials and it is not considered that a refusal on design grounds could be sustained.

8.3 Residential Amenity

Objections have been received from a number of residents within Marsham Court on the grounds that the proposal will result in a loss of light to residential windows and cause noise, smell and vibration nuisance. The north block of Marsham Court has a number of flats with windows which overlook the lightwell, which serve bathrooms, toilets, kitchens and internal and communal hallways. There are also residential windows immediately above serving the development site itself, however, no objections have been received from these flats.

Whilst it is regrettable that the proposed plant and ventilation duct are located within the rear lightwell, given their size and location, it is considered that the proposals would not result in any significant loss of light or cause a sense of enclosure to neighbouring windows. The applicant has explored the possibility of locating the plant and acoustic enclosure at main roof level but considers the proposed position to be the most energy efficient and practical in terms of maintenance and servicing access.

The applicant has submitted an acoustic report in support of the application. The Council's Environmental Health Noise Team are satisfied that the plant is likely to comply with the Council's standard noise condition, however, a condition is recommended requiring a post-commissioning noise survey.

Objectors have also expressed concerns that, whilst the ventilation duct discharges at roof level of the application site, this is below the roof of Marsham Court and close to a number of residential windows. The previously approved extract duct as part of the original redevelopment proposals discharged in a similar location. A condition is recommended to secure details of odour control mitigation measures for the ventilation system prior to operation.

Accordingly, it is not considered that the objections on amenity grounds can be sustained.

8.4 Transportation/Parking

Not applicable.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

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The proposals do not have any adverse access implications.

8.7 Other UDP/Westminster Policy Considerations

None

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.10 Planning Obligations

Not applicable.

8.11 Environmental Impact Assessment

An Environmental Impact Assessment was not required for a development of this scale.

8.12 Other Issues

A number of objectors have raised concerns that the upper floors of the building are being used as a hotel. This matter is currently being investigated by the Council's Planning Enforcement Team.

9. BACKGROUND PAPERS

1. Application forms.
2. Response from Westminster Society, dated 19 July 2016
3. Response from Environmental Health, dated 6 October 2016
4. Letter from occupier of 136 Marsham Court, Marsham Street dated 22 July 2016
5. Letter from occupier of 145 Marsham Court, Marsham Street dated 1 August 2016
6. Letter from occupier of 120 Marsham Court, Marsham Street dated 4 August 2016
7. Letter from occupier of 131 Marsham Court, Marsham Street dated 4 August 2016
8. Letter from occupier of 120 Marsham Court, Marsham Street dated 4 August 2016
9. Letter from occupier of 150 Marsham Court, Marsham Street dated 4 August 2016
10. Letter from occupier of 4 Marsham Court, Marsham Street dated 6 August 2016
11. Letter from occupier of Flat 110 Marsham Court, Marsham Street dated 6 August 2016
12. Letter from occupier of 121 Marsham Court, Marsham Street dated 7 August 2016
13. Letter from occupier of 134 Marsham Court, London dated 8 August 2016
14. Letter from occupier of 32 Marsham Court, Marsham Street dated 9 August 2016
15. Letter from occupier of 117 Marsham Court, Marsham Street dated 9 August 2016
16. Letter from occupier of Flat 150, Marsham Court dated 9 August 2016
17. Letter from occupier of 153 Marsham Court, Marsham Street dated 10 August 2016
18. Letter from occupier of 141 Marsham Court, London dated 11 August 2016

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19. Letter from occupier of Flat 68 Marsham Court, Marsham Street dated 11 August 2016
20. Letter from occupier of 155 Marsham Court dated 11 August 2016
21. Letter from occupier of 44 Marsham Court, Marsham St dated 11 August 2016
22. Letter from occupier of Flat 1 Marsham Court dated 12 August 2016
23. Letter from occupier of Flat 116 Marsham Court dated 15 August 2016

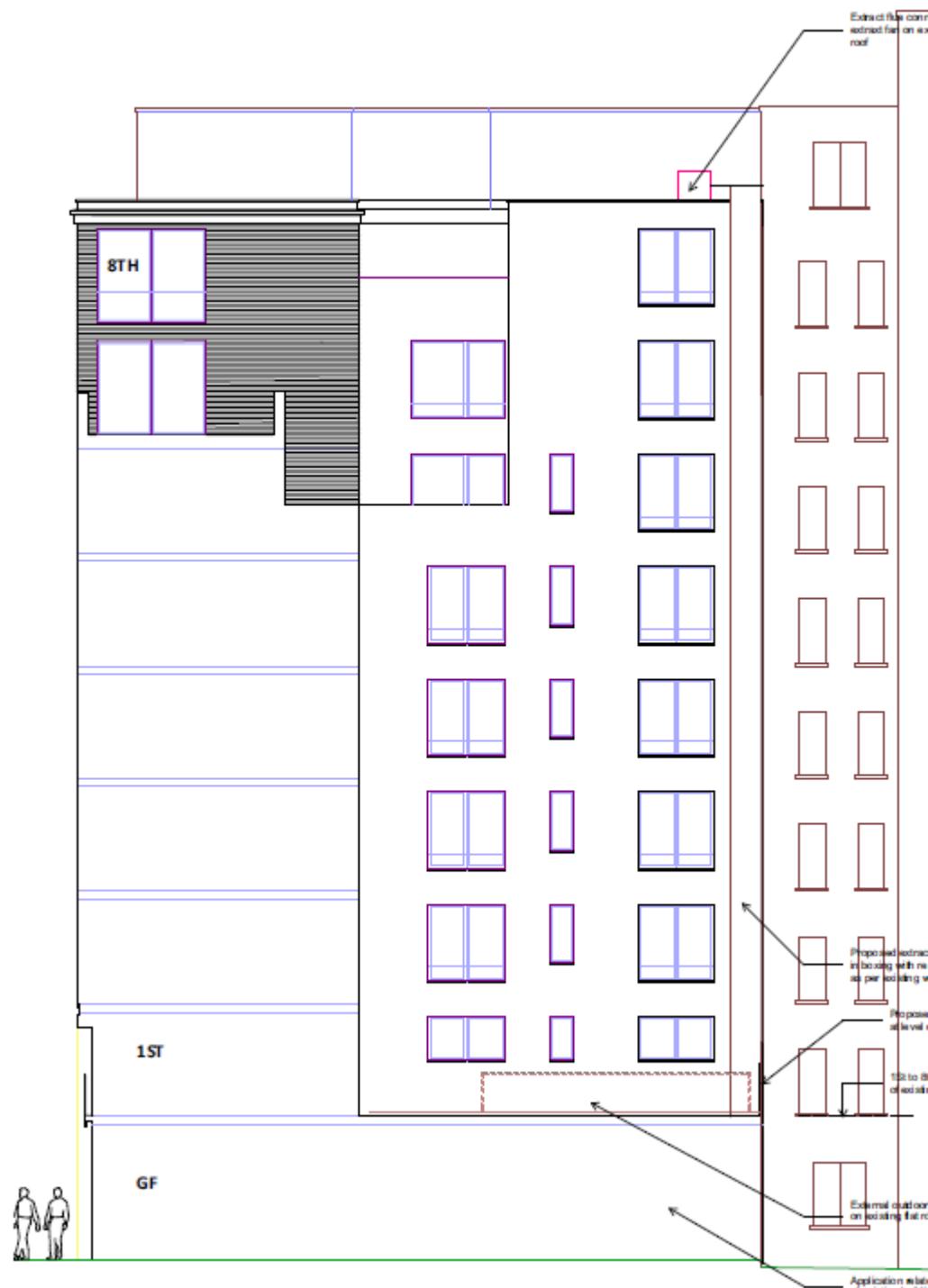
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

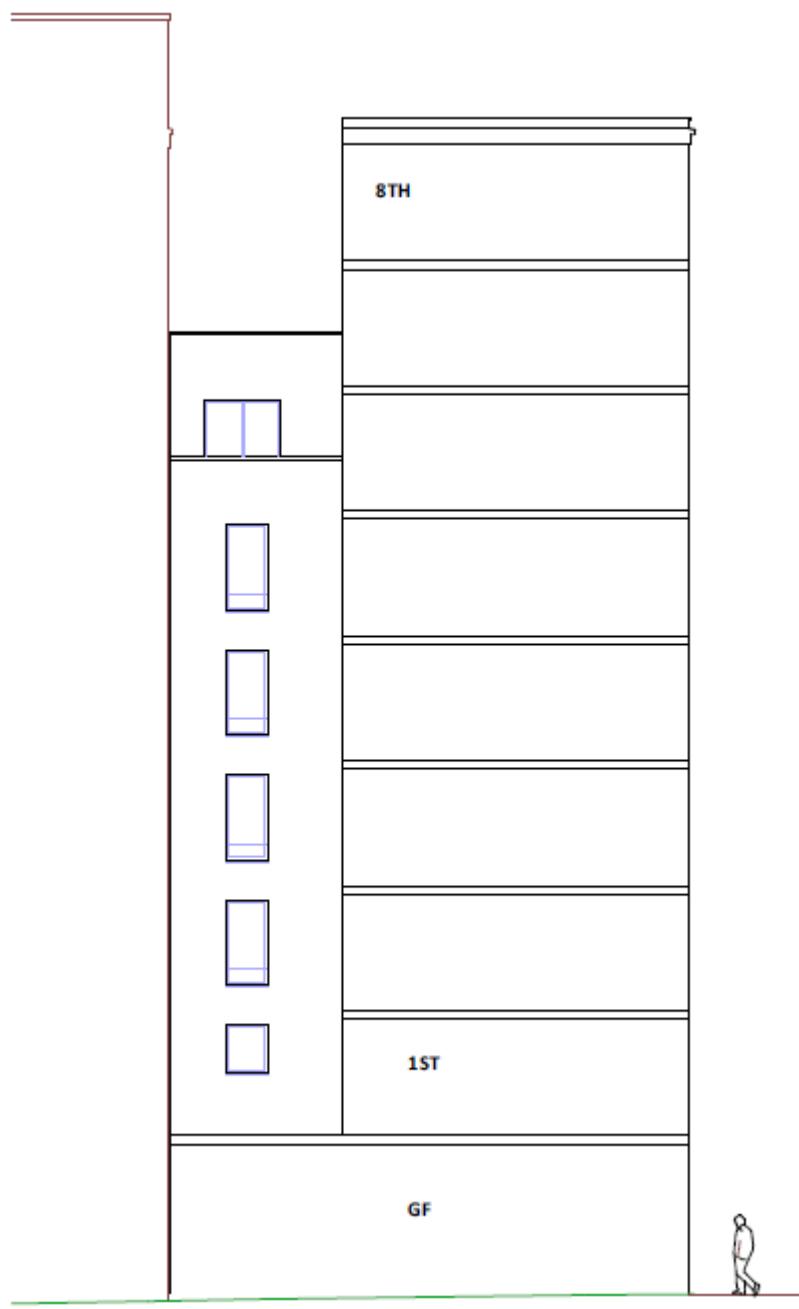
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JULIA ASGHAR BY EMAIL AT JASGHAR@WESTMINSTER.GOV.UK

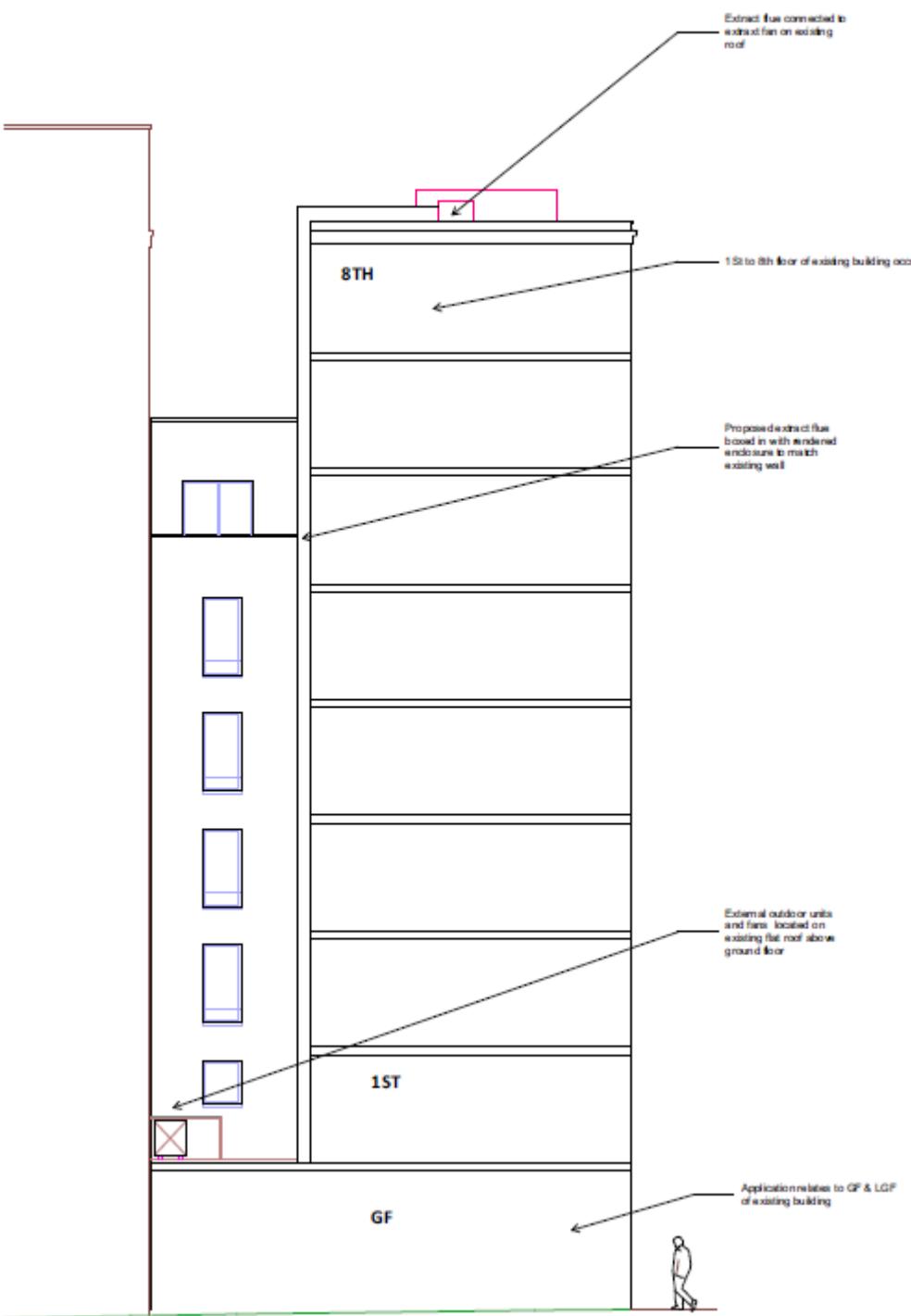
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10. KEY DRAWINGS



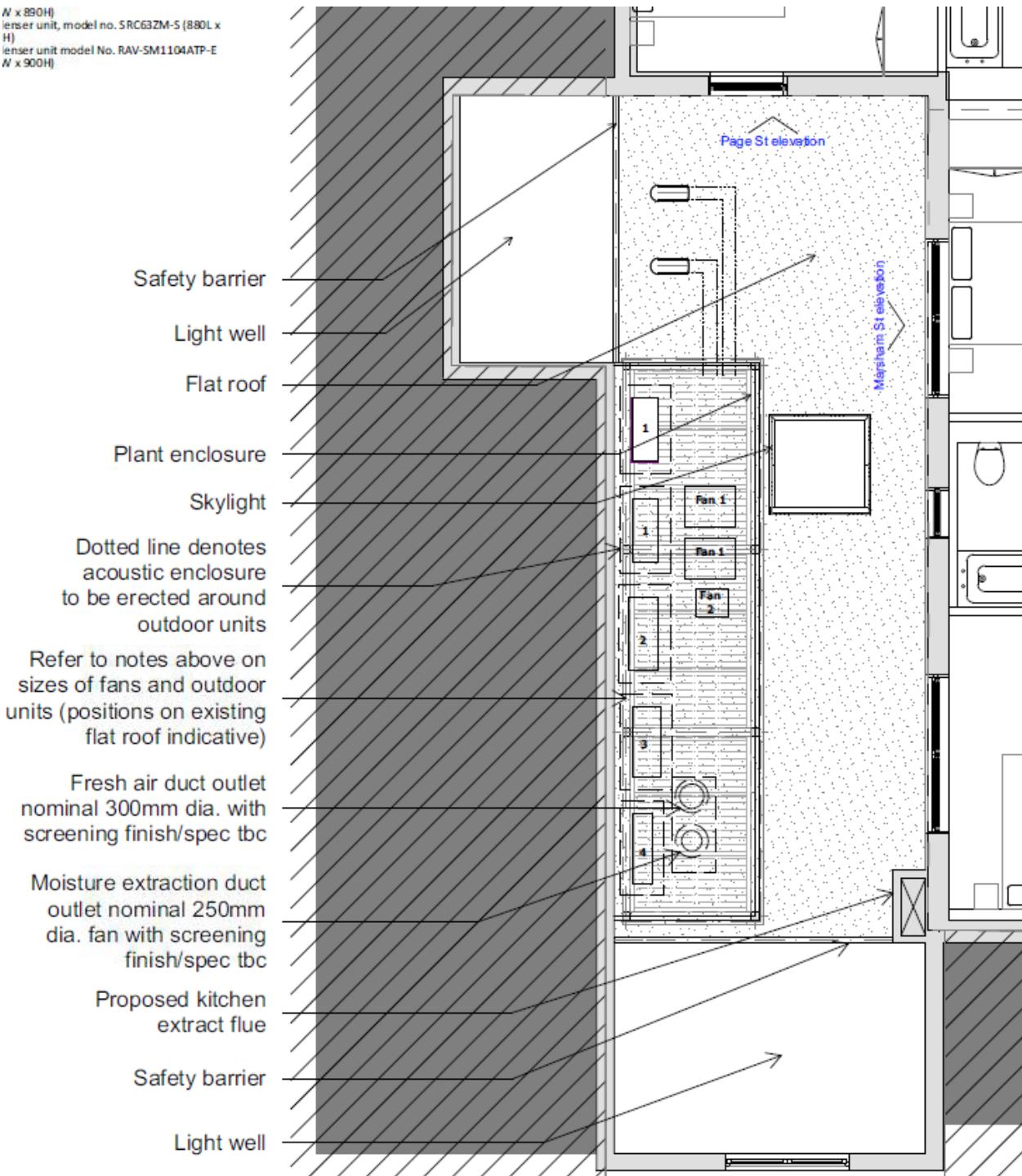
Proposed Rear West Elevation

Existing Rear South Elevation

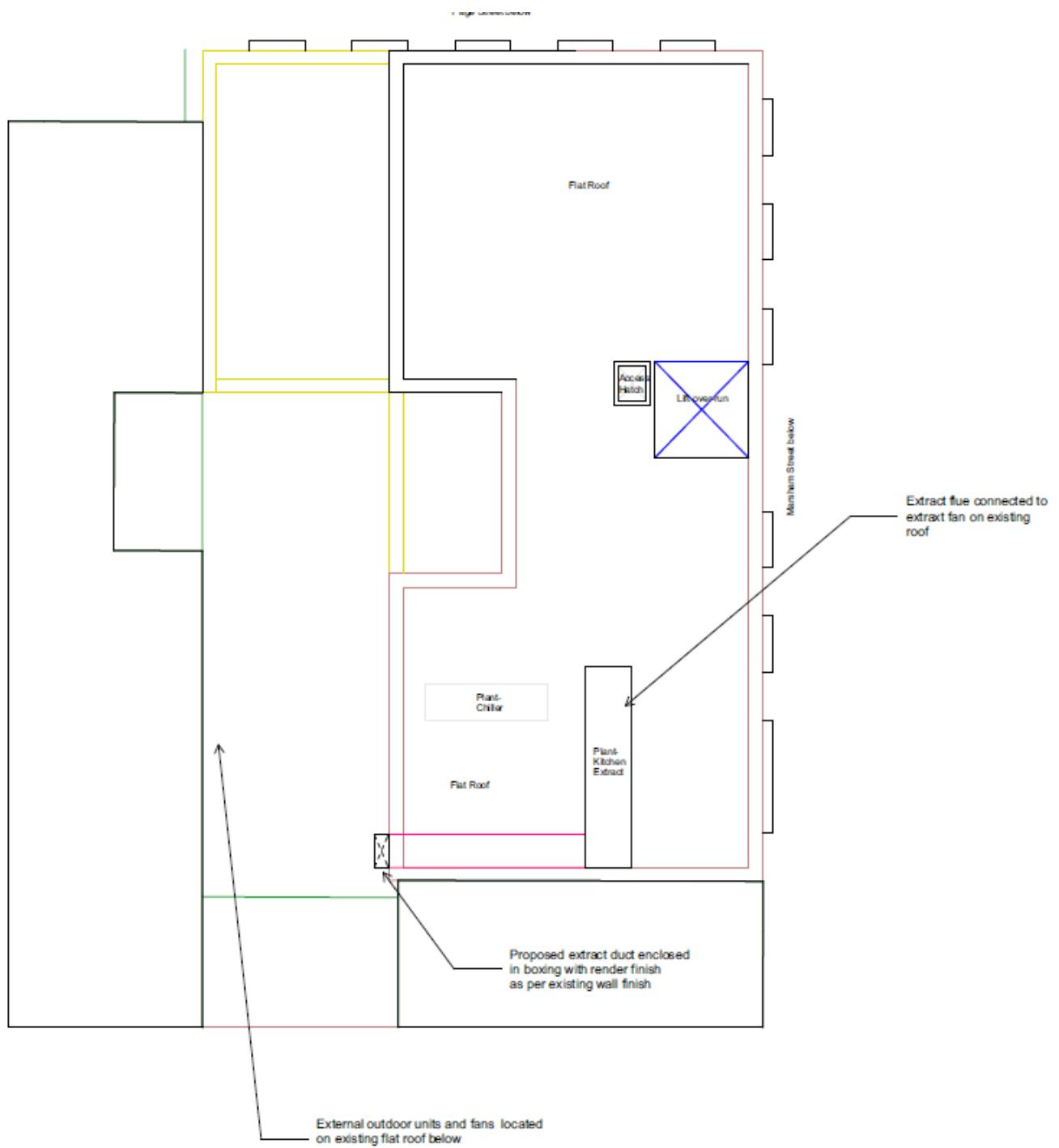
Proposed Rear South Elevation

Proposed First Floor Roof Plan

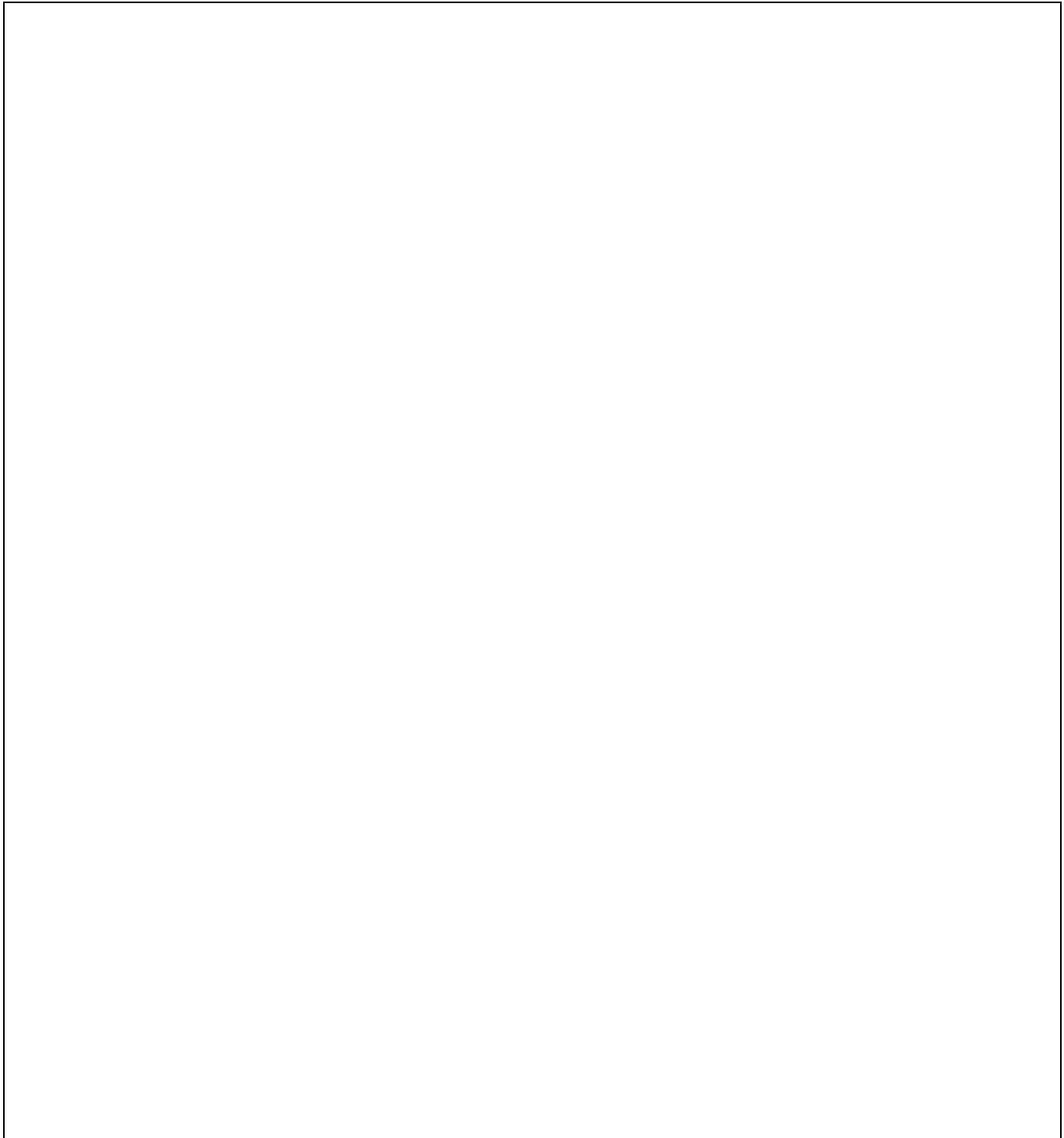
W x 890H)
lenser unit, model no. SRC632M-S (880L x
H)
lenser unit model No. RAV-SM1104ATP-E
W x 900H)



Proposed Roof Plan



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DRAFT DECISION LETTER

Address: 75 Page Street, London, SW1P 4LT,

Proposal: Installation of mechanical plant in enclosure on first floor flat roof and full height ventilation duct on rear of building in association with restaurant (Class A3).

Plan Nos: L01; PL 104 Rev.B; PL 111 Rev.A; PL 112 Rev.C; PL 113 Rev.C; Acoustic Report AS8531.151124.PCR1.3 dated 3 October 2016;

For information purposes:

Design and Access Statement dated May 2016; Letter from Kalkwarf Architects dated 18 October 2016; Letter from Kalkwarf Architects dated 20 October 2016.

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

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

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o 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). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must finish the ductwork in a colour to match the material next to it. You must then keep it that colour. (C26FA)

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Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4
 - (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 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the 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 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the 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.
 - (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
 - (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
 - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
 - (i) The proposed maximum noise level to be emitted by the plant and equipment.

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Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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

Reason:

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

- 6 You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in conditions 4 and 5 of this permission.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 7 You must put up the plant enclosure shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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- 8 You must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of and how it will look and odour control mitigation measures. You must not begin operating the ventilation system until we have approved what you have sent us and you have carried out the work according to the approved details, you must then maintain it in accordance with the approved details for as long as the system remains in place.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 3 Conditions 4, 5, 6 and 7 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)