



City of Westminster

Committee Agenda

Title: **Planning Applications Committee (2)**

Meeting Date: **Tuesday 19th January, 2016**

Time: **6.30 pm**

Venue: **Rooms 5, 6 & 7 - 17th Floor, City Hall, 64 Victoria Street, London SW1E 6QP**

Members: **Councillors:**

Peter Freeman (Chairman)
Melvyn Caplan
Paul Church
Ruth Bush

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Tristan Fieldsend, Committee and Governance Officer.

**Tel: 020 7641 2341; email: tfieldsend@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Legal & Democratic Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

3. MINUTES

To sign the minutes of the last meeting as a correct record of proceedings.

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|---|------------------------|
| 1. 27-28 CURZON STREET AND 18 MARKET MEWS
LONDON W1J 7TL | (Pages 3 - 28) |
| 2. ROYAL COURT APARTMENTS, 51 GLOUCESTER
TERRACE LONDON W2 3DQ | (Pages 29 - 50) |
| 3. 12 MAIDEN LANE LONDON WC2E 7NA | (Pages 51 - 76) |

EXEMPT REPORT UNDER THE LOCAL GOVERNMENT ACT 1972

That under Section 100 (A) (4) and Schedule 12A of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business as it involves the likely disclosure of exempt information relating to the financial or business affairs of any particular person.

4. OPEN SPACE, ALMA SQUARE, NW8 9QD

(Pages 77 - 96)

**Charlie Parker
Chief Executive
11 January 2016**

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Agenda Item

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 19 JANUARY 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No	References/ Ward	SITE ADDRESS	PROPOSAL	APPLICANT
1	RN 15/07744/FULL RN 15/07745/LBC West End	27-28 Curzon Street And 18 Market Mews London W1J 7TL	Erection of new and replacement rear second floor structures to enclose enlarged terrace for use in association with casino (sui generis), installation of replacement plant at main roof level, installation of replacement canopy at front ground floor level and removal of timber screens from roof level. Internal alterations.	
	Recommendation 1. Grant conditional permission and listed building consent. 2. Agree the reasons for granting listed building consent as set out within Informative 1 of the draft decision letter.			
2	RN 14/02059/FULL Lancaster Gate	Royal Court Apartments, 51 Gloucester Terrace London W2 3DQ	Installation of mechanical plant within rear of building at mezzanine level (above ground floor level) with associated louvres; ductwork at roof level and external riser to rear. Lift overrun at roof level and associated alterations. Rear extension at second floor level. Replacement of windows, alterations to facades and roofs. (Site comprising Nos. 45-59 Gloucester Terrace).	
	Recommendation Grant conditional permission.			
3	RN 15/09562/FULL RN 15/10460/FULL St James's	12 Maiden Lane London WC2E 7NA	Application 1 - Installation of external plant and equipment within existing enclosure at main roof level and retention of extract ducts from second floor level to roof level terminating within the enclosure. Application 2 - Retention of external plant and equipment at first floor level with additional attenuators, new visual/ acoustic barrier screen and removal of existing condensers.	
	Recommendation Application 1 - Grant conditional permission. Application 2 - Grant conditional permission.			

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 19 JANUARY 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

CONFIDENTIAL ITEM

This report is not available for public inspection because it is likely that the public will be excluded while it is being considered. The report contains information which is exempt under paragraph 3 of part 1 of Schedule 12A of the Local Government Act 1972 because it involves the likely disclosure of exempt information relating to the financial or business affairs of any particular person (including the authority holding that information).

4	RN 15/10202/TPO RN 15/10555/TPO St John's Wood	Open Space, Alma Square, London NW8 9QD	Application 1 – 1 x False Acacia (rear of 6 Alma Square): Removal. Application 2 – 1 x Mulberry (rear of 8 and 9 Alma Square): Removal.	
	Recommendation Application 1 – Refuse consent – adverse effect on amenity and on character and appearance of conservation area. Application 2 – Refuse consent – adverse effect on amenity and on character and appearance of conservation area.			

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Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 19 January 2016	Classification For General Release	
Report of Director of Planning		Ward involved West End	
Subject of Report	27 and 28 Curzon Street and 18 Market Mews, London W1J 7TJ		
Proposal	Erection of new and replacement rear second floor structures to enclose enlarged terrace for use in association with casino (<i>Sui Generis</i>), installation of replacement plant at main roof level, installation of replacement canopy at front ground floor level and removal of timber screens from roof level. Internal alterations.		
Agent	Daniel Rinsler & Co.		
On behalf of	Crown Aspinalls		
Registered Number	15/07744/FULL and 15/07745/LBC	Date amended/ completed	21 August 2015
Date Application Received	20 August 2015		
Historic Building Grade	Grade II (No. 28 Curzon Street)		
Conservation Area	Mayfair		

1. RECOMMENDATION

1. Grant condition permission and listed building consent.
2. Agree the reasons for granting listed building consent as set out within Informative 1 of the draft decision letter.

2. SUMMARY

The application site comprises a Grade II listed Georgian townhouse (c. 1710) (No. 28 Curzon Street) and two unlisted buildings (No. 27 Curzon Street and No. 18 Market Mews). The site is located within the Mayfair Conservation Area and the Core Central Activities Zone (Core CAZ). The site is not located within a Stress Area. The entirety of the site is in use as a casino (*sui generis*).

Permission is sought to erect a replacement smoking enclosure at rear second floor level of No. 27 Curzon Street and to erect a new smoking shelter covering a new terrace at rear second floor level of No. 28 Curzon Street. These terraces are proposed to be used for gaming

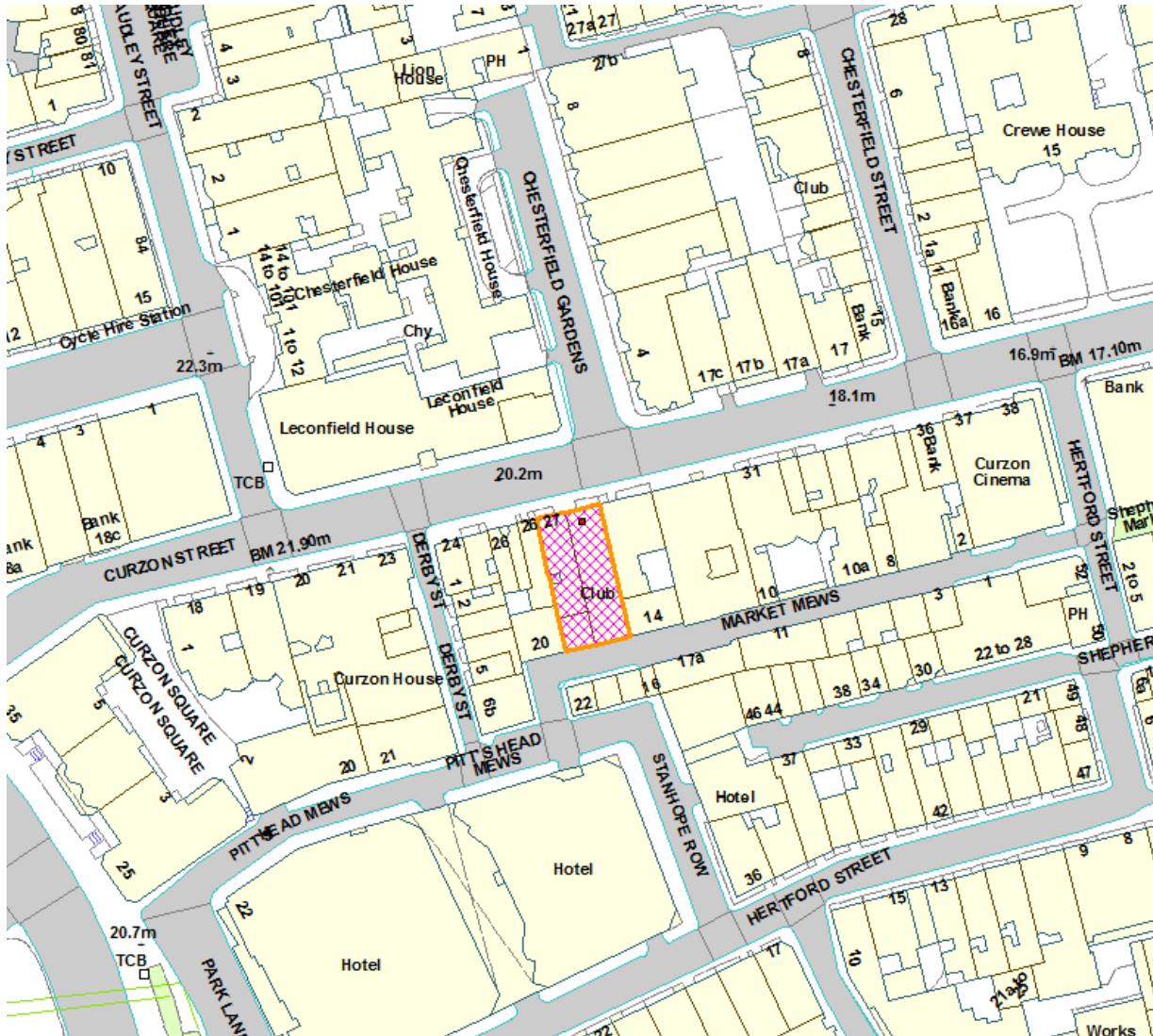
24 hours a day. Replacement plant at roof level and a number of internal alterations are proposed to No. 28 Curzon Street. Finally, a replacement entrance canopy is proposed to No. 27 Curzon Street.

The key issues for consideration are:

- The impact of the proposed internal and external alterations on the special interest of No. 28 Curzon Street.
- The impact of the proposed external alterations on the character and appearance of the Mayfair Conservation Area.
- The impact of the proposed terraces on the amenity of the occupants of the adjoining residential properties in terms of daylight / sunlight, noise, disturbance and overlooking.
- The impact of the proposed plant on the amenity of the occupants of the adjoining residential properties in terms of noise.

The proposal is considered acceptable in land use and amenity terms, complying with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). Furthermore, the proposal is considered to preserve the character and appearance of the Mayfair Conservation Area and not harm the special interest of No. 28 Curzon Street. For these reasons it is recommended that conditional planning permission and conditional listed building consent be granted.

LOCATION PLAN



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3. PHOTOGRAPHS



4. CONSULTATIONS

Residents Society of Mayfair & St. James's:

- No objection.

Historic England:

- Authorisation provided for the City Council to determine the application for listed building consent as it sees fit.

Ancient Monuments Society:

- Any response to be reported verbally.

Council for British Archaeology:

- No objection in principle but some concern raised about the 'smoothing out' of the floor levels at first floor and major concerns about the detailing of increased opening at ground floor level and the principal openings at ground and first floor levels.

The Georgian Group:

- Any response to be reported verbally.

Society for the Protection of Ancient Buildings:

- Any response to be reported verbally.

Twentieth Century Society:

- Any response to be reported verbally.

The Victorian Society:

- Any response to be reported verbally.

Environmental Health:

- No objection

Adjoining Owners/Occupiers And Other Representations Received:

- No. Consulted: 141
- Total No. of replies: 0
- No. of objections: 0
- No. in support: 0

Press advertisement / site notice: Yes

5. BACKGROUND INFORMATION

5.1 The Application Site

The application site comprises Nos. 27 and 28 Curzon Street and No. 18 Market Mews. No. 28 Curzon Street is Grade II listed whilst the other buildings are unlisted. The site is located within the Core Central Activities Zone (Core CAZ) and the Mayfair Conservation Area. The site is not located within a Stress Area. The entirety of the site is in use as a casino (*sui generis*).

The rear second floor terrace to No. 27 Curzon Street is currently enclosed by a metal-framed awning that provides an outdoor gaming area for users of the casino.

The nearest residential properties are immediately to the west (No. 20 Market Mews and No. 26 Curzon Street) and east (No. 14 Market Mews) and directly opposite the rear of the site on the south side of Market Mews (Nos. 16, 18, 20 and 22 Stanhope Row).

5.2 Recent Relevant History

Permission (Ref: 89/6642/FULL) was granted on 22 February 1990 to use No. 28 Curzon Street as a casino. No condition controlling the hours of operation was imposed.

Permission (Ref: 96/3958/FULL) was granted on 19 September 1996 to use No. 27 Curzon Street as an extension to the existing gaming club at No. 28 Curzon Street and to create a dining terrace at rear second floor level. Condition 4 of this planning permission restricted the opening hours of the casino to between midday and 04.00 the following morning. Condition 5 allowed the use of the terrace from midday to 23.00. An application (Ref: 97/01726/FULL) to make variations to this permission was granted on 7 May 1997. Conditions 4 and 5 were re-imposed.

Permission and consent (Refs: 06/09820/FULL and 06/09821/LBC) were granted on 31 January 2007 to install a trellis screen on the parapet wall and two new chiller units at rear second floor flat roof level with associated air ducts and pipework to No. 28 Curzon Street.

Permission and consent (Refs: 07/06026/FULL and 07/06027/LBC) were refused on 3 September 2007 for, *inter alia*, the erection of glazed canopy over around half of the rear second floor roof of No. 27 Curzon Street and over a small part of the rear second floor roof of No. 28 Curzon Street on the grounds that the canopy's high-level location, projection and detailed design would be harmful to the special interest of the listed building and the character and appearance of the Mayfair Conservation Area.

Permission (Ref: 07/09664/FULL) was refused on 17 January 2008 for external alterations in connection with erection of a glazed canopy over around one-third of roof terrace at rear second floor level of No. 27 Curzon Street on the ground that the canopy would result in an increase in use of the terrace and a consequent detrimental impact on the amenity of nearby residents, contrary to UDP Policy ENV 6. An appeal (Ref: A/08/2070184/NWF) against this decision was allowed on 7 November 2008. The Inspector found that smokers could use the second floor terrace regardless of the weather and that he did not believe that, in this mixed-use area, the provision of a modest canopy would be likely to lead to such a significant increase in the use of this terrace to harm the amenity of neighbouring residential occupiers in terms of noise and general disturbance. The inspector added that the operating hours of the rear terrace was, in any event, limited to between midday and 23.00 and this would remain unchanged by the proposed canopy.

A lawful development certificate (Ref: 08/04964/CLEUD) was issued on 19 August 2008 confirming that Condition 5 of the 1997 permission had been breached for a continuous period of ten years. A planning application (Ref: 10/00871/FULL) was granted on 8 April 2010 to delete Condition 5. The result is that this terrace can be used 24 hours a day.

Permission (Ref: 08/03128/FULL) was granted on 18 September 2008 to vary Condition 4 of the 1997 permission to allow the casino within No. 27 to open between midday and 06.00. Permission (Ref: 09/06737/FULL) was subsequently granted on 15 October 2009 for the deletion of Condition 4. The result is that the entire casino use can now operate 24 hours a day.

In 2010 and without planning permission being granted, the existing steel framed canopy and associated wooden screening and planters on the second floor rear terrace of No. 27 Curzon Street were erected. A lawful development certificate (Ref: 14/04868/CLEUD) was issued on 16 July 2014 confirming that this structure is lawful through being immune from enforcement action by virtue of the time limit for taking enforcement action having expired (four years).

6. THE PROPOSAL

The existing metal-framed awning at rear second floor level of No. 27 Curzon Street is proposed to be removed and two glazed structures erected at rear second floor levels of Nos. 27 and 28 Curzon Street to enclose two terraces. These terraces are proposed to be used as two large private gaming salons with dedicated facilities. Masonry walls are proposed to enclose the terraces to the east and west and perforated moveable screens are proposed to enclose the terraces to the rear (south) and separate the terraces from each other. Set 1.0m away from the rear screens, a 2.4m tall glazed screen with vertical slate fins is proposed in an attempt to provide protection for the gamers from the wind.

These two structures are intended to be used by gamers who wish to smoke whilst they gamble. They are proposed to be used 24 hours a day. The design of the structures is intended to comply with the Health Act (2006) that prohibits smoking in places of work that are enclosed or substantially enclosed. In order to not fall with the Act's definition of 'substantially enclosed', the screens proposed are made from perforated metal so that no more than half of the area of the perimeter walls is retained permanently open.

The trellis screens at rear roof level of No. 28 Curzon Street are proposed to be removed and replacement plant installed at roof level.

A canvas canopy above the front entrance of No. 27 Curzon Street is proposed to be replaced with a wrought iron canopy with central lantern to match the canopy at No. 28 Curzon Street.

Listed building consent is also sought to make a number of internal alterations to No. 28 Curzon Street, including works to amalgamate the two rear ground floor rooms and to demolish the rear first floor pair of canted bays in order to create a large first floor rear room.

7. DETAILED CONSIDERATIONS

7.1 Land Use and Residential Amenity

The proposed outdoor terraces will provide the casino with additional capacity. As such, the increase in floorspace should be assessed against the City Council's entertainment policies. The proposed new terrace to the rear of No. 28 Curzon Street will provide an additional 60 sq.m (GIA) of casino floorspace, increasing the floorspace of the casino from 1,742 sq.m (GIA) to 1,803 sq.m (GIA). As the resulting floorspace exceeds 500 sq.m the relevant policy is UDP Policy TACE 10 which states that permission will be granted for such proposals only in exceptional circumstances. The policy goes on to state that, where permission is granted, the City Council will (where necessary and appropriate) impose conditions to control the proposed use in a number of ways.

As set out in Section 5.2 above, as a result of breaches in planning control not being enforced against, the City Council has accepted that the second floor rear terrace of No. 27 Curzon Street can be used 24 hours a day and the steel framed canopy covering this terrace is now lawful. The result is that this terrace can be used 24 hours a day, in inclement weather and without any control by the City Council.

Despite the City Council's lack of control over the use of the rear second floor terrace of No. 27 Curzon Street, erecting a structure over the rear second floor roof of No. 28 Curzon Street would double the area that can be used for gaming. This 24 hours use clearly has the potential to cause a material loss of amenity for local

residents in the form of overlooking, noise and disturbance, contrary to UDP Policy ENV 13 and City Plan Policy S29. This is particularly the case given that the nearest residential properties are immediately to the west (No. 20 Market Mews), immediately to the east (No. 14 Market Mews) and directly opposite the rear of the site on the south side of Market Mews (Nos. 16, 18, 20 and 22 Stanhope Place).

The existing terrace to the rear of No. 27 Curzon Street has operated in all weathers and over a 24 hour period since 2010 without complaints being raised by neighbours. The terrace accommodates three gaming tables that allow up to ten customers to play at any one time, plus seating for up to six. The applicant advises that this terrace typically accommodates between 0 – four customers at any one time, rising to between five and ten once per calendar month and accommodating up to 12 twice a year. The applicant advises that the proposed terrace to the rear of No. 28 Curzon Street will accommodate similar numbers of customers.

In support of the application, the applicant has submitted an acoustic report that sets out noise measurements taken from the existing terrace to the rear of No. 27 Curzon Street and uses this data to predict the noise impact from the proposed terraces. This acoustic report has been examined by the City Council's Environmental Health Team who has advised that, subject to the 2.4m tall glazed screen to the rear of the proposed terraces being installed, the noise from the proposed terraces is likely to be 15dB below the background noise level at all of the surrounding residential properties. The City Council's policies state that tonal noise that is 15dB below the background noise level will not have a harmful impact upon residential amenity. As a result, the City Council's Environmental Health Team advises that there is likely to be no significant adverse impact from the proposed terraces and, as such, raises no objection to the proposal from an environmental noise perspective.

In addition, in order to ensure that the combined use of the two terraces does not have a materially greater amenity impact than this existing terrace, the applicant has suggested that conditions be imposed securing the following:

- No more than 12 customers can occupy either individual terrace at any one time and no more than ten customers can occupy each individual terrace when both are in use.
- No live or recorded music can be played on the terraces at any time and all TV screens and monitors must be muted at all times.

The applicant advises that, as these terraces are proposed to be used for VIP patrons, it is likely that for the majority of the time the numbers of customers on the terraces will be well below these maximum figures.

Casinos are generally well managed and highly controlled environments (as recognised with UDP Paragraph 8.85). The proposed terraces are to be used for gaming that, in this type of establishment, requires a calm and quiet atmosphere.

This is evident in the lack of complaints in respect to the existing terrace to the rear of No. 27 Curzon Street. Were the terrace to be used in association with another entertainments use, the terraces would not be acceptable in amenity terms.

Importantly, the new structures offer the opportunity for the City Council to imposed control over the use of the two terraces where there currently is no control over the terrace to the rear of No. 27 Curzon Street. Subject to conditions controlling the maximum number of customers and prohibiting any music / TVs being played, it is considered that the 24 hour use of these two terraces in associated with the casino will not cause an unacceptable increase in noise and disturbance for the adjoining residential properties.

In terms of overlooking, a combination of the nature of the proposed use and the wind screens with vertical slate louvres that will mitigate any overlooking, it is considered that the two terraces will not cause a material increase in overlooking to the residential properties on the south side of Market Mews.

Given the above, it is considered that exceptional circumstances exist for the purpose of UDP Policy TACE 10 to allow this extension to this entertainment use on overlooking, noise and disturbance terms.

7.2 Townscape and Design

The application includes a thorough study of the history of the buildings. Both have been altered significantly over the years. No. 28 was altered and extended in the 1920s. Many of the internal features of No. 28 are Georgian in style but not in origin; much appears to date to the 1990s. Both buildings make a positive contribution to the character and appearance of the Mayfair Conservation Area.

External alterations

The main changes are at the rear of the buildings, above the mews buildings. Here a smoking enclosure on No. 27 is replaced with a new flat roofed, semi- open structure, which extends onto No. 28, replacing unsightly plant. The structure is set back from the mews to reduce its visibility, and its main impact is on the view from the junction of Market Mews and Pitt's Head Mews. It is also visible obliquely from the east from Market Mews. The use of the slate fins seeks to give it a neutral, roof-like appearance. At the main roof level there is a large amount of plant, which appears to be unauthorised. This will be replaced and rationalised to reduce its visual impact. This is beneficial.

The front facades of the buildings remain unaltered, except for the entrances. The large canvas canopy on No. 27 will be removed and replaced by a traditional metal and glass structure, similar to those in Curzon Street. A similar structure is proposed for No. 28. Details of the alterations to the entrances should be controlled by condition.

Internal alterations

The main changes to the interior of the listed building are at the rear, and do not affect historic rooms. These rooms are almost entirely twentieth century in origin. The canted bays on the rear façade are from this period. The works include opening up to create larger spaces, but nibs and downstands will be retained to leave an indication of historic plan form. It is considered that, given the extent of alteration which has taken place in the past, the proposals will not harm the special architectural and historic interest of the interior.

Overall, any harm caused by the rear extensions is outweighed by the benefits of tidying up the existing plant at the rear and on the roof, and the scheme is considered acceptable.

7.3 Amenity

7.3.1 Sunlight and Daylight

The City Council places high priority on protecting residential amenity, with UDP Policy ENV 13 stating that the City Council will normally resist proposals which result in a material loss of daylight or sunlight to neighbouring properties. Similarly, City Plan Policy S29 seeks to ensure that development proposals safeguard the amenities of neighbouring residents.

Policy ENV13 also states that regard should be given to the Building Research Establishment guidance entitled, '*Site layout planning for daylight and sunlight: a guide to good practice*' (the BRE Guide). The second edition of this guidance was published in September 2011.

The most commonly used BRE method for assessing daylighting matters is the 'vertical sky component' (VSC), which measures the amount of sky that is visible from the outside face of a window. Using this method, if an affected window is already relatively poorly lit and the light received by the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable and the adverse effect would have to be taken into account in any decision-making. The BRE guidelines seek, mainly, to protect daylighting to living rooms, dining rooms and kitchens (where they are sufficiently large to be used as habitable rooms), whilst bedrooms are protected to a lesser extent.

With regard to sunlighting, the BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 5% of annual winter sunlight hours. A room will be adversely affected if this is less than the recommended standards and reduced by more than 20% of its former values, and the total loss over the whole year is greater than 4%. Only windows within 90 degrees of due south of the proposed extension need to be tested.

The applicant has submitted a daylight and sunlight report which assesses the impact of the proposed extension on all affected residential windows in the vicinity of the site.

The assessment finds that the modest increase in the height and bulk of the rear extension will have a negligible impact upon the daylight levels received at the properties immediately opposite the rear of the site (Nos. 18, 20 and 22 Stanhope Row), with VSC losses of up to 16% (i.e. below the 20% threshold above which such losses are perceptible by the occupants of these properties). The losses to the north-facing windows of No. 14 Market Mews also do not exceed the 20% threshold, with the most effected by the nearest window to the proposed terrace at No. 28 Curzon Street which is predicted to experience a 20% loss in VSC. The losses in VSC to the south facing windows of No. 26 Curzon Street are also small, with losses between 3% - 5%.

Only the two rear windows of No. 26 Curzon Street face within 90 degrees of due south and therefore only these windows needs to be assessed in terms of the impact of the proposed development on the amount of sunlight received. Whilst there are some small losses over the year, as these windows are at second floor level and face almost due south, they are still predicted to receive 36% and 50% of the annual probable sunlight hours. This is well above the 25% threshold below which the guidance requires any losses to be limited to 20%. There is expected to be no change in the amount of winter sunlight to these windows.

The submitted daylight and sunlight report demonstrates that the impact of the proposed development upon neighbouring residential properties in terms of daylight and sunlight is fully compliant with the guidance within the BRE Guide (2011) and therefore will not see a material loss of amenity

7.3.2 Noise

The existing plant at rear second floor level of No. 28 Curzon Street is proposed to be removed and replacement plant installed at main roof level. This plant will operate on a 24 hour basis. The plant has not yet been specified but an acoustic report submitted that assesses the background noise level and sets design criteria for the plant's adherence. A condition is recommended to be imposed requiring the submission of a supplementary acoustic report prior to the installation of the replacement plant demonstrating that it will comply with the criteria with UDP Policy ENV 7 (i.e. 10 dB below the lowest background noise level if the plant is not tonal or 15 dB below the lowest background noise level if the plant is tonal). Environmental Health has no objection to the proposal subject to the imposition of such a condition.

7.4 Transportation/Parking

The modest increase in the size of the casino is unlikely to have a material impact upon its transportation impact.

7.5 Economic Considerations

Any economic benefits from the modest increase in the size of the casino are welcome.

7.6 Access

The current access to the property remains unchanged as a result of the proposed development. Internally, a number of changes are proposed that will enhance wheelchair access around the casino.

7.7 Other UDP/Westminster Policy Considerations

None of particular relevance.

7.8 London Plan

This application raises no strategic issues.

7.9 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.

7.10 Planning Obligations

The scheme does not generate any requirements for planning obligations.

7.11 Environmental Impact Assessment

The scheme is of insufficient scale to require the submission of an Environmental Statement.

7.12 Other Issues

None of particular relevance.

8. BACKGROUND PAPERS

1. Application form
2. Online response from Residents Society of Mayfair & St. James's dated 28

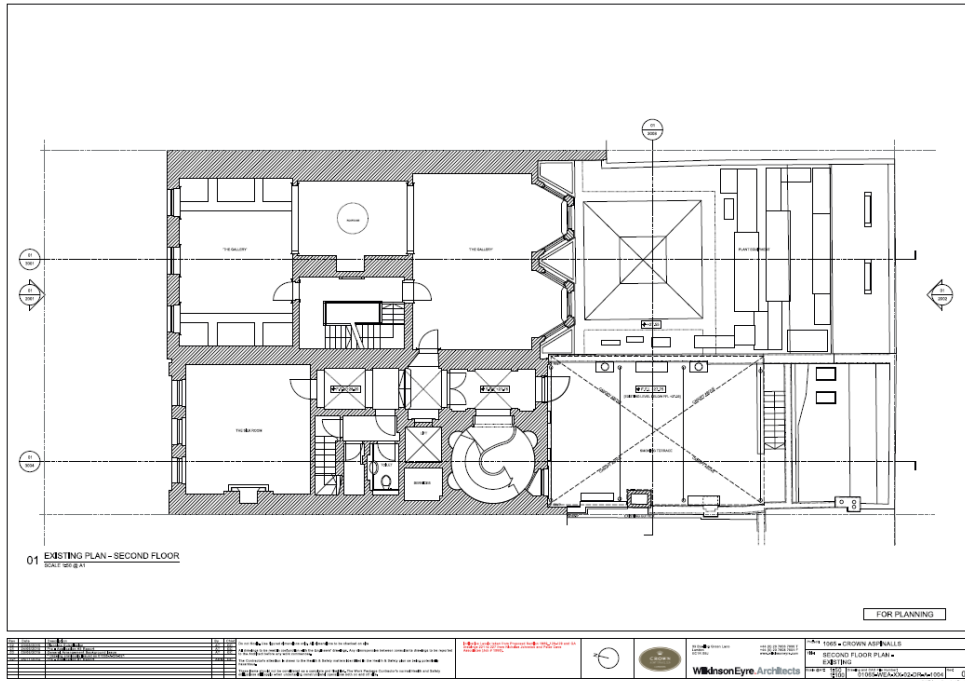
September 2015.

3. Letter from Historic England dated 30 September 2015.
4. E-mail from the Council for British Archaeology dated 14 October 2015.
5. Response from Environmental Health dated 17 December 2015.

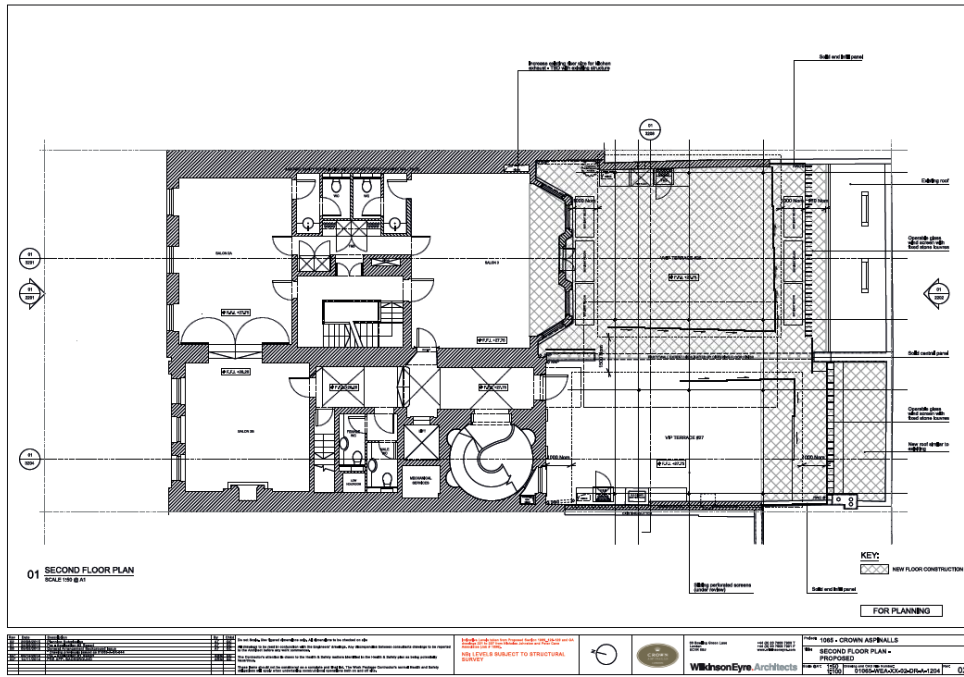
Selected relevant drawings

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

9. KEY DRAWINGS



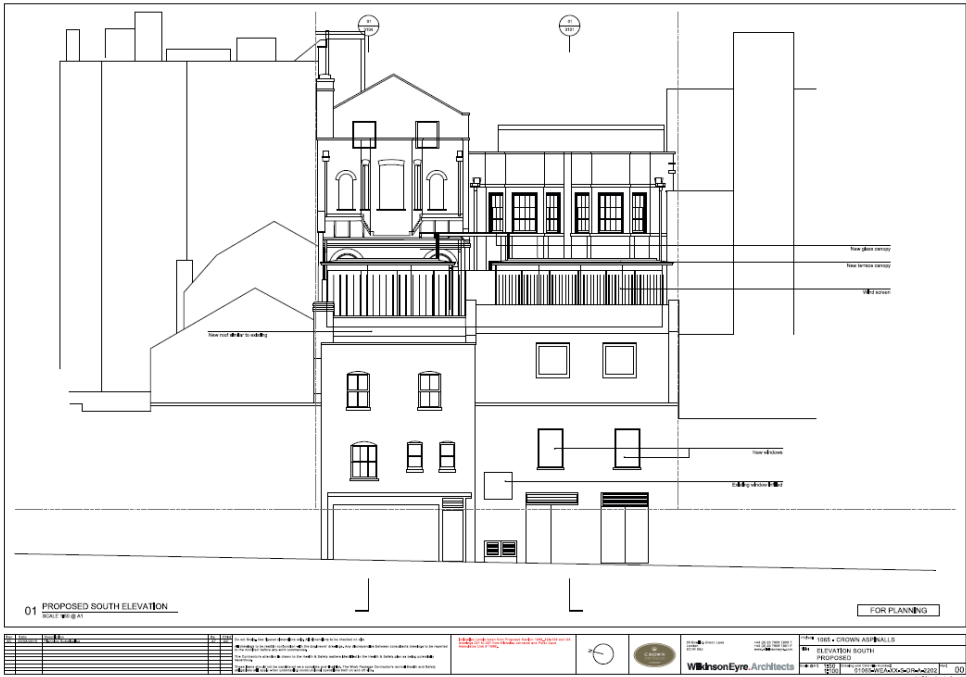
Existing second floor



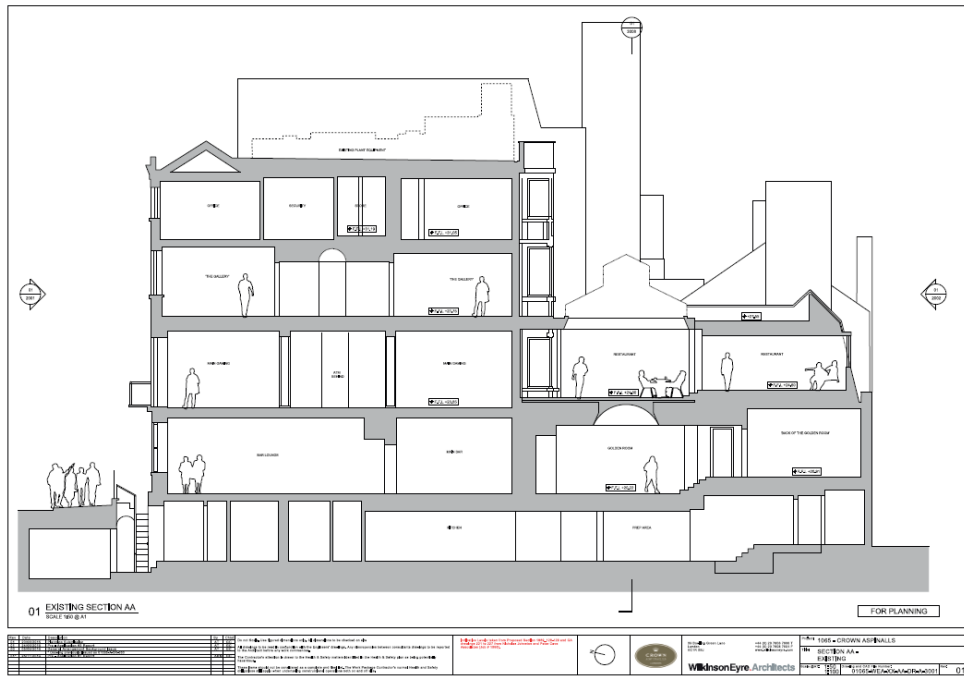
Proposed second floor plan.



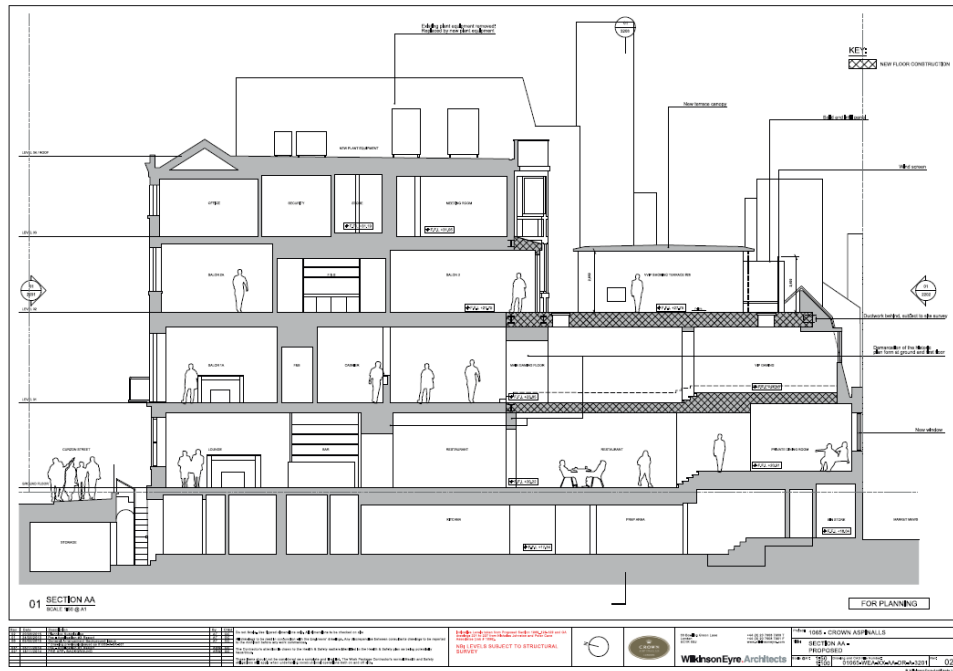
Existing rear elevation



Proposed rear elevation



Existing section through No. 28 Curzon Street (front-to-back).



Proposed section through No. 28 Curzon Street (front-to-back).

DRAFT DECISION LETTER (15/07744/FULL)

Address: 28 Curzon Street, London, W1J 7TJ,

Proposal: Erection of new and replacement rear second floor structures to enclose enlarged terrace for use in association with casino (Sui Generis), installation of replacement plant at main roof level, installation of replacement canopy at front ground floor level and removal of timber screens from roof level. Internal alterations.

Plan Nos: 01065-WEA-XX-B1-DR-A-1201 Rev. 02, 1202 Rev. 02, 1203 Rev. 02, 1204 Rev. 02, 1205 Rev. 02, 1206 Rev. 02, 1207 Rev. 02, 2201, 2202, 3201 Rev. 02, 3204 Rev. 02 and 3208 Rev. 01; 01065-WEA-XX-B1-DR-A-1101, 01065-WEA-XX-GF-DR-A-1202, 01065-WEA-XX-01-DR-A-1103, 01065-WEA-XX-02-DR-A-1104, 01065-WEA-XX-03-DR-A-1105, 01065-WEA-XX-04-DR-A-1106, 01065-WEA-XX-N-DR-A-2101, 01065-WEA-XX-S-DR-A-2102, 01065-WEA-XX-AA-DR-A-3101, 01065-WEA-XX-DD-DR-A-3104 and 01065-WEA-XX-HH-DR-A-3108.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

Recommended Condition(s) and Reason(s):

- 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 You must carry out any building work which can be heard at the boundary of the site only:

- * 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.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must not allow more than:

- 12 customers on either rear second floor terrace at any one time when a single terrace is

in use; or

- Ten customers on each rear second floor terrace when both terraces are in use simultaneously.

Reason:

To protect the environment of people in neighbouring properties, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

- 4 You must not play live or recorded music on either of the rear second floor terraces at any time. All equipment on the rear second floor terraces, including television screens and monitors, must be muted at all times.

Reason:

To protect the environment of people in neighbouring properties, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

- 5 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 6 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 6 (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 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 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.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 7 The glass wind screen with fixed slate louvres hereby approved at rear second floor level shall be installed in full and retained in situ for as long as rear second floor terraces are in

situ.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 8 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 9 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 10 The works to the roof level plant hereby approved shall be carried out and completed in their entirety within three months of the commencement of works to install the structures at rear second floor level.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 11 You must apply to us for approval of detailed drawings of the alterations to the Curzon Street entrances, including the following alteration to the scheme.

Only one canopy shall be provided at the front (Curzon Street) entrance (either 27 or 28), and not one on each building.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

It is considered that two canopies would be detrimental to the appearance of these buildings and the character and appearance of the Mayfair Conservation Area.

- 12 You must apply to us for approval of detailed drawings of the following parts of the development -

1. New structures at the rear
2. All roof level plant

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 Conditions 5 and 6 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)

- 3 This permission in no way obviates the requirement for the rear structures to comply with the Health Act (2006) that prohibits smoking in places of work that are enclosed or substantially enclosed. Advice from the City Council's Environmental Health Team should be sought on this issue.

DRAFT DECISION LETTER (15/07745/LBC)

Address: 28 Curzon Street, London, W1J 7TJ,

Proposal: Erection of structure to enclose flat roof at rear second floor level, installation of replacement plant at main roof level, installation of replacement canopy at front ground floor level and removal of timber screens from roof level. Internal alterations.

Plan Nos: 01065-WEA-XX-B1-DR-A-1201 Rev. 02, 1202 Rev. 02, 1203 Rev. 02, 1204 Rev. 02, 1205 Rev. 02, 1206 Rev. 02, 1207 Rev. 02, 2201, 2202, 3201 Rev. 02, 3204 Rev. 02 and 3208 Rev. 01; 01065-WEA-XX-B1-DR-A-1101, 01065-WEA-XX-GF-DR-A-1202, 01065-WEA-XX-01-DR-A-1103, 01065-WEA-XX-02-DR-A-1104, 01065-WEA-XX-03-DR-A-1105, 01065-WEA-XX-04-DR-A-1106, 01065-WEA-XX-N-DR-A-2101, 01065-WEA-XX-S-DR-A-2102, 01065-WEA-XX-AA-DR-A-3101, 01065-WEA-XX-DD-DR-A-3104 and 01065-WEA-XX-HH-DR-A-3108.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

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 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 The works to the roof level plant hereby approved shall be carried out and completed in their entirety within three months of the commencement of works to install the structures at rear second floor level.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 You must apply to us for approval of detailed drawings showing the following alteration to the scheme.

Only one canopy shall be provided at the front (Curzon Street) entrance (either 27 or 28), and not one on each building.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

It is considered that two canopies would be detrimental to the appearance of these buildings and the character and appearance of the Mayfair Conservation Area.

- 6 You must apply to us for approval of detailed drawings of the following parts of the development -

1. New structures at the rear
2. All roof level plant

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT MARK HOLLINGTON ON 020 7641 2523 OR BY EMAIL AT CentralPlanningTeam@westminster.gov.uk

Agenda Item 2

Item No.

2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 19 January 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	Royal Court Apartments, 51 Gloucester Terrace, London, W2 3DQ,		
Proposal	Installation of mechanical plant within rear of building at mezzanine level (above ground floor level) with associated louvres; ductwork at roof level and external riser to rear. Lift overrun at roof level and associated alterations. Rear extension at second floor level. Replacement of windows, alterations to facades and roofs. (Site comprising Nos. 45-59 Gloucester Terrace).		
Agent	Sweett (UK) Ltd		
On behalf of	Mr Mitch Gill		
Registered Number	14/02059/FULL	Date amended/ completed	14 December 2015
Date Application Received	5 March 2014		
Historic Building Grade			
Conservation Area	Bayswater		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Royal Court Apartments comprises Nos.45-59 Gloucester Terrace, a group of eight former terraced townhouses on the west side of the street. They are all stuccoed mid 19th century properties and Nos.45-57 are unlisted buildings, whereas No.59 is a Grade II listed building. The site lies within the Bayswater Conservation Area. Below first floor level the properties extend to the rear boundary line with the mews properties in Brook Mews North, whereas at first floor level there is a fairly regular rhythm of shallow projecting wings, some of which also extend to second floor height.

The building is used as a hotel (Class C1). In February 2012 the building was the subject of a fire, which caused significant damage to the building. The hotel has remained closed since the fire but works of strip out and repair are now well advanced. The works of strip out have also revealed structural deficiencies within the surviving fabric.

This application seeks permission for various works of alteration which relate to a thorough refurbishment of the property following the fire. An accompanying listed building consent for works to No.59 (13/10780/LBC) has already been approved.

The proposals include a re-modelling of the interior, which will result in a change in the number of rooms from 78 to 96. The external alterations include the replacement of all the windows to the property; an enlargement of the rear wing to No.51; the addition of a service riser to the rear of No.51; the introduction of ductwork at roof level; the introduction of plant at mezzanine level to the rear with an existing extension; and the introduction of two new lifts, which will have overruns that project above the roof.

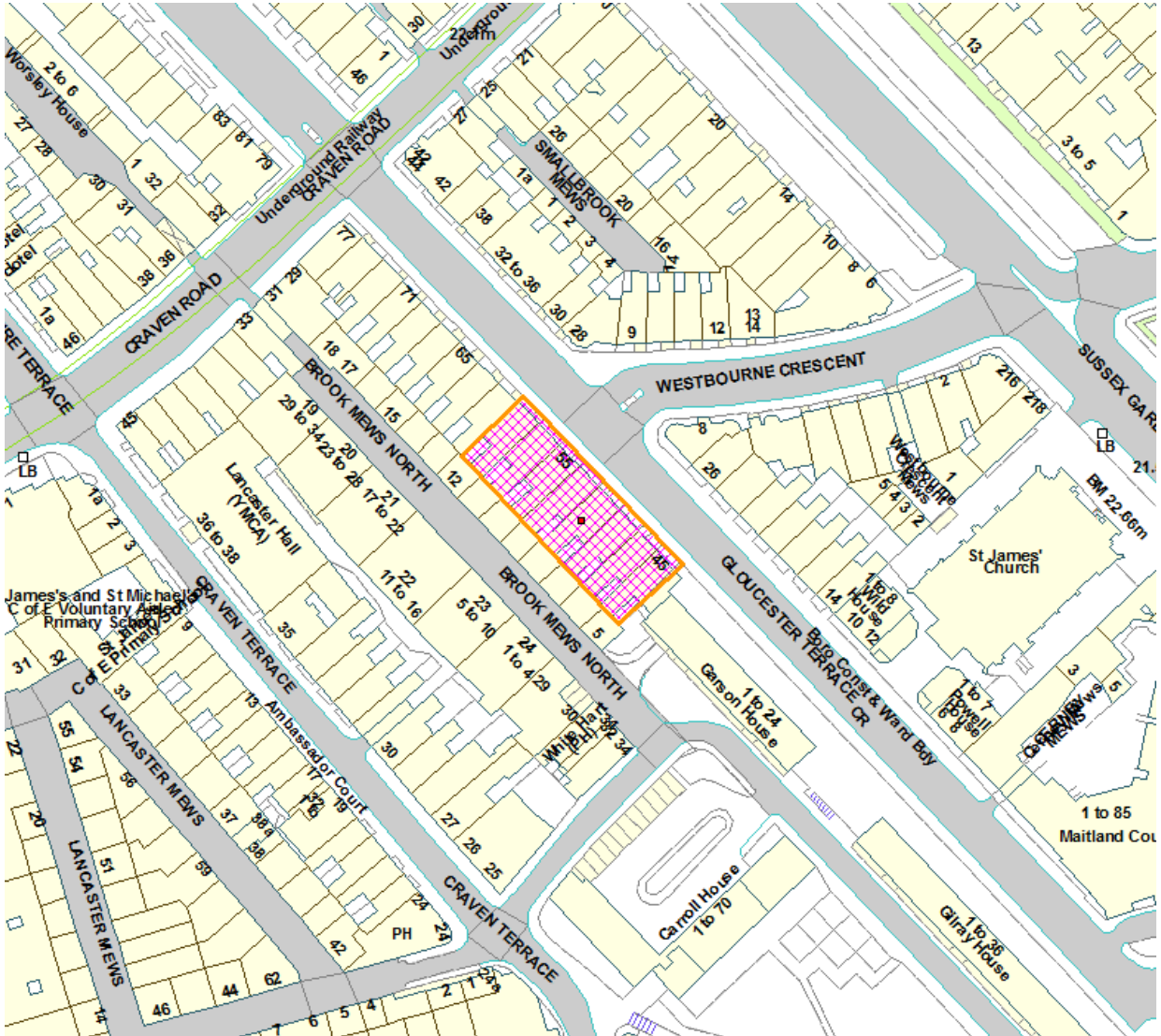
In terms of consultation responses, the one aspect of the proposal which has raised particular concern relates to the impact of the proposed mechanical plant on neighbouring residential properties, particularly those properties within Brook Mews North, which back on to the application site.

The key issues raised by the proposal are considered to be:

- The impact of the proposed works on the buildings and the character and appearance of the Bayswater Conservation Area and the setting of the listed building at No.59;
- The impact of the proposals on the amenity of neighbouring residents.

The proposals development would enable the refurbishment of the fire damaged hotel premises and the proposed alterations and extensions would not have an adverse impact on the buildings or upon the character and appearance of the conservation area or the setting of the neighbouring listed building. With respect to the proposed plant, following revision it is considered that this is capable of complying with the City Council's noise control requirements. As such, the proposal is recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

CONSULTATION ON INITIALLY SUBMITTED SCHEME (JUNE 2014)

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Holding objection, concerned about noise nuisance to residents living in Brook Mews North.

ENVIRONMENTAL HEALTH

No objection with suggested conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 56; Total No. of Replies: 1. One objection received from the occupier of No.11 Brook Mews - concerned about the air conditioning units located to the rear of No.8 Brook Mews.

ADVERTISEMENT/ SITE NOTICE: Yes.

CONSULTATION ON 1ST REVISIONS TO SCHEME (MARCH 2015) – Relocation of plant from roof of No.51 to rear of Nos.49-55 at mezzanine level.

COUNCILLOR SMITH

Request application is not granted until full confidence in the acoustic performance of the proposed plant has been established.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Maintain objection, concerned about noise nuisance to residents living in Brook Mews North and concerned about accuracy of the acoustic report. Support concerns expressed by local resident and feel that units should be located on main roof. Also concerned by the lift overruns and their visual impact.

ENVIRONMENTAL HEALTH

No objection with suggested conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 56; Total No. of Replies: 5 (four from one respondent) on all or some of the following grounds:

- Concerned about the noise impact of the air conditioning units and by the accuracy of the acoustic report.
- Concerned about use of low noise mode and request more robust acoustic enclosure.

ADVERTISEMENT/ SITE NOTICE: Yes.

CONSULTATION ON 2ND REVISIONS TO SCHEME (DECEMBER 2015) - Reconfiguration of louvres to rear plant room to include louvres to elevations and reduce louvres in roof, introduction of noise attenuation measures and submission of updated acoustic report.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

Any response to be reported verbally.

ADJOINING OWNERS / OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 56; Total No. of Replies: 0.

6. BACKGROUND INFORMATION**6.1 The Application Site**

Royal Court Apartments comprises Nos.45-59 Gloucester Terrace, a group of eight former terraced townhouses on the west side of the street. They are all stuccoed mid 19th century buildings. The site lies within the Bayswater Conservation Area. The buildings comprise of lower ground floor, ground floor and five upper storeys (the top storey being in the form of a mansard roof). To the rear of the application site is Brook Mews North, which typically contains three storey 19th century mews houses, some of which are contiguous with the application site.

The building was last used as a hotel comprising a mix of accommodation comprising hotel rooms and apart-hotel style apartments. This use appears to have been the lawful use of the property prior to the fire that occurred in 2012 (see following paragraph) and had established itself as such through the passage of time since the certificate of lawfulness issued in 1993 for use of the site as 101 flats for short term letting purposes (see Section 6.2).

In February 2012 the building was the subject of a fire, which broke out around the lift shafts located in No.51 at fifth floor level. The fire caused significant damage to the central sections of the building at third, fourth and fifth floor levels. A combination of smoke damage, water used to extinguish the fire and water released from roof mounted water tanks, caused much more extensive damage to the interior, spreading to all parts of the building, including the listed building at No.59. The hotel has remained closed since the fire but works of strip out and repair are now well advanced. The works of strip out have also revealed structural deficiencies within the surviving fabric.

6.2 Recent Relevant History

14/02665/LBC – Internal alterations [to 59 Gloucester Terrace] including structural alterations, repair of stucco, replacement of roofing material to mansard roof and alterations to glazing, including secondary glazing. Consent granted on 2 September 2014.

13/10780/LBC – Internal works to all floors [of 59 Gloucester Terrace] including replacement of damaged plaster, plasterboard and asbestos containing wall, ceiling lining materials and electrical installations, together with bathrooms, kitchens and plumbing services. Consent granted on 9 January 2014.

93/01787/CLEUD – Certificate of Lawfulness granted for the use of the properties as 101 residential flats for short term letting with servicing – basement and ground (part), first, second, third, fourth and fifth floors dated 25 November 1993.

7. THE PROPOSAL

This application seeks permission for various works of alteration which relate to a thorough refurbishment of the property following the fire in 2012. An accompanying listed building consent application for works to No.59 (13/10780/LBC) has already been approved.

The proposals include a re-modelling of the interior, which will result in amendment of the layout of the hotel accommodation and increase the number of bedrooms by one to 96 rooms. The external alterations include the replacement of all the windows to the property; an enlargement of the rear wing to No.51; the addition of a service riser to the rear of No.51; the introduction of ductwork at roof level; the introduction of plant within the existing mezzanine level to the rear; and the introduction of two new lifts, which will have overruns that project above the roof.

The application had been due to be reported to the Planning Applications Committee on 3 November 2015, but was withdrawn from the agenda by officers prior to the committee meeting to allow officers to seek further clarification and amendments to address the detailed concerns raised by the principal objector in respect of noise disturbance from the proposed mechanical plant at rear mezzanine level.

8. DETAILED CONSIDERATIONS

8.1 Land Use

On the balance of probability the lawful use of the site is considered to be as a hotel (Class C1) and this appears to have established itself as the lawful use of the site over the last 22 year period. The total number of hotel bedrooms/ apart-hotel units prior to the fire was 95 (78 guest rooms/suites and 17 rented apartments). The current application proposes to re-order the internal layout to increase the number of hotel rooms by one to 96. As the proposal does not include any substantive extension of the hotel in terms of an increase in floorspace and would not significantly intensify the existing hotel use of the site, it is not considered that the proposal raises any significant concerns in land use terms. The proposals would comply with Policy TACE 1 in the UDP and S23 in the City Plan.

8.2 Townscape and Design

The proposed alterations to the property are considered acceptable in design terms. This group of mid-19th century former terraced townhouses make a positive contribution to the character and appearance of the conservation area. The proposed replacement windows would be to a traditional design, incorporating double-glazing with timber vertical sliding sash windows. The windows would predominantly feature one-over-one sash windows and would result in a consistent appearance.

At roof level the proposals include the introduction of some ductwork and two lift overruns. The ductwork will project above the height of the roof surface by approximately 500mm and the lift overruns would project approximately 700mm above the roof. They would be lower than the two water tanks which were previously on the roof. The South East Bayswater Residents Association raise concern that these will be visible from the Barrie Estate, which is located to the south. It is likely that these rooftop projections will be seen in long views and from non-street level views, but due to the low height of these items, which will be clad in a grey membrane, it is considered that these will have minimal visual impact and would not adversely affect the appearance of the buildings or the wider conservation area.

To the rear a small extension is proposed to the projecting wing to No.51. The extension would raise the height of the wing by approximately 1.7m and bring it up to the same height as other rear wings immediately to the north. Adjacent to this rear wing it is proposed to introduce an external service riser, which is to be clad in GRP and disguised with a brick finished appearance. These alterations to the rear are considered to be well integrated to the existing building and would have no adverse impact.

The mechanical plant proposed to the rear would be located at mezzanine level within the envelope of the existing building. Existing internal rooms at mezzanine level are to have their walls and roof altered to form new vents and louvres to serve the proposed plant. The proposed louvres would be located on three lightwell elevations of the mezzanine floor. The mechanical plant will effectively be contained within the envelope of the existing building and as such will have minimal visual impact. The proposed plant enclosures are considered to have no adverse impact on the buildings or upon the character and appearance of the conservation area or the setting of the listed building at No.59.

Overall, the proposals are considered acceptable in design terms and would accord with Policies S25 and S28 of the City Plan and Policies DES 1, DES 5, DES 6, DES 9 and DES 10 of the UDP.

8.3 Residential Amenity

All of the objections to this application raise concerns about the impact of the proposed mechanical plant. The initial proposal included a plant enclosure at mezzanine level to the rear of No.49 and a second plant enclosure at main roof level to No.51. This second enclosure was subsequently relocated to also be at mezzanine level to the rear of Nos.49-55. Further revisions to the plant specification and updated acoustic reports have subsequently taken place, with the aim of addressing concerns about the impact of noise from the equipment at rear mezzanine level. The plant room would also have acoustic louvers located in the side walls of three small rear lightwells. Because of the re-positioning of the plant, modifications to its design and revisions made to the acoustic report, three rounds of consultation have been undertaken.

Objections have been received to the impact of noise from the mechanical plant, both to the original proposal and to the revised proposals. One of the concerns expressed relates to the accuracy of the noise assessment, with queries raised about the

location of the noise measuring devices, the location of the nearest noise receptors and the fact that local environmental conditions may have created untypical noise levels.

To address some of these concerns a further noise assessment has been undertaken by the applicant to establish the background noise levels. The new noise assessment identified a minimum background noise level of 42dB(L) between 07:00-23:00 and 37db(L) between 23:00 and 07:00. This compares with figures of 44dB(L) and 39dB(L) respectively in the previous noise assessment. The difference in minimum noise levels between the two sets of recording is 2dB.

Further concerns were expressed about the accuracy of this revised noise assessment and as a result a further noise assessment was undertaken on-site by Environmental Health. This involved the installation of monitoring equipment on an objector's roof, in Brook Mews North for a six day period. The results of this survey produced a lowest daytime background noise level of 42dB(L), which corresponds with the applicant's acoustic data. The lowest night time noise level record by the Environmental Health was 32dB(L) which was 5dB lower than the applicant's data. However, the night time noise levels recorded by officers are below WHO guideline levels, which would mean that the plant has to operate at 5dB below the lowest noise level, rather than 10dB below the background noise level had the minimum noise level recorded been above WHO guideline levels.

The proposed plant will be located within the existing envelope of the building to the rear of the hotel with grilles to the roof and louvres to the lightwells. The air condenser units will be fitted with acoustic silencers and are proposed to operate in 'low noise mode' during night time hours. As a result, the proposed plant would be likely to operate at 32 dB(L) during daytime and 27dB(L) at nighttime and so would operate at a noise level that is sufficiently low so as to comply with Policies ENV6 and ENV7 in the UDP and Policy S32 in the City Plan. In this context Environmental Health do not object to the proposed mechanical plant. Conditions are though recommended to ensure that the plant does comply with the adopted plant noise policies and to ensure that the plant is operated in setback mode between 23.00 and 07.00 daily.

There are no other significant amenity issues which arise from the proposals and the alterations and extensions proposed would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

8.4 Transportation/Parking

There are no significant transportation issues which arise from the proposals.

8.5 Economic Considerations

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

8.6 Access

There are no access considerations which arise from the proposals. Existing access to the buildings will be maintained.

8.7 Other UDP/Westminster Policy Considerations

There are no other policy considerations which arise from the proposals.

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

Planning obligations are not relevant in the determination of this application.

8.11 Environmental Impact Assessment

An Environmental Impact Assessment was not required for a development of this scale. The impact of the development in terms of noise disturbance has been considered in section 8.3 of this report.

8.12 Other Issues

None relevant.

8.13 Conclusion

The proposed development is considered acceptable in terms of land use, townscape and design, and in terms of impact upon residential amenity, in accordance with TACE 1, DES 1, DES 5, DES 6, DES 9, DES 10 and ENV 6 and ENV 7 of the UDP and S23, S25, S28, S29 and S32 of the City Plan.

9. BACKGROUND PAPERS

1. Application form.
2. Memo from Premises Environmental Health dated 17 June 2014.
3. Email from owner/occupier of 11 Brook Mews North dated 19 June 2014.
4. Email from the South East Bayswater Residents Association dated 6 August 2014.
5. Email from owner/occupier of 11 Brook Mews North, dated 13 March 2015.
6. Email from owner/occupier of 11 Brook Mews North dated 19 March 2015.
7. Email from the South East Bayswater Residents Association dated 27 March 2015.
8. Memo from Environmental Health dated 22 April 2015.
9. Email from owner/occupier of 11 Brook Mews North dated 4 June 2015.
10. Email from owner/occupier of 2 Garson House dated 25 June 2015.
11. Letter from owner/occupier of 11 Brook Mews North dated 2 August 2015.
12. Email from owner/occupier of 11 Brook Mews North dated 14 August 2015.
13. Email from South East Bayswater Residents Association dated 17 August 2015.

14. Memo from Environmental Health dated 27 August 2015.
15. Email from case officer to owner/occupier of 11 Brook Mews North and SEBRA dated 7 September 2015.
16. Emails from owner/occupier of 11 Brook Mews North dated 11 September 2015 and 15 September 2015.
17. Email from Environmental Health dated 15 September 2015.
18. Email from owner/occupier of 11 Brook Mews North dated 17 September 2015.
19. Email from Councillor Smith dated 17 September 2015.
20. Letter from the South East Bayswater Residents Association dated 18 September 2015.
21. Email from Environmental Health dated 18 September 2015.
22. Email from owner/occupier of 11 Brook Mews North dated 18 September 2015.
23. Email from owner/occupier of 11 Brook Mews North dated 20 September 2015.
24. Email from applicant dated 21 September 2015.
25. Email from Environmental Health dated 21 September 2015.
26. Email from applicant dated 21 September 2015.
27. Memo from Environmental Health dated 6 October 2015.
28. Email from owner/occupier of 11 Brook Mews North dated 12 October 2015, 21 October 2015.
29. Email on behalf of applicant to Environmental Health dated 16 November 2015.
30. Memo from Environmental Health dated 26 November 2015.
31. Email from applicant dated 8 December 2015.
32. Email from Environmental Health dated 30 December 2015.
33. Email from applicant dated 3 January 2016.
34. Email from owner/occupier of 11 Brook Mews North dated 5 January 2016.

Selected relevant drawings

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT TOM BURKE ON 020 7641 2357 OR BY EMAIL AT NorthPlanningTeam@westminster.gov.uk

10. KEY DRAWINGS

ELEVATION AA - Front facade along Gloucester Terrace

ELEVATION AB - Rear Elevations

LEGEND

1. Lift service shaft and fire stairs
2. Bathroom ventilation units
3. Roof access hatch
4. Overhead ground level using existing timber window in existing opening, all replacement windows to be 45:55 value (in floor level to be the right, one over one).

Metadata:

104622/1026 | A

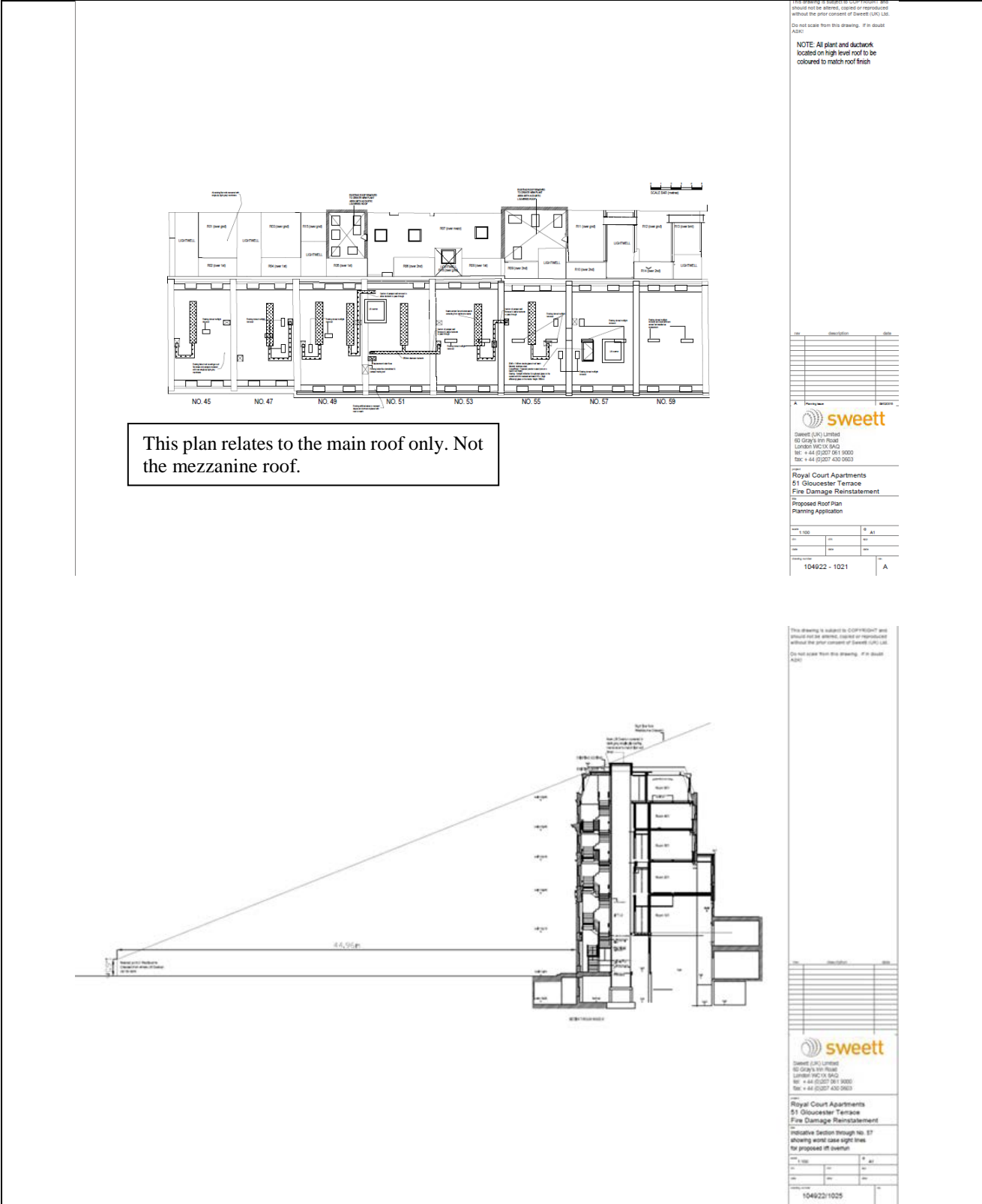
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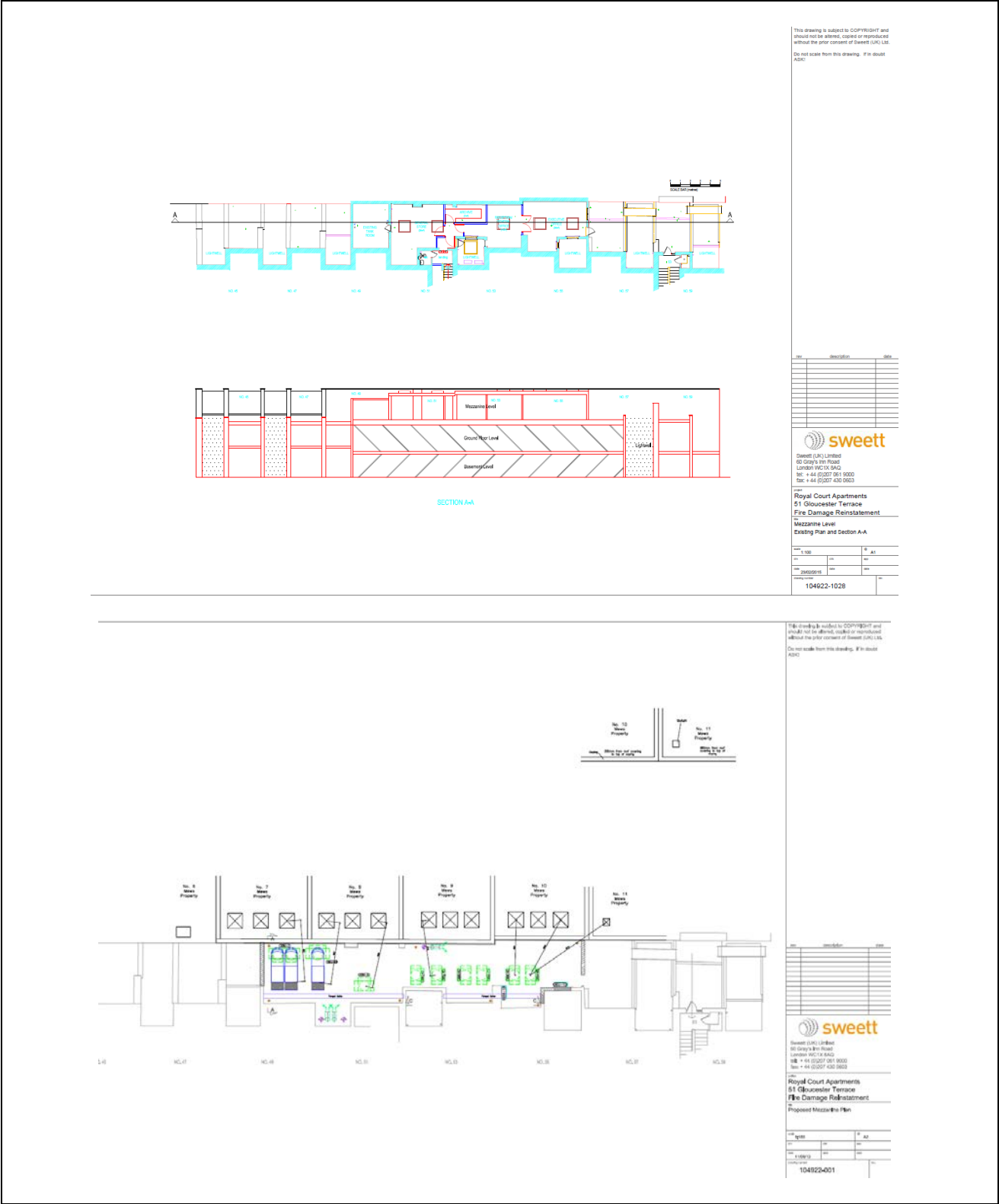
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Sweett (UK) Limited
60 Gray's Inn Road
LONDON WC1X 8AG
Tel: +44 (0)207 261 9000
Fax: +44 (0)207 432 0653

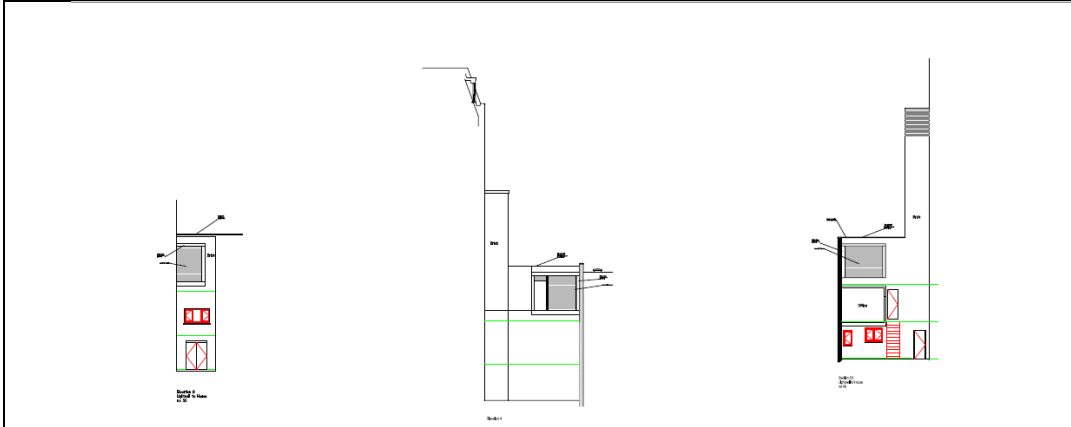
**Royal Court Apartments
51 Gloucester Terrace
Fire Damage Reinstatement**

Front Elevation as proposed
Planning Application

Rear Elevations
As Proposed for Planning







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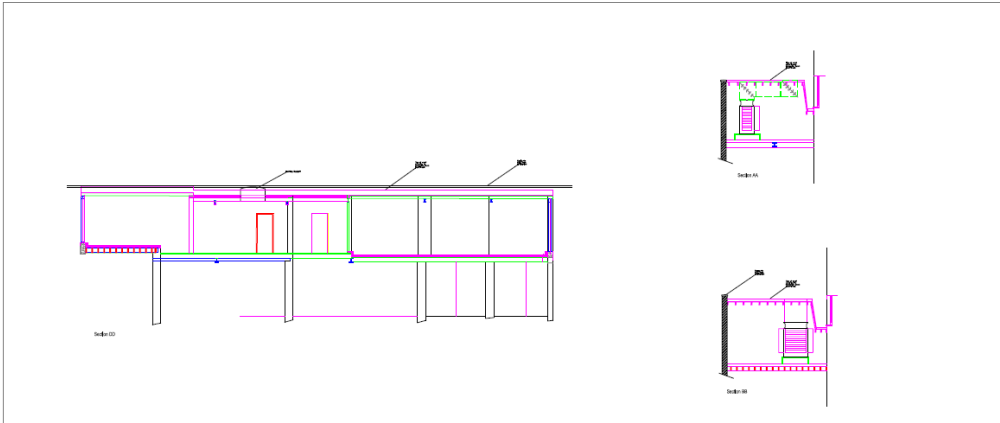
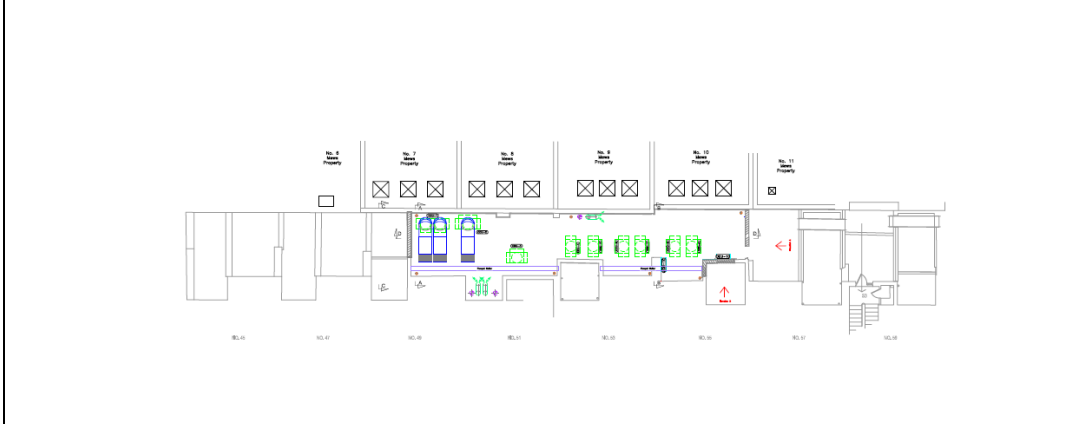
REV	DESCRIPTION	DATE

sweett
Sweett (UK) Limited
80 Gray's Inn Road
London WC1X 8AZ
Tel: +44 (0)207 361 9000
Fax: +44 (0)207 430 0603

**Royal Court Apartments
51 Gloucester Terrace
Fire Damage Reinstatement**

Proposed Muzzarine
Sections A & B and Section CC

NO	9100	BY	A1
DATE	11/09/13	SCALE	AS SHOWN
PROJECT NO.	104922-002	SHEET	2 OF 2



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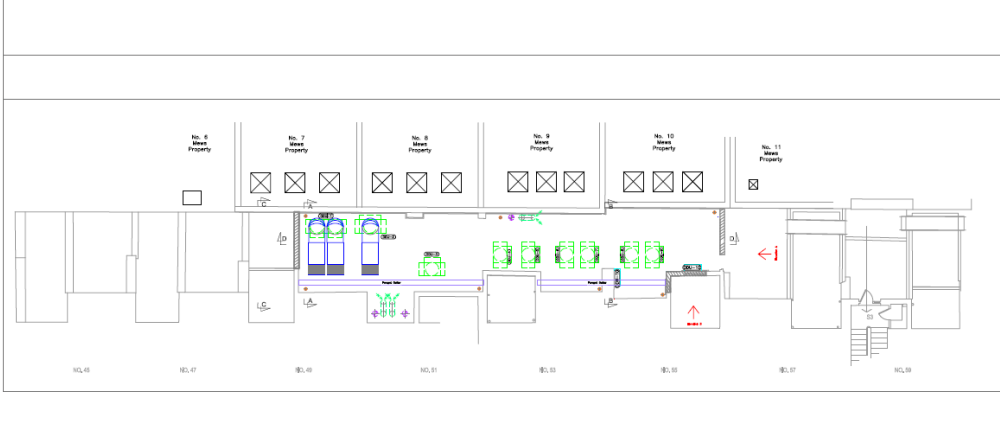
REV	DESCRIPTION	DATE

sweett
Sweett (UK) Limited
80 Gray's Inn Road
London WC1X 8AZ
Tel: +44 (0)207 361 9000
Fax: +44 (0)207 430 0603

**Royal Court Apartments
51 Gloucester Terrace
Fire Damage Reinstatement**

Proposed Section
Sections AA, BB & CC

NO	9100	BY	A2
DATE	11/09/13	SCALE	AS SHOWN
PROJECT NO.	104922-003	SHEET	3 OF 3



DRAFT DECISION LETTER

Address: Royal Court Apartments, 51 Gloucester Terrace, London, W2 3DQ,

Proposal: Installation of mechanical plant within rear of building at mezzanine level (above ground floor level) with associated louvres; ductwork at roof level and external riser to rear. Lift overrun at roof level and associated alterations. Rear extension at second floor level. Replacement of windows, alterations to facades and roofs. (Site comprising Nos. 45-59 Gloucester Terrace).

Plan Nos: 104922/1000 (site location plan); 104922-002; 101; 102; 103; 104; 105; 106; 001A; 003A; 007; 104922-001; 104922-002; 104922-003; 104922-010/E; 104922-1021/A; 104922-1023/A; 104922-1025; 104922-1026/A; 104922-1028; Acoustic Planning Compliance Report ref. 10595.PCR.01 Rev L.

Case Officer: Tom Burke

Direct Tel. No. 020 7641 2357

Recommended Condition(s) and Reason(s):

- 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 You must carry out any building work which can be heard at the boundary of the site only:
- 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.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 FOR APPROVED PLANT OPERATING BETWEEN THE HOURS OF 07.00 AND 23.00.

(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 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 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.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive

ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 4 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.

- 5 FOR APPROVED PLANT OPERATING BETWEEN THE HOURS OF 23.00 AND 07.00.

(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.

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: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 6 The condensing units hereby approved shall operate in night-time setback mode between 23.00 and 07.00.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted operates to an acceptable noise output at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 7 The replacement sash windows shall be timber vertical sliding and painted white. The details shown in approved drawing 007 reflect typical framing sizes only, with the presence of glazing bars restricted to the windows shown on the approved elevations.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 The riser to the rear of no.51 shall be clad so as to match the tone and appearance of surrounding brickwork.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 9 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 10 All plant and ductwork at roof level shall be coloured to match the roof of the mansard roof prior to the hotel re-opening. The plant and ductwork shall thereafter be retained in a colour that matches the mansard roof.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 11 All acoustic control equipment, including louvres and silencers shall be installed prior to first operation of the plant hereby approved. This acoustic control equipment shall be retained thereafter.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work. Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team,
Environmental Health Service,
Westminster City Hall,
64 Victoria Street,
London,
SW1E 6QP
Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 3 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)

Item No.
2

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 19 January 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	12 Maiden Lane, London, WC2E 7NA,		
Proposal	<p>Application 1: Installation of external plant and equipment within an existing enclosure at main roof level and retention of extract ducts from second floor level to roof level terminating within the enclosure.</p> <p>Application 2: Retention of external plant and equipment at first floor level with additional attenuators, new visual/ acoustic barrier screen and removal of existing condensers.</p>		
Agent	Mr Mike Hughes		
On behalf of	Maiden Lane Ltd		
Registered Number	15/09562/FULL 15/10460/FULL	Date amended/ completed	
Date Application Received	13 October 2015 10 November 2015		
Historic Building Grade	Unlisted		
Conservation Area	Covent Garden		

1. RECOMMENDATION

Application 1: Grant conditional permission.

Application 2: Grant conditional permission.

2. SUMMARY

These applications relate to the installation of plant and machinery at first floor level and fifth floor (roof level) to service The Big Easy restaurant on the ground and lower ground floors of 12 Maiden Lane. 12 Maiden Lane is a five storey unlisted building located in the Covent Garden Conservation Area. The Maiden Lane frontage provides access at ground floor level through to a restaurant arranged over the ground, lower ground and basement levels of a development at 12 Maiden Lane and 13 Bull Inn Court. There is an office on the upper floors of 11 and 12 Maiden Lane which is accessed from no.11. The upper floors of Bull Inn Court (referred to as 14 Bull Inn Court) are in use as 14 residential flats.

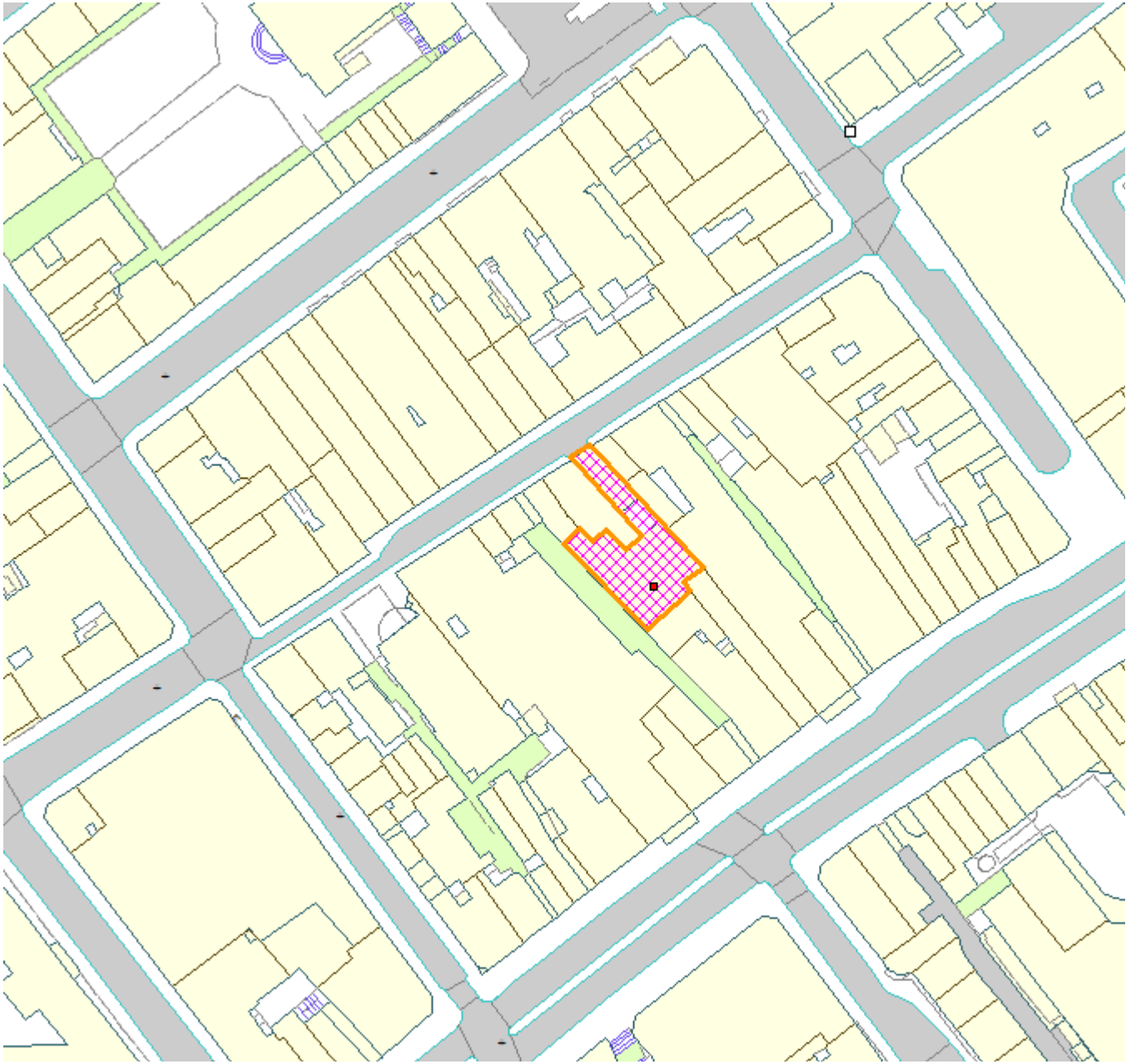
There is substantial planning history relating to this site, specifically with regards to the installation of plant and machinery and the noise impacts associated with this. Objections have been received from residents within 14 Bull Inn Court and from adjacent office occupiers on the grounds of noise and disturbance.

The key considerations are:

- i) the impact of the proposed plant equipment on the amenity of neighbouring properties;
- ii) the impact of the proposed plant equipment upon the character and appearance of the Covent Garden Conservation area.

Further to extensive noise testing carried out but the City Council's Environmental Health Noise Team and subject to conditions, the proposals are considered acceptable in noise and design terms. Accordingly, the applications are therefore recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS



Photos to show installed extract ducts rising up the internal lightwell from 1st floor level, adjacent bedroom windows of flats in 14 Bull Inn Court (metal clad part of the building).





Photo to show AHU and attenuator at 1st floor level with brick 'baffle' in front of windows to 11 Maiden Lane (NIMAX Theatre Group) and underneath the windows of Flats of 14 Bull Inn Court



Photo to show rooftop enclosure.

5. CONSULTATIONS

Applications 1 & 2
Ward Councillors for St James's
None Received.

Covent Garden Community Association
Objection on noise and odour grounds. Any permission must be subject to stringent noise controls. Comment also made on the content of the applicants covering statement which states that residents who live nearby must have "reasonable expectations...for choosing to live there".

Covent Garden Area Trust
Objection on noise and odour grounds. Any permission must be subject to stringent noise controls. Comment also made on the content of the applicants covering statement which states that residents who live nearby must have "reasonable expectations...for choosing to live there".

Environmental Health:
No objections subject to noise conditions.

Application 1
ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 47
Total No. of replies: 7
No. of objections: 7

Seven objections have been on the following grounds:

Amenity:

- Noise and vibration from the existing first floor attenuator, which is to be altered;
- Noise and vibration from the new attenuator at first floor level

Other

- Maintenance works being carried out to the plant/ ducts in the early hours of the morning.
- Hours of permitted works should be controlled.
- Breaches of lease which state that nothing should be done to "spoil the peaceful enjoyment of the residents of the flats".
- Proposal submitted without the consent of the landlords.
- The applicant and landlords have had complete disregard for the 'planning process', enforcement notices served upon them and statutory noise abatement notices.

Application 2
ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 48
Total No. of replies: 5

No. of objections: 5

Five objections have been on the following grounds:

Amenity:

- Noise and vibration from the full height extract ducts and plant at fifth floor level,

Design:

- The appearance of the existing attenuator and the 'mock brick wall' from the offices at 11 Maiden Lane is unacceptable.

Other

- The applicant and landlords have had complete disregard for the 'planning process', enforcement notices served upon them and statutory noise abatement notices.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

12 Maiden Lane is a five storey unlisted building located in the Covent Garden Conservation Area. The Maiden Lane frontage provides access at ground floor level through to a restaurant arranged over the ground, lower ground and basement levels of a development at 12 Maiden Lane and 13 Bull Inn Court. There is an office on the upper floors of 11 and 12 Maiden Lane which is accessed from No.11. The upper floors of Bull Inn Court (referred to as 14 Bull Inn Court) are in use as 14 residential flats.

6.2 Recent Relevant History

15/05752/FULL

Installation of external plant and equipment (enclosure) at first floor level consisting of an air handling unit and at roof level consisting of seven condensing/ refrigeration units and extract ducts from second floor level to roof level for the ventilation and kitchen extraction of restaurant premises at 12 Maiden Lane and air conditioning of office premises at 11 Maiden Lane (amendments to what is currently 'unauthorised' installed on site).

This application was submitted in order to overcome the reasons for refusal of the application below (14/01459/FULL) and the appeal and the scheduled Public Inquiry. Although this application was not determined before its statutory time frame, productive discussions were taking place between the applicant and the City Council with regards to the impact the proposals would have upon the amenity of neighbours in terms of noise. Requests by the City Council were made for additional details/ acoustic data. Despite this, the applicant has made an appeal against the non-determination of this application and this is to be heard at a Public Inquiry on 26 January 2016.

14/01459/FULL

Retention of a first floor level air handling unit to the rear of 12 Maiden Lane, two extract ducts and mechanical plant within an acoustic enclosure at roof level above 14 Bull Inn Court.

Application Refused 15 October 2014

This application was submitted to overcome the reasons for refusal of the application listed below (13/10930/ADFULL).

This application was refused for the following reason:

"The plant equipment on the first floor flat roof and the roof of 14 Bull Inn Court is creating an unacceptable loss of amenity for people in neighbouring properties due to the noise levels and vibration being generated. The plant does not meet S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and ENV 13 of our Unitary Development Plan that we adopted in January 2007".

An appeal against the refusal of this application was made and was to be heard at Public Inquiry on 22 September 2015, however the appeal was withdrawn.

13/10930/ADFULL

Details of design, construction and insulation of the whole ventilation system and any associated equipment pursuant to Condition 10 of planning permission dated 20 July 2012 (RN: 12/02251).

Application Refused 2 December 2013

The application was refused for the following reason:

"The drawings include details of extract ducts, roof level plant and roof level plant enclosures which are considered materially different from any external ductwork or mechanical plant which has previously been approved. It is not acceptable to propose amendments to a permission which are considered materially different via the approval of details process. This should be dealt with either through a Section 73 application or a standalone planning application for the mechanical plant and ductwork".

7. THE PROPOSAL

Application 1 - Fifth floor plant and extract ducts

There are 3 main aspects to this application which differ from the existing unauthorised situation. The proposals are as follows:

1. There are 4 existing AC units currently within the 5th floor plant enclosure which are proposed to be kept in situ and a further 5 new units are proposed to be installed within this enclosure.
2. There are 2 large extract fans (and odour filters) within the 5th floor enclosure which are to be decommissioned and 2 new kitchen ventilation fans are to be positioned within the restaurant at a ground floor mezzanine level (within an enclosure). This is effectively below Flat 3, 14 Bull Inn Court.
3. The 2 extract ducts which rise from the first floor roof (from the restaurant) to the 5th floor enclosure will, in part, be retained as existing and currently unauthorised, but will also

contain modifications at the point they exist the restaurant building and also at the termination point within the 5th floor enclosure.

Application 2 - First floor plant

At first floor level the existing unauthorised air handling unit (AHU) is to remain (this is sited underneath the windows of flats within 14 Bull Inn Court), the existing unauthorised attenuator which is attached to the outside of the AHU (which is outside of the windows of 11 Maiden Lane) is to be replaced with a higher duty model. In order to improve the appearance of this plant equipment from the office windows of 11 Maiden Lane, a visual screen (which will replace a 'mock brick wall'), is proposed in front of the attenuator. A toilet fan is also proposed on the southern wall of the lightwell. A new attenuator on raised framing is also proposed on the first floor to serve the bar area of the restaurant.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Planning permission has been granted for the use of the lower ground and ground floor as a restaurant. A number of previous permissions relating to the use of the restaurant, have always however been subject to conditions which require the submission of details and plant and machinery for the restaurant prior to the occupation of the restaurant. The restaurant has been in operation now for a number of years, and therefore as the details of the plant and machinery have not been resolved, there is technically a breach of permission with regards to the its lawful use.

8.2 Townscape and Design

The plant at fifth floor level is all to be contained within an acoustic enclosure. The roof top plant enclosure measures 2.2 metres in height which matches the two other plant enclosures approved under a previous application (RN: 12/01256/FULL). These two enclosures contains plant which serves the residential flats. The central location of the enclosure on the roof (as established by an indicative proposed location from the 2008 application), the height at 2.2 metres and its screening effect on the plant equipment are considered sufficient to prevent the development from resulting in significant visual harm. Rooftop enclosures of this nature are commonplace at roof level and is acceptable in design terms.

The two extract ducts rising from first floor level within the internal lightwell to the roof top enclosure, are only visible from a limited number of private views and are not therefore considered harmful to the character and appearance of the conservation area. It should be noted that one of the extract ducts was 'indicatively' proposed in the 2008 application.

The first floor AHU and attenuators, whilst large in relation to the size of the first floor roof within the lightwell, are again only visible from a limited number of views. This area has over the years, also attracted pieces of plant equipment from other commercial operators within Maiden Lane. It is fairly typical of plant to be installed in an area such as this, so as to reduce the amount of plant equipment at roof level which is considered more harmful to the character and appearance of the area. It is acknowledged that the AHU and the

attenuator is very close to the office windows of 11 Maiden Lane and unsightly and therefore an acoustic screen is proposed in front of the plant to reduce the visual harm. Given that the views of office workers cannot be protected, the plant and screen is considered acceptable in this instance. Details of the screen are to be secured by condition.

The proposals are considered to preserve and enhance the character and appearance of the Covent Garden Conservation Area and comply with policies S28 of Westminster's City Plan and DES1; DES 5; DES6 and DES9 of the UDP.

8.3 Residential Amenity

Policy ENV6 of the UDP relates to noise pollution and part 1 states that the City Council will require design features and operational measures to minimise and contain noise from developments, to protect noise sensitive properties. Policy ENV7 of the UDP relates to noise from plant and machinery and internal activity and sets out noise standards to be achieved in relation to noise sensitive properties. Policy S29 of the City Plan relates to health, safety and well-being. It states that 'The council will resist proposals that result in an unacceptable material loss of residential amenity and development should aim to improve the residential environment'. Finally, policy S32 (noise) aims to ensure that development 'provides an acceptable noise and vibration climate for occupants and is designed to minimise exposure to vibration and external noise sources'.

Objections have been received from the neighbours within flats of 14 Bull Inn Court, which overlook the internal lightwell where the first floor plant is proposed and where the extract ducts are sited; who are sited directly above The Big Easy restaurant and who are sited directly below the fifth floor plant. An objection has also been received from the office occupiers of 11&12 Maiden Lane who overlook the first floor plant area. The objections are on the grounds of noise and vibration.

Application 1 - Fifth floor plant and extract ducts

Given the previous history, Environmental Health officers have considered the application very closely and this has included consideration of revised acoustic report as well as follow up data and information from the applicant's acoustic and M&E consultants.

The nine units within the acoustic enclosure are likely to be compliant with the City Council standard noise conditions in relation to airborne sound to the most relevant noise sensitive windows. It is further worth noting that the units are unlikely to give rise to a loss of amenity within Flat 14, 14 Bull Inn Court from transmission of noise through the roof or building structure. However, given the history, it is recommended that a condition securing a post-commissioning test/ report is attached, to ensure compliance with the Council's conditions as well as our standard policy (ENV 7) on airborne noise. It should also be noted that the applicant has still not provided a weekend night time baseline, despite numerous requests, although compliance with the 'anticipated' levels are likely. This would also give weight to the requirement for a post-commissioning test which should serve to demonstrate compliance with internal levels as well as external levels.

The installation of the two internal fans within the ground floor mezzanine, will be sited underneath Flat 3, 14 Bull Inn Court. The acoustic consultant provided detailed calculation data for this element of the application and includes results from Sound

Insulation Testing which was carried out in December 2013, however this was measured in Flat 4 which is adjacent to Flat 3. From the information supplied, the applicant's consultant has provided on a 'theoretical basis' that no loss of amenity will occur due to any noise from internal noise transmission pathways. Given that the proposals are likely to be acceptable and comply with our internal policy ENV6, once again it is recommended that a post-commissioning report to confirm that the 2 fans are compliant and the sound insulation which is stated within the latest acoustic report is up to the standard reported.

With regards to the two extract ducts, an objection was raised by the occupiers of Flat 7, 14 Bull Inn Court that these ducts were noisy and 'rattled' and vibrated' adjacent their bedroom window, therefore resulting in disturbed sleep at night. As part of Environmental Health's assessment of the application a visit to this flat took place on 3rd December 2015. The noise emanating from the ducting was clearly audible within the flat living room and bedroom and amounted to a loss of amenity and a Statutory Nuisance. As the application includes, in part, the retention of the ductwork as it 'currently' exists, concerns were raised about the possibility for this noise intrusion to continue.

The applicant was instructed about this objection and the Council's findings. A joint visit was organised for Thursday 10th December with a follow up visit on Tuesday 15th December. On both occasions tests were carried out to establish the source of the noise and also the cause for the transmission of noise. As part of the test on Tuesday 15th December solid parts of the ducting had been replaced with flexible duct links, which now remain in-situ. The applicant was also able to demonstrate the lower airflow volume and velocity from the cooking methods within the restaurant which would be proposed under this application scheme.

As a result of both of these changes, Environmental Health officers are considered that the ducts comply with policies ENV 6 and ENV 7 and would therefore not give rise to loss of amenity or. Since the tests, the applicant's M&E consultant has also provided Environmental Health with greater detail of how the ducting will be isolated from the structural elements, which again provides assurance that the scheme is acceptable. Once again whilst considered acceptable, given the history it is recommended that a post commissioning test/ report be required.

Application 2 - First floor plant

The plant at first floor comprises an AHU and a revised attenuator (compared to what currently exists on site), a toilet extract duct and a new 'bar' air intake attenuator. Environmental Health officers have assessed the acoustic report and data submitted with the application. The acoustic report by Vanguardia Consulting Dated 30th October 2015 (REF VC-101855-EN-RP-06 Part 2) has based the design criteria on the lowest background noise levels which was previously established in August 2013 for a previous application.

The lowest background noise level over a 24 hours period was found to be 46 dBA which therefore means that the proposed Design Criteria for any new plant must be 36 dBA (24 Hours). Once again, it is worth noting that this background level was established without measurements being undertaken over a weekend period.

Environmental Health officers are satisfied that the acoustic consultant has considered the most relevant residential receiving windows (14 Bull Inn Court) and that the distances used within calculations are appropriate.

The Acoustic Consultant has found that the retained plant and machinery will require attenuation as described in the recommendations made within the Vanguardia Acoustic report in order to meet the desired criteria and therefore compliance with the standard noise conditions is therefore based upon the use and appropriate installation of this attenuation.

The first floor plant and equipment is therefore considered to comply with City Council noise policy ENV7 of the UDP and will not cause undue harm to the amenity of residents. However, as above, given the history, it is recommended that a condition to secure a post commissioning report is attached

With regards to the impact the proposals have upon the adjacent office premises at 11&12 Maiden Lane, although the Council's policy does not specifically seek to protect non-'noise sensitive' commercial premises, the calculated noise levels at the nearest commercial premise are likely to comply with the *recommendations* of BS8233:2014 – *Guidance on sound insulation and noise reduction for buildings*. (It is important to here note that a level of 55dB(A) 1 metre outside a commercial window is generally accepted.

8.4 Transportation/Parking

Not relevant.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Not relevant.

8.7 Other UDP/Westminster Policy Considerations

None relevant.

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 relevant.

8.11 Environmental Impact Assessment

Not relevant.

8.12 Other Issues

Many of the objections make comment that the behaviour of the applicant has been unacceptable since the restaurant opened with regards to the installation of unauthorised plant and equipment and that there has been complete disregard to the planning process. Whilst it is acknowledged that the plant equipment at first floor and fifth floor is unauthorised and is causing a noise nuisance to the neighbours, and that the applicant has acted unreasonably with regards to their actions (as demonstrated above with regards to the history of the site), this is not a reason to withhold planning permission.

As requested by objectors, an hours of working condition has been attached to the decision notice.

Concerns raised regarding lack of permission from the landlords and breaches of leases are all considered to be private matters.

9. BACKGROUND PAPERS

Application 1:

1. Application form
2. Response from Covent Garden Community Association, dated 12 November 2015
3. Response from Covent Garden Area Trust, dated 30 November 2015
4. Memorandum from Environmental Health dated 16 December 2015
5. Letter from occupier of 14 Bull Inn Court, Apartment 7, dated 6 November 2015
6. Letter from occupier of 14 Bull Inn Court, Flat 14, dated 24 November 2015
7. Letter from occupier of Apartment 4, London, dated 9 December 2015
8. Letter from owner of Flats 3, 7 and 13, 14 Bull Inn Court, dated 10 December 2015
9. Letter from occupier of Flat 3, 14, bull inn court, dated 10 December 2015
10. Letter from occupier of Apartment 11, 14 Bull Inn Court, dated 10 December 2015
11. Letter from occupier of Flat 12, 14 Bull Inn Court, dated 10 December 2015

Application 2:

1. Application form
2. Response from Covent Garden Area Trust, dated 21 December 2015
3. Memorandum from Environmental Health dated 29 December 2015
4. Letter from occupier of Flat 3, 14 Bull Inn Court, dated 18 December 2015
5. Letter from occupier of Flat 4, 14 Bull Inn Court, dated 3 January 2016
6. Letter from occupier of Flat 7, 14 Bull Inn Court, dated 3 January 2016
7. Letter from occupiers of 11 & 12 Maiden Lane, dated 4 January 2016
8. Letter from occupier of Flat 14, 14 Bull Inn Court, dated 4 January 2016.

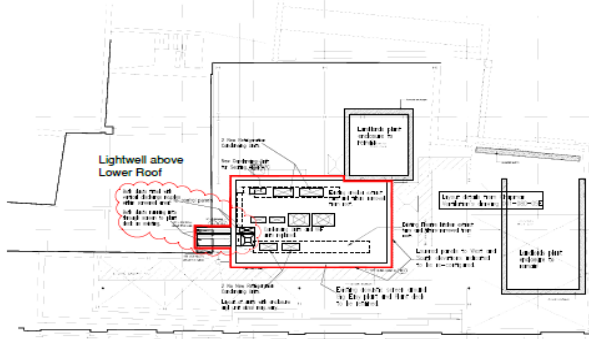
Selected relevant drawings

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

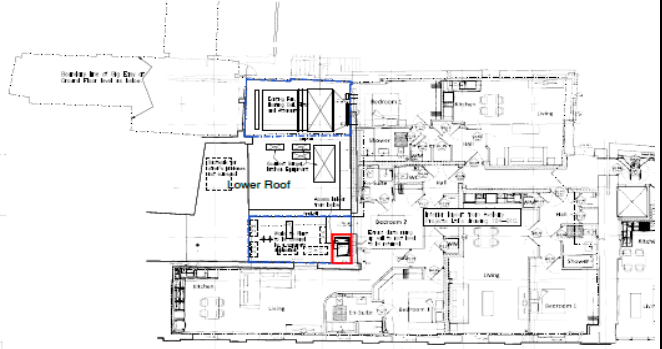
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT KIMBERLEY DAVIES ON 020 7641 5939 OR BY EMAIL AT kdavies1@westminster.gov.uk

10. KEY DRAWINGS

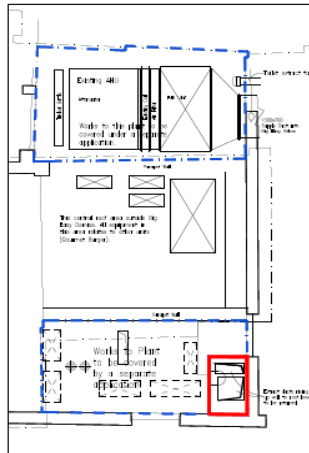
Application 1



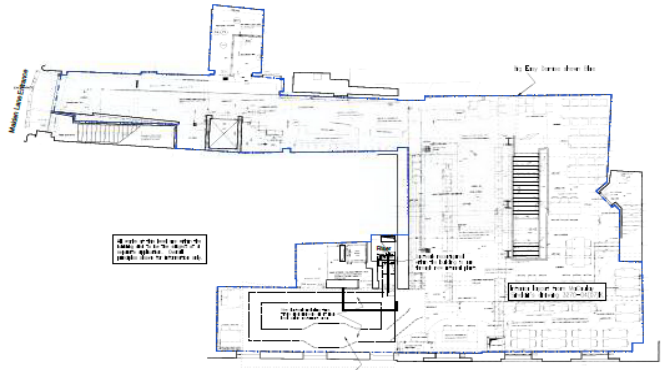
Roof Plan



Floors Above and Lower Roof Plan



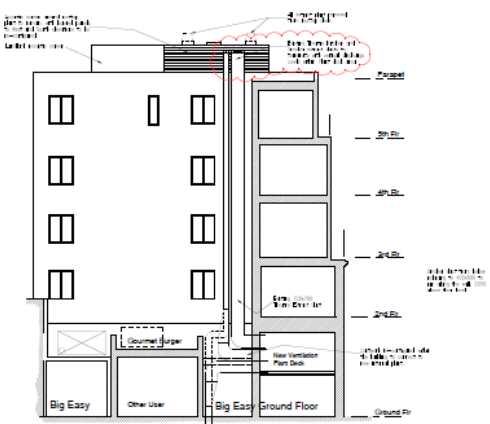
Detail of Lower Roof - 1:50



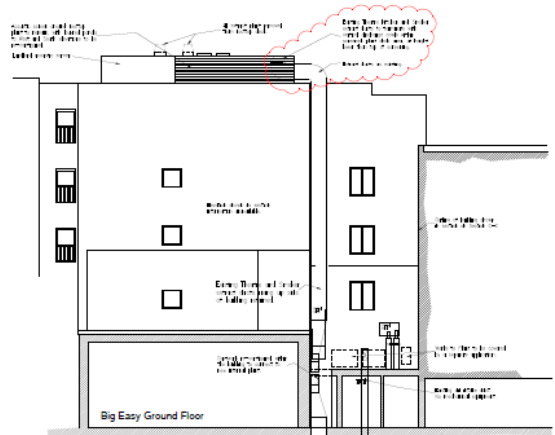
Ground Floor Plan

NOTE: REFERENCE TO THIS DRAWING IS MADE IN THE CONTRACT DOCUMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL DIMENSIONS AND CONDITIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

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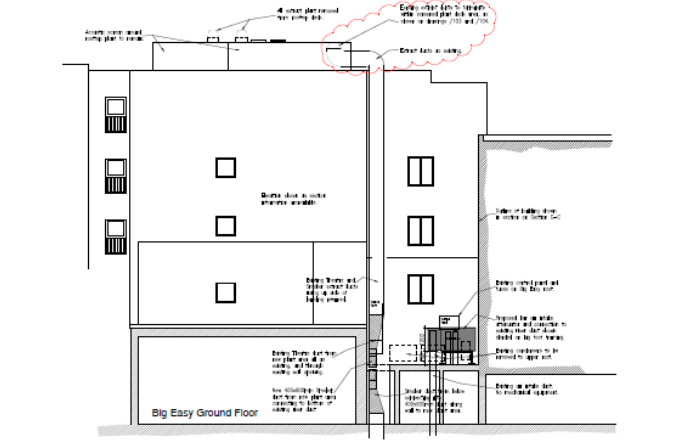
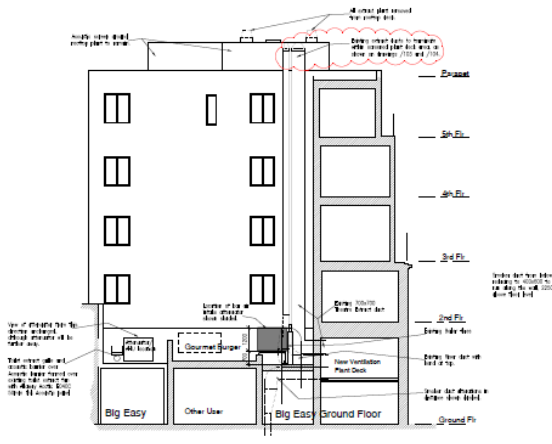
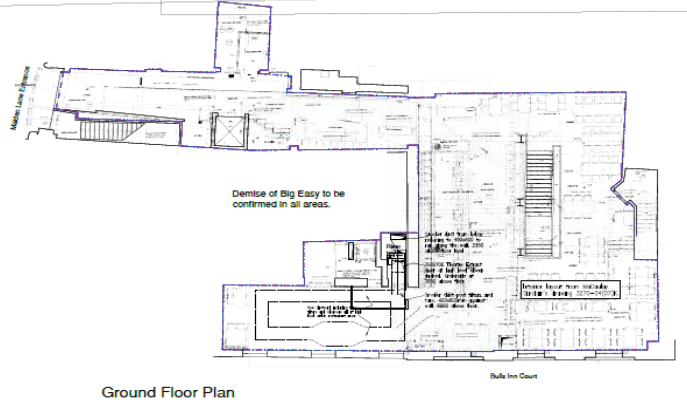
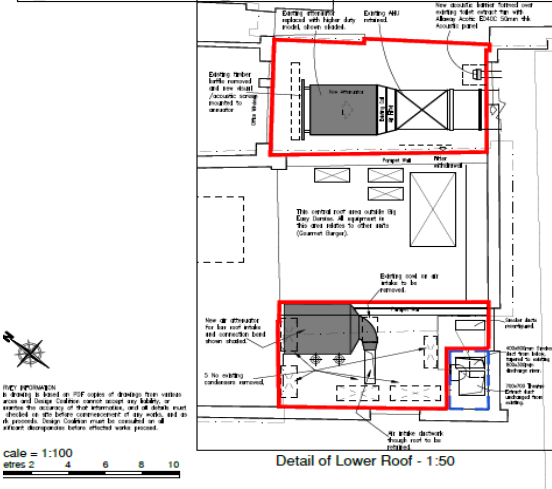
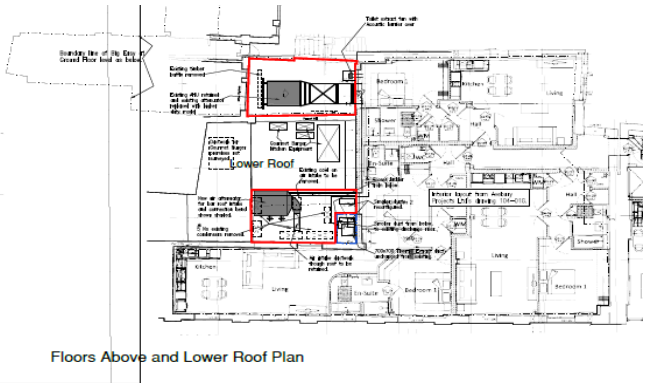
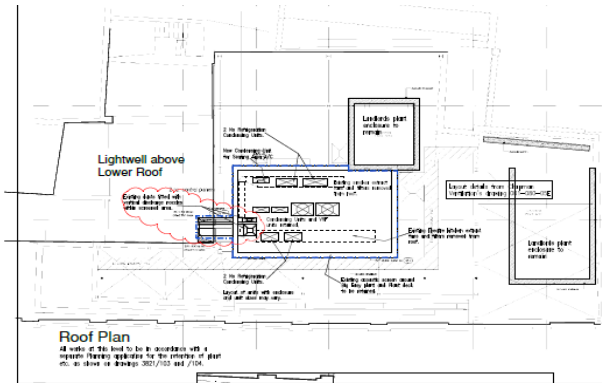


Section A-A - Elevation to North West



Section B-B - Elevation to North East

Application 2



DRAFT DECISION LETTER – 15/09562/FULL

Address: 12 Maiden Lane, London, WC2E 7NA,

Proposal: Installation of external plant and equipment within existing enclosure at main roof level and retention of extract ducts from second floor level to roof level terminating within the enclosure.

Plan Nos: Site location plan; 3821-001-C, 3821-002-A, 1:1250, 3821-103-B, 3821-104-D; Vanguardia Revised Noise Assessment (Part 1 of 2) Rev 02 dated 7 October 2015; Electrostatic Precipitator details; UV-C and UV-0 Odour Control Technology details; Outdoor Condensing Unit-ZX Range; Details of City Milti VRF; Cellarator CX details; Mitsubishi Manual dated July 2009 Rev C; Profroid Quietis details; Email and calculations provided by David Trevor Jones dated 16 December 2015. Email and details provided by Paul Harvey dated 16 December 2015.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

Recommended Condition(s) and Reason(s):

- 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 You must carry out any building work which can be heard at the boundary of the site only; ,
* 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., , Noisy work
must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must remove the existing unauthorised plant within 2 months of the date of the decision.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of

Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

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 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.

(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 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 LA90, 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.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's

City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 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 external plant / machinery at fifth floor level 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 all plant / machinery complies with the noise criteria set out in conditions 4 and 5(C46AB and C48AA); of this permission. It must also demonstrate that internal background noise levels and NR curves (using L90 values) at the quietest times of day and week within Apartments 13 and 14, 14 Bull Inn Court are not increased (the baseline measurement comparison should be in terms of a LA90T Broadband and NR curves without any of the permitted plant and machinery operating using a spatial average measurement method).

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 7 You must not operate the external full height extract ducts 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 all plant / machinery complies with the noise criteria set out in conditions 4 and 5(C46AB and C48AA); of this permission. It must also demonstrate that internal background noise levels and NR curves (using L90 values) at the quietest times of day and week within Apartments 3, 7, 11 and 14, 14 Bull Inn Court are not increased (the baseline measurement comparison should be in terms of a LA90T Broadband and

NR curves without any of the permitted plant and machinery operating using a spatial average measurement method).

- 8 You must not operate the internal plant / machinery within the ground floor mezzanine 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 all plant / machinery complies with the noise criteria set out in conditions 4 and 5(C46AB and C48AA); of this permission. It must also demonstrate that internal background noise levels and NR curves (using L90 values) at the quietest times of day and week within Apartments 3 and 4, 14 Bull Inn Court are not increased (the baseline measurement comparison should be in terms of a LA90T Broadband and NR curves without any of the permitted plant and machinery operating using a spatial average measurement method).

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Conditions 3, 4 and 5 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)

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

DRAFT DECISION LETTER – 15/10460/FULL

Address: 12 Maiden Lane, London, WC2E 7NA,

Proposal: Retention of external plant and equipment at first floor level with additional attenuators, new visual/ acoustic barrier screen and removal of existing condensers.

Plan Nos: Site location plan; 3821-001 A; 3821-002; 3821-105C; 3821-106C; Vanguardia Revised Noise Assessment (Part 2 of 2) Rev 02 dated 30 October 2015; Data Sheet E40C for Model EP50/UF; Bar Roof Equipment Schedule; Centriflow Plus Plug Fan details; Email and calculations provided by David Trevor Jones dated 16 December 2015.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

Recommended Condition(s) and Reason(s):

- 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 You must carry out any building work which can be heard at the boundary of the site only:, ,
* 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., , Noisy work
must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must remove the existing unauthorised plant within 2 months of the date of the decision.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

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 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.

(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 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 LA90, 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.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed

maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 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 all plant / machinery complies with the noise criteria set out in conditions 4 and 5 (C46AB and C48AA); of this permission.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 7 You must install all the attenuation to the plant hereby approved as details within the Vanguardia Acoustic Report dated 30 October 2015 Rev 02.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 8 You must apply to us for approval of detailed drawings of the following parts of the development - screening to the attenuator. You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Conditions 4, 5 and 6 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)

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Agenda Item 4

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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