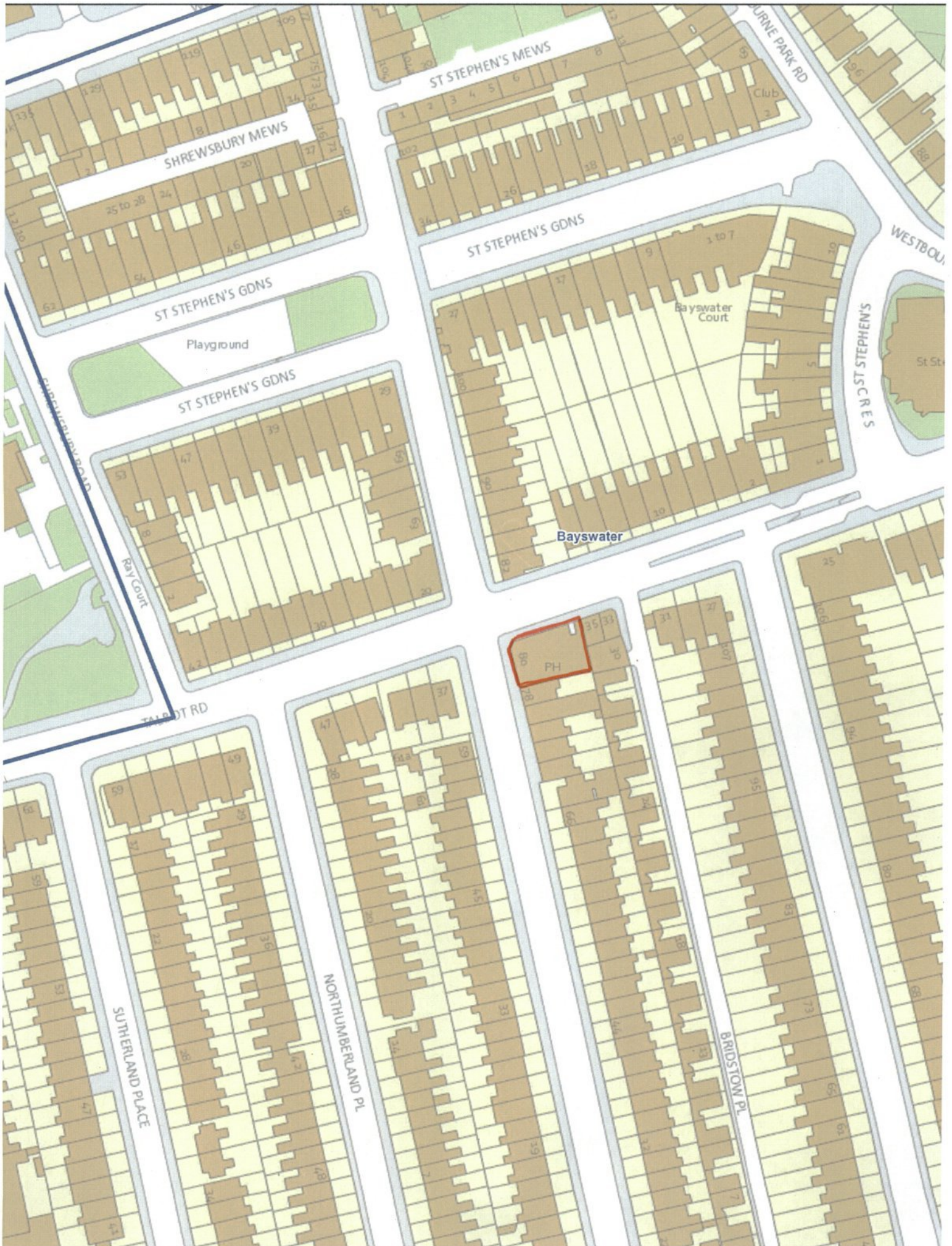


Item No.
2

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 25 August 2015	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Wards involved</b> Bayswater	
<b>Subject of Report</b>	80 Chepstow Road, London, W2 5BE		
<b>Proposal</b>	Installation of kitchen extract duct to rear elevation and ducting to first floor rear flat roof together with fence screening, in connection with Prince Bonaparte Public House.		
<b>Agent</b>	Smith Coldham Design Ltd		
<b>On behalf of</b>	Greene King plc		
<b>Registered Number</b>	14/10100/FULL	<b>TP / PP No</b>	TP/23403
<b>Date of Application</b>	11.10.2014	<b>Date amended</b>	26.05.2015
<b>Category of Application</b>	Minor		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Westbourne		
<b>Development Plan Context</b> - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone Outside Central Activities Zone		
<b>Stress Area</b>	Outside Stress Area		
<b>Current Licensing Position</b>	Application to vary the Premises Licence to specify a named individual is pending. Ref: 15/02874/LIPDPS		

## 1. RECOMMENDATION

Grant conditional permission.





80 CHEPSTOW ROAD, W2

## 2. SUMMARY

Planning permission is sought for kitchen extract duct equipment at 80 Chepstow Road, an unlisted public house within the Westbourne Conservation Area. The proposal has attracted objections from local residents on design, conservation and amenity grounds.

The key issues of this case are:

- The impact of the equipment on the appearance of the host building and whether the proposal preserves or enhances this part of the Westbourne Conservation Area.
- The impact of the equipment on the amenities of neighbouring properties.

Subject to conditions, the revised proposal is considered to be acceptable in design and conservation and amenity terms in accordance with our UDP and City Plan policies and is therefore recommended favourably.

## 3. CONSULTATIONS

### ORIGINAL PROPOSAL

#### WESTBOURNE NEIGHBOURHOOD ASSOCIATION (WNA)

Objected to the scheme, suggesting that steps should be made to ensure cooking fumes do not disturb neighbours.

#### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION (SEBRA)

Raised concerns but acknowledged the proposed measures introduced (noise reduction/ painting the system black) went some way to overcoming them. Requested height of duct be reduced, that conditions be used to paint the equipment matt black and be maintained in good condition and that the hours of use be conditioned to comply with pub opening times.

#### ENVIRONMENTAL HEALTH

No objection subject to conditions to control the noise of the plant equipment, vibration and hours of operation.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 32 Total No. of Replies: 9.

Nine responses were received, one of which was an anonymous objector. Eight responses object to the scheme, one response raised no objection subject to the scheme's compliance with Council guidance.

Objections received on the following grounds:

#### Design

- The industrial appearance of the equipment.
- The equipment not appearing in keeping with the conservation area.
- The equipment appearing as an eyesore.
- The lack of sympathy in design.
- The scale/disproportionate size of the structure, which is larger than the previous extract system on the site.

#### Amenity

- Noise. Concerns raised that the noise was unbearable and disrupting sleep. Objections were raised that the system was not being shut down during night time hours and the acoustic report provided was criticised.

- Smells.
- Vibration.

#### Other Matters

- Lack of sustainability associated with the scheme.
- Air pollution.

ADVERTISEMENT/SITE NOTICE: Yes.

REVISED PROPOSAL (May 2015, revised proposal with amended supporting information)

NOTTING HILL EAST NEIGHBOURHOOD FORUM (NHENF) – (Previously WNA)  
NHENF have offered to meet Greene King on site but nothing has been forthcoming. This is a pollutive affluenza over the private realms of adjoining residential houses and flats. A noiseless brick chimney would be acceptable. If the residents proposed the same, Greene King would resist.

#### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

#### ENVIRONMENTAL HEALTH

No objection. subject to conditions.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 43; Total No. of Replies: 11 (representations from nine addresses)

#### Amenity

- The proposal adds more plant (odour control unit) to the rear roof, than is already unlawfully in place.
- No specification of odour control unit.
- No extra noise readings.
- Pub kitchen equipment has been a nuisance to neighbours for over a year.
- Noise.
- Vibration.
- Odours.
- Screening takes away light from ground floor cafe garden next door.
- Noise and fumes a direct consequence of the new chargrill operations implemented at the pub.
- Suggest reversing to more normal cooking operations which produce fewer fumes.

#### Design

- Kitchen extract is too large for its purpose.
- Does nothing to remove or enclose the air intake unit.
- Does nothing to lower the height of the proposed chimney which remains free standing.
- Detracts from aesthetics of conservation area by making the pub look more like a factory.
- Smaller chimney with bricks would be better.
- Aesthetic changes a direct consequence of new chargrill operations implemented in the pub.
- Not convinced by artificial painting of chimney to appear as brickwork, it is a sub-standard solution, maintenance will be constant unlike brickwork.

- Chimney is much larger and higher than the previous one and disproportionate for its purpose.
- Not in accordance with conservation area.
- The pub is adding more and more structure to enable the new chargrill operation in its kitchen.
- A neighbour at 92 Chepstow Road successfully replaced an old structure with bricks to match existing and this is what should be proposed here.

#### Other Matters

- Planning statement contains untruths.
- Proposal is sub optimal.
- Greene King's complete mismanagement and rule-breaking.
- Enforcement proceedings should be taken due to unauthorised works.
- Not in accordance with Westminster policies.
- How will the chimney be maintained?
- The area has seen a general improvement in aesthetics and it is a pity that the pub is not part of this, but is affecting day to day lives and having a negative impact on property values.

ADVERTISEMENT/SITE NOTICE: Yes.

## 4. BACKGROUND INFORMATION

### 4.1 The Application Site

The Prince Bonaparte Public House, 80 Chepstow Road is a three storey building containing a ground floor public house (Class A4) with rear conservatory, with residential flats above. It is located on the eastern side of Chepstow Road at its junction with Talbot Road. The property is not listed or subject to any Article 4 directions but is located within the Westbourne Conservation Area.

Residential properties are located on the upper floors of this part of Chepstow Road including No.78 Chepstow Road which adjoins to the south. Residential properties on Bridstow Place and the southern side of Talbot Road are located to the rear of the site, and to the north of the application site on the opposite side of Talbot Road are further residential properties which are able to view the side and rear elevations of the public house.

### 4.2 Relevant History

Planning permission was refused on 7 August 2014 for the retention of a kitchen extract ventilation system. The reasons for refusal were the design of the extract equipment and noise disturbance resulting from the unit. (14/05263/FULL)

The only other recent planning application on the property related to awnings, lanterns and glazing fronting onto Chepstow Road (refused under application reference 14/07829/FULL). Applications recently submitted for advertisement consent have been withdrawn by the applicant.

The application site has a long planning history prior to 2004, but none of this is considered relevant to the current application.

## 5. THE PROPOSAL

The originally submitted application sought to retain the unauthorised plant that has been installed, comprising of an aluminium vertical duct to the rear elevation proposed to be painted

black, together with two associated horizontal pieces of equipment on the roof of the conservatory. This proposal was due to be reported to Committee on 27 January 2015 but was withdrawn from the agenda by officers in order to seek to address more fully resident's concerns with respect to odours and the appearance of the plant.

The applicant has provided a synopsis of events leading up to the current proposal. They indicate that Greene King purchased the site from the Real Pub Co around four years ago and following complaints by neighbours became aware that the kitchen extract existing at the time was not functioning properly, and was not extracting cooking fumes and smoke from the open kitchen within the pubic house and as a result the rooflights to the conservatory were opened, allowing untreated kitchen fumes to be released externally. Subsequently, new kitchen extract equipment (which is currently existing) was installed and the owner was unaware that planning permission was required for its installation. Applications seeking to resolve this followed, including this most recent application. The applicant has indicated that a smaller vertical duct would require higher fan speeds and specification which create more noise and require greater attenuation. The air intake plant is proposed to allow the conservatory rooflights to be fixed shut to prevent noise and odour escape and the air intake system has been relocated westward to reduce noise. Consequently, the application has since been amended in respect of odour control and aesthetics.

Planning permission is now sought for the retention of the vertical kitchen extract duct to the rear elevation of the building which is proposed to be clad with a paint finish to match the existing brickwork. The horizontal plant on the roof of the conservatory now incorporates an odour control unit and redirected air input ductwork, both of which are proposed to be painted grey. The existing wire mesh along one side of the roof on its boundary with No.78 Chepstow Road is proposed to be replaced with 1.1m high close boarded fence and the existing conservatory rooflights are proposed to be fixed shut.

## **6. DETAILED CONSIDERATIONS**

### **6.1 Land Use**

The lawful use of the ground floor of the site is as a public house and it has a kitchen area within the rear conservatory. There is evidence that there was a small untreated pre-existing duct on the rear elevation of the property for a number of years and up until around the end of 2013/early 2014. For these reasons, it is considered that the principle of a replacement duct is acceptable in this case in light of Policy DES5 of our UDP.

### **6.2 Townscape and Design**

There is evidence of a much smaller vertical kitchen extract duct having been in situ on the rear elevation of the property for a number of years, prior to its unauthorised replacement with larger and additional unauthorised kitchen extract ductwork.

The current kitchen extract ductwork comprises of a vertical aluminium duct attached to the rear elevation of the building which extends to discharge at roof level. Further associated horizontal ductwork is located on the roof of the rear conservatory and furthermore, additional plant in the form of an odour control unit and the redirection of the air intake ductwork westerly are proposed.

Ideally, where possible, the horizontal plant would be located within the envelope of the site in order to minimise its appearance. The applicant has indicated that the requirement for filters and attenuator in addition to the fan, together with the bulk of the equipment and most importantly the need for maintenance access, makes it impractical for this equipment to be located internally.

It is evident that both the existing unauthorised ductwork and the additional new ductwork now proposed is considerably greater in terms of quantity and size, compared to that which previously existed on this site. The horizontal ductwork is proposed to be painted grey and enclosed on its boundary with No.78 Chepstow Road within a 1.1m close boarded fence. The vertical duct is proposed to be clad and paint finished to match the existing brickwork.

In terms of public views of the proposed ductwork within the conservation area, the horizontal ductwork is not visible from the public domain due to its location and height and the enclosed nature of part of the site in which it is located. However, the vertical duct is clearly visible from Talbot Road and in its current untreated form appears as an alien and detrimental addition to the building and conservation area. In order to minimise its visual impact, it is proposed to be clad and painted to match the appearance of the existing brickwork.

A number of the objectors state that a brick clad duct, rather than a painted duct would be preferable. However, a brick clad enclosure would add additional bulk to the duct making it larger and more visible. It is therefore considered that the use of specialist paint matched to the appearance of the brickwork is preferred, in order to minimise the size of the duct. In terms of maintenance, it is accepted that the paintwork may require additional maintenance than brickwork, however, it is recommended that a condition be imposed to ensure that the paint of brickwork appearance is maintained to the satisfaction of the City Council.

As for private views of the ductwork from surrounding residential properties, this is also important. For the reasons set out above, the appearance of the vertical duct, subject to it being painted to match the appearance of the adjacent brickwork, is considered acceptable. The horizontal ductwork comprises of large pieces of equipment, of which their appearance is proposed to be reduced by painting them grey and enclosing them in part by the installation of 1.1m high close boarded fence on the boundary with No.78 Chepstow Road. This goes some way to reducing visibility of the ductwork, however, it would remain partially visible from the upper floors of the application site (No.80 Chepstow Road), from the upper floor flats within No.78 Chepstow Road and in obscure views from 35 Talbot Road. However, it is not considered that these views would be so harmful to these surrounding residents so as to warrant withholding permission on visual amenity grounds.

For the reasons set out in this report, the proposal whilst regrettable is not considered to result in such a detrimental impact on the property or this part of the Westbourne Conservation Area in visual amenity and townscape terms, so as to warrant withholding permission on this ground.

As such, subject to a condition requiring vertical ducting to be treated with paint to match the appearance of brickwork and the horizontal ductwork to be painted grey, together with the staining of the close boarded fencing, the proposal is considered acceptable in light of Policies DES1, DES5, DES9 of the UDP and S25 and S28 of Westminster's City Plan.

## **6.3 Residential Amenity**

### **6.3.1 Noise, vibration and odours**

Since late 2014, the City Council's Noise Team has investigated a number of noise complaints regarding the mechanical plant associated with the public house. However, following a number of visits by the Noise Team, whilst a low droning noise was audible, it did not form a Statutory Nuisance under the Environmental Pollution Act 1990. The plant now proposed seeks to address this nuisance. Environmental Health has confirmed that the proposed plant would comply with the City Council's standard noise protection conditions. However, given the proximity of residents and to allay concerns expressed by residents, it is considered appropriate in this case to require the applicant to provide a post installation supplementary



acoustic report to prove compliance with our standard noise conditions and to restrict the operation of plant to between 10.00-23.00 hours. Overall, Environmental Health do not raise objection to the proposal on noise or vibration grounds.

In terms of odour control, the proposal now includes an odour control unit and it is also proposed to fix shut the existing openable rooflights to the conservatory as mitigation against odour escape from the premises. These measures exceed Environmental Health requirements and are welcome from an odour control perspective in order to protect residents from cooking odours regardless of the type of cooking undertaken. Whilst objections have been raised on grounds of noise and odours, subject to the imposition of the measures set out in this report and the conditions on the draft decision letter, the proposal is in light of Environmental Health technical advice, considered to be acceptable on these grounds.

### **6.3.3 Other Amenity Issues**

The equipment is considered not to be of sufficient scale to raise any concerns in terms of loss of light or outlook to neighbouring properties and therefore, subject to the recommended conditions, the proposal is considered to comply with Policies SS8(C), TACE8, ENV8, ENV10 and ENV13 in the UDP and S29 and S32 in the City Plan.

### **6.4 Transportation/Highways**

This application raises no transportation issues.

### **6.5 Equalities and Diversities**

Not relevant in the determination of this application.

### **6.6 Economic Considerations**

Not relevant in the determination of this application.

### **6.7 Other Westminster/UDP Policy Considerations**

No further policies are relevant to the current application.

### **6.8 Central Government Advice/Guidance**

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

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

### **6.9 London Plan**

This application raises no strategic issues.

### **6.10 Planning Obligations**

Not applicable.

### **6.11 Environmental Assessment including Sustainability and Biodiversity Issues**

Not applicable.

### **6.12 Other Matters**

It is not considered that the proposal will result in any material harm to the café garden next door. Loss of property value is not a valid planning ground to refuse permission.

### **6.13 Conclusion**

Whilst the addition of external ductwork to the rear of this property in visual amenity terms is regrettable, it is considered that there is sufficient justification to support the external arrangement. The revised scheme is designed to reduce its impact on the property and the Westbourne Conservation Area. Furthermore, it is considered that it would meet the City Council's requirements in terms of protection of residents from noise, vibration and odours. The application is recommended for conditional approval.

## **BACKGROUND PAPERS**

### **REPRESENTATIONS IN RELATION TO ORIGINAL PROPOSAL**

1. Application form.
2. Email from Westbourne Neighbourhood Association dated 12 November 2014
3. Letter from South East Bayswater Residents Association dated 18 November 2014
4. Memorandum from Environmental Health dated 30 October 2014
5. Letter from occupier of 29A Bridstow Place, London, W2 5AE dated 8 November 2014
6. Email from occupier of 38 Chepstow Road, London, W2 5BE dated 20 November 2014
7. Email from occupier of Garden Flat, 1A St Stephens Crescent, London, W2 5QT dated 18 November 2014
8. Email from occupier of 30 Bridstow Place, London, W2 5AE dated 28 December 2014
9. Email from occupier of Flat 2, 18 Talbot Road, London, W2 5LH dated 18 November 2014
10. Email from occupier of Flat 3, 18 Talbot Road, London, W2 5LH dated 18 November 2014
11. Email from occupier of Flat 5, 18 Talbot Road, London, W2 5LH dated 7 December 2014
12. Anonymous email dated 3 November 2014
13. Emails from the occupier of 78 Chepstow Road, London, W2 5BE dated 19 November 2014, 24 November 2014, 4 November 2014, 1 December 2014, 2 December 2014, 5 December 2014, 7 December 2014, 9 December 2014, 16 December 2014, 17 December 2014, 18 December 2014, 20 December 2014, 21 December 2014 and 23 December 2014.
14. Email from the applicant undated
15. Email from Notting Hill East Neighbourhood Forum (previously WNA) dated 22.01.2015.
16. Email from the occupier of 78 Chepstow Road dated 22.01.2015.

17. Emails from the occupier of 18 Talbot Road (Flats 2 and 3) dated 23.01.2015 (x2)
18. Email from the occupier of 18 Talbot Road (Flat 5) dated 20.01.2015
19. Email with attachments from the applicant's agent dated 14.01.2015.
20. Email from Environmental Health dated 22.01.2015.
21. Emails from SEBRA dated 24.01.2015 and 26.01.2015 including email of same date from occupier of 80 Chepstow Road with attachments.
22. Email from occupier of 80 Chepstow Road dated 26.01.2015.

#### REPRESENTATIONS IN RELATION TO REVISED PROPOSAL

23. Memorandum from Environmental Health dated 30.7.2015
24. Email from Notting Hill East Neighbourhood Forum dated 16.06.2015.
25. Emails from the occupier of 78 Chepstow Road dated 26.05.2015, 20.06.2015 and 05.08.2015.
26. Email and attachment on behalf of owners of Flats 2, 3, 4, 5, 6 and 7, 18 Talbot Road dated 06.08.2015.
27. Emails from the occupier of Flat 3, 18 Talbot Road dated 11.06.2015 and 18.06.2015.
28. Email from the occupier of Flat 7, 18 Talbot Road dated 22.06.2015.
29. Email from occupier of 35 Talbot Road dated 06.06.2015.
30. Letter from the occupier of 29a Bridstow Place dated 03.06.2015.
31. Emails from the occupiers of 30 Bridstow Place dated 29.05.2015 and 11.06.2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT AMANDA COULSON ON 020 7641 2875 OR BY E-MAIL – [acoulson@westminster.gov.uk](mailto:acoulson@westminster.gov.uk)

**DRAFT DECISION LETTER**

**Address:** 80 Chepstow Road, London, W2 5BE

**Proposal:** Installation of kitchen extract duct to rear elevation and ducting to first floor rear flat roof together with fence screening, in connection with Prince Bonaparte Public House.

**Plan Nos:** 103, 5722-14-100, 5722-14-101 Rev E; 5722-14-104 Rev A; Design and Access Statement, Planning Statement, Environmental Noise Assessment Report April 2015, Verified Photomontages

**Case Officer:** Sarah Whitnall

**Direct Tel. No.** 020 7641 2929

**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 (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 The plant/machinery hereby permitted shall not be operated except between 10:00 hours and 23:00 hours daily.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated 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.

- 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 Following installation of the plant and equipment, you are required to submit a further noise report confirming previous details and subsequent measurement data of the installed plant to demonstrate compliance with Condition 3. The supplementary acoustic report must include:
- (a) A schedule of all plant and equipment installed;
  - (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 all most affected noise sensitive receptor locations and the most affected windows;
  - (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) The lowest existing L A90 (15 minutes) measurement as already established.
  - (g) New noise monitoring data, measurement evidence and any calculations demonstrating that plant complies with the planning condition.

## 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 The skylights to the rear conservatory shall not be opened in part of full and shall remain fixed shut at all times as set out in your Planning Statement May 2015.

## 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.

- 8 You must apply to us for approval of details including a sample of the grey paint to be used for the horizontal ducting and a sample of paint to be used for the vertical duct to match the adjacent brickwork. The approved details must be approved and implemented within 3 months of the date of this decision. The paintwork shall thereafter be maintained in accordance with these details to the satisfaction of the City Council.

## 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 Westbourne 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 The acoustic attenuation and odour control measures hereby approved must be installed within 3 months of the date of this decision.

**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.

- 10 You must apply to us for approval of details including a sample of the staining of the 1.1m high close boarded fence. The approved details must be implemented within 3 months of the date of this decision. The fence shall thereafter be retained in situ and maintained in accordance with these details to the satisfaction of the City Council.

**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 Westbourne 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 3,4,5, 6,7. control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 3 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.  
Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:  
\* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;  
\* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide

sufficient grip to help prevent a fall on the staircase;

\* Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;

\* Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;

\* Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

- 4 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.

\* Window cleaning - where possible, install windows that can be cleaned safely from within the building.

\* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.

\* Lighting - ensure luminaires can be safely accessed for replacement.

\* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/falls/index.htm](http://www.hse.gov.uk/falls/index.htm).

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 5 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 6 Kitchen Extract: All kitchen extract ducts must be fitted with doors/hatches for cleaning, at approximately 3 metre intervals, complying with the H & S safe access standards



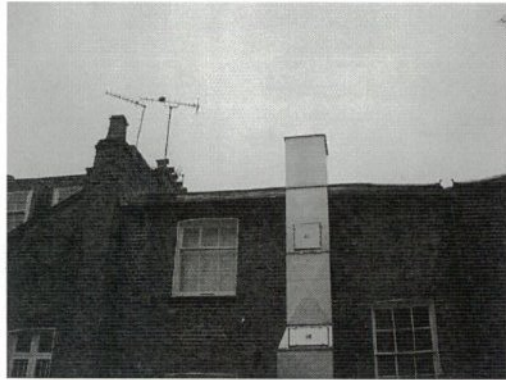


Previously Existing



AS BUILT - UNAUTHORISED

Prince Bonaparte  
80 Chepstow Road  
Notting Hill London W2 5BE  
PHOTOS SHOWING REAR VENTILATION AS BUILT

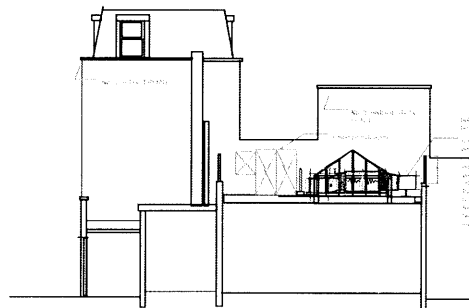


AS BUILT - UNAUTHORISED

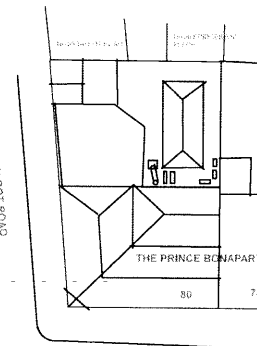
AS PROPOSED



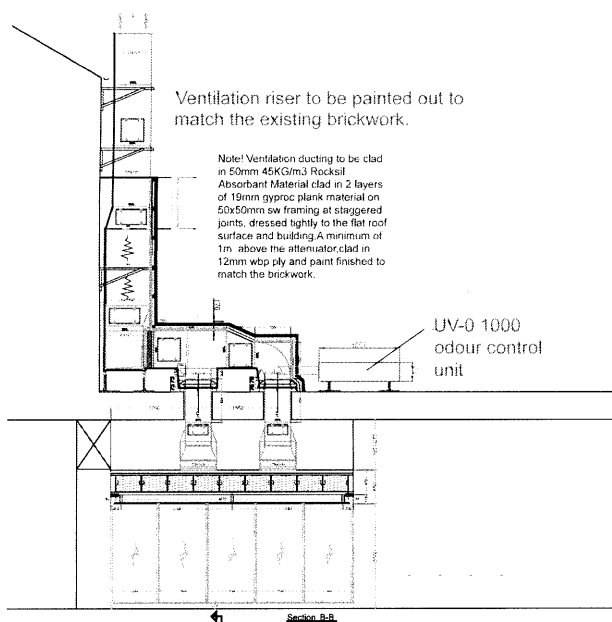
REAR ELEVATION WEST  
AS PROPOSED  
SCALE 1:50



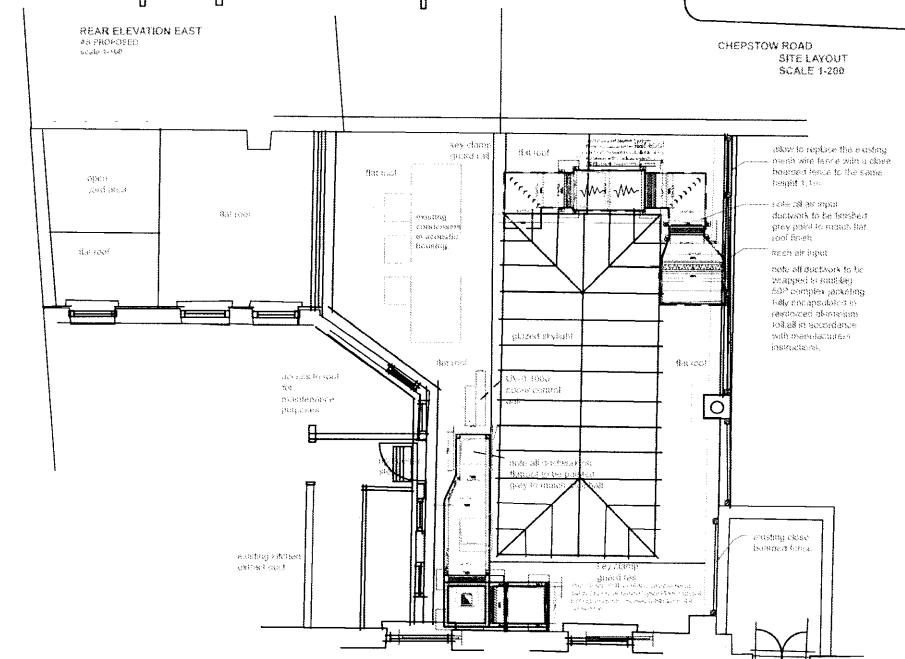
REAR ELEVATION EAST  
AS PROPOSED  
SCALE 1:50



CHEPSTOW ROAD  
SITE LAYOUT  
SCALE 1:200



SECTION BB THROUGH KITCHEN EXTRACT  
SCALE 1-50 @A1



ROOF LAYOUT  
AS PROPOSED.  
SCALE 1-50

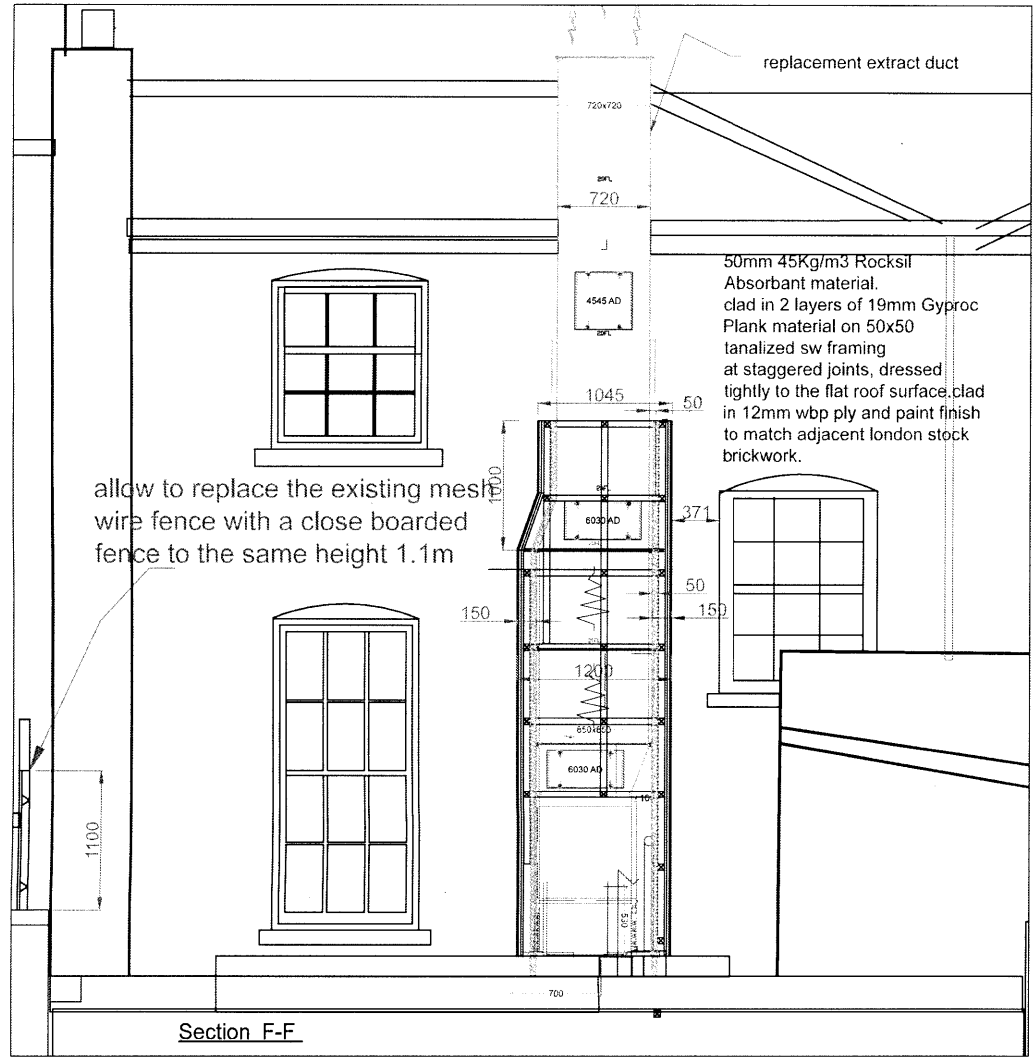
- Rev E. Elevations revised to show 1100mm high close boarded fence. Description of duct painwork revised. PS. 25-05-2015.
- Rev D. Elevations revised to show full details of acoustic cladding thickness. +150mm overall construction. PS 20-04-2015.
- Rev C. Odour Control Unit Added. Brickwork paint finish / treatment to ventilation riser added. PS 14-01-2015.
- Rev B. Cladding Detail Section Added to clarify construction. PS.17-10-2014

Rev A. Ventilation Design Altered in accordance with acoustic specialist report. PS.11-10-2014

Capital Pubs (Greene King)	
Prince Bonaparte Notting Hill, W2 5BE	
Part First Floor Plan Rear Elevations As Proposed	
1:100 and 1:50 @ A1	5722-14-101
May 2014	Patrick Smith HCSD

AS PROPOSED

AS PROPOSED

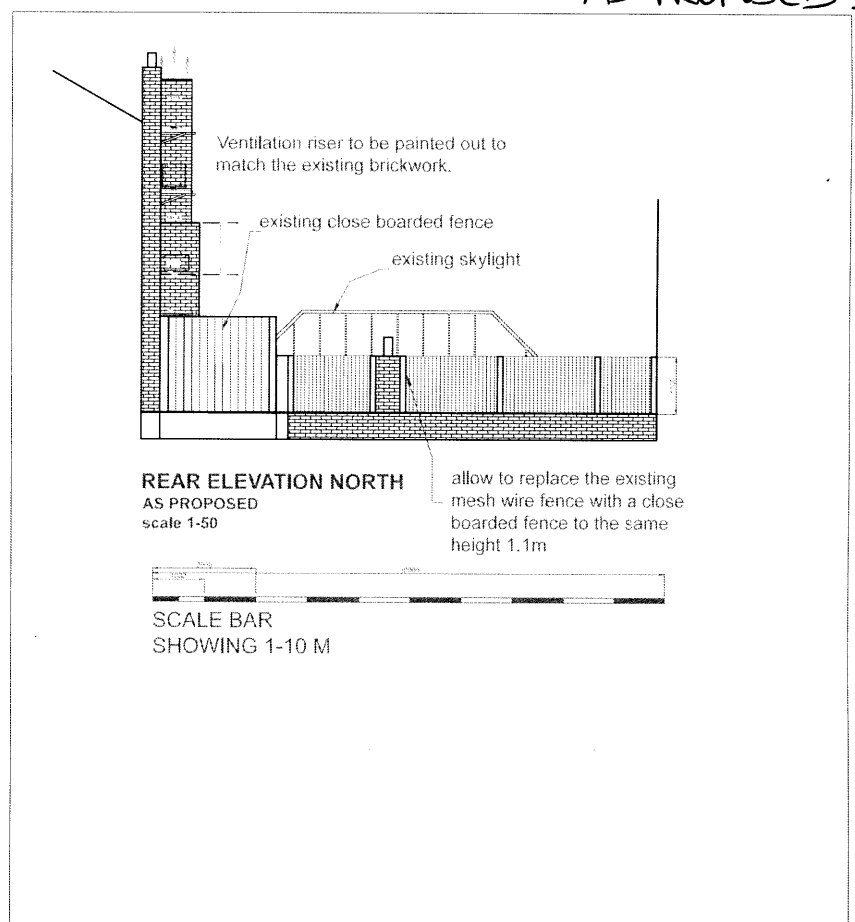


allow to replace the existing mesh wire fence with a close boarded fence to the same height 1.1m

50mm 45Kg/m3 Rocksil Absorbant material clad in 2 layers of 19mm Gyproc Plank material on 50x50 tanalized sw framing at staggered joints, dressed tightly to the flat roof surface, clad in 12mm wbp ply and paint finish to match adjacent london stock brickwork.

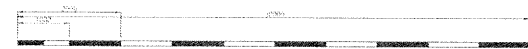
Section F-F

SECTION FF THROUGH KITCHEN  
EXTRACT RISER  
SCALE 1-10 @A1



REAR ELEVATION NORTH  
AS PROPOSED  
scale 1-50

allow to replace the existing mesh wire fence with a close boarded fence to the same height 1.1m



SCALE BAR  
SHOWING 1-10 M

Rev A. New Fence to North Elevation Shown.  
PS. 26-05-2015.

Project Name		Capital Pubs (Greene King)	
Project Address		Prince Bonaparte Notting Hill, W2 5BE	
Drawing Title			
Rear Section Through Ductwork Extract Riser As Proposed North Elevation Showing New Fence			
Scale	1:10 @ A1	Drawing No	5722-14-104
Date	April 2015	Sheet	A
Author	Patrick Smith, MCSD	Checker	
 <small>south coastham design ltd          100-102 SOUTH COASTHAM ROAD, SOUTH COASTHAM, SOUTHAMPTON, SOUTH ISLES, SOUTHAMPTON, HANTS, SO9 4JH          01703 606000          www.southcoasthamdesign.co.uk</small>			

AS PROPOSED



Proposed View 1

As Proposed



Proposed View 2

As proposed