

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.

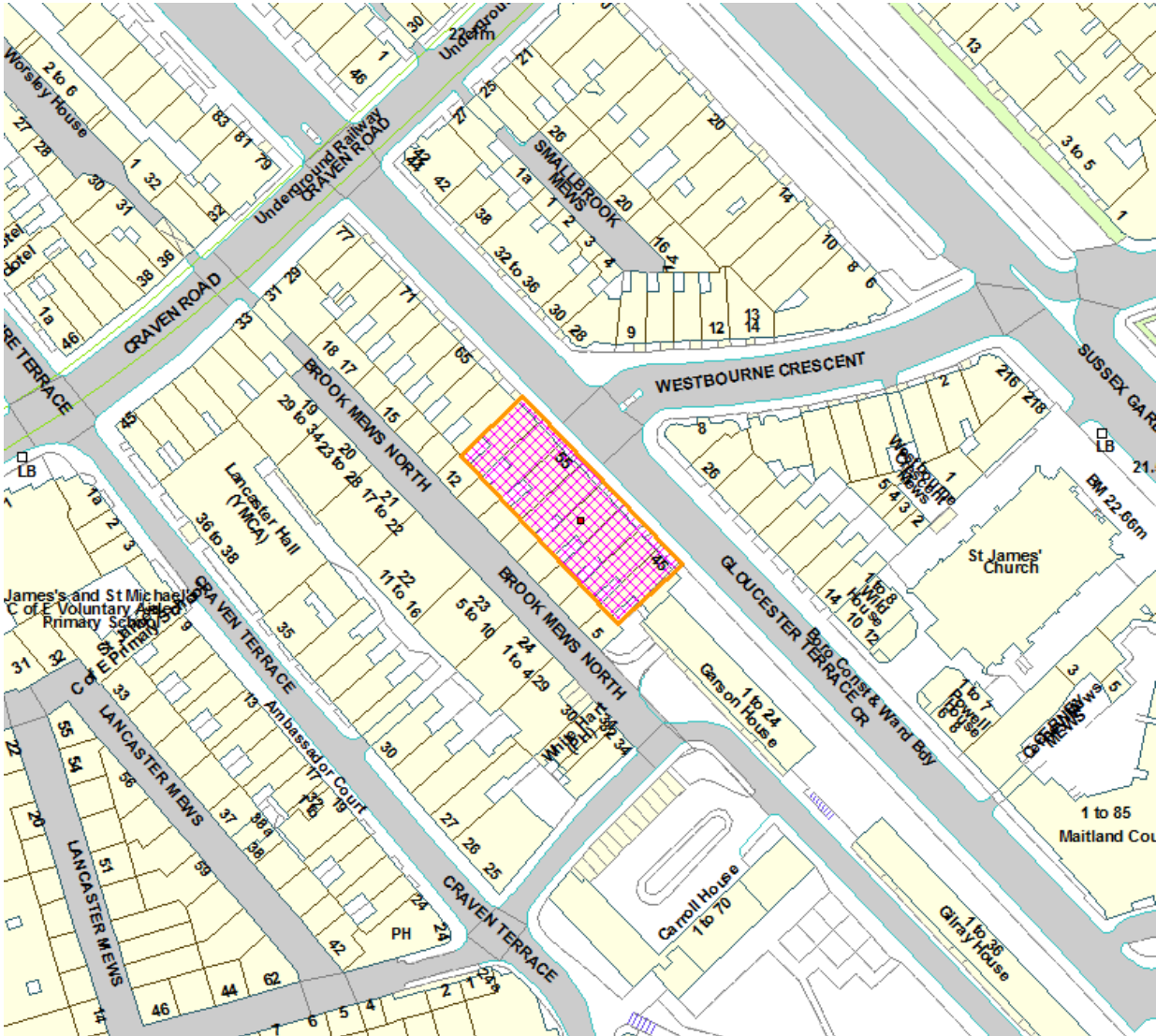
In terms of consultation responses, the one aspect of the proposal which has raised particular concern relates to the impact of the proposed mechanical plant on neighbouring residential properties, particularly those properties within Brook Mews North, which back on to the application site.

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.

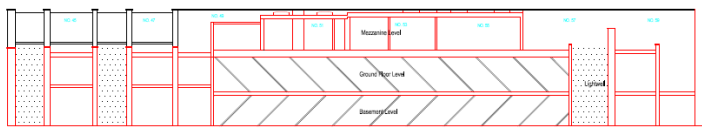
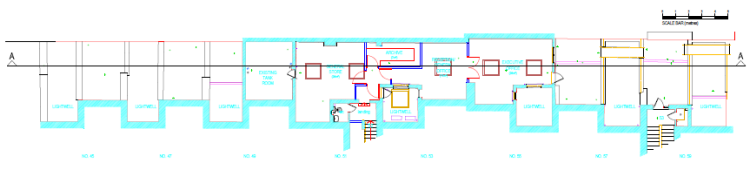
14. Memo from Environmental Health dated 27 August 2015.
15. Email from case officer to owner/occupier of 11 Brook Mews North and SEBRA dated 7 September 2015.
16. Emails from owner/occupier of 11 Brook Mews North dated 11 September 2015 and 15 September 2015.
17. Email from Environmental Health dated 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

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SECTION A-A

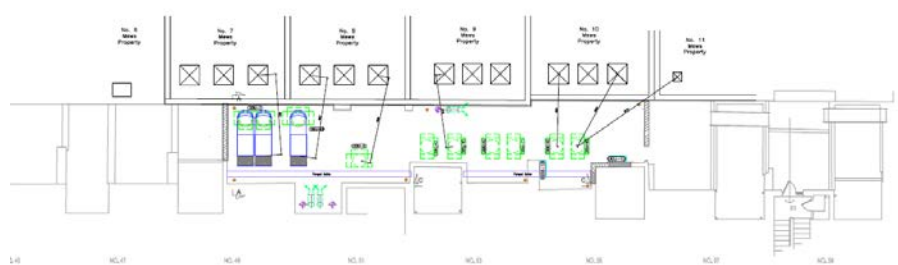
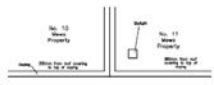
REV	DESCRIPTION	DATE

sweett
Sweet's Ltd. Limited
65 Gray's Inn Road
LONDON WC1X 8AG
Tel: +44 (0)207 961 9000
Fax: +44 (0)207 435 5933

Royal Court Apartments
51 Gloucester Terrace
Fire Damage Reinstatement
Mezzanine Level
Existing Plan and Section A-A

Scale	1:100	Sheet	A1
Drawn			
Checked			
Project No.	104922-1028		

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REV	DESCRIPTION	DATE

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LONDON WC1X 8AG
Tel: +44 (0)207 961 9000
Fax: +44 (0)207 435 5933

Royal Court Apartments
51 Gloucester Terrace
Fire Damage Reinstatement
Proposed Mezzanine Floor

Scale	1:100	Sheet	A2
Drawn			
Checked			
Project No.	104922-001		

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)

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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.