

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.

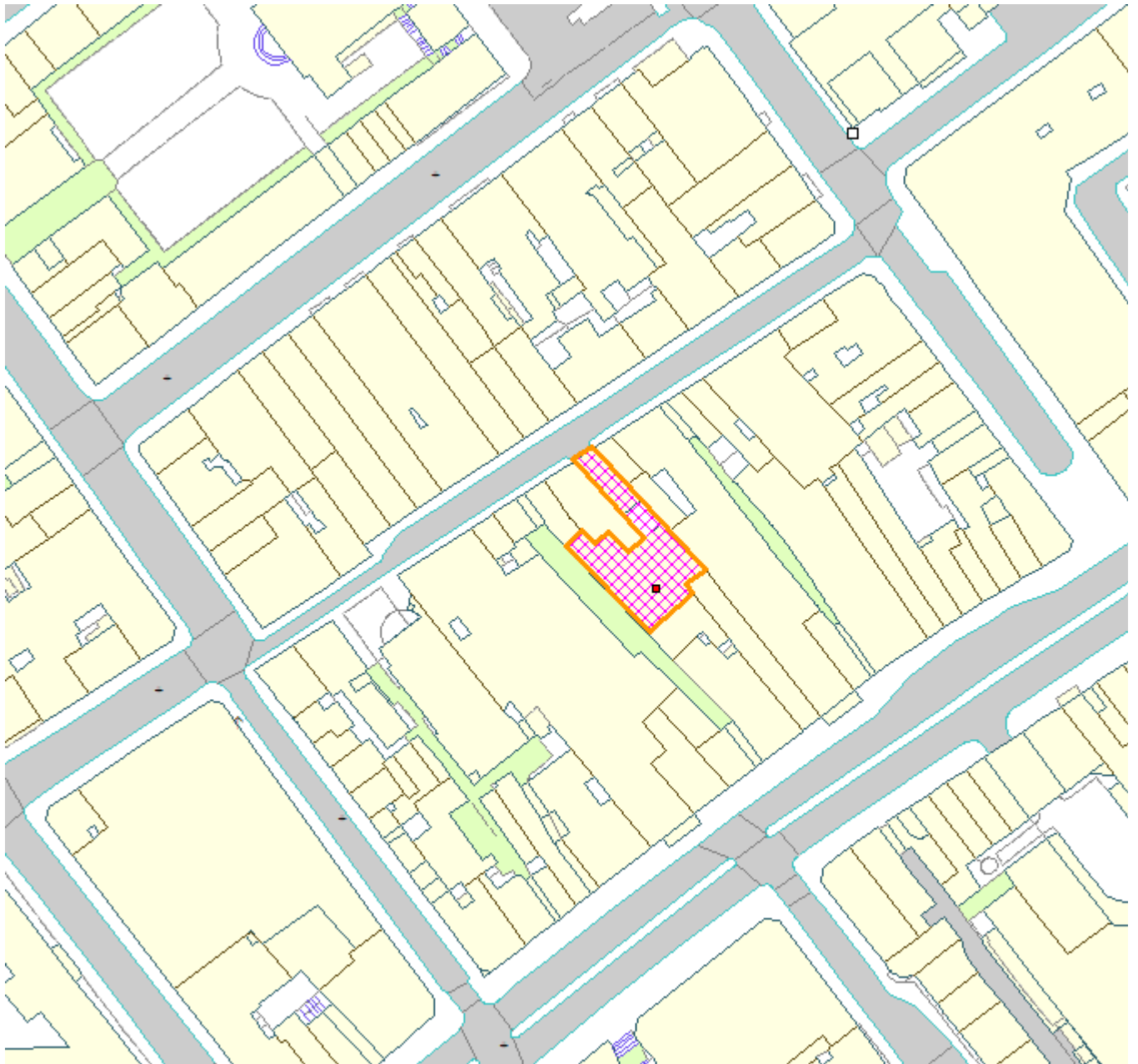
There is substantial planning history relating to this site, specifically with regards to the installation of plant and machinery and the noise impacts associated with this. Objections have been received from residents within 14 Bull Inn Court and from adjacent office occupiers on the grounds of noise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



Item No.

3



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

Item No.

3



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.

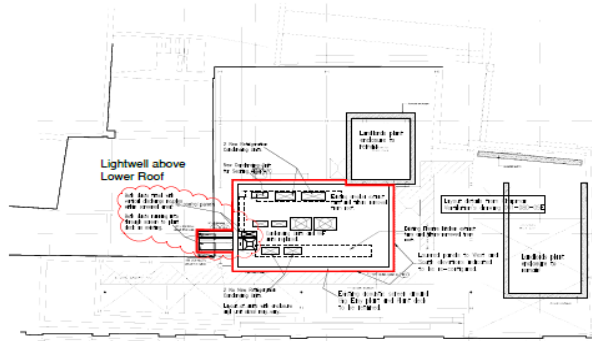
Selected relevant drawings

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

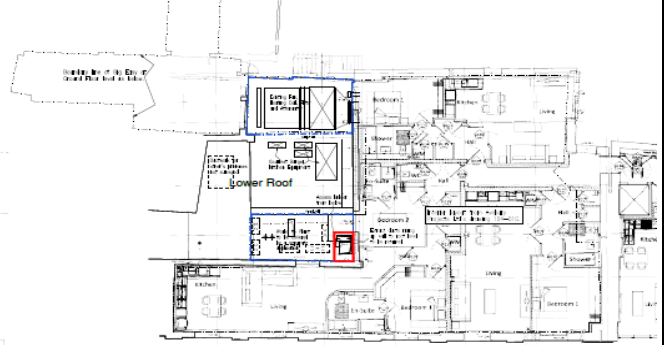
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT KIMBERLEY DAVIES ON 020 7641 5939 OR BY EMAIL AT kdavies1@westminster.gov.uk

10. KEY DRAWINGS

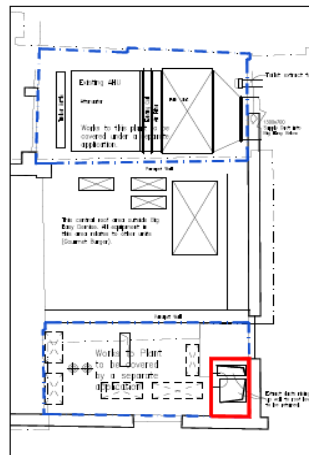
Application 1



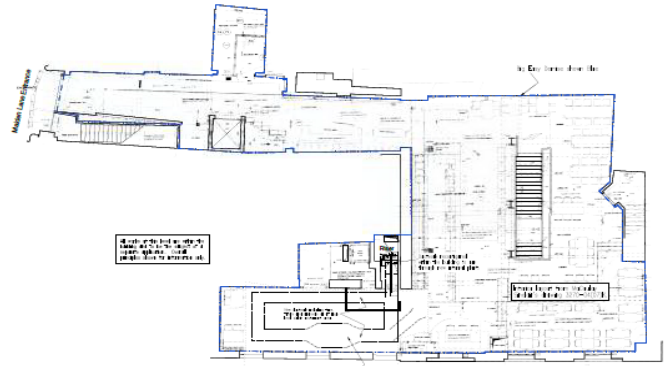
Roof Plan



Floors Above and Lower Roof Plan



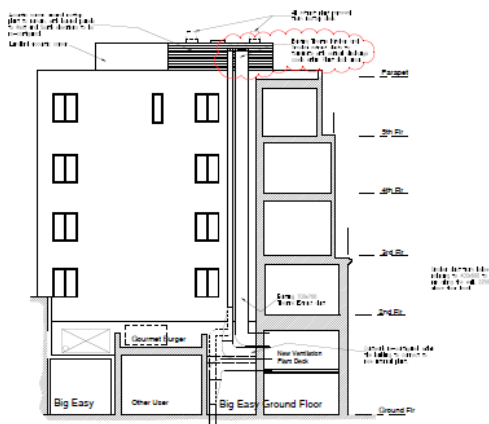
Detail of Lower Roof - 1:50



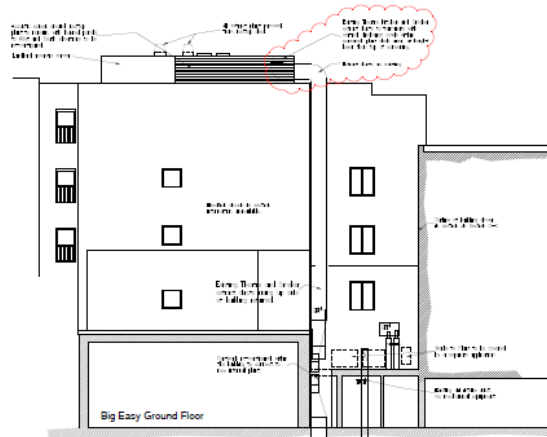
Ground Floor Plan

NOTE: REFERENCE TO THIS DRAWING IS MADE IN THE CONTRACT DOCUMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.

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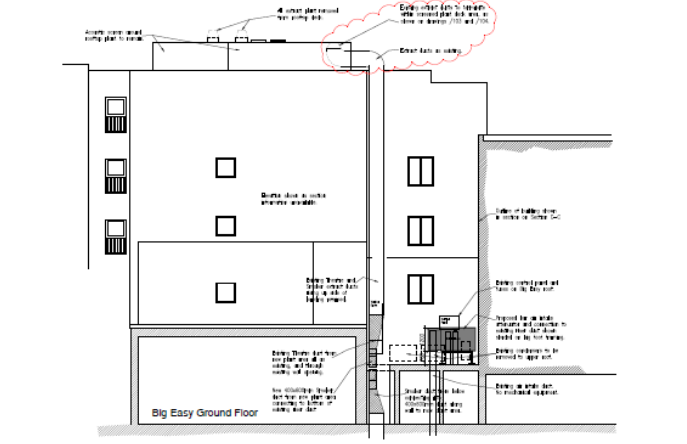
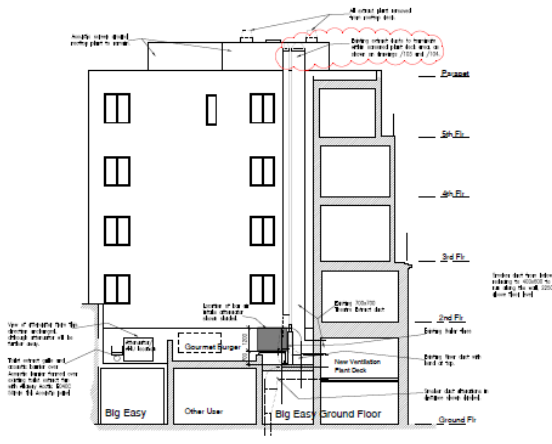
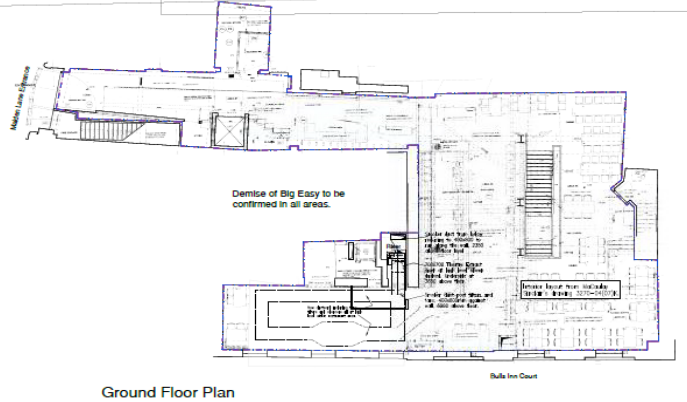
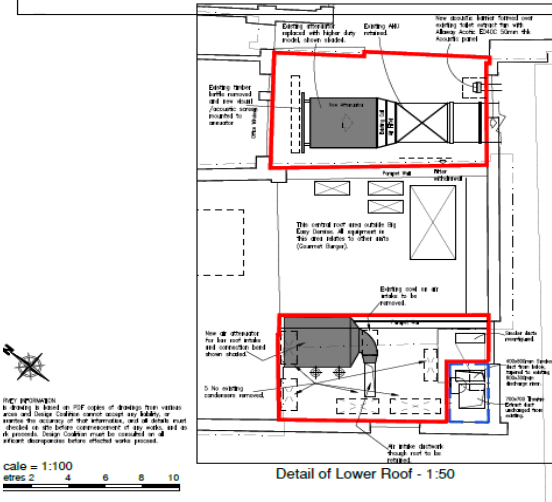
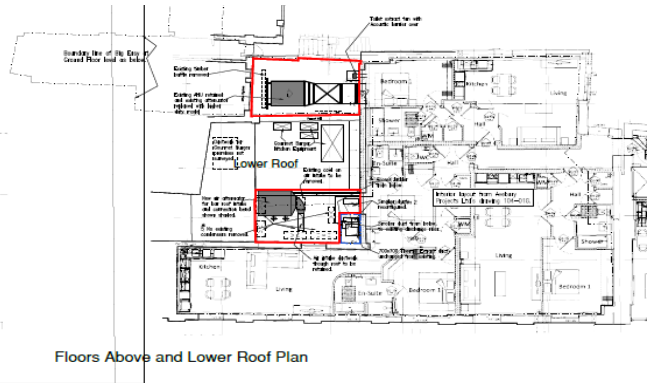
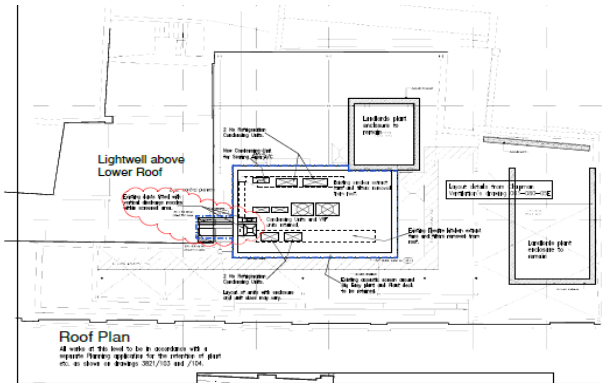


Section A-A - Elevation to North West



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)