

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 31 May 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Vincent Square	
<b>Subject of Report</b>	<b>1 Vincent Square, London, SW1P 2PN,</b>		
<b>Proposal</b>	Use of the building to provide 27 residential dwellings. Alterations at basement level to provide five car parking spaces, alterations to the rooftop plant areas and elevations at fifth floor level.		
<b>Agent</b>	Ms Katie Hale		
<b>On behalf of</b>	One Vincent Square Ltd		
<b>Registered Number</b>	15/06951/FULL	<b>Date amended/ completed</b>	27 August 2015
<b>Date Application Received</b>	30 July 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Vincent Square		

## 1. RECOMMENDATION

Grant conditional permission.

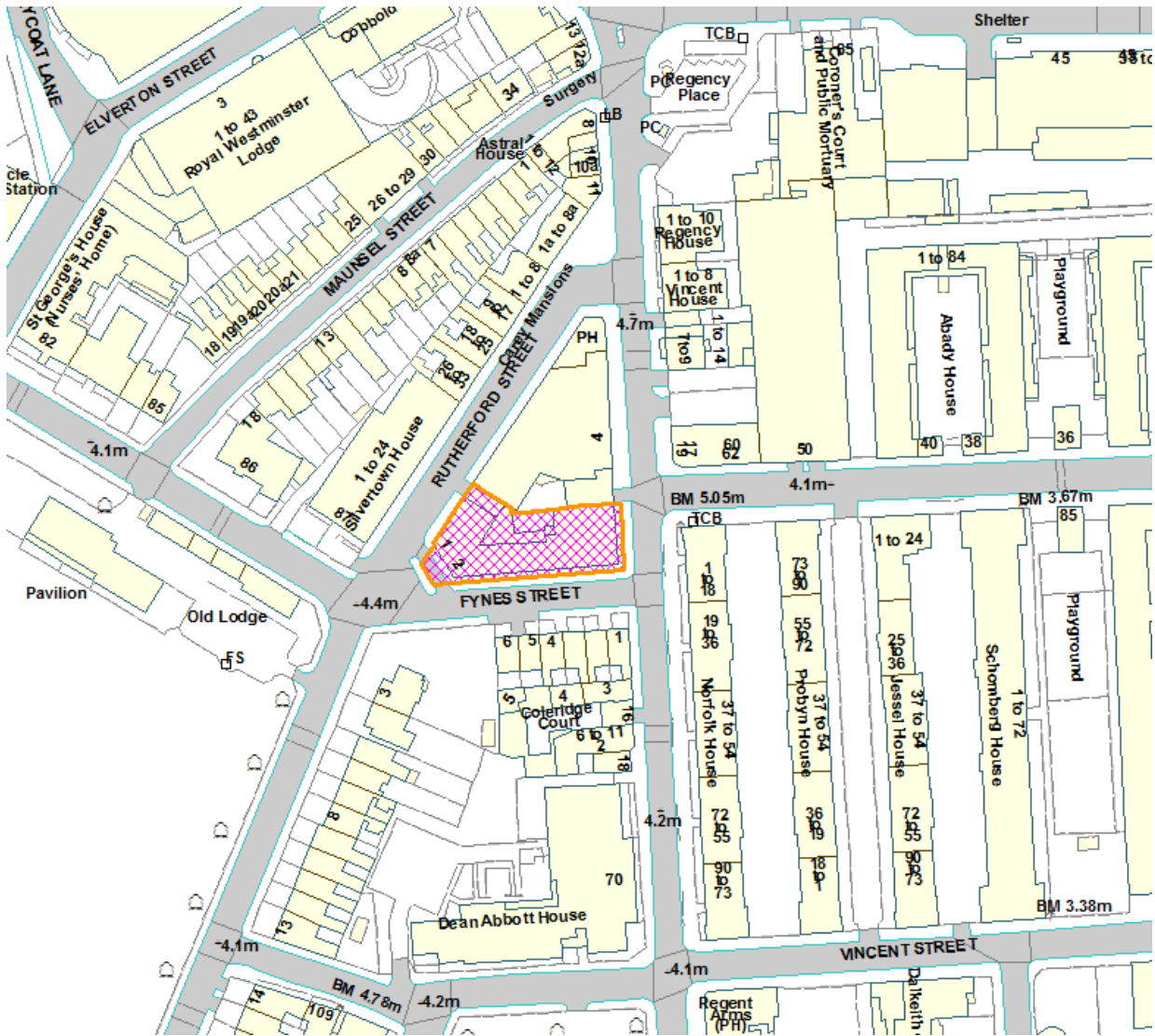
## 2. SUMMARY

The application site is an unlisted building within the Vincent Square Conservation Area comprising basement, ground and five upper floors. It is currently in office use. It is proposed to convert the building to 27 residential flats, using the existing basement for car parking, motorcycle and bicycle parking. Minimal external alteration is proposed, comprising replacement windows and a terrace at fifth floor, replacement plant and new photovoltaic panels at roof level.

The main issues to consider are the principle of the additional residential accommodation in this location, its impact on the amenity of existing residents, and the impact on the demand for on street parking in the area.

Objections have been received primarily on the grounds of amenity, car parking and overdevelopment. Whilst the objections are noted and understood, it is not considered that they are sustainable on this occasion.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



View from Vincent Square

**Rutherford St Street elevation showing vehicular entrance**



**View from Regency Street showing corner of Regency St/Fynes Street**

## 5. CONSULTATIONS

### Thorney Island Society

Whilst the site is suitable for residential, concern over the loss of small offices. No provision of affordable housing. It would be fairer to existing local residents to make this a permit-free scheme.

### Vincent Square Residents' Association

No objection in principle but the car parking provision is inadequate and wish for permit restrictions to be applied to new residents. Unclear what the proposals are regarding social housing and the development pushes the limits of density in the area.

### Westminster Society

Any response to be reported verbally.

### Environmental Health

No objection following the revised acoustic report, however, the plans show 'remote' rooms which may not comply with building regulations.

### Highways Planning Manager

There is a significant shortfall in off street parking. If minded to approve, the proposed basement level car parking must be on a first come first served basis and not allocated to individuals. Require a signal system for the car park entrance.

### Cleansing

Any response to be reported verbally.

## ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 125

Total No. of replies: 3

No. of objections: 3

No. in support: 0

Objections have been raised on the following grounds:

### Amenity

Potential noise from plant; potential loss of light, loss of privacy and increased overlooking from the terraces in particular.

### Transport

Inadequate parking provision.

### Other

Overdevelopment – there are too many flats proposed for site and will result in a strain on local amenities and parking.

The proposals are in contravention of the Human Rights Act regarding a person's right to enjoy their possessions and the right to a private and family life.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is located in the eastern corner of Vincent Square at the junction with Fynes Street and Rutherford Street. It also has a frontage to Regency Street. It is set back from the Square.

The property comprises basement, ground and five upper storeys. It dates from the 1930s and is currently occupied by offices. There is a small basement area for plant, refuse storage and some parking, though access is very restricted by the narrow vehicular entrance from Rutherford Street.

### 6.2 Recent Relevant History

In 2006, permission was granted for the demolition of the building and its redevelopment to provide a building of two basements, ground and six upper floors to provide 27 flats (including 8 affordable units) with 26 off street car parking spaces (our reference 05/08771/FULL). This permission was never implemented and has now expired.

In 2007, permission was granted for an extension at fifth floor level in connection with the office use (our reference 07/01795/FULL). A further permission was given for various external alterations to the entrance (07/04977/FULL). In 2009, permission was granted for the installation of two windows at fifth floor level (09/04499/FULL). The 2007 and 2009 permissions appear to have been implemented.

## 7. THE PROPOSAL

It is proposed to convert the site to a residential building comprising 27 flats (7 x 1 bed; 13 x 2 bed and 7 x 3 bed). Five car parking spaces and five motor cycle spaces, cycle and refuse storage are proposed within the existing basement. Due to the restricted access, overhead clearance and configuration of space in the basement, there is little space for off street parking. Vehicular manoeuvring is aided by a turntable. All existing windows remain with the exception of the fifth floor, where it is proposed to replace some windows. The existing flat roof at fifth floor level will be used as terraces for 3 of the flats (it is currently accessible from the offices). At roof level, plant is replaced and photovoltaic panels added.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

	Existing (m2)	Proposed (m2)	Change (+ or – m2)
Office	3789	0	-3789
Residential	0	3813	+3813
Total	3789	3813	+24

### Loss of Offices

The City Council's policy towards the loss of offices to residential accommodation is in the process of changing. A policy directive was issued confirming that the City Council is concerned over the loss of commercial floorspace within the borough and it is now the City Council's position that the balance of commercial to residential floorspace has tipped too far in the favour of residential across the CAZ. As of 1 September 2015, the loss of office floorspace to residential development has been assessed in line with emerging policy. The emerging policy (mixed use revision to the City Plan) is nearing adoption. This application was, however, submitted prior to September 2015 and given that the revised policy is yet to be formally adopted, it is considered prudent to consider the application in the light of the currently adopted policy.

The proposals would result in the loss of office floorspace amounting to 3789m<sup>2</sup> within the CAZ. The change of use needs to be assessed in the context of Policy S47 of the City Plan which advises that 'when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework... to secure development that improves the economic, social and environmental conditions in the area.'

Paragraph 51 of the NPPF advises that local planning authorities should normally approve planning applications for change of use to residential and any associated development from commercial buildings (currently in the B use class) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

Whilst there would be a net reduction in office floorspace and employment as a result of the development, there is no evidence to suggest that the economic impact of the proposals on this part of the City as a whole would be sufficiently harmful in this instance to withhold permission.

### **Residential Use**

Policy S14 of the City Plan and Policy H3 of the UDP seek to maximise the amount of land or buildings in residential use. The introduction of 27 residential units on site would help the Council meet its housing target. The mix of the residential units comprises 7 x 1 bed; 13 x 2 bed and 7 x 3 bed.

Most flats are dual aspect and would receive acceptable levels of natural light for this urban location. Policy H5 of the UDP requires that 33% of housing units be family sized (being three or more bedrooms). In this case, 26% of the units are 'family sized' which falls slightly short of the policy aspiration but on balance is acceptable.

As part of housing developments, Policy H10 of the UDP normally expects the provision of amenity space. The policy recognises that this can be met through the use of balconies and roof terraces on sites within CAZ. The 5<sup>th</sup> floor set back provides the opportunity for a terrace to be incorporated into the development for the three top floor flats.

Some objectors are concerned over the density of the development. The proposals are for a mixture of unit sizes and are not considered particularly small. The number of flats

accommodated within this building is broadly reflective of other housing developments in the local area and is not considered an exceptionally high density.

The new residential floorspace prompts a requirement for the provision of affordable housing under the terms of Policy S16 of the City Plan. The proposed floorspace is 3813m<sup>2</sup> GEA. Using the calculations set out in the Interim Guidance note, this requires 880m<sup>2</sup> of affordable housing.

Policy S16 requires the provision of affordable housing on-site. It adopts a 'cascade' approach and states that "where the Council considers that this is not practical or viable, the affordable housing should be provided off site in the vicinity. Off site provision beyond the vicinity of the development will only be acceptable where the Council considers that the affordable housing provision is greater and of a higher quality than would be possible on or off site in the vicinity...". If these options are not feasible, then a financial contribution in mitigation is an appropriate alternative, calculated according to our Interim Affordable Housing Guidance. The full financial contribution based on current guidance is calculated at £4.34m.

The applicant argues that providing affordable housing on site will make their development unviable, and have produced a viability report in line with the guidance contained in the London Plan. Their report concludes even a financial contribution towards affordable housing would not be viable. The City Council's independent consultant, Gerald Eve, has reviewed the findings of the applicant's report, testing various scenarios with affordable housing on site at a policy compliant level and at a lesser level. Essentially, the consultant concludes that the development would not be financially viable with affordable housing on site or with any payment in lieu of providing accommodation on site. On this occasion therefore it is accepted that a contribution towards affordable housing within the City is not appropriate.

## **8.2 Townscape and Design**

This unlisted building was constructed during the interwar period and is of brick construction with a concrete frame, two lift cores and two staircases. The roofscape contains a number of enclosures accommodating plant, the lift overruns and redundant water tanks.

There are minimal external alterations proposed. The curtain walling to the set back roof storey is to be replaced with full height opening windows; the existing sash windows on the lower floors will remain. At roof level, two of the existing enclosures are re-clad with louvres to provide ventilation for plant. A small part of the eastern end of the roof is reserved for photo-voltaic panels, the details of which will be reserved by condition.

## **8.3 Residential Amenity**

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing. Similarly, Policy S29 of the City Plan aims to protect the amenity of residents from the effects of development.



The site is surrounded by other residential properties. There has been objection from nearby residents on amenity grounds, primarily concerns about potential overlooking.

### **Daylight and Sunlight/Overshadowing/Sense of Enclosure**

Policy S29 of the City Plan seeks to resist proposals that result in an unacceptable material loss of residential amenity. Policy ENV 13 of the UDP seeks to resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and education buildings. In addition, developments should not result in a significant increase in the sense of enclosure or overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

Given that there is no increase in the building's height or bulk as a result of the proposals, there will be no material impact on sunlight, daylight or overshadowing experienced by neighbouring properties.

### **Privacy**

Policy ENV13 of the UDP seeks to resist development which would result in an unacceptable degree of overlooking. Whilst residents' concerns regarding the perception of increased overlooking are well understood, it is not considered that it would be reasonable or necessary to refuse the application on the basis of overlooking. In an urban environment such as this, it is reasonable to expect residential windows on the other side of the street, reflecting the arrangement commonly found on streets in the area. To the rear is a large lightwell which also serves the residential development at 4 Regency Street. There are therefore many residential windows already overlooking the rear of the application site. The windows set in the rear elevations of the application property will serve kitchens, bathrooms and bedrooms. The kitchen and bathroom windows are very small and directly face the rear elevations of 4 Regency Street. The bedroom windows have a slightly more oblique view. It is not considered that the resultant relationship between the residential windows at the application site and 4 Regency Street is anything unusual for this area. Given their aspect and location and that they are not serving main living areas, it is not considered that there will be an unacceptable degree of mutual overlooking.

In terms of the roof terraces proposed, one may expect them to be more intensively used than the current terrace serving the offices. There are numerous other examples of high level roof terraces in close proximity, all with a similar relationship to neighbouring residential properties opposite and adjacent. It is recommended a condition is added requiring details of privacy screens between the application site and adjacent buildings on Rutherford Street and Regency Street to prevent direct overlooking between the application site and terraces and windows on the adjacent properties.

### **8.4 Transportation/Parking**

Policy TRANS23 requires, where appropriate and practical, the provision of off-street parking for new residential developments. Given the site constraints presented by the existing basement height and very narrow access from Rutherford Street, some limited car parking is proposed. This takes the form of 5 spaces, with a turntable enabling movement within a very restricted area. 5 motorcycle bays are also provided.

The main entrance to the building is set back from Vincent Square by a traffic island and a small section of private road which the applicants are proposing accommodates a disabled parking bay, separated from the highway by moveable bollards. Given that this section of

road is private, and there is sufficient space for the new bay, there are no objections to this in highways terms.

The policy states that the Council will normally consider there to be a serious deficiency where additional demand would result in 80% or more of available legal on-street parking spaces. The evidence of the Council's most recent parking survey in 2011 indicates that parking occupancy of legal parking spaces within a 200m radius of the site is 60% at night and 76% during the day.

The introduction of additional residential units in this area without off-street parking or on-street parking restraint is likely to increase the stress levels, though it is noted that the area was not under significant stress at the time of the last official survey. It is not considered that a refusal on the basis of a low level of off street parking is sustainable given the priority attached to housing delivery in the adopted City Plan. Though the Highways Planning Manager is concerned about the potential for additional demands on on-street parking, it is suggested that to maximise the efficiency of the basement car parking that is available on this site, the car park should operate on a first come first served basis for cars and motorcycles and a condition to this effect is recommended. Objectors have suggested that the proposed flats should not be eligible for parking permits. This has not been put forward by the applicant and it is not currently the policy of the City Council to agree to 'car free' developments.

Secure cycle storage is provided at basement level in line with policy TRANS 10.

### **8.5 Economic Considerations**

Any economic benefits generated are welcomed.

### **8.6 Access**

Whilst the main entrance to the building is not fully accessible, there is a level access from Rutherford Street. There are two lifts within the existing building, and there is level access to all floors.

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

#### **Noise**

Objections have been received in relation to the potential noise as a result of the replacement plant, from the new residential use and from construction activity.

The plant is in connection with the CHP and air source heat pumps and will be in the same location as the existing plant enclosures. This and other mechanical equipment including the turntable have been assessed in an acoustic report submitted by the applicant. Environmental Health officers are satisfied that in noise terms, the proposed plant is acceptable and will run at a level so as not to be audible at the nearest affected residential windows. Conditions are added to this effect.

The noise environment for the proposed flats is considered acceptable and appropriate conditions are recommended prescribing the internal noise levels to be achieved within the flats.

#### **Refuse /Recycling**

Policy ENV12 of the UDP requires the provision of suitable facilities for waste storage and recycling in new developments. The waste store is located at basement level. It is recommended that the provision of this storage is secured by condition.

### **Sustainability**

The proposed development achieves an additional 36% carbon emissions reduction below the baseline emission rate for the 2013 building regulations. Mechanical ventilation with heat recovery is incorporated to ensure adequate ventilation rates and temperature control, though windows will still be openable. A gas fired CHP is proposed, along with photovoltaic panels to the roof. Whilst the proposed sustainability measures do not incorporate a 20% carbon reduction using renewable technologies (as referred to in S40 of the City Plan), the proposed measures are considered appropriate for the site and achieve an appropriate carbon reduction over current baseline.

## **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**

Environmental Impact issues have been covered in section 8.7 above. The application does not generate a requirement for an Environmental Statement pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

## **8.12 Other Issues**

### **Flooding**

The site is within flood zone 3 and a flood risk assessment has been completed by the applicants. Westminster's strategic flood risk assessment shows that the actual risk of flooding to this area is low and it is not located within the rapid inundation zone. No residential accommodation is being proposed beneath ground level, and as such it is not considered that residential accommodation in this location would be particularly vulnerable.

### **Human rights**

One objector has raised the issue of the proposal potentially impacting on the human right to enjoy one's possessions and land, along with the right to a private and family life. The Council is satisfied that any interference with an individual's rights in terms of Article 8 of the Human Rights Act, which requires that "respect" be given to private and home life, would be a proportionate means of achieving a legitimate end, that being the Council's

function to determine planning applications. This right exists for both the applicant as well as the objector.

The construction process would inevitably result in negative impacts to neighbours and the consideration of these impacts has formed part of the balancing exercise required to form a recommendation for this application including conditions to reduce disturbance to neighbours and to limit overlooking to adjacent properties.

It is considered that there is nothing in human rights or equality law that could, as a matter of law, require the application for planning permission to be refused and the objections on these grounds cannot therefore be supported.

## **9. BACKGROUND PAPERS**

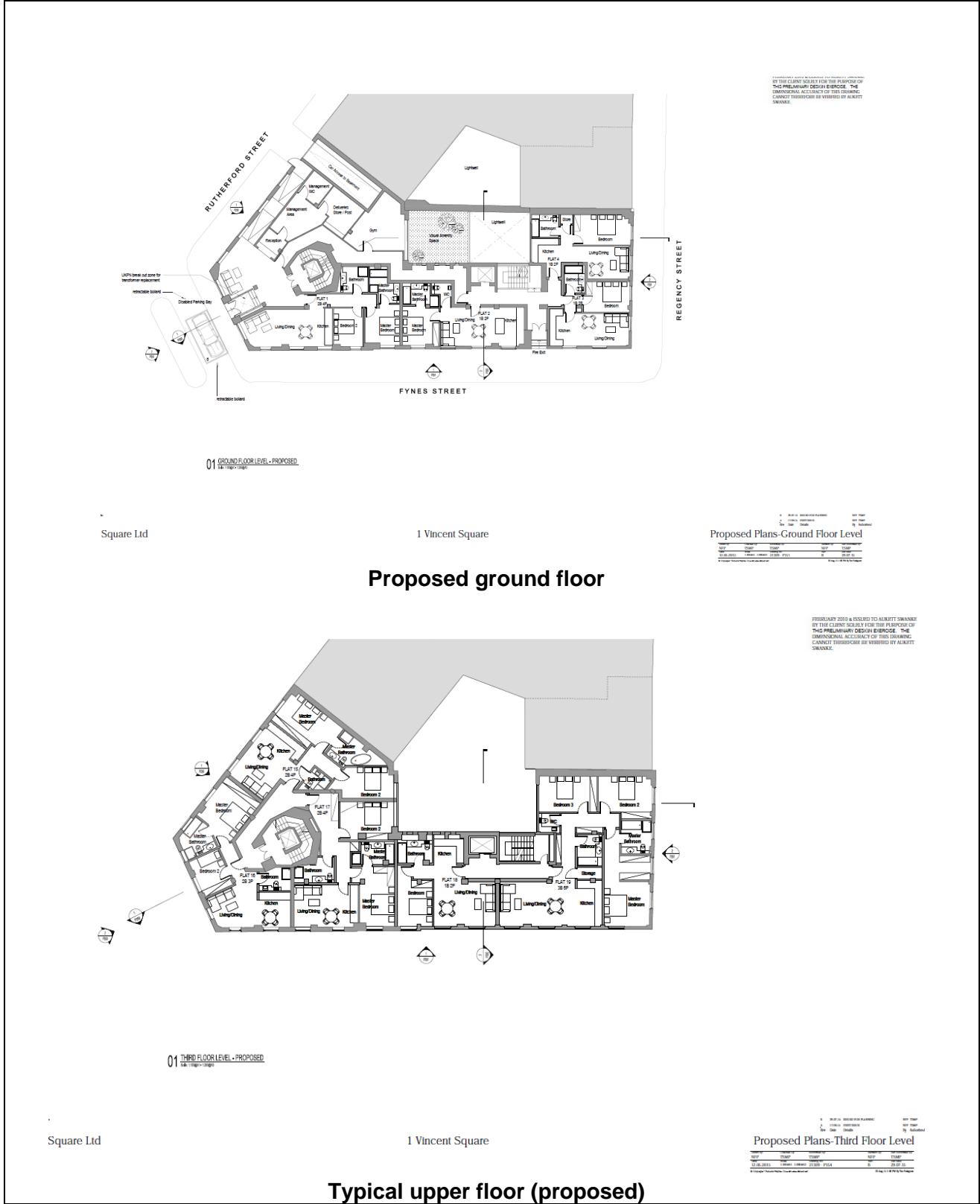
1. Application form
2. Response from Thorney Island Society, dated 23 September 2015
3. Response from the Vincent Square Residents' Association dated 21 October 2015.
4. Letter from occupier of 1 Fynes Street, Westminster, dated 8 October 2015
5. Letter from occupier of 5 Fynes Street, London, dated 8 October 2015
6. Letter from occupier of 39 Regency Court, 4 Regency Street, dated 5 October 2015
7. Memorandum from the Highways Planning Manager dated 8 October 2015.
8. Memorandum from Environmental Health Consultation Team dated 24 September 2015 and 26 April 2016.

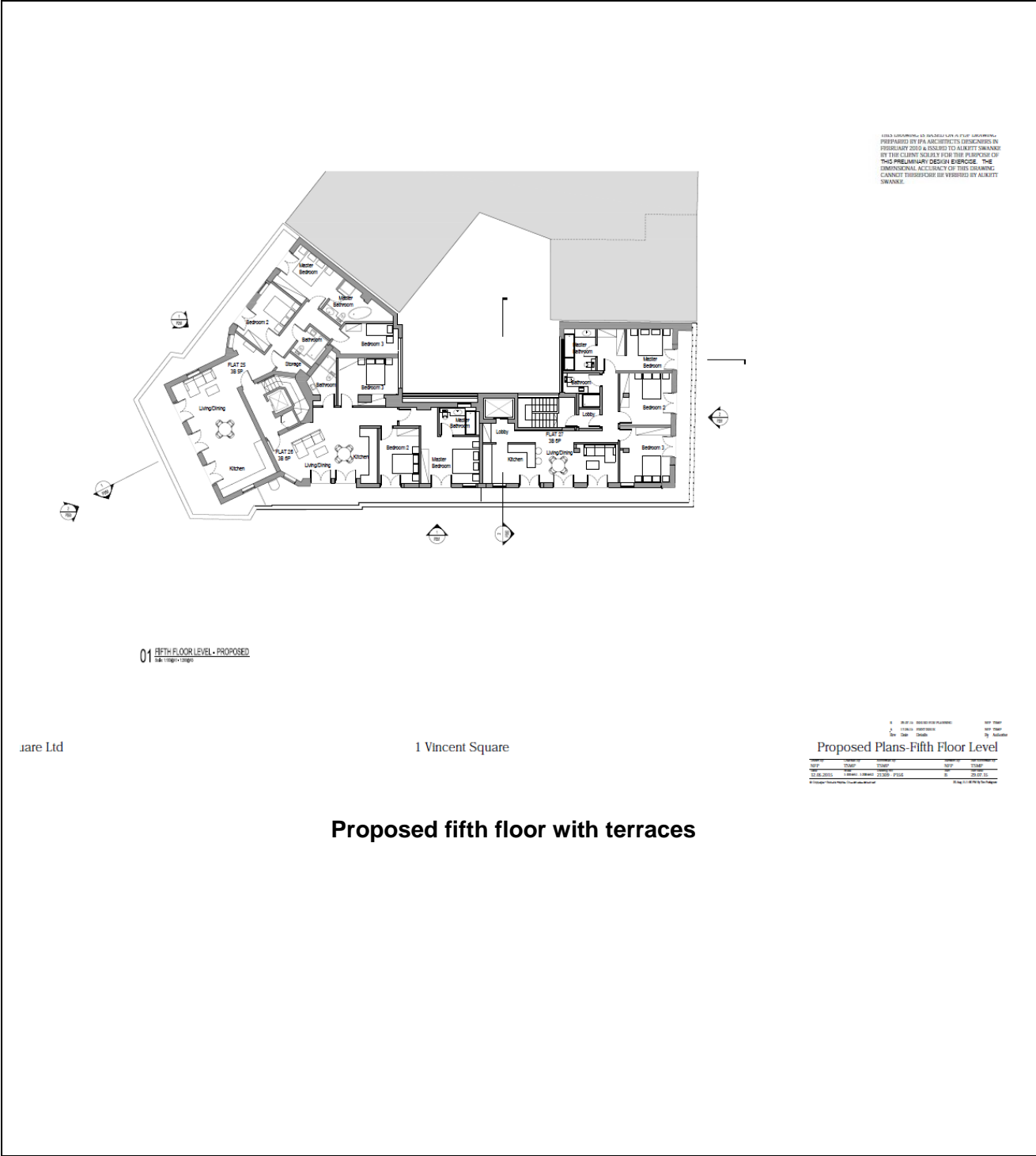
### **Selected relevant drawings**

(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 MATTHEW MASON ON 020 7641 2926 OR BY EMAIL AT [mmason@westminster.gov.uk](mailto:mmason@westminster.gov.uk)

# 10. KEY DRAWINGS





THIS DRAWING IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS THE PROPERTY OF ALKEMY SWANKE AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. THE DIMENSIONAL ACCURACY OF THIS DRAWING CANNOT THEREFORE BE VERIFIED BY ALKEMY SWANKE.

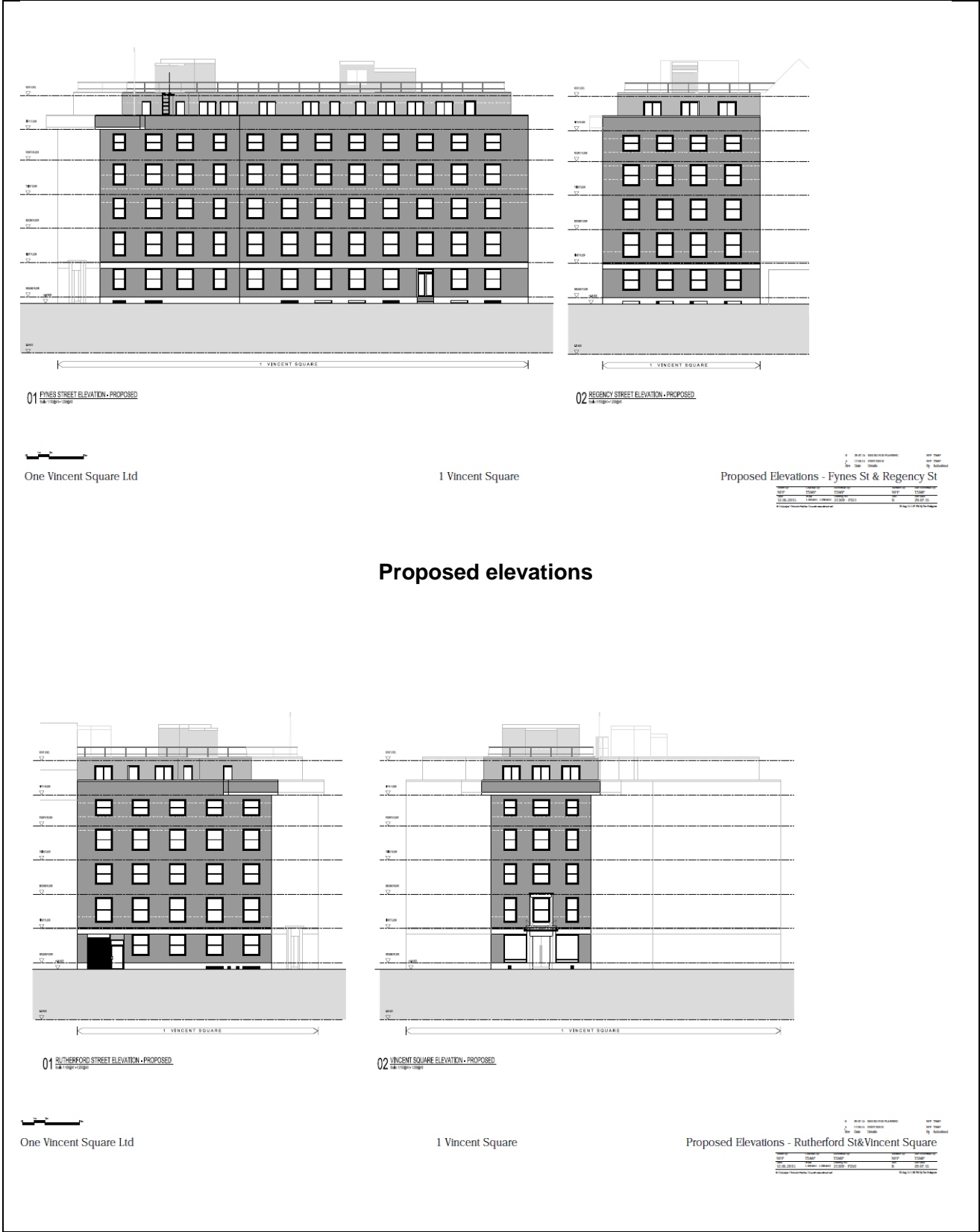
01 FIFTH FLOOR LEVEL - PROPOSED  
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1 Vincent Square

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**Proposed fifth floor with terraces**



**DRAFT DECISION LETTER**

**Address:** 1 Vincent Square, London, SW1P 2PN,

**Proposal:** Use of the building to provide 27 residential dwellings. Alterations at basement level to provide five car parking spaces, alterations to the rooftop plant areas and elevations at fifth floor level.

**Plan Nos:** 21309-P100B; P101B; P102B; P103B; P104B; P105B; P106B; P107A; P108A; P200B; P201B; P300B; P150B; P151B; P152B; P153B; P154B; P156B; P157A; P158A; P250B; P251B; P350B.  
Transport Assessment (TTP August 2015); Flood Risk Assessment (Price and Myers August 2015); Planning Statement (Savills July 2015); Sustainability and Energy Report (MTT July 2015); daylight and sunlight report (Bilfinger GVA July 2015); Design and Access Statement (Aukett Swanke July 2015); Acoustic report (Hann Tucker July 2015 and revision dated 16 March 2016).

**Case Officer:** Louise Francis

**Direct Tel. No.** 020 7641 2488

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

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

**Reason:**

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

- 2 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 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 Vincent Square 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)

- 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 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.

- 5 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the \*\*\*\* use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (3) Following completion of the development, 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 including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
  - (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
  - (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
  - (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
  - (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
  - (f) The proposed maximum noise level to be emitted by the activity.

**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 (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 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.

- 7 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 8 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 4 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 9 You must provide the waste store shown on drawing P150B before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of

Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 10 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 11 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 12 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 13 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

photovoltaic panels at roof level

You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

- 14 You must apply to us for approval of detailed drawings of the following parts of the development - privacy screen between the 5th floor terrace and adjacent properties to Rutherford Street and Regency Street. 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 details.

**Reason:**

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

- 15 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

**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 Vincent Square 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)

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

**Reason:**

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)

17. Prior to occupation of the development hereby approved, a Car Parking Management Plan shall be submitted to and approved by us, to include measures to ensure that no space is individually sold or allocated specifically to a unit or user and car parking and motorcycle spaces are on a first come first served basis to residents only.

**Reason:**

To provide parking spaces for people using the development as set out in STRA 25 and TRANS23 of our Unitary Development Plan that we adopted in January 2007.

18. Prior to occupation of the development hereby approved, full details of a traffic light/signal system for the car park entrance/exit shall be submitted to and approved by us. The signal system shall then operate in accordance with the approved details as long as the car park remains in place.

**Reason:**

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007.

**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 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)
- 3 Conditions 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)
- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 5 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year). (I38AB)

Item No.
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