

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 20 September 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	11 Woodstock Street, London, W1C 2AE		
<b>Proposal</b>	Installation of full height extract duct together with screening and associated fan; relocation of 3 air conditioning units and a chiller refrigeration unit and provision of 1 additional air conditioning unit all within a new screened enclosure on a rear 1 <sup>st</sup> floor flat roof .		
<b>Agent</b>	CBRE		
<b>On behalf of</b>	Woodstock Investment International Ltd.		
<b>Registered Number</b>	16/02908/FULL	<b>Date amended/ completed</b>	1 April 2016
<b>Date Application Received</b>	1 April 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

1. Grant conditional planning permission.

## 2. SUMMARY

The application premises is a Public House located on the western side of Woodstock Street to the south of Oxford Street. Permission is sought for the erection of a full height rear extract duct and screening and plant on a rear 1<sup>st</sup> floor flat roof area which will also be screened in an acoustic enclosure.

The key issues for consideration are:

- The impact of the works on the appearance of the building and the Mayfair Conservation Area;
- The impact of the operation of the plant on the amenity of neighbouring residents in terms of noise and odours.

Permission was previously granted for a full height extract duct and plant for the Public House in 2012. The duct and plant have not been installed in accordance with the approved plans. This application would regularise the position and the screening of both the high level duct and plant is considered to be an improvement to both the existing and previously permitted positions. Subject to appropriate conditions the proposal is considered acceptable in accordance with adopted UDP and City Plan policies.

Item No.
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### 3. LOCATION PLAN



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4. PHOTOGRAPHS

Photograph 1. Front elevation of building



Photograph 2. Duct as installed (between 1<sup>st</sup> December 2014 until 18<sup>th</sup> July 2016)



## 5. CONSULTATIONS

### RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S:

No objection as the works are necessary in order to continue use however, it will be necessary to 'tone' the duct casing to the background.

### ENVIRONMENTAL HEALTH:

No objection

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 29

Total No. of replies: 2

No. of objections: 2

No. in support: 0

2 objections received on the following grounds

- The visibility of the a/c units within lightwell from surrounding properties.
- Smells and odours being discharged towards existing air intake equipment and in front of residential windows. Request that if permission is granted conditions should be imposed requiring an adequate filtration system which is regularly maintained.
- The chiller refrigeration unit adjacent the party wall transmits vibrations; it should either be removed or alternatively, removed from the party wall and installed on anti-vibration pedestals.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

11 Woodstock Street is comprises basement, ground and four upper floor. The basement and ground floors are in use as a Public House (The Woodsock) the upper floors are residential flats (Class C3).

The sites lies to the south of Oxford Street within the Core Central Activities Zone and the Mayfair conservation area is a mixed use area. The building is not listed

### Recent Relevant History

On 12 December 2012 ( RN 12/10514/FULL) permission was granted for : Alterations including single storey roof extension and new residential entrance on Woodstock Street; use of part ground and first to fourth floors as 3 residential flats, comprising 1x1 and 2x2 bedroom flats (Class C3) and reconfiguration and refurbishment of existing public house (Class A4) at part ground and basement levels; extension to existing rear kitchen extract duct and provision of screening to existing air conditioning units at rear first floor level.

This permission has been partially implemented. The change of use of the upper floors, including the roof extension has been implemented, however some of the completed works do not accord with the permission granted in December 2012.

A high level duct terminated vertically. As installed the duct has a swan neck facing towards the rear (this was in situ until July 2016). A refrigeration chiller unit was located on the party wall of the adjoining property at No. 12 Woodstock Street. The chiller unit has been the subject of an Abatement Notice, which was served on 15<sup>th</sup> April 2016. The Council's Noise Team have subsequently confirmed that the statutory nuisance arising from the chiller unit is no longer occurring.

The application permitted in December 2012 included a screened plant enclosure at first floor level but did not specify the plant that would be located within the enclosure This has not been implemented.

Finally the roof extension includes dormer windows that do not accord with the earlier permission. The applicant has confirmed a separate application will be submitted to regularise this position.

## **7. THE PROPOSAL**

Permission is sought for the installation of full height rear extract duct together with screening and associated fan and the installation of 4 air conditioning units and a refrigeration chiller unit within an acoustic enclosure at rear 1<sup>st</sup> floor flat roof area.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

Not applicable

### **8.2 Townscape and Design**

The application site is unlisted but is located in and makes a positive contribution to the character and appearance of the Mayfair Conservation Area.

Historically there have been a number of exposed air conditioning units on the 1<sup>st</sup> floor flat roof area. As already stated permission was granted for a full height rear steel extract duct and plant enclosure on a rear 1<sup>st</sup> floor flat roof in 2012. This establishes the principle of a high level duct and a plant enclosure at the rear of the premises. The current application seeks to clad the duct in GRP brickwork cladding to reduce its visual impact. In addition, rather than a curved horizontal termination (as previously installed) the duct terminates vertically, helping to further reduce its visual impact.

An objection has been received that the plant will be visible from residential properties. The duct and plant is located in an enclosed area to the rear which is not visible from any public viewpoints. In view of the enclosed nature of the site and mixed character of the area given that the provision of a duct and plant has previously been permitted on the rear

of the building the proposed works are again considered acceptable in design terms. Screening both the duct and plant is a welcome improvement on the previous position.

### **8.3 Residential Amenity (Daylight/ Sunlight Sense of Enclosure)**

The upper floors of No. 12 Woodstock are in use as three residential use and split into three lateral flats. The rear elevation of this building has a flank wall projecting beyond the rear elevation of the application building. The proposed works would therefore have no impact on this property.

The duct and cladding will be located in close proximity to windows of flats on the upper floors of the application premises. However given the size and position of the duct and cladding it is not considered that the bulk and mass would not result in a material loss of light or increased sense of enclosure to the rear aspect of the upper floor flats. existing flats .

### **8.4 Transportation/Parking**

The application raises no transportation or parking issues.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

### **8.6 Access**

Access to the public house and the residential flats will remain unchanged.

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

Plant

The area has been assessed as being in an area in which existing ambient noise levels are above WHO Guideline levels.

The wall mounted chiller unit has in the past resulted in nuisance through noise vibration and the City Council has previously issued an abatement notice to prevent nuisance from the structural transmission. The Council's Noise Team have subsequently advised that repositioning of the chiller refrigeration unit has overcome the concerns.

The current proposal is that all the plant would be enclosed in an acoustic enclosure. An acoustic report has been submitted and Environmental Health have confirmed that the plant is likely to comply with the Council's noise standards over a 24 hour period. The applicant has confirmed that the kitchen operation times are 11:00- 22:00 Monday to Saturdays and 12:00-22:00 on Sundays. Environmental Health recommend a condition requiring the kitchen extract duct to be switched off generally 1 hour after kitchen service.



Due to the history of the site, it is recommended that an additional condition is imposed requiring a supplementary noise survey (post commissioning survey) to be undertaken after the noise attenuation works are completed to ensure that all plant is operating within the specified criteria..

#### Odour

An objection has been received that the termination of the duct would result in odours. Environmental Health are satisfied that the extract duct termination point is 1 metre above the eaves and therefore should provide sufficient dispersion of cooking odours

#### London Plan

This application raises no strategic issues.

### 8.8 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.

### 8.9 Planning Obligations

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

The application does not attract CIL payment.

### 8.10 Environmental Impact Assessment

The application is not of a size to require an Environmental Impact Assessment.

## 9. BACKGROUND PAPERS

1. Application form
2. Response from Residents Society Of Mayfair & St. James's, dated 4 May 2016
3. Response from Environmental Health, dated 1 September 2016
4. Letter from occupier of Lewis (Ayr) Limited, Chelsea House, dated 25 April 2016
5. Letter from occupier of 12 Woodstock Street, Flat 2, dated 11 May 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)

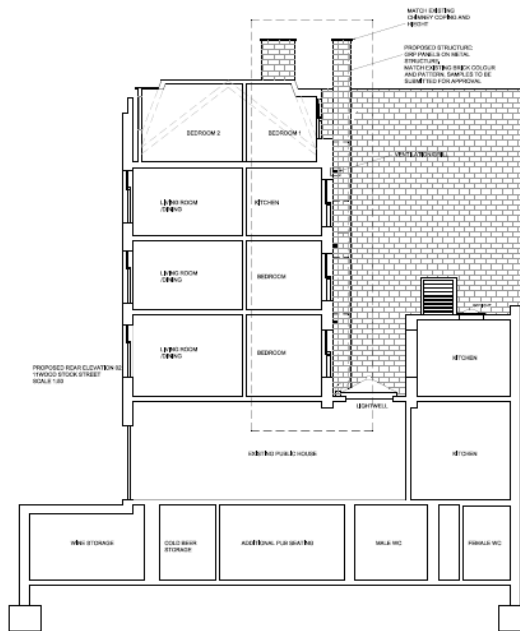
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT [mwalton@westminster.gov.uk](mailto:mwalton@westminster.gov.uk)

**10. KEY DRAWINGS**

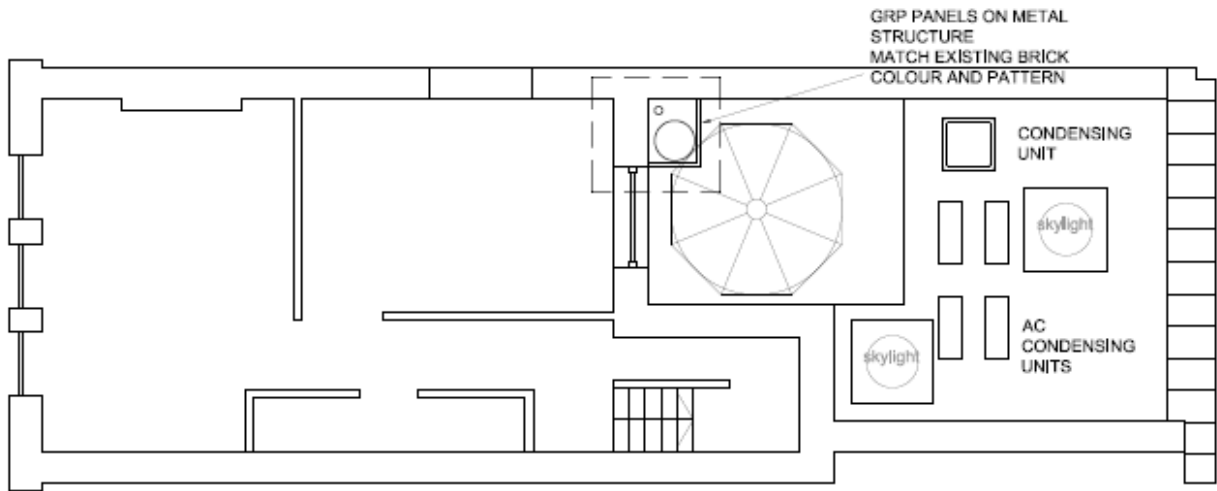
Drawing 1. Proposed rear elevation showing GRP cladding and high level duct without cladding



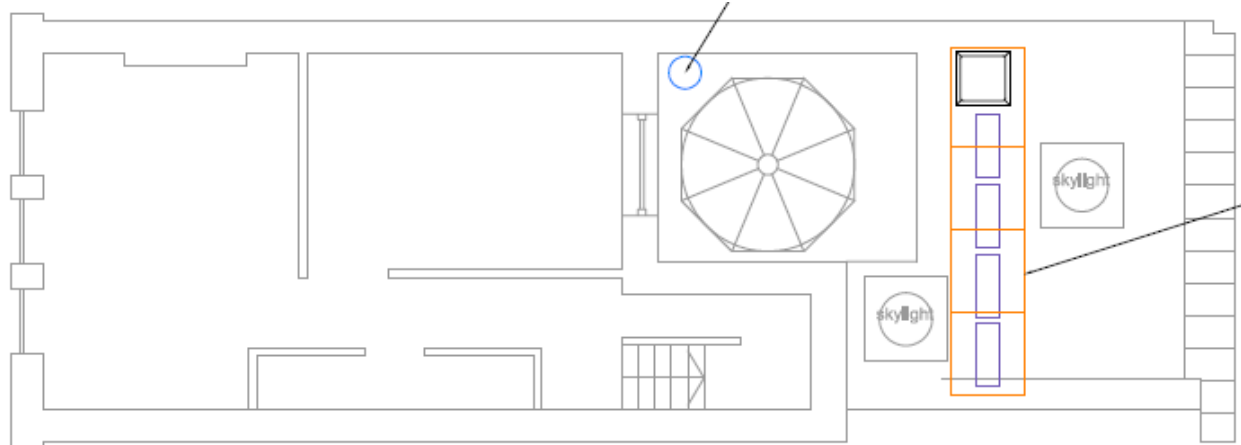
Drawing 2. Proposed section



Drawing 3. Proposed layout plan of lightwell with GRP cladding



Drawing 4. Proposed layout plans showing high level duct without GRP cladding and with acoustic enclosure to A/C units.



**DRAFT DECISION LETTER**

**Address:** 11 Woodstock Street, London, W1C 2AE,

**Proposal:** Installation of full height extract duct together with screening and associated fan; retention of one refrigeration condenser within an acoustic enclosure (permitted under 12/10514/FULL). (Part Retrospective).

**Reference:** 16/02908/FULL

**Plan Nos:** MAY2686/1A, MAY2686/4A, REV (00).

**Case Officer:** Lindsay Jenkins

**Direct Tel. No.** 020 7641 5707

**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 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
  - o between 08.00 and 18.00 Monday to Friday;
  - o between 08.00 and 13.00 on Saturday; and
  - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

**Reason:**

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless

and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 4 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater

than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 5 The kitchen extract plant hereby permitted shall not be operated except between 11:00 hours and 23:00 hours the following day.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 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 the plant/ machinery complies with the noise criteria set out in conditions 3, 4 and 5 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 (July 2016), by contributing to reducing excessive ambient noise levels.

- 7 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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 You must not operate the full height kitchen extract duct until the high level duct has been installed and enclosed in the GRP cladding as shown on Drawing No. Rev (00) and submitted to Westminster City Council on 10th August 2016.

**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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 9 You must put up the acoustic enclosure shown on the approved drawings before you use the 4 air conditioning units and refrigeration chiller unit. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

**Reason:**

To protect the environment of people in neighbouring properties and the appearance of the site. This is in line with S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7, DES 5 and DES 6 of our Unitary Development Plan that we adopted in January 2007. (R13CC)

**Informative(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.

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**Reason:**

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(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.

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- (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 (July 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.



- 4 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 5 The kitchen extract plant hereby permitted shall not be operated except between 11:00 hours and 23:00 hours the following day.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 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 the plant/ machinery complies with the noise criteria set out in conditions 3, 4 and 5 of this permission.

Reason:

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- 7 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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.  
(R26BE)

- 8 You must not operate the full height kitchen extract duct until the high level duct has been installed

and enclosed in the GRP cladding as shown on Drawing No. Rev (00) and submitted to Westminster City Council on 10th August 2016.

**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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) 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 (July 2016), 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 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
  - \* Window cleaning - where possible, install windows that can be cleaned safely from within the building.
  - \* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
  - \* Lighting - ensure luminaires can be safely accessed for replacement.
  - \* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/falls/index.htm](http://www.hse.gov.uk/falls/index.htm).

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)
- 3 Conditions 3 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 advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

- 5 You are reminded that the installations should be installed with the acoustic mitigation measures as set out within the Clarke Saunders Acoustic report AS8794.160307.PR dated 11 March 2016.
  
- 6 You are reminded that the extraction system should be regularly maintained and cleaned as recommended by the manufacturer's details.

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.