

CITY OF WESTMINSTER			
PLANNING SUB APPLICATIONS COMMITTEE	Date 23 May 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	67 - 68 Beak Street, London, W1F 9SW		
Proposal	Variation of Condition 1 of planning permission dated 02 November 2016 (RN 16/07596/FULL) for, ' <i>Erection of infill extension over ground to third floor levels to house new lift shaft and stairwell with access door and steps from proposed staircase to first floor flat roof (for maintenance access only), demolition of existing yard building and replace with a new building of the same scale and material, installation of glazed roof over existing courtyard, erection of railings around third floor flat roof to facilitate use as terrace and demolition of stair housing at third floor level, all to extend and alter office building (Class B1)</i> '; NAMELY, to reduce the size of the third floor plant enclosure and to install acoustic lining to the inside of the enclosure (part retrospective).		
Agent	Montagu Evans		
On behalf of	LaSalle Investment Management		
Registered Number	17/02544/FULL	Date amended/ completed	27 March 2017
Date Application Received	22 March 2017		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site comprises a four storey terraced property fronting Beak Street, a three storey warehouse building located between the terrace of properties on the north side of Beak Street and Stirling Court to the north, and a two storey hipped roof building linking these two buildings.

None of the buildings are listed but the site is located within the Soho Conservation Area. The site is located within the Core CAZ. The entirety of the site is in use as an office (Class B1).

Stirling Court is located immediately to the north of the application site. This building is in residential use from fifth to tenth (top) floors. Permission was granted on 29 April 2016 for, *inter alia*, the use of part of the fourth floors as two flats. This permission is currently being implemented. The remainder of the fourth floor is in use as offices and a caretaker's flat. The lower floors are in commercial use.

Immediately to the south are a number of residential flats on the upper floors of properties facing Beak Street.

The application proposes to make a 'minor material amendment' to the permission granted on 2 November 2016 which permitted various alterations to this office building including the erection of an infill extension over ground to third floor levels to house a new lift shaft and stairwell, installation of glazed roof over existing courtyard, erection of railings around eastern third floor flat roof to facilitate use as terrace and demolition of stair housing at third floor level. The minor material amendment sought is to reduce the length of the plant enclosure at third floor roof level by 3.6m, to install replacement plant and to clad the inside of the enclosure in acoustic lining in order to mitigate the plant noise. The plant enclosure has already been reduced in size and the plant installed. As such, the application is partially retrospective.

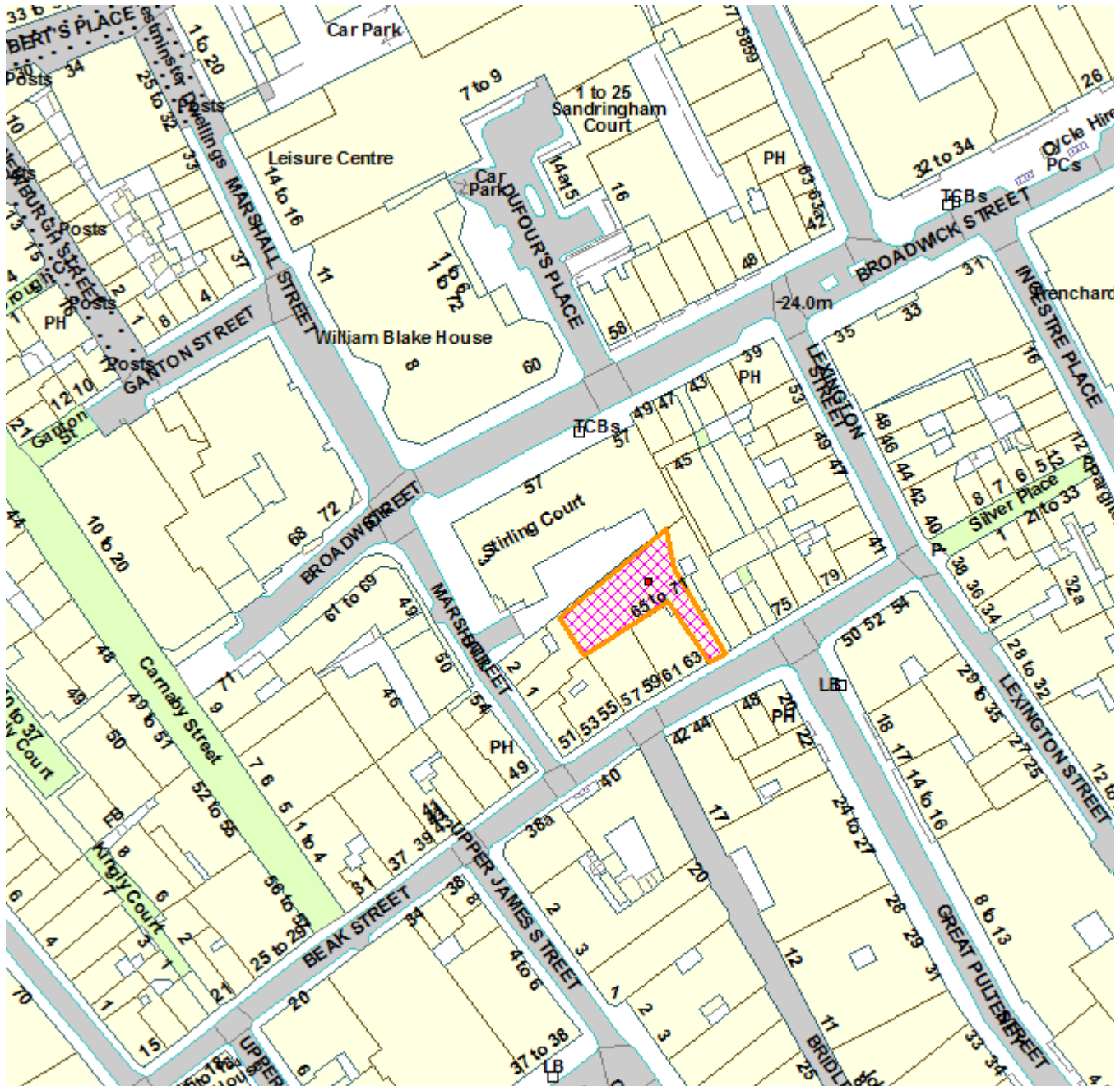
The existing enclosure is a lawful structure and can be retained on site without the need for planning permission. In visual terms, the proposed reduction in its length will improve the appearance of the enclosure when viewed from private vantage points, enhancing the character and appearance of the Soho Conservation Area.

Noise from plant within the enclosure has long been the source of complaints by neighbouring residents and has been the subject to enforcement investigations since June 2013. This is because the enclosure around the plant is not an acoustic enclosure and additional plant was installed within the enclosure, in breach of a condition imposed when the enclosure was first granted permission.

The applicant has submitted an acoustic report assessing the noise impact of the proposed plant on the nearest noise sensitive receptor (immediately to the west at Nos. 1-2 Marshall Street). This report has been reviewed by Environmental Health who advise that, subject to conditions requiring the specified acoustic lining being installed, limiting the hours of operation to between 07.00 and 19.00 (Monday to Friday) and restricting the plant that can be installed to that set out in the application, the noise from the proposed plant is likely to comply with the relevant criteria within UDP Policy ENV 7.

Despite the understandable concerns from local residents in respect to noise from the plant, the information provided demonstrates that the plant is unlikely to cause a material loss of amenity for these residents. The application is therefore recommended for conditional approval.

3. LOCATION PLAN



4. PHOTOGRAPHS

Prior to unauthorised works:



Following unauthorised works:



5. CONSULTATIONS

SOHO SOCIETY:

No objection.

ENVIRONMENTAL HEALTH:

No objection subject to appropriate conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 63

Total No. of replies: 4

No. of objections: 3

No. of neutral: 1

No. in support: 0

Neutral comment

- Not objecting to the reduction in the size of the plant enclosure but states that plant noise has been a problem in the past and therefore requests that conditions are imposed limiting the plant's operation and requesting a start time later than 07.00.

Objections

- Requests a start time of 08.00 not the 07.00 as proposed.
- Requests that the plant does not operate on bank holidays.
- Raises concerns that reducing the size of the enclosure will allow a larger area of flat roof to be used as a terrace which causes overlooking concerns.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. RECENT RELEVANT HISTORY

Permission was granted (Ref: 96/00466/FULL) on March 1996 for the refurbishment of the existing buildings and the installation of rooftop plant and enclosure. Condition 7 on this permission stated that no mechanical plant, ductwork, tanks, satellite or radio antennae or other structures shall be located on the roof other than those shown on the drawings hereby approved. The plant approved as part of this application included two chiller units, a pump, an air handling unit and two extractor ducts.

Permission was refused (Ref: 09/00506/FULL) on 9 April 2009 for the installation of an emergency back-up generator set into the existing plant enclosure on the ground that it would have a detrimental impact on neighbouring residential amenity in terms of noise. As part of this application a photograph was submitted that showed that the approved enclosure had been cleared of all plant and was empty. Any plant added after this point would therefore represent a breach of Condition 7 of the 1996 permission, and this is the case for the existing plant (which has been the subject of enforcement investigations since June 2013).

Permission (Ref: 14/03919/FULL) was granted on 3 March 2015 for the retention of eight air conditioning units at main roof level and alterations to reduce the size of the existing

enclosure by removing a western part of the enclosure. This permission has not been implemented.

Permission (Ref: 14/05685/FULL) was granted on 2 June 2015 for the erection of an infill extension over ground to third floor levels to house a new lift shaft and stairwell, installation of glazed roof over existing courtyard, erection of railings around eastern third floor flat roof to facilitate use as terrace and demolition of stair housing at third floor level, all to extend and alter office building (Class B1).

Applications (Refs: 16/02629/FULL and 16/07596/FULL) to make 'minor material amendments' to the above approved development were approved on 12 July 2016 and 2 November 2016, respectively:

- To entirely remove the existing yard building and replace with a new building of the same scale and material;
- Addition of an access door and steps from proposed staircase to first floor flat roof (conditioned for maintenance access only).
- To increase the height of the approved staircore by approximately 1.0m.

7. BACKGROUND PAPERS

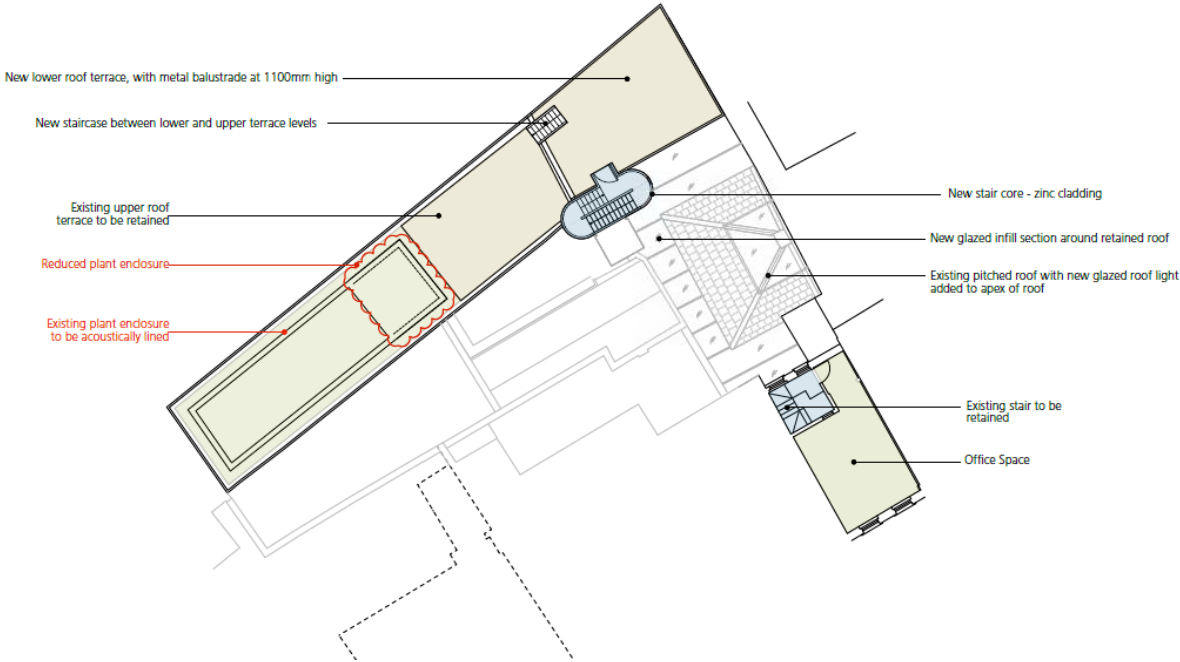
1. Application form
2. Response from Soho Society, dated 14 April 2017
3. Response from Environmental Health, dated 7 April 2017
4. Letter from occupier of Stirling Court, Marshall Street, dated 19 April 2017
5. Letter from occupier of 65c Beak Street, London, dated 24 April 2017
6. Letter from occupier of 61-63 Beak Street, Flat 1, dated 22 April 2017
7. Letter from occupier of Flat 3, 61-63 Beak Street, London, dated 19 April 2017

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

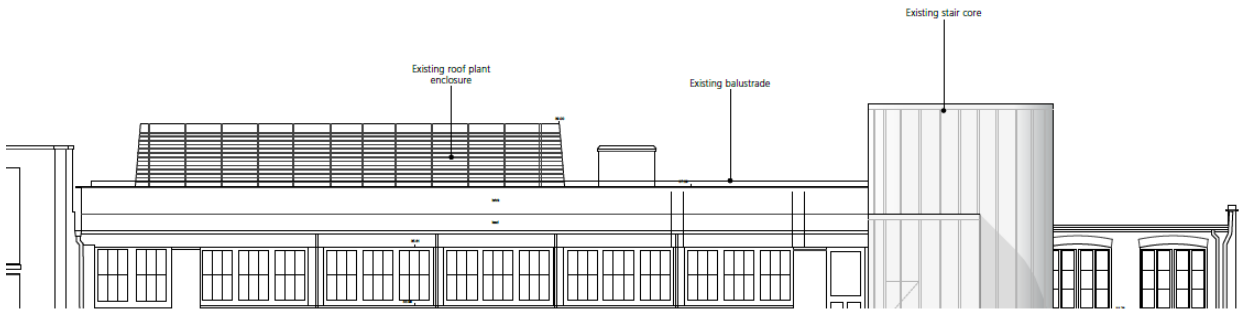
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT MHOLLINGTON2@WESTMINSTER.GOV.UK

8. KEY DRAWINGS

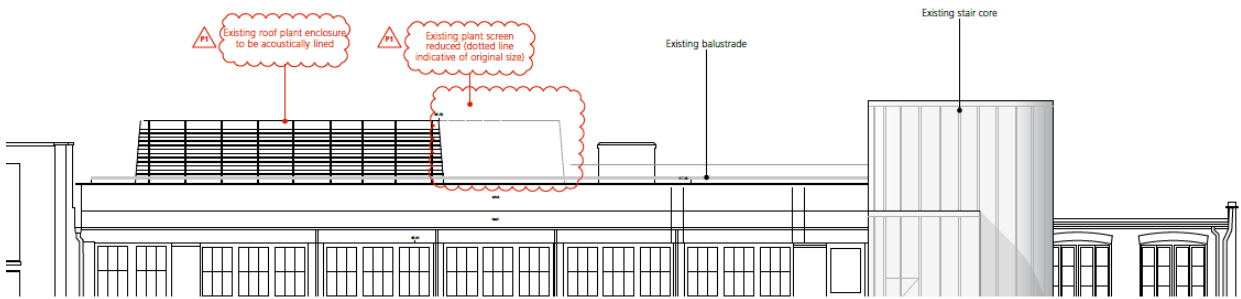
Proposed third floor plan:



Existing and proposed south elevation:



1 Existing Terrace/Plant Elevation - South
PL_S11



DRAFT DECISION LETTER

Address: 67 - 68 Beak Street, London, W1F 9SW,

Proposal: Variation of Condition 1 of planning permission dated 02 November 2016 (RN 16/07596/FULL) for, 'Erection of infill extension over ground to third floor levels to house new lift shaft and stairwell with access door and steps from proposed staircase to first floor flat roof (for maintenance access only), demolition of existing yard building and replace with a new building of the same scale and material, installation of glazed roof over existing courtyard, erection of railings around third floor flat roof to facilitate use as terrace and demolition of stair housing at third floor level, all to extend and alter office building (Class B1)'; NAMELY, to reduce the size of the third floor plant enclosure and to install acoustic lining to the inside of the enclosure.

Reference: 17/02544/FULL

Plan Nos: 17/02544/FULL
804_PL_S10 Rev. P2, 804_PL_S11 Rev. P1 and 804_PL_3.2 Rev. PL1.
Environmental Noise Survey and Plant Assessment (dated 20 March 2017)

16/07596/FULL
804_PL_S1 Rev. PL6 and 804_PL_S3 Rev. PL6.

16/02629/FULL
804_PL_0.1 Rev. PL5, 804_PL_1.1 Rev. PL4, 804_PL_2.1 Rev. PL4, 804_PL_S.3
Rev. PL5 and 804_PL_PE-01 Rev. PL1.

14/05685/FULL
804_PL_B.1 Rev. PL3, 0.1 Rev. PL4, 1.1 Rev. PL3, 2.1 Rev. PL3, 3.1 Rev. PL3, 4.1
Rev. PL3, S1 Rev. PL4, S2 Rev. PL4 and S3 Rev. PL4.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

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 occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) 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 Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

- 4 No access for any persons to the 'new lower roof terrace' at third floor level shown on approved drawing 804_PL_3.1 Rev. PL3 hereby approved shall be permitted outside the following hours:
- 09.00 to 19.00 (Monday - Friday).

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 (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 5 The second floor roof accessed by the approved access door and steps shall only be used for maintenance and to escape the building in an emergency.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 6 This permission must be commenced no later than 1 June 2018

Reason:

This permission authorises amendments to the original planning permission granted on 2 June 2015 (RN 14/05685/FULL) which must be commenced no later than the above date.

- 7
- (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 (November 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.

- 8 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.

- 9 The plant/machinery hereby permitted shall not be operated except between 07.00 hours and 19.00 hours (Monday to Friday).

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 (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 10 Only the equipment set out in Tables 6 and 7 of the Environmental Noise Survey and Plant Assessment (dated 20 March 2017) shall be installed within the modified plant enclosure hereby approved.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 11 Within two months of this permission, the inside face of the plant enclosure shall be lined with an acoustic panel, as specified within Appendix 3 of the Environmental Noise Survey and Plant Assessment (dated 20 March 2017). This acoustic panel shall be retained in situ for as long as any machinery is located within the enclosure.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

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 (November 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 Conditions 7, 9, 10 and 11 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.