

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 3 July 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	23 Meard Street, London, W1F 0EL		
Proposal	Installation of two air conditioning units at rear first floor flat roof level, installation of acoustic screens around the units.		
Agent	Lipton Plant Architects		
On behalf of	Consulco		
Registered Number	17/10699/FULL	Date amended/ completed	14 December 2017
Date Application Received	1 December 2017		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site relates to an unlisted building situated within the Soho Conservation Area. Until recently this building was linked, on all floor levels to No. 21 Meard Street, a Grade II* listed building. The buildings have been separated.

Throughout the course of this application there have been a number of amendments to address concerns raised by officers and members of the public. Permission was originally sought for the installation of three air conditioning units within the rear lightwell and four air conditioning units on the flat roof (seven in total). The application has been amended to seek permission for two air conditioning units at first floor level, plus the installation of acoustic screens to the side of the units.

The key issues for consideration are:

- The impact of the proposals upon the amenity of neighbouring residents;
- The impact of the works upon both the character and appearance of the conservation area and adjacent listed buildings.

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The proposal is considered to be acceptable in design and conservation terms and, subject to conditions, the proposal is also considered acceptable in amenity terms, complying with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan).

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

SOHO SOCIETY:

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 35

Total No. of replies: 12

No. of objections: 12 objections received on all or some of the following grounds:

Amenity

- the acoustic report identifies 72 Wardour Street as the nearest residential property, 21 Meard Street is in-fact the closest;
- increased noise and vibration concerns.

Design/Listed Building

- impact on listed building
- visual impact of the proposed units

Other

- loss of property value
- the impact of the proposed retail use and the air conditioning units will cause additional noise nuisance

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

23 Meard Street is unlisted building located within the Soho Conservation Area. The building comprises basement, ground and three upper floors. The basement and ground floors are currently undergoing works to connect extend the existing retail unit at No.74 Wardour Street. The upper floors are in use as offices.

6.2 Recent Relevant History

23 Meard Street

Permission was granted on the 3 October 2017 for the change of use of the basement and ground floors of 23 Meard Street to retail use in association with the existing retail at 74 Wardour Street, with internal openings proposed at basement and ground floor levels between the two properties. (17/06840/FULL).

At the time of writing, there is a pending application (reported to Planning Applications Sub Committee on 26 June 2018) for the use of the ground and basement floors as a retail unit (Class A1) and installation of a new shopfront with entrance door.

21-23 Meard Street

Permission was granted on 13 March 2012 allowing the change of use of No.21 to a single family dwelling and No. 23 to one two bedroom flat on the lower ground and ground floor levels and a three bedroom flat on the first to third floor levels. (12/00379/FULL). Not implemented.

21 Meard Street

Permission was granted on 29 June 2017 allowing the change of use at No. 21 from the current lawful office use (Class B1) to a single family dwelling (Class C3) with associated internal alterations (17/04261/FULL). Not implemented.

The use of the upper floors of No. 23 remains as an office (Class B1).

7. THE PROPOSAL

Permission is sought for the installation of two air conditioning units at rear first floor flat roof level. The proposal also includes the installation of an acoustic screen around the units. The proposed units will serve the existing office floorspace.

The application has been amended during the course of its consideration to reduce the number of air conditioning units from seven to two, and to install acoustic screens around the units. No further neighbour consultation has been carried out.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal does not raise any land use implications.

8.2 Townscape and Design

No. 23 Meard Street is not a listed building but it is adjacent to a grade 2 listed building to the west and a terrace of grade 2 starred listed buildings to the east. It is within the Soho Conservation Area.

The proposed plant at the rear will be adjacent to the party wall with no. 21 which is a grade 2 starred listed building. The plant will be screened by a louvred enclosure. If planning permission is to be granted it should be conditioned that details of the enclosure are submitted for approval and that the screen shall be finished and maintained in a mid-grey colour. It is considered that this is an acceptable proposal, which will conceal the air conditioning condenser units, minimising their visual impact.

Objections refer to an unacceptable impact of the listed buildings and conservation area but it is considered that the proposal will not harm the setting of the adjacent listed buildings or harm the character and appearance of the Soho Conservation Area. It complies with the City Council's urban design and conservation policies including S25 and S28 of the City Plan and policies DES1, DES5, DES9 and DES10 of the Unitary Development Plan.

8.3 Residential Amenity

Twelve objections have been received on the grounds that; seven air conditioning units is excessive; the acoustic report is incorrect and identifies No.72 Wardour Street as the nearest noise sensitive property rather than No. 21 Meard Street and the increased noise and vibration from the proposed air conditioning units.

As previously mentioned, the proposal has been amended since its original submission to reduce the number of units from seven to two, plus the installation of acoustic screens around the units. An updated acoustic report has also been submitted, which takes into account the reduced number of units, and potential residential windows at No.21 Meard Street (which has a residential consent, but not implemented). The neighbours have not been consulted on the revised scheme.

The noise report correctly identifies the windows within No. 72 Wardour Street as the closest noise-sensitive windows, which are approximately 3 metres away. The potential residential windows within No.21 Meard Street are approximately 6 metres away. The objections on the grounds that the acoustic report is incorrect are therefore not considered sustainable to justify a reason for refusal.

Environmental Health have assessed the revised acoustic report and have no objection to the proposal and state that the air conditioning units are likely to comply with the City Council's standard noise conditions, provided that the acoustic screen is installed prior to operation of the air conditioning units, and the hours are limited to 07.00-23.00. Therefore the objections to increased noise and vibration are not considered sustainable to justify a reason for refusal.

8.4 Transportation/Parking

This application does not raise any highways concerns.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Not applicable

8.7 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 proposal is not CIL liable.

8.10 Environmental Impact Assessment

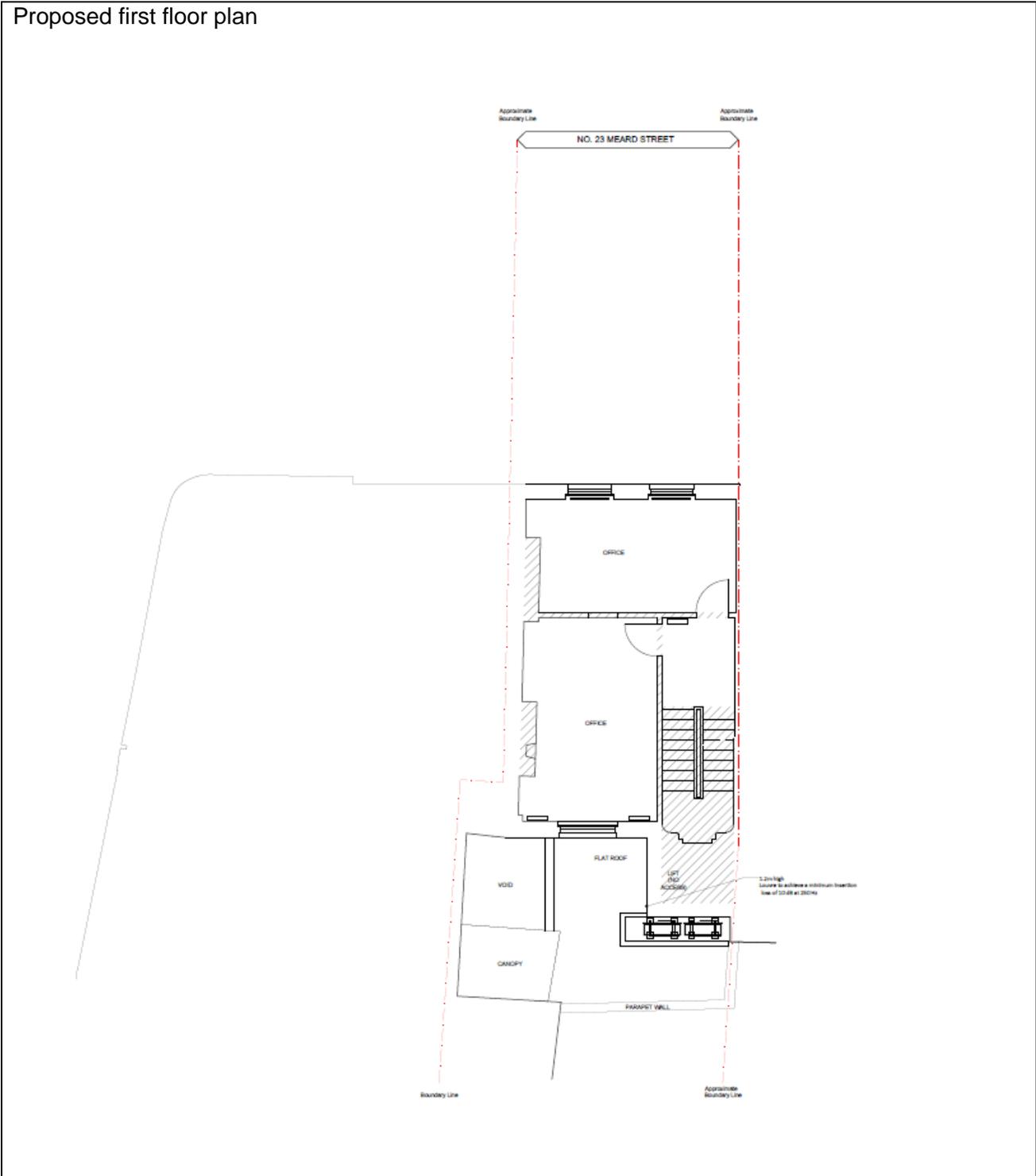
The scheme is of insufficient scale to require an Environmental Impact Assessment.

8.11 Other Issues

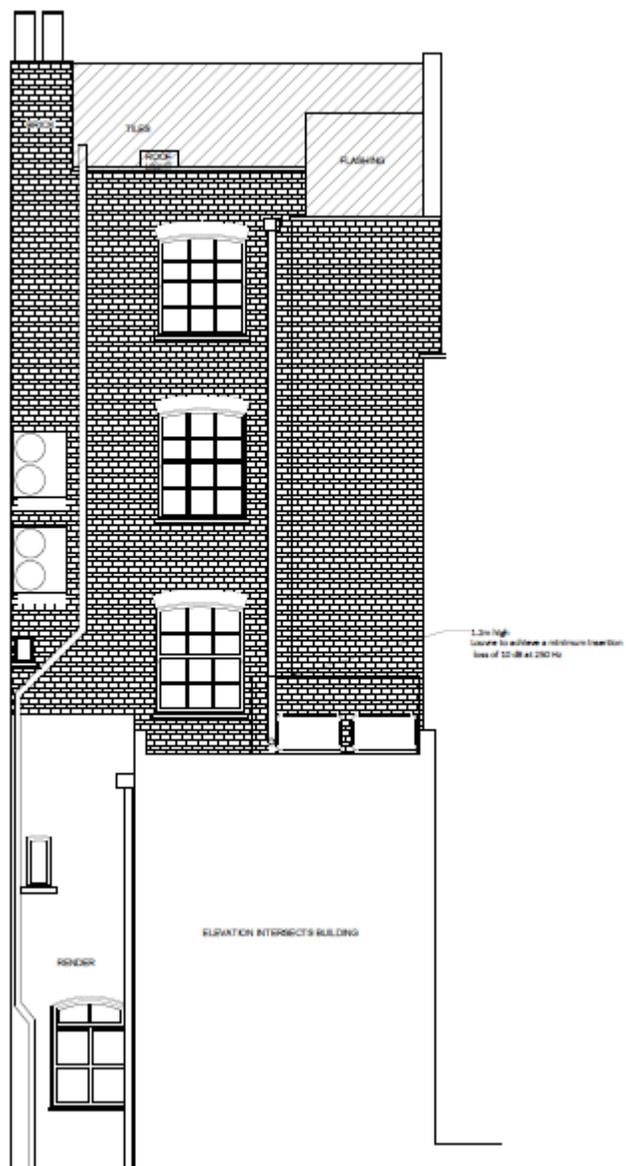
Objections have been received to the loss of property value as a result of the proposal. This is not a planning consideration and planning permission could not be withheld on these grounds. Objections also mention the pending application for retail use at ground floor level, as this is being considered under a separate application, this objection is not justified.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk

9. KEY DRAWINGS



Proposed rear elevation



DRAFT DECISION LETTER

Address: 23 Meard Street, London, W1F 0EL

Proposal: Installation of two air conditioning units at rear first floor flat roof level, installation of acoustic screens around the units.

Reference: 17/10699/FULL

Plan Nos: 474.(1).0.302 REV C, 474.(1).0.206 REV C, 23 Meard Street Noise Impact Assessment 05062018

Case Officer: Shaun Retzback

Direct Tel. No. 020 7641 6027

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 (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 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) A schedule of all plant and equipment that formed part of this application;, (b) Locations of the plant and machinery and

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

Reason:

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

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

Reason:

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

- 6 The plant/machinery hereby permitted shall not be operated except between 07:00 hours and 23:00 hours daily.

- 7 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 the living conditions of people who may use the property in future as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13DC)

- 8 The acoustic screen must be painted lead grey colour. You must then maintain it in this colour for as long as the screen remains in place.

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)

- 9 You must apply to us for approval of detailed drawings of the following parts of the development - acoustic screen. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the 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)

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 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., , 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 4, 6 and 7 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 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following: * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible; * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the

materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant. Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to noncompliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 6 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974

24 Hour Noise Team,
Environmental Health Service,
Westminster City Hall,
64 Victoria Street,
London,
SW1E 6QP
Phone: 020 7641 2000, ,

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval.
(I50AA)

- 7 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained., Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following: , * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings; , * Stairs have appropriately

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highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;; * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;; * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;; * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

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.