

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 29 January 2019	Classification For General Release	
Report of Director of Growth, Planning and Housing		Ward(s) involved Vincent Square	
Subject of Report	77 and 79 Ashley Gardens, Thirleby Road, SW1		
Proposal	<u>Application 1:</u> Installation of an air condenser unit located on the central section of the roof within a roof pocket of the enclosed communal stairwell with associated service runs adjacent to existing pipework on the external face of the internal lightwell to 77 Ashley Gardens <u>Application 2:</u> Installation of an air condenser unit located on the central section of the roof within a roof pocket of the enclosed communal stairwell with associated service runs adjacent to existing pipework on the external face of the internal lightwell to 79 Ashley Gardens		
Agent	Miss Jessica Klein		
On behalf of	Mr Yaser Bin Mahfouz and Mr Sheikh Abdelalah Bin Mahfouz		
Registered Numbers	18/01433/FULL and 18/01434/FULL	Date amended/ completed	15 November 2018
Date Application Received	19 February 2018		
Historic Building Grade	Unlisted		
Conservation Area	Westminster Cathedral		

1. RECOMMENDATION

<u>Application 1</u> Grant conditional permission <u>Application 2</u> Grant conditional permission
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2. SUMMARY

71-83 Ashley Gardens is an unlisted mansion block on Thirleby Road. The applications relate to Flat 77 located on the third floor and Flat 79 located on the fourth floor. The building is located within the Westminster Cathedral Conservation Area and identified as an unlisted building of merit within the
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conservation area audit.

71-83 Ashley Gardens has a flat roof and there is access onto the roof via an internal communal stairwell and an external staircase enclosure at roof level. At roof level there are three roof terraces which provide amenity space for Flats 83A, 83B and 83C. The mansion block has a deep central internal lightwell to provide light and ventilation to rooms that face onto the lightwell.

Planning permission is sought for the installation of two air conditioning units (one each for Flat 77 and Flat 79) at main roof level. The units are to be housed within an existing communal stairwell enclosure. Modifications to the stairwell enclosure are proposed including the removal of the existing stairwell roof to ensure that the units have adequate ventilation. The proposal also includes associated service runs adjacent to existing pipework on the external face of the internal lightwell to the mansion block.

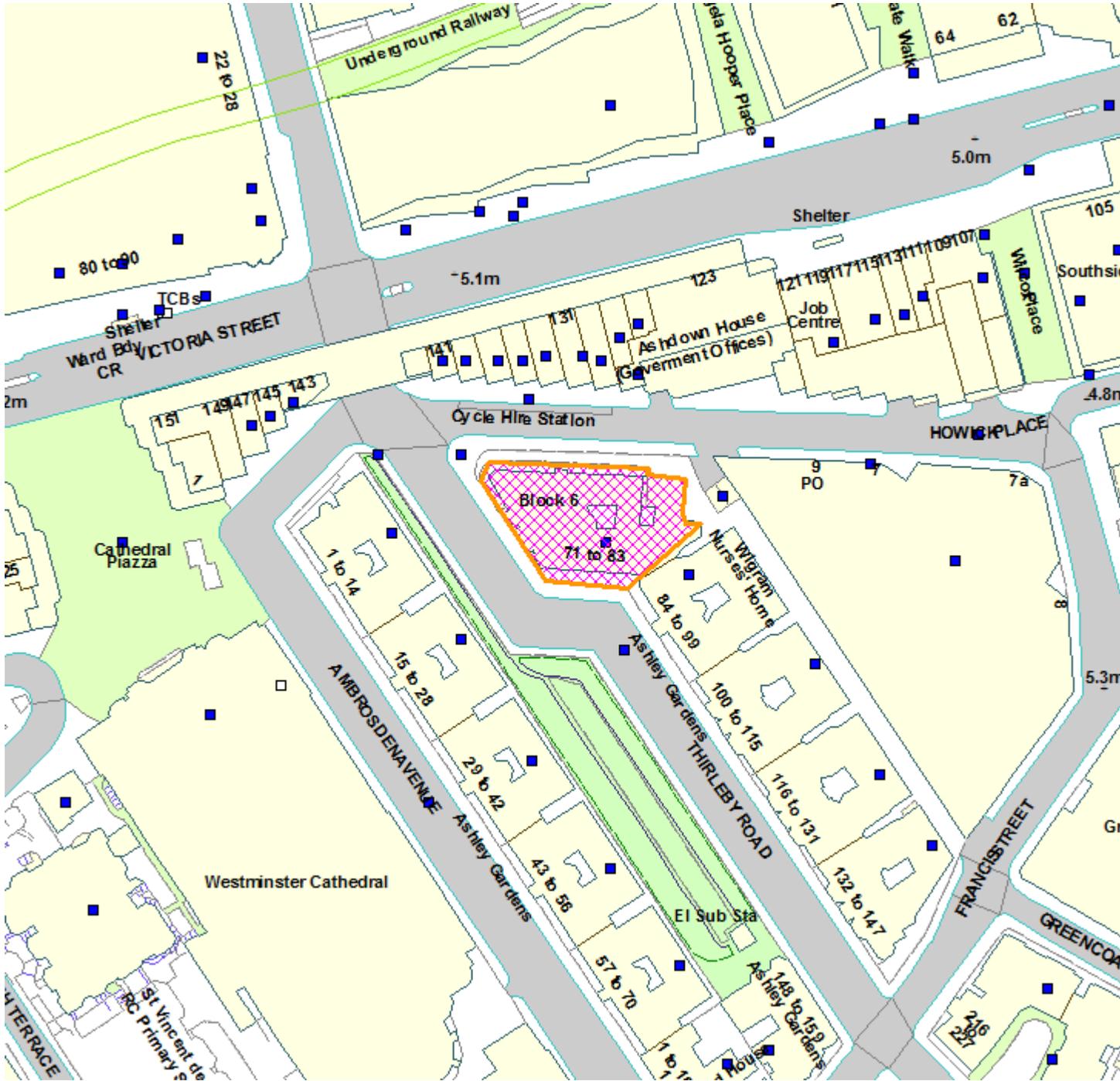
The key issues in this case are:

- The impact on the character and appearance of the Westminster Cathedral Conservation Area
- The impact on the amenity of neighbouring residents

Significant objections to the air conditioning units have been received from other residents within the mansion block. The residents are primarily concerned about the impact of noise and vibration from the condenser units and they have employed an acoustic consultant to carry out an environmental noise survey on their behalf. Environmental Health has used the objector's background noise survey to assess the impact on flats within 71-83 Ashley Gardens and raise no objections to the application subject to the imposition of appropriate conditions.

The residents have also raised concerns that the submitted plans and information are inaccurate and that the proposal will have a detrimental impact on the Westminster Cathedral Conservation Area. The works required to enclose the condenser units within the existing stairwell are minimal. Following a full measured site survey, the applicant has submitted amended drawings and a further acoustic report. For the reasons set out in the main report, the proposals are considered to comply with the City Council's policies set out in the Unitary Development Plan (UDP) and the City Plan and are accordingly recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

ENVIRONMENTAL HEALTH:

No objection subject to conditions.

WESTMINSTER SOCIETY:

No objection.

THE CATHEDRAL AREA RESIDENTS GROUP (CARG)

Objected to the previous applications for air conditioning units on the grounds that the plant would be incompatible with the Victorian and early Edwardian residential buildings and that this scheme would result in a proliferation of this type of equipment which would harm the heritage environment. Details of the locations of the proposed units are unclear and; the new position of the units is likely to result in disturbance to neighbours in particular during warm nights when windows are open.

ASHLEY GARDENS RESIDENTS ASSOCIATION (AGRA)

There is an extant permission granted subject to conditions, to ensure that the air conditioning units do not cause disturbance to neighbours and question the need for this type of equipment on heritage buildings in a conservation area. The impact of both applications should be considered together as it is clear that in each case the equipment may operate on a full-time basis. The air condensing units would be used on warmer nights and would impact on open habitable room windows and would interrupt the quiet nature of the residential area. Concerns raised about neighbour consultation.

VICTORIA NEIGHBOURHOOD FORUM:

Any response received to be reported verbally by officers.

ADJOINING OWNERS/OCCUPIERS

No. consulted on both applications: 39

Multiple letters of objection received from Flats 83A, 83B and 83C Ashley Gardens (who have windows onto the internal lightwell) with 5 additional letters of objection from other addresses. Objections to both applications on all or some of the following grounds:

Amenity:

- Noise nuisance and vibration to top floor flats and particularly the bedroom windows and doors of Flats 83a, 83b and 83c;
- Harmful to the enjoyment of rooftop gardens;
- There is no acoustic information for the lightwell which is exceptionally quiet
- The condensing units should be re-sited to a more sensible location

Other:

- Drawings are inaccurate and the available space for the 'pockets' is incorrect;
- The current applications are unnecessary as there are extant permissions for air conditioning units on an area of the roof that is very well insulated and designated for maintenance and was not objected to by residents;
- Acoustic report commissioned by the residents contradicts the existing background noise levels in the applicant's acoustic report;

- Question the wisdom of installing plant in the headroom above the stairwell; ensuring adequate ventilation, without blocking or impeding the escape in an emergency

RECONSULTATION 1 – residents were re-consulted following the receipt of the applicant's an amended acoustic report on 8 May 2018. The following additional comments received:

AMENITY:

- Noise impact on bedroom windows which would be open in the warmer months is underestimated and inaccurate;
- Unneighbourly;
- Loss of natural light to communal hallway and window in the front door to flat 83b;

OTHER:

- Revised acoustic report is misleading and inaccurate
- There are no scaled plans which accurately demonstrate how much space is needed for the air-conditioning units and the proximity of the equipment to nearest windows and bedrooms
- The open roof to the 'pockets' means that drainage holes into the light-well would be required – increasing the potential for noise transfer close to bedrooms

RECONSULTATION 2 – residents were re-consulted following receipt of a full measured site survey and updated acoustic report on 26 September 2018. The following additional comments were received:

AMENITY:

- Adverse impact of electro-mechanical equipment in close proximity to bedroom windows of Flat 83C;
- The condenser units would be positioned 1m away from the nearest roof garden;
- Concerns about noise and vibration disturbance to open windows re-iterated

OTHER:

- Acoustic report is disingenuous, cynical and inaccurate;
- Drawings do not appear to be to scale and the dimensions of the proposed 'pockets' have not been shown;
- Questionable whether the roof-pocket is large enough to house two condensers;

RECONSULTATION 3 – residents were re-consulted following the receipt of updated drawings removing 'DO NOT SCALE' annotations and dimensions added on 28 November 2018. The following additional comments were received:

- There should be a system which prohibits the applicant from re-submitting an application after a number of refusals as this would prevent repeated applications saving time and money for everyone;
- No plans/drawings/measurements which demonstrate how much space would be needed in the roof pockets
- Revised acoustic report admits that the final output cannot be predicted and;

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

71 to 83 Ashley Gardens is an unlisted mansion block on Thirleby Road. The current applications relate to Flat 77 on the third floor and Flat 79 on the fourth floor. The building is located within the Westminster Cathedral Conservation Area and is identified as an unlisted building of merit within the Conservation Area Audit.

71 to 83 Ashley Gardens has a flat roof and there is access onto the roof via an internal communal stairwell and an external staircase enclosure at roof level. The entrances to Flats 83A, 83B and 83C Ashley Gardens are located adjacent to this communal stairwell. At roof level there are three roof terraces which provide amenity space for Flats 83A, 83B and 83C. The roof terraces are in close proximity to the staircase enclosure. The mansion block has a deep central internal lightwell which provides light and ventilation to rooms that face onto the lightwell.

Recent Relevant History

Permission granted on 10 June 2016 for external alteration of an existing sash window within an internal lightwell at fourth floor level, including acoustic louvres allowing mechanical ventilation plant located internally and replacement of windows and french doors to painted timber framed double glazed units at 77 and 79 Ashley Gardens (16/09964/FULL and 16/03272/FULL)

Permission granted on 27 June 2017 for installation of air conditioning units at roof level with associated acoustic housing, including re-routing of existing services and installation of cabling all permission at 77 and 79 Ashley Gardens (17/03314/FULL and 17/03306/FULL respectively)

Permission granted 1 November 2011 for construction of an extension (to house a toilet) and installation of glass balustrade and timber screens at roof level all in connection with the use of part of the existing flat roof as a terrace for use by Flats 83a, 83b and 83c. This permission was varied on 11 November 2013 to include the installation of planters to the roof of the building in lieu of glass balustrades. The permission has been implemented. (13/07725/FULL and 11/05106/FULL respectively)

7. THE PROPOSAL

Planning permission is sought for the installation of two air condenser units at main roof level. Two separate applications have been submitted each for a single condenser unit. Application 1 is made on behalf of Flat 77 Ashley Gardens (third floor) and Application 2 is made on behalf of Flat 79 Ashley Gardens (fourth floor).

The proposal involves internal alterations to an existing communal stairwell that provides access to the roof to create a pocket enclosure for the condensers. The two units are to be positioned within the new pocket enclosure and the roof above would be removed to allow for ventilation. The units will sit within the existing masonry staircase enclosure and do not project above the height of the existing parapet walls of the enclosure. As such

the units will not be visible. Both applications include associated service runs adjacent to existing pipework on the external face of the internal lightwell of the mansion block. These are required to connect the air condenser units to the flats on third and fourth floors below.

8. DETAILED CONSIDERATIONS

8.1 Land Use

There are no land use implications arising from the proposals.

8.2 Townscape and Design

No 71-83 Ashley Gardens differs from other mansion blocks on Thirleby Road as it comprises seven storeys with a flat roof. The surrounding mansion blocks are eight storeys in height with steeply pitched roofs. The roofline of the application site is characterised by tall chimney stacks, which are visible from street level. A lift motor room and railings for the means of escape are located centrally at roof level and the lift motor room is visible from the upper storeys of adjacent buildings.

The proposed air condenser units would be set within the existing stair enclosure and would be concealed by its parapet. Although there are views of the roof from the upper storeys of the surrounding buildings, the air conditioning units would be concealed from view. Therefore the proposed rooftop plant is not considered to harm the appearance of this building or the visual amenity of the Westminster Cathedral Conservation Area and is therefore considered acceptable in design and conservation area terms. The proposals comply with Chapter 12 of the NPPF, strategic policies S25, and S28 of the Westminster's City Plan, UDP Policies DES 1, DES 5, DES 6, and DES 9 and the supplementary planning documents 'Roofs: A Guide to Alterations and Extensions' and the 'Westminster Cathedral Conservation Area Audit'. A condition is recommended requiring details of the works proposed in the internal lightwell to accommodate service runs associated with the condenser units.

8.3 Residential Amenity (Noise and Vibration)

Impact on Noise Sensitive Receptors

The key issue with these applications is the impact of the air condenser units on residential amenity in terms of noise and vibration. The nearest residential properties with any line of sight to the roof are approximately 33m to the west at 15 to 28 Ashley Gardens and 24m to the east at Wigram House. However there are also residential properties within 71-83 Ashley Gardens that do not have a line of sight of the condenser units that may also be affected. The most potentially affected noise sensitive dwellings within 71-83 Ashley Gardens will be the bedroom of Flat 83C Ashley Gardens located in the lightwell and the window of Flat 83B on the rooftop.

Policy ENV7 of the UDP specifically seeks to control noise from plant, machinery and internal activity. The policy states that where development is proposed, the City Council will require the applicant to demonstrate that this will be designed and operated so that any noise emitted by plant and machinery will achieve the relevant standards depending

on whether the external background noise level does or does not exceed the World Health Organisation (WHO) Guideline levels.

Where the existing external noise level exceeds WHO Guideline levels Policy ENV 7 will require noise from the proposed development to not exceed 10 dB below the minimum external background noise level at the nearest noise sensitive properties.

Where the existing external noise level does not exceed WHO Guideline levels, Policy ENV 7 still requires noise from the proposed development to not exceed 10 dB below the minimum external background noise level at the nearest noise sensitive properties “except where the applicant is able to demonstrate to the City Council that the application of slightly reduced criteria of no more than 5 dB will provide sufficient protection to noise sensitive properties”.

Policy ENV 6 of the UDP seeks to reduce noise levels throughout the City to below maximum levels set out in World Health Organisation guidelines; to limit and contain noise from development; to protect noise sensitive properties from noise disturbance; to protect tranquil areas; and to reduce noise from transport. The policy states that the City Council will:

- 1) require design features and operational measures to minimise and contain noise from developments, to protect noise sensitive properties;
- 2) where developments adjoin other buildings or structures, require applicants to demonstrate that as far as is reasonably practicable developments will be designed and operated to prevent transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties;
- 3) require a noise and vibration assessment report where development or change of use could affect noise sensitive properties;
- 4) require residential developments to provide adequate protection from existing background noise and;
- 5) not permit development that would cause noise disturbance in tranquil areas

The application is accompanied by a Noise Assessment Report dated 20 September 2018 prepared by Sustainable Acoustics. This report states that an environmental noise survey was carried out in April 2017 and November 2017. Existing external noise levels were measured on the roof of the application property above Flat 83b and approximately 3m from the windows in the side of Wigram House. The report concludes that existing background noise levels exceed WHO thresholds of 55, 50 and 45 db during the day, evening and night-time respectively.

Residents of Ashley Gardens raised concerns about the accuracy of the noise survey carried out by the applicant, particularly the measurement locations used. The residents commissioned their own noise assessment to provide an ‘objective assessment’ of the noise implications of the proposed plant. This was carried out by CSG Acoustics in March 2018 at two different locations; one located towards the north of the rooftop above the bay windows of the top floor of Ashley Gardens and the other located in the lightwell of Ashley Gardens at the location of the top floor residential windows.

Environmental Health officers have assessed both the applicant’s and the objector’s noise assessment reports. Environmental Health advise that the results of objector’s

environmental noise survey from CSG Acoustics differs significantly from those measured by the applicant's acoustician. Given that CSG Acoustics measured from a position directly adjacent to one of the nearest noise sensitive receptors below the plant, Environmental Health accept that this is the most representative noise survey with which to assess the proposal against the noise criteria of Policy ENV 7.

CSG measured a lowest background noise level of 39 dB LA90 (15 min) during the daytime and 37 dB LA90 (15 min) overnight. CSG's noise survey therefore established that 71-83 Ashley Gardens is in an area in which existing ambient noise levels are below WHO Guideline Levels (LAeq,16hrs of 55dB daytime (07.00-23.00hrs) and LAeq,8hrs 45dB night time (23.00-07.00hrs)).

As the ambient noise level is below WHO guideline levels, under Policy ENV 7 noise from the proposed development is required to not exceed 10 dB below the minimum external background noise level at the nearest noise sensitive properties except where the applicant is able to demonstrate to the City Council that the application of slightly reduced criteria of no more than 5 dB will provide sufficient protection to noise sensitive properties. Environmental Health are satisfied that the slightly reduced criteria of no more than 5 dB will provide sufficient protection to noise sensitive properties in Ashley Gardens. On this basis, the design level at the nearest noise sensitive receptors is 34 dB LPA during the daytime and 32 dB LPA overnight.

Sustainable Acoustics has assessed the potential noise impact of the two air-conditioning units on Flat 83c which is immediately below the proposed location for the new plant. This receptor is measured to be 5.8m and 6.5 from the separate units. There is not a direct line of sight from the units to the windows to Flat 83c. Full details of the barrier calculation have been provided by Sustainable Acoustics but these have been fully checked by Environmental Health who consider them to be accurate. The two units are therefore predicted to produce a maximum combined sound pressure level of 30 dB LPA at the noise sensitive window to Flat 83c.. On this basis, the proposed plant is likely to comply with Policy ENV 7 and should satisfy the requirements of our standard noise condition for areas below WHO Guidelines. A condition requiring the submission and approval of a Post Commissioning Acoustic Survey is recommended. These calculations do not take into account the fact that the applicant has voluntarily offered to operate the units in setback mode at all times. This is likely to reduce the predicted noise level by around a further 5-6 decibels to around 25 dB LPA which is welcome. It is therefore recommended that our standard noise condition is attached to the draft decision notice together with a condition to require the two units to be operated in setback mode at all times. Given the above the proposal would not have an unacceptable impact on the living conditions of residents within 71-83 Ashley Gardens to warrant a refusal of the scheme.

As well as the flats immediately below the proposed location of the units, Sustainable Acoustics have assessed the impact to other adjacent occupiers. These have been assessed against a higher representative background noise level of 43 dB LA90 (15 min) which Sustainable had measured previously. In this noise survey the ambient noise levels were above WHO guideline levels. In this situation the design level at noise sensitive receptors is 33 dB LPA. The calculations supplied by Sustainable Acoustics indicate that the proposed plant (when operated in standard mode) is likely to comply with the design level at both of these receptors and should satisfy the requirements of

our standard noise condition for areas above WHO Guidelines where the plant installation is required to operate at least 10 db below the lowest background noise level.

It is worth noting that the noise calculations provided in the applicant's acoustic report and which have been assessed by Environmental Health are based on a situation of both units operating at their full capacity overnight, when the lowest typical background noise levels occur, which is unlikely to be the normal operation.

Impact on Roof Terrace

The roof of Ashley Gardens provides amenity space for Flats 83a, 83b and 83c. Objections have been received from the users of these terraces who are concerned about the noise impact from the proposed plant on the terraces. Concerns have also been raised about how the noise impact on the terraces has been measured.

The City Council does not have a specific policy that seeks to protect gardens or roof terraces from noise intrusion. Policies ENV 6 and ENV 7 primarily seek to protect noise sensitive properties from unacceptable external noise levels rather than private amenity space. However Policy ENV 6 does seek to limit and contain noise from development so the noise implications for the terraces are a legitimate concern for residents. In this instance the applicant's acoustician CSG established in their environmental noise survey that daytime and evening ambient noise levels are 59 dB and 54dB respectively. Environmental Health take the view that generally plant is acceptable where it does not produce a level above ambient noise levels. Even at 1m distance the predicted noise level from the proposed plant is comfortably below ambient noise levels at around 30dB. Given this advice by Environmental Health any discrepancy in the distance that should be used to assess the impact on the roof terrace (the applicant has provided a distance of 5m in their acoustic report whereas the objectors consider that 1m is more accurate) is not a significant issue. On this basis officers are satisfied that a proper assessment has been made with regard to the impact from the plant noise on the roof terraces and that there will be no significant noise impact that would prevent enjoyment of the terraces by residents.

Vibration

The plant is to be mounted on anti-vibration mounts to avoid structure-borne transmission. Environmental Health are satisfied with this and it is recommended that our standard vibration condition is attached to the draft decision notice to protect residential amenity. In response to concerns from residents about the pipework, Environmental Health advise that no noise or vibration is transmitted through the pipe work. Any noise and vibration comes from the condensing units themselves and the pipework is routinely isolated from the building structure during the installation process.

8.4 Transportation/Parking

There are transportation issues raised.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

There is no change proposed to the existing access arrangements.

8.7 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 started on Monday 12 November 2018 and closed on Friday 21 December 2018. Following this informal consultation, any representations received will be considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.8 London Plan

This applications raise no strategic issues.

8.9 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of these applications are considered to be consistent with the NPPF unless stated otherwise.

8.10 Planning Obligations

Planning obligations are not relevant in the determination of these applications.

8.11 Other Issues

Overheating of Units

There have been concerns expressed by residents that the pocket roof will not provide enough airflow for two condensing units which may have implications for how they operate. The applicant's acoustic report advises that there is no supporting evidence that the units will overheat and generate more noise and that the positioning has been checked with the manufacturer and the calculations are for the maximum noise levels generated by the units. Officers note the concerns of residents but have no reason or evidence to doubt the information provided by the applicant.

Drainage within Roof Pocket

The drawings have been amended to indicate rainwater drainage details as the roof pocket will be open to allow for ventilation. The rainwater drainage pipe is 50mm in diameter and is not considered to be detrimental to the walkway on the roof which officers understand is also used as a secondary means of escape.

Accuracy of Submitted Drawings

A number of the representations received point out that the submitted drawings are incorrect and inconsistent. The accuracy of the drawings including key measurements have been checked with the architect. A number of drawing inaccuracies were identified relating to the existing enclosure and fenestration details. Revised drawings were then submitted (which included the removal of the 'Do Not Scale' text) and officers are now satisfied with their accuracy. It is clear that following re-consultation with neighbours there is still dissatisfaction from objectors with the level of detail and lack of measurements on these drawings. Officers are satisfied with the accuracy of the drawings and overall level of detail provided and consider that if permission is granted the scheme could be implemented in accordance with the drawings provided.

Extant Permission

Permission was granted in June 2017 for two condenser units in a different location on the roof of the application property. The neighbour representations received raise concerns about the implementation of both schemes. Whilst the concerns of neighbours are noted, each application must be treated on its own merits. The City Council has granted permission for condenser units in an alternative location and for the reasons set out in this report considers the alternative location also to be acceptable when assessed against relevant policies. Officers consider that both schemes can be implemented together without causing harm to either amenity or design and conservation considerations. On this basis it would not be reasonable to require the applicant to provide a legal undertaking not to implement the 2017 permissions. The applicant advises that in the event that the current scheme is granted permission the extant permissions would not be implemented.

Stairwell Alterations

The alterations required to the communal stairwell to create the roof pocket to house the condenser units will result in a reduced ceiling height. The drawings submitted demonstrate that a minimum 2m headroom height would be retained. This is considered acceptable in terms of maintaining safe access onto the roof for access to the amenity space or for maintenance or fire escape purposes.

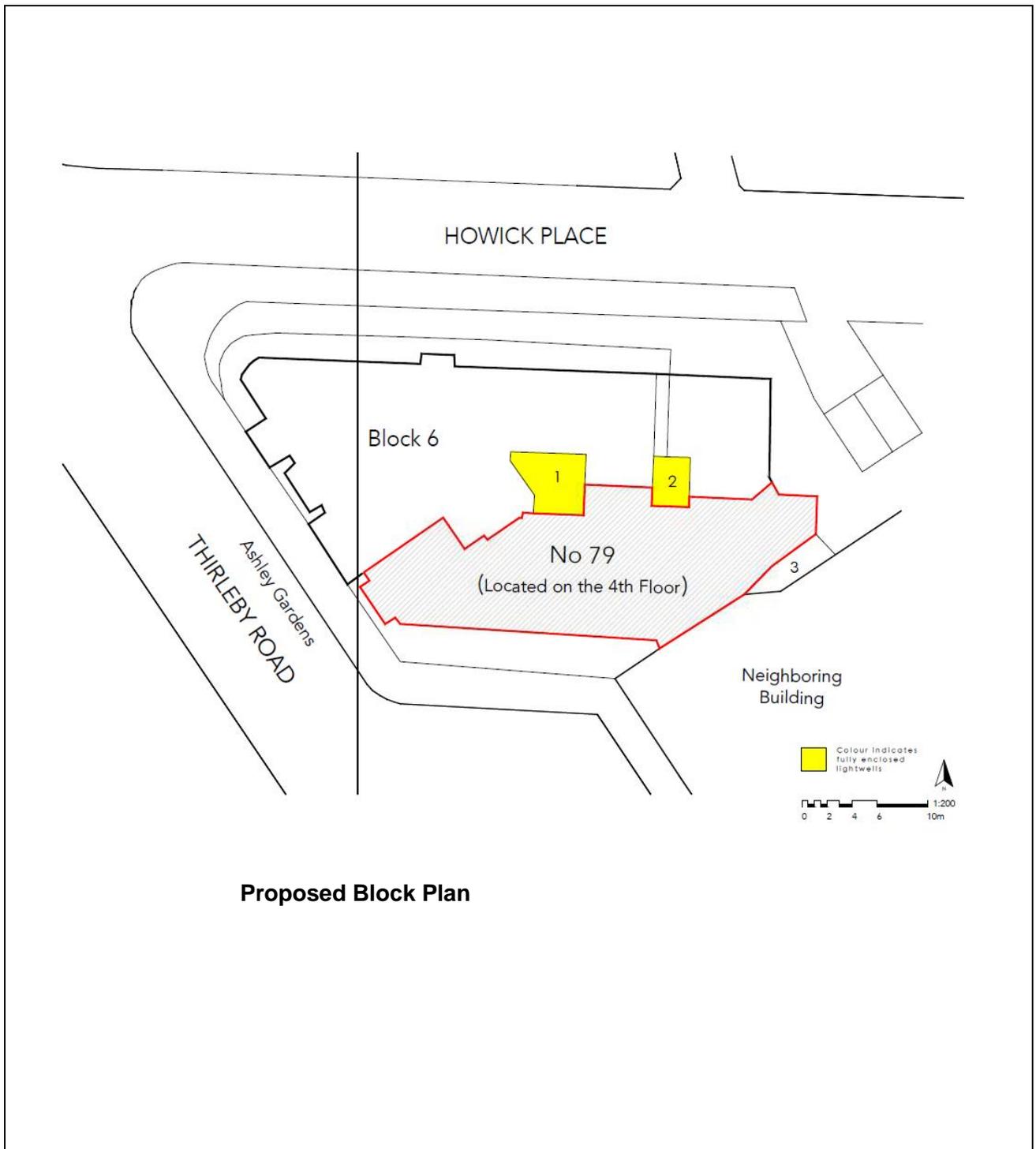
Consultation carried out by the City Council

There has been some confusion by the Residents Association (CARG) that these proposals have been refused numerous times and re-submitted. To clarify, these applications have been amended and re-consulted for further comments by the neighbours to ensure that they are aware of the progress and any changes that have been made to the drawings. The point made regarding the consultation with the neighbours; the City Council followed the statutory consultation procedure to consult all the neighbouring properties in the same block and those neighbours in Wigram House.

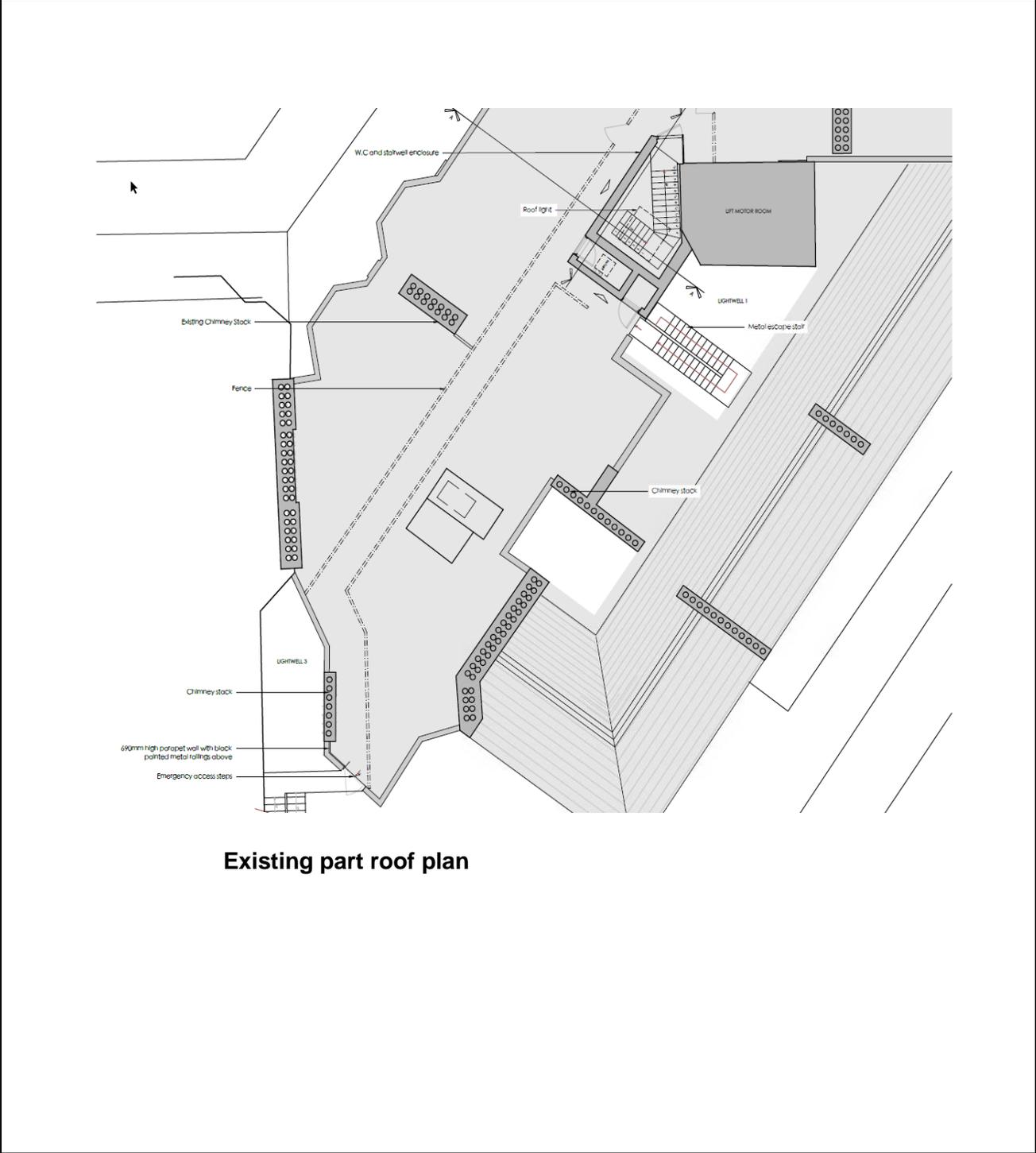
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: AMANDA JACKSON BY EMAIL AT ajackson@westminster.gov.uk

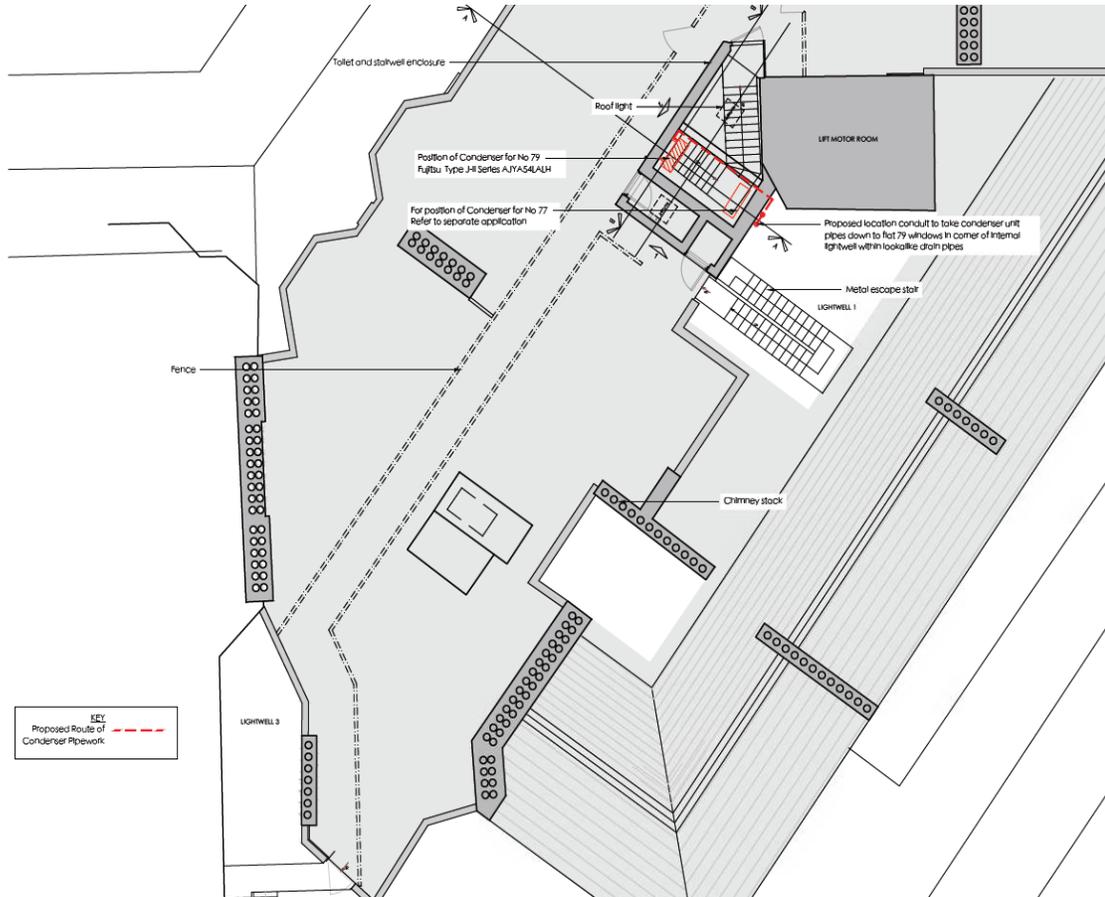
9. KEY DRAWINGS



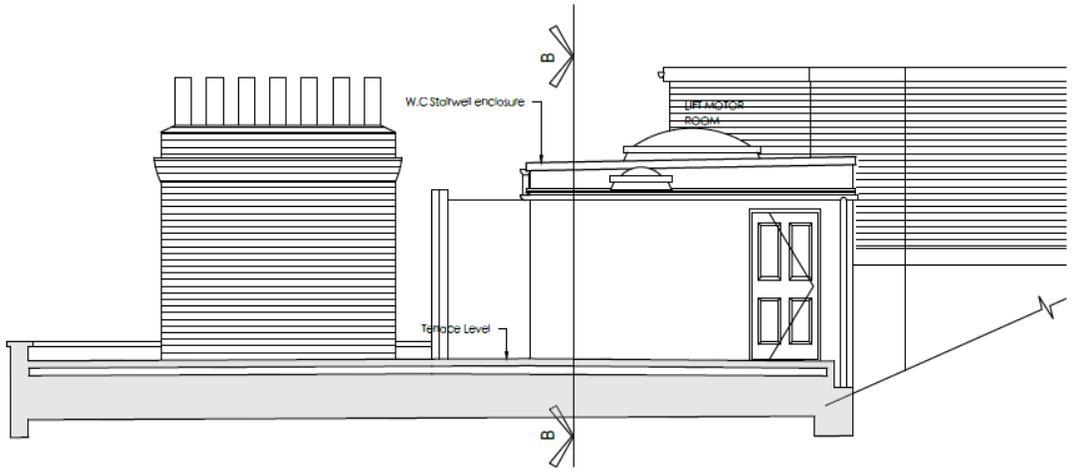
Proposed Block Plan



Existing part roof plan

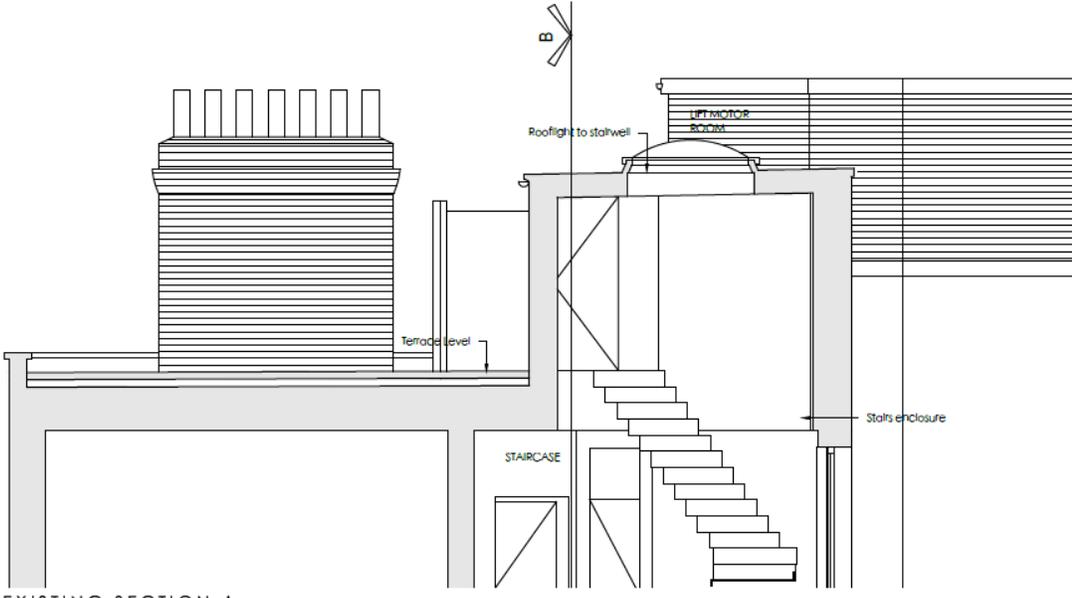


Proposed part roof plan



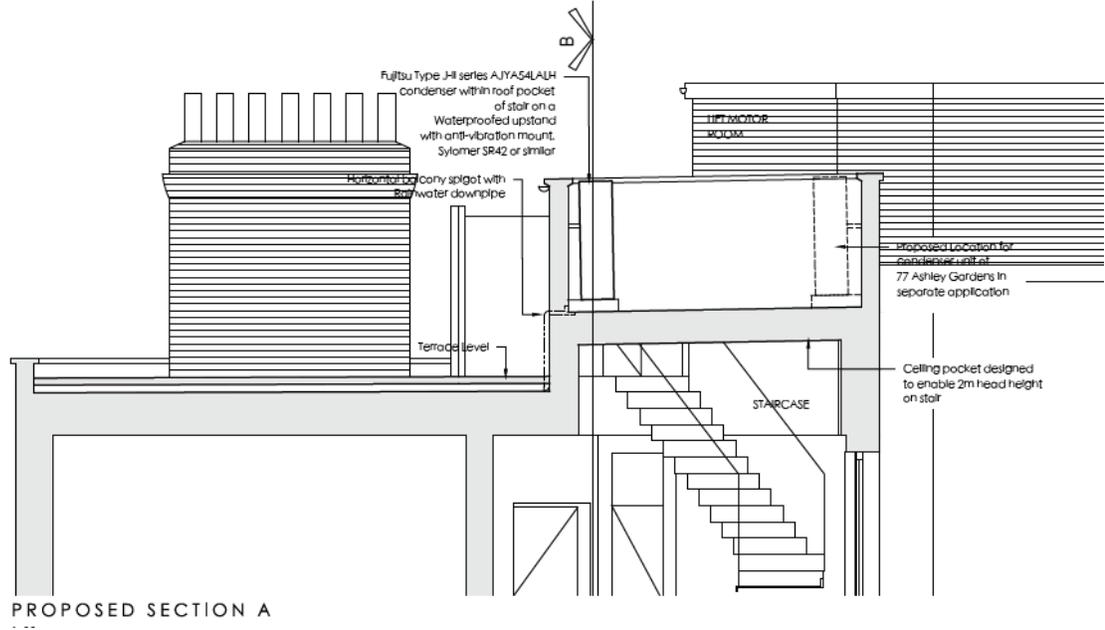
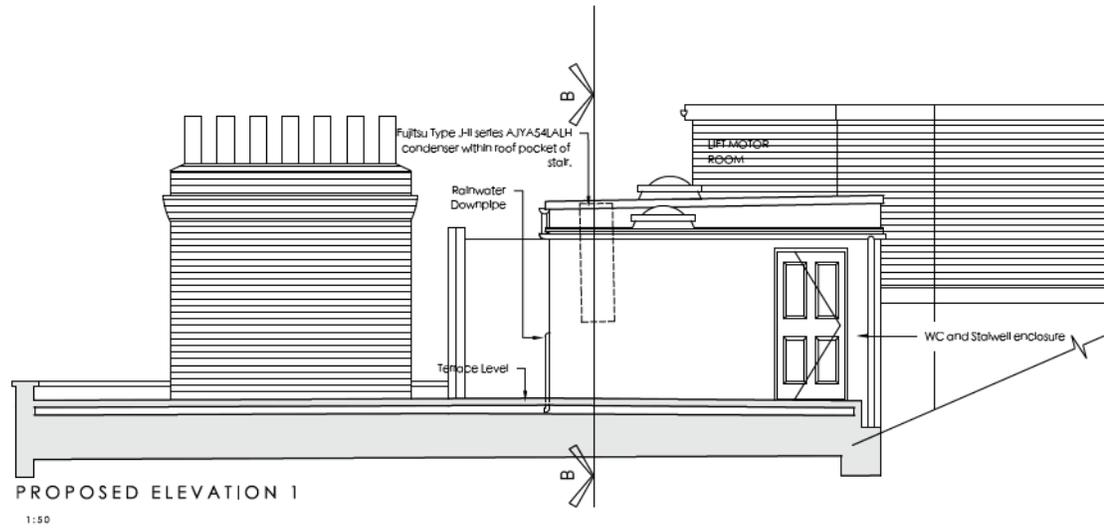
EXISTING ELEVATION 1

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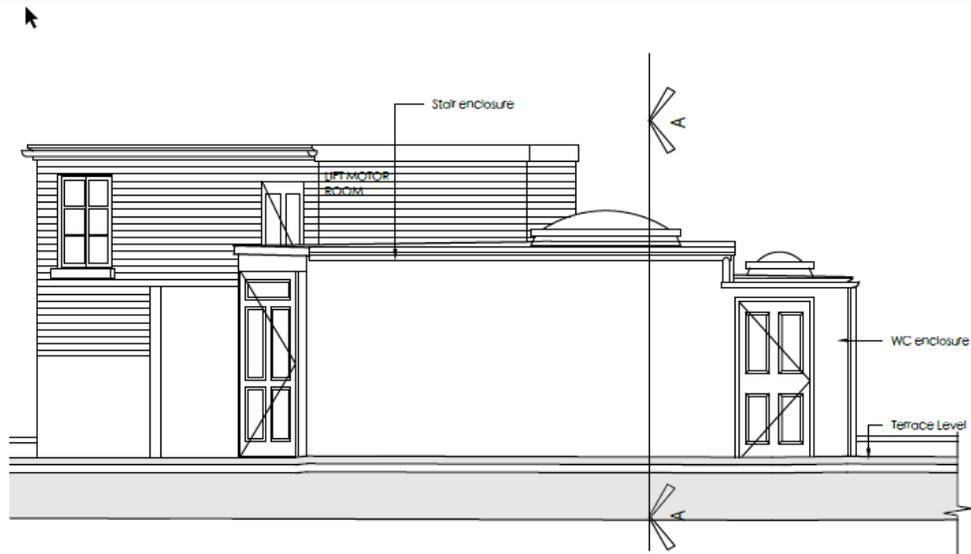


EXISTING SECTION A

Existing east elevation and section (Flat 77)

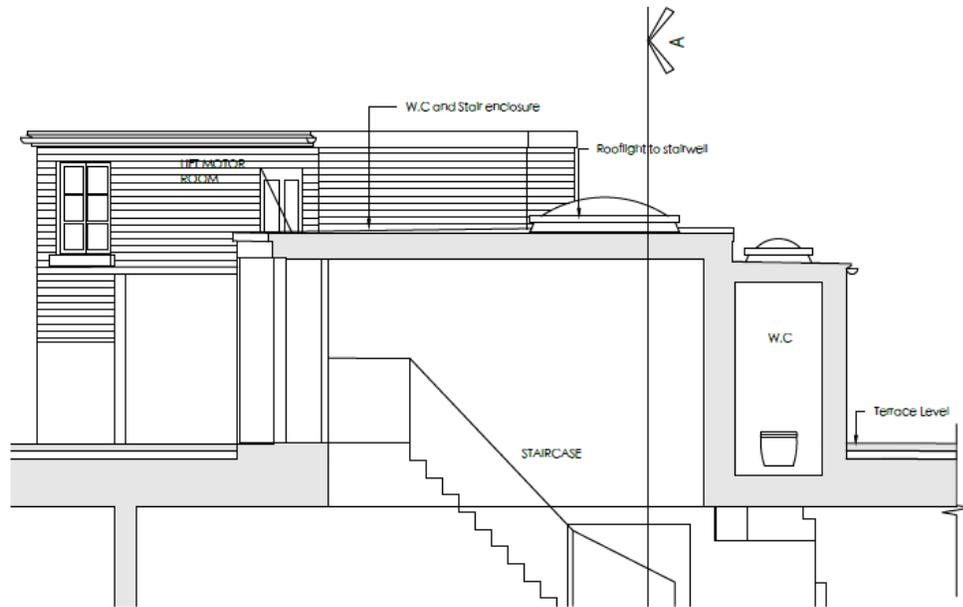


Proposed east elevation and section (Flat 77)



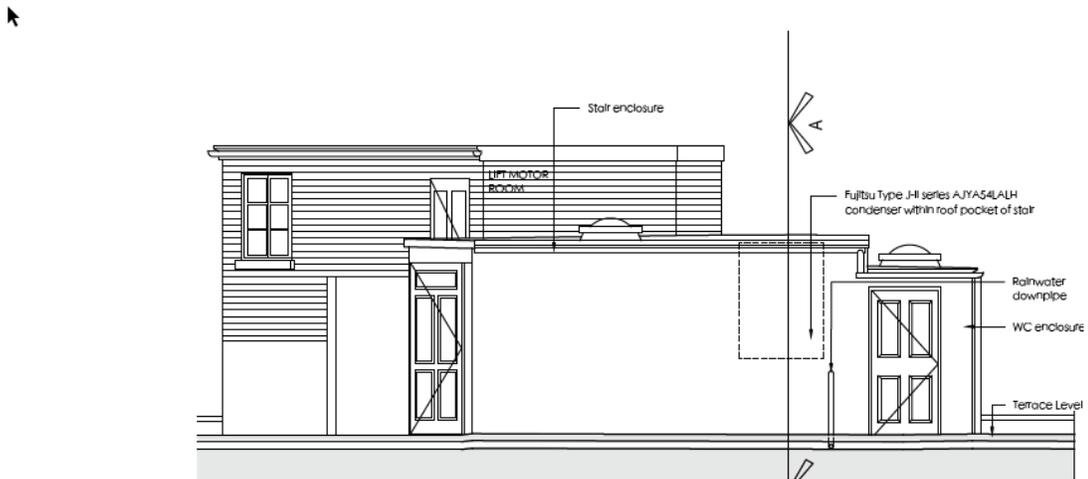
EXISTING ELEVATION 2

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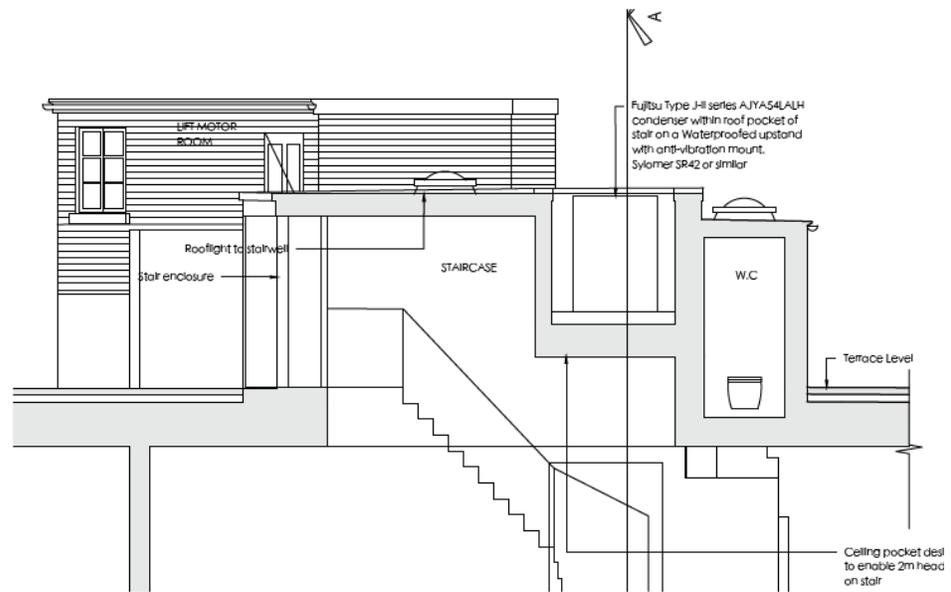
EXISTING SECTION B

Existing south elevation and section (Flat 79)



PROPOSED ELEVATION 2

1:50



PROPOSED SECTION B

Proposed south elevation and section (Flat 79)

DRAFT DECISION LETTER

Address: 79 Ashley Gardens, Thirleby Road, London, SW1P 1HG

Proposal: Installation of an air condenser unit located on the central section of the roof within a roof pocket of the enclosed communal stairwell with associated service runs adjacent to existing pipework on the external face of the internal lightwell.

Reference: 18/01433/FULL

Plan Nos: Location Plan, 821 rev: P1, 822 rev: P1, 701, 800 rev: P1, 701, 820 rev: P1, 872 rev: P1, 873 rev: P1, 871 rev: P, 850 rev: P1 and 870 rev: P1 and anti-vibration mounts

Acoustic report, response to questions, sustainable acoustics letter dated 19/04/18, 31/05/18 and Design and Access Statement submitted for information only

Case Officer: Nosheen Javed

Direct Tel. No. 020 7641 2858

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:

1 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:

2 To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 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 Westminster Cathedral 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 You must apply to us for approval of detailed drawings at 1:50 or 1:20 of the following parts of the development - proposed pipe runs in the lightwell. 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 approved 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 Westminster Cathedral 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)

- 5 The Fujitsu units hereby permitted shall only be operated in setback modes at all times when in operation.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) 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 (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. (R46BB)

- 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. (R48AA)

- 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 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. (R46AB)

- 8 You must install the acoustic enclosure, as specified in the Acoustic Report prepared by Sustainable Acoustics dated 30 April 2018, prior to the operation of the condenser unit hereby approved. The acoustic enclosure accommodating the condenser unit must remain in place for as long as the condenser unit remain operational.

Reason:

To protect the appearance of the Westminster Cathedral 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.

9 (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 5 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 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.

(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

9 As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) 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 (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. (R46BB)

10 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 7 and 9 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason

10 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 (November 2016), by contributing to reducing excessive ambient noise levels. (R51BB)

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 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.
- 3 Conditions 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)

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

DRAFT DECISION LETTER

Address: 77 Ashley Gardens , Thirleby Road, London, SW1P 1HG

Proposal: Installation of an air condenser unit located on the central section of the roof.

Reference: 18/01434/FULL

Plan Nos: Location Plan, 821 rev: P1, 822 rev: P1, 701, 800 rev: P1, 701, 820 rev: P1, 872 rev: P1, 873 rev: P1, 871 rev: P, 850 rev: P1 and 870 rev: P1 and anti-vibration mounts

Acoustic report, response to questions, sustainable acoustics letter dated 19/04/18, 31/05/18 and Design and Access Statement submitted for information only

Case Officer: Nosheen Javed

Direct Tel. No. 020 7641 2858

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 residents and the area generally as set out in S29 of Westminster's City

Plan (November 2016) and STRA 25, TRANS 23, ENV 5 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 Westminster Cathedral Conservation Area 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 You must apply to us for approval of detailed drawings at 1:50 or 1:20 of the following parts of the development - proposed pipe runs in the lightwell. 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 approved 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 Westminster Cathedral Conservation Area 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)

- 5 The Fujitsu units hereby permitted shall only be operated in setback modes at all times when in operation.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) 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 (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. (R46BB)

- 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. (R48AA)

- 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 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. (R46AB)

- 8 You must install the acoustic enclosure, as specified in the Acoustic Report prepared by Sustainable Acoustics dated 30 April 2018, prior to the operation of the condenser unit hereby approved. The acoustic enclosure accommodating the condenser unit must remain in place for as long as the condenser unit remain operational.

Reason:

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noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46BB)

10 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 7 and 9 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

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Informative(s):

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