CITY OF WESTMINSTER

PLANNING APPLICATIONS SUB COMMITTEE

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<th>Date</th>
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<td>18 August 2020</td>
<td>For General Release</td>
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Report of
Director of Place Shaping and Town Planning

Ward(s) involved
Hyde Park

Subject of Report
78 - 84 Sussex Gardens, London, W2 1UH

Proposal
Installation of one air handling unit, support structure and acoustic screen within lightwell at rear of hotel. Site includes 25 and 27 Southwick Street.

Agent
Jon Dingle

On behalf of
The Montcalm Hotel Group

Registered Number
20/03450/FULL and 20/03451/LBC

Date amended/ completed
3 June 2020

Date Application Received
3 June 2020

Historic Building Grade
Grade II listed

Conservation Area
Bayswater

1. RECOMMENDATION

1. Grant conditional permission.
2. Grant conditional listed building consent.
3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

Three air handling units were installed unlawfully in the rear basement lightwell of the application site facing Southwick Mews and they are the subject of the planning enforcement case RN: 19/71938/K. The current proposal is to install one of the units within a rear lightwell at first floor level.

The key issue in this case is the impact on the amenity of the occupiers of the neighbouring residential properties.

The proposal is considered to accord with the design and amenity policies in the City Plan adopted in November 2016 (the City Plan) and the Unitary Development Plan adopted in January 2007 (the UDP). The application is therefore recommended for approval, subject to the conditions set out in the draft decision letters appended to this report.
3. LOCATION PLAN

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4. PHOTOGRAPHS

Sussex Gardens Elevation

Southwick Mews Elevation
5. **CONSULTATIONS**

5.1 **Consultation on Originally Submitted Scheme (June 2020)**

**COUNCILLOR IAN ADAMS**

Suggested that the proposal could be presented to the planning Sub-committee so that residents who feel negatively impacted by this application would have an opportunity to address the committee with their concerns.

**HYDE PARK ESTATE ASSOCIATION**

- Are strongly opposed to the installation of the condenser unit on the Southwick Mews side of the application site because of its impact on the amenity of occupiers of neighbouring and adjoining residential properties.
- The proposed plant unit could be installed in a lightwell at the front of the building without harming the application site’s historic character. This would address the neighbour amenity issue.

**ENVIRONMENTAL HEALTH OFFICER:**

Initially the Environmental Health Officer queried the background noise levels stated by the applicant in their Environmental Noise Survey and contacted the applicant to discuss the matter. The applicant has since submitted an amended Environmental Noise Survey which provides noise mitigation measures that take into account the actual background noise levels. Following the submission of the amended documents, there is no objection to this proposal on environmental noise or nuisance grounds subject to conditions that limit the noise and vibration levels from the plant.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 63  
Total No. of replies: 5  
No. of objections: 5  
No. in support: 0

In summary, the objectors raised the following issues:

- Due to its location and its industrial size, the proposed plant unit would cause the occupiers of neighbouring and adjoining residential properties to suffer a material loss of amenity as result of noise, disturbance and vibration. Southwick Mews is particularly quiet at night and the noise from the plant noise would be amplified as it is a such a small space.
- For over a decade industrial-size air conditioning units have been installed unlawfully by the hotel which has affected the quality of life of the occupants of Southwick Mews. All previous plant installations were subject to enforcement notices and had to be removed.
- Currently there are units that have been installed unlawfully in the basement behind the hotel and an enforcement notice has been served. When the applicant applied for permission for these units, they submitted noise calculations
to support the proposal. After the units were installed unlawfully it was found that the submitted noise calculations were inaccurate.

- The proposed plant unit should be located elsewhere on the application site such in the light wells and cupboards along Sussex Gardens and Southwick Street.

PRESS ADVERTISEMENT / SITE NOTICE:
Yes

5.2 Consultation on Amended Scheme (July 2020)

HYDE PARK ESTATE ASSOCIATION:

Object to the impact of the proposal on the amenity of neighbouring and adjoining occupiers and query the validity of the applicant’s noise report.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 63
Total No. of replies: 3
No. of objections: 3
No. in support: 0

In summary, the objectors raised the following issues:

- Proposed plant unit would cause the occupiers of neighbouring and adjoining residential properties to suffer a material loss of amenity as result of noise, disturbance and vibration.
- Over the last 12 years unauthorised plant machinery installed at the hotel has caused the residents in Southwick Mews to suffer a loss of amenity from noise and disturbance.
- Previously the applicant has submitted a proposal for plant with theoretical calculations that show the noise and vibration emitted would not be harmful to neighbour amenity. However, once the plant was installed unlawfully it was found to operate above the background noise and to cause harm to neighbour amenity through noise and vibration. The validity of the noise level calculations submitted by the applicant for the current application are therefore queried.
- The proposed plant could instead be installed in the front lightwells of the application site that face Sussex Garden and Southwick Street.

6. BACKGROUND INFORMATION

6.1 The Application Site

Nos. 78 - 84 Sussex Garden, comprise a group of Grade II listed buildings located on the north side of Sussex Gardens at the junction with Southwick Street, within the Bayswater Conservation Area. The buildings are in use as a hotel, known as the Shaftesbury Metropolis Hotel.

The site has elevations facing Sussex Gardens, Southwick Street, and Southwick Mews.
There is planning history concerning plant equipment on the application site that goes back over a decade. Enforcement notices concerning the unlawful installation of plant equipment were served on 17.03.2009 (RN: 08/40111/K) and on 19.02.2013 (RN: 12/50395/N). A planning application for six air conditioning condenser units within the two rear lightwells at first floor level was refused on 01.05.2012 because of its impact on neighbour amenity (RN: 10/06776/FULL) and it was dismissed at appeal on 01.05.2013 (RN: APP/X5990/A/12/2186685).

Applications for planning permission and listed building consent for the installation of three air handling units in the basement lightwell adjoining Southwick Mews, one air handling unit in the basement lightwell on Sussex Gardens and one air handling unit in the basement lightwell on Southwick Street were withdrawn on 27.11.2019 (RN: 19/00912/FULL and 19/00913/LBC). During the lifetime of these applications, the five proposed air handling units were installed on the application site. These units are the subject of enforcement investigation (RN: 19/71938/K).

Permission was granted on 08.06.2020 for the installation of one air handling unit in the basement lightwell on Sussex Gardens and one air handling unit in the basement lightwell on Southwick Street (RN: 20/01902/FULL & 20/01903/LBC).

6.2 Recent Relevant History

20/03447/FULL & 20/03448/LBC
Installation of two air handling units and associated acoustic louvres in basement lightwell at corner of Sussex Gardens and Southwick Street and re-positioning of emergency escape stair. Site includes 25 and 27 Southwick Street.
Application Withdrawn 23 July 2020

20/01902/FULL & 20/01903/LBC
Installation of one air handling unit in the basement lightwell on Sussex Gardens and one air handling unit in the basement lightwell on Southwick Street
Application Permitted 8 June 2020

19/00912/FULL & 19/00913/LBC
Installation of 3 air handling units in basement lightwell adjoining Southwick Mews with acoustic lining to walls, 1 air handling unit in the basement lightwell on Sussex Gardens and 1 air handling unit in the basement lightwell on Southwick Street. Internal alterations at basement and ground floor levels.
Application Withdrawn 27 November 2019

15/03002/FULL & 15/03003/LBC
Installation of six air handling units, one odour control unit and two condenser units located in basement lightwells on the Sussex Gardens elevation and at basement level within the lightwell adjoining Southwick Mews with acoustic lining to walls of lightwell adjoining Southwick Mews.
Application Withdrawn 23 October 2018

10/06776/FULL & 10/06777/LBC
Installation of six air conditioning condenser units within two rear lightwells at first floor
level, retention of boiler flue to rear elevation between second floor flat roof level and roof level and retention of kitchen extract duct to rear elevation in lightwell.

Application Refused 1 May 2012

09/10040/FULL & 09/10041/LBC

Installation of condensers within the front lightwell all contained within a metal enclosure painted to match the existing building, installation of planters on front boundary railings, the installation of a boiler flue and kitchen extract duct at the rear.

Application Withdrawn 12 March 2010

7. THE PROPOSAL

Planning permission and listed building consent are sought for the installation of one air handling unit with a support structure and an acoustic screen within a lightwell at the rear of the hotel.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal makes no changes to the land use of the application site.

8.2 Townscape and Design

The application site is a Grade II listed Building located on the corner of Sussex Gardens and Southwick Street. The rear of the building is visible and has a boundary on Southwick Mews. The site is located within the Bayswater Conservation Area.

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that “In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Section 66 of the same Act requires that “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Section 72 of the same Act requires that “In the exercise, with respect to any buildings or other land in a conservation area…special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting.
Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The proposal is considered against UDP (2007) policies DES 1, DES 5, DES 9 and DES 10 as well as City Plan (2016) policies S25 and S28.

Permission and listed building consent are sought for the installation of an air handling unit within a lightwell to the rear of the building. The unit will sit on a new platform above an existing roof lantern and will be screened by an acoustic infill panel located adjacent to an existing wall. The equipment is needed to provide heating and cooling of the building.

In the first instance, the unit is freestanding and will not be fixed to the listed building, therefore the unit is considered to be minimally invasive in terms of impact on fabric and can be removed from the building without damage. Therefore, the impact of the installation on historic fabric with regards to the external unit is considered to be minimal. The rear lightwell is adjacent to the corner of the rear and side elevations and is currently screened in immediate public views from Southwick Mews by the length of the side elevation. This part of the building may be visible in oblique views from the buildings in Southwick Mews and in long views from the Mews. However, this area is not highly apparent. Furthermore, this part of the building has historically been compromised by the insertion of plant equipment and the erection of high walls in association with rear extensions.

It is proposed to install the unit on a platform inserted into the lightwell. Owing to the historic alteration in this area, the impact of the platform is considered to be limited. The unit will be completely screened from view by the acoustic infill which will follow the line of the existing high wall and therefore will not have an impact on the character and appearance of the building, nor is it considered to harm the special interest of the listed building.

The heritage statement notes that all ducting and pipework will be routed through service routes consented in previous applications and existing routes on the upper levels. Internally, the hotel has been subject to modernisation historically and therefore minimal fabric or features of interest remain. In this context the use of consented and existing service routes for the ducting is not contentious in listed building terms.

The proposal is considered to be in accordance with the identified policies and will not impact on the special interest of the listed building, preserving the character and appearance of the conservation area. As such, the proposal is considered acceptable, mindful of policies DES 1, DES 5, DES 9 and DES 10 of the UDP and S25 and S28 of the City Plan; and therefore, a recommendation to grant conditional permission and consent would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.”
Polices ENV6, ENV7, and ENV 13 of the UDP and S29 and S32 of the City Plan seek to protect residential amenity and environmental quality.

Policy ENV 6 requires design features and operational measures to minimise and contain noise from developments, in order to protect noise sensitive properties. In addition, this policy requires that where a development adjoins other buildings the applicant should demonstrate that the development will be designed and operated to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties. The supporting text of this policy lists the noise sensitive properties that are to be protected. These include all residential properties and hotels.

Policy ENV7 requires that the applicant demonstrates that any proposed plant and machinery will be designed and operated so that any noise emitted will achieve the necessary standards in relation to the existing external noise level at the nearest noise sensitive properties. The application site has been assessed as being in an area in existing ambient noise levels are below WHO Guideline Levels. As the area is below these levels, the design noise level criteria for the plant must be 5 dB below the minimum external background noise reading in order to comply with ENV 7. The planning condition the City Council uses to restrict noise from plant requires that at no time shall the noise from the plant 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. The plant is intended to be used for 24 hours a day.

The Environmental Health Officer has assessed the proposal. Initially the Environmental Health Officer questioned the accuracy of the minimum external background noise reading stated in the Environmental Noise Survey Report by Sandy Brown that was submitted by the application. Following discussions with the Environmental Health Officer, the applicant submitted an amended version of the Environmental Noise Survey Report (Version D) with an adopted design noise criteria based upon accurate background noise measurement data. To mitigate against the noise impact of the proposal, the plant it to be positioned behind an acoustic screen. Originally the plant was to be positioned 0.3 metres in height below the screen. To achieve the design noise level criteria based on the accurate background noise reading, the position of the proposed plant unit has been amended so that it is located 1.9 metres below proposed acoustic screen. With this amendment the Environmental Health Officer is satisfied that the calculations in the Environmental Noise Survey Report (Version D) demonstrate that with the specified noise attenuation measures and distance attenuation the proposal would meet the requirements of the City Council's noise and vibration conditions. The Environmental Health Officer has no objection on environmental noise or nuisance grounds provided that the noise and vibration levels from the plant machinery are controlled by condition. In addition, it shall be enforced through condition that the noise mitigation measures specified Section 7.4.2 of Environmental Noise Survey Report by Sandy Brown (Version D) are carried out before the plant is first used. Subject to these conditions, the proposal would not have a material negative amenity impact on the occupiers of nearby noise sensitive properties.

Objectors have stated that while the Environmental Noise Survey Report demonstrates theoretical compliance with the noise and vibration conditions, previous experience with the application site suggests that in practice when the plant is installed it might not meet
the design noise level criteria. To address this concern, it shall be enforced through condition that the plant cannot be operated until a post-commissioning noise survey has been submitted to and approved by the City Council. 

Due to their size, height, and position, the proposed plant unit and the acoustic screen are not considered to cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result a loss of daylight/sunlight, or a loss of outlook, and nor would they have an overbearing impact on these properties.

For the reasons stated above the proposal is considered to be in accordance with polices ENV6, ENV7, ENV 13 of the UDP and S29, S31, S32 of the City.

8.4 Transportation/Parking

Not relevant.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Not relevant.

8.7 Other UDP/Westminster Policy Considerations

None

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster’s City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.9 London Plan

This application raises no strategic issues.

8.10 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.
Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

No pre-commencement conditions have been recommended.

8.11 Planning Obligations

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

8.12 Environmental Impact Assessment

An Environmental Impact Assessment is not required for a proposal of this scale.

(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: NATHAN BARRETT BY EMAIL AT nbarrett@wwestminster.gov.uk
9. KEY DRAWINGS

![Existing Elevation](image1)

**Existing Elevation**

![Proposed Elevation](image2)

**Proposed Elevation**
Existing Section

PROPOSED LOCATION 06
NEW LOCATION FOR ONE
OF THE EXISTING UNITS IN
SOUTH WICK Mews.

Proposed Section
Existing Section

Proposed Section

ACOUSTIC INFILL CAN BE REMOVED TO ALLOW MAINTENANCE ACCESS

AP
DRAFT DECISION LETTER

Address: 78 - 84 Sussex Gardens, London, W2 1UH,

Proposal: Installation of one air handling unit, support structure and acoustic screen within lightwell at rear of hotel. Site includes 25 and 27 Southwick Street. (Linked to 20/03451/LBC)

Reference: 20/03450/FULL


Case Officer: William Philps

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:

- 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.

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

- between 08.00 and 18.00 Monday to Friday; and
- 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).
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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

4 You must apply to us for approval of detailed drawings of the following parts of the development

- acoustic plant 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

5 (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:
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 Before the plant hereby approved is first used, you must carry out the mitigation measures specified in Section 7.4.2 of Environmental Noise Survey Report Inhabit Hotel Sussex Gardens by Sandy Brown ref: 19500-R02-D Version D dated 15 June 2020. The plant shall be maintained and retained as such throughout the lifetime of the development.

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)

8 You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in conditions 5 and 6 of this permission.

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.

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, neighbourhood plan (where relevant), 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 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice and to apply online please visit www.westminster.gov.uk/suspensions-dispensations-and-skips.

3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

4 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

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: 78 - 84 Sussex Gardens, London, W2 1UH,

Proposal: Installation of one air handling unit, support structure and acoustic screen within lightwell at rear of hotel. Site includes 25 and 27 Southwick Street (Linked to 20/03450/FULL)

Reference: 20/03451/LBC


Case Officer: William Philips

Direct Tel. No. 020 7641 07866036165

Recommended Condition(s) and Reason(s)

1 The works 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 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:
To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster’s City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

3 You must apply to us for approval of detailed drawings of the following parts of the development
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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

4 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:
To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

Informative(s):

1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:,

- any extra work which is necessary after further assessments of the building's condition;
- stripping out or structural investigations; and
- any work needed to meet the building regulations or other forms of statutory control.
Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents. It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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.