

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 April 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Church Street	
Subject of Report	2 Ashbridge Street, London, NW8 8DS		
Proposal	Erection of an electrical substation to rear of new building and associated works including protective fencing.		
Agent	Stantec UK		
On behalf of	Westminster City Council		
Registered Number	21/08002/COFUL	Date amended/ completed	23 November 2021
Date Application Received	23 November 2021		
Historic Building Grade	Unlisted		
Conservation Area			

1. RECOMMENDATION

Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

2. SUMMARY

This application site lies at the southern end of Ashbridge Street on its north eastern side. The site is bounded by Alpha House on Ashmill Street; Earle House on Lisson Grove and properties on Broadley Street. The site does not fall within a conservation area. Works are significantly underway in the construction of a five storey building to provide 26 residential units, which was approved in March 2019.

Permission is sought for the erection of an electrical substation to rear of new residential building within what is planned to be communal gardens, in order to provide electricity to the development itself.

Objections have been received on the grounds of noise; electromagnetic field; that the proposals 'take up' amenity space; will not fit in with the landscaping plan and that residents were not involved in any consultation.

The key issues in the determination of this application are:

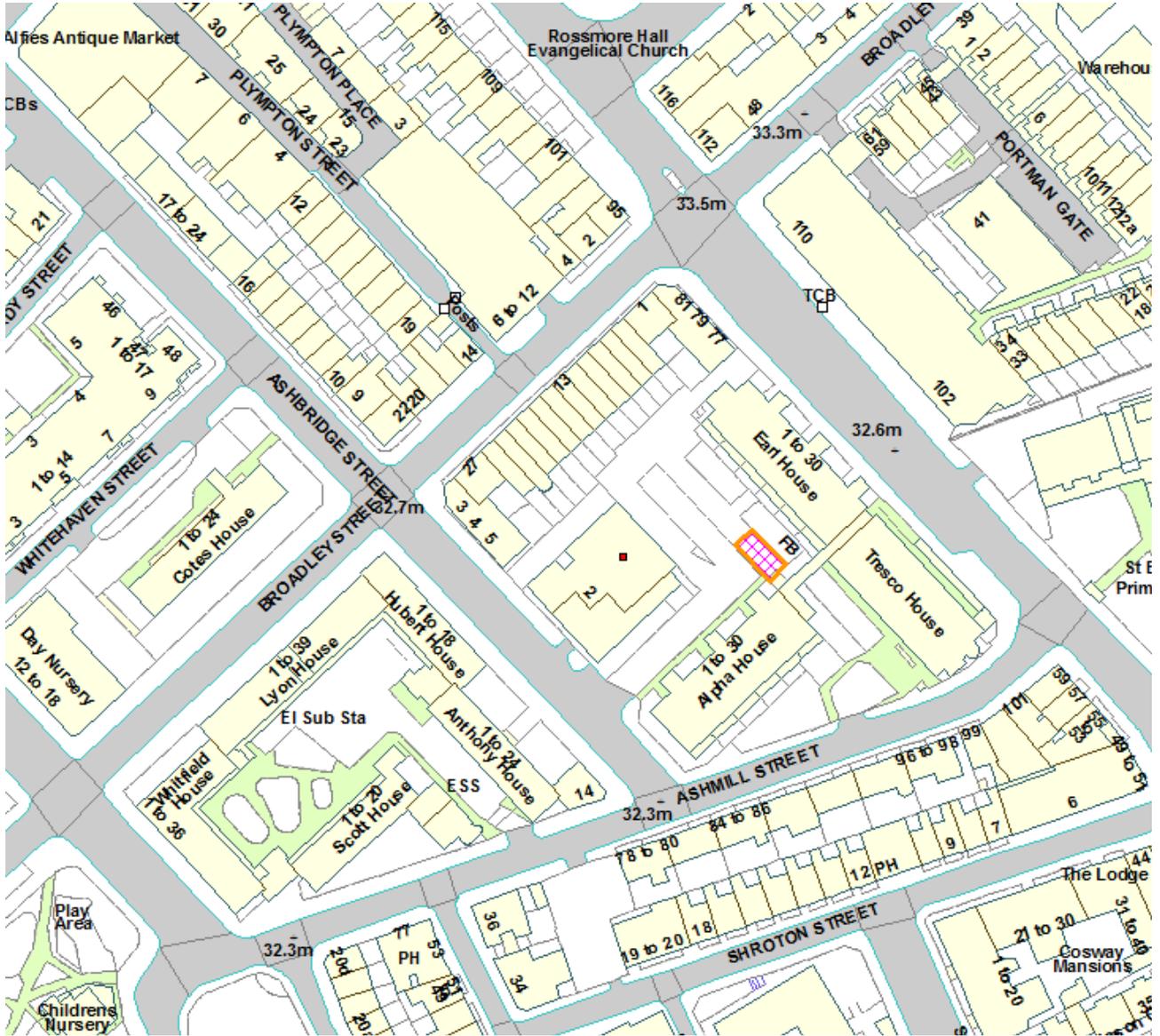
- The impact of the proposals on townscape and design; and
- The impact of the proposals on the amenity of neighbouring properties.

Item No.

7

Subject to the recommended conditions, the proposed development would comply with the development plan and is recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS

Photo from rear of development site (blue square annotating approximate location of substation)



5. CONSULTATIONS

WARD COUNCILLORS:

Any response to be reported verbally.

THE ST MARYLEBONE SOCIETY

No response received.

ENVIRONMENTAL HEALTH:

No objection, subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 61

Total No. of replies: 10

No. of objections: 9

1 response on behalf residents of Alpha and Earle House; 2 responses from 1 household; 4 responses from 1 household; 2 responses from 1 household.

Objections have been received on some or all of the following grounds:

- A substation did not form part of the original consultation by the applicant;
- There were many opportunities for the substation to be designed within the development;
- Proposed Substation removes 'approved' landscaped area which the residents of Alpha House and Earle House have been heavily involved in;
- Loss of communal garden area (the as approved development allowed a high density scheme with already a poor level of communal amenity space);
- Noise from proposed substation;
- Concern about electromagnetic fields and future monitoring;
- Proposals show lack of respect for neighbours in Alpha House and Earle House given lack of consultation.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site lies at the southern end of Ashbridge Street on its north eastern side. The site is bounded by Alpha House on Ashmill Street; Earle House on Lisson Grove and properties on Broadley Street. The site does not fall within a conservation area.

Works are significantly underway in the construction of a five storey building to provide 26 residential units, which was approved in March 2019, under application 17/10968/COFUL.

6.2 Recent Relevant History

17/10968/COFUL

Demolition of existing BT Repeater Station building, with retention of BT service area and associated access. Redevelopment of the site to erect a five storey building to provide 26 residential units, with existing basement floor used to provide parking, plant and services spaces accessed via a new ramp from Ashbridge Street. Removal of existing vehicular ramp to rear of site and provision of new landscaping to amenity space.

Approved 29 March 2019

7. THE PROPOSAL

The proposed development consists of a single 1000 kVA substation built to UKPN specifications. The substation itself measures 3m x 3m and 2.3m high. The substation is to be sited in a timber enclosure for noise reasons and this measures 4m x 5m (which is to accommodate the outward opening doors) and 2.55m high.

The applicant has confirmed that during the detailed design stage, it was confirmed by UKPN that an electrical substation is required for the approved development as the current system would not be sufficient to provide electricity to allow occupation of the proposed units. Therefore, failure to provide a substation would mean the development could not be occupied.

The substation would sit almost centrally within the hard and soft landscaped communal areas approved under 17/10968/COFUL. The closest residential property to the substation will be the rear ground floor residential unit as approved under application 17/10968/COFUL, the windows of which are some 5m away.

8. DETAILED CONSIDERATIONS

8.1 Land Use

There are no policies in the City Plan which directly concern the use of premises/ installation of electrical substations.

Objections have been received on the grounds that the substation was not originally part of this development and that it occupies an area designated as landscaped communal gardens which was for use by the new residents and existing residents of Alpha House and Earle House.

Whilst it is acknowledged that the substation occupies an area originally designed as communal gardens (the landscaping for which has not yet been approved and is required by condition 8 of permission 17/10968/COFUL), it is not considered that the reduction in communal garden space of 20 sqm is so significant so as to warrant refusal. The provision of a new sub-station in this location will provide the benefit of reliable power distribution to this development, which is welcomed

8.2 Townscape and Design

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.

The relevant policies for the consideration of this application are 38 and 40 of the City Plan 2019-2040.

As noted above, the substation measures 3m x 3m and 2.3m high. The substation is to be sited in a timber enclosure for noise mitigation reasons and this measures 4m x 5m (which is to accommodate the outward opening doors) and 2.55m high. The enclosure is to be wider than the substation as ventilation is needed around the whole equipment.

Whilst it is regrettable that the substation was not incorporated into the initial approved redevelopment, officers must now assess the substation proposals on its own merits. Prior to the submission of the application, the applicant did explore a number of options for the substations siting both within the bulk and massing of the development and in other locations within the communal area. These options were however, either considered unacceptable by UKPN, or had significant implications on other areas of the development. The principle of the substation as proposed is acceptable and is seen to fit within the aspirations of the landscaping plan and is to be sited adjacent to planned structures within the gardens such as seating/ large planters. The applicant proposes that the enclosure is painted brown to match the buff brick; planters, timber walkway and play equipment within the communal gardens. Whilst brown is not wholly objectionable, officers consider that a green colour would be more suitable if the proposed landscaping details were looking to screen and shield the substation. However, those landscaping details have not been submitted or approved as yet and therefore it is considered appropriate to condition the colour of the enclosure depending on the final landscaping proposals.

Overall, the proposal is considered acceptable and in accordance with the NPPF and policies 38 and 40 of the City Plan.

8.3 Residential Amenity

Development that could result in a change to the amenity of neighbouring residents such as that of the proposals here must be found to be in accordance with policy 7 of the City Plan 2019 - 2040. The policy seeks to prevent unacceptable impacts in terms of losses of daylight and sunlight, privacy and increases in sense of enclosure and overshadowing. Policy 33 is also relevant which seeks to make sure that quality of life and health and wellbeing of existing and future occupiers.

8.3.1 Noise

Objections from residents in adjacent buildings have been received on the grounds of noise from the proposed substation.

Environmental Health officers have assessed the application, clarified a number of points with the applicant and taking into consideration the proposed plant, distance attenuation, on site screening, the location of the plant and the proposed attenuation the noise level at the nearest receptors, have no objections to the proposals on noise grounds, subject to conditions. The proposals will comply with Policy 33 of the City plan.

8.3.2 Electro Magnetic Field (EMF's)

Objections have been raised regarding the electro magnetic field from the substation. UKPN, the substation provider/operator have provided us with confirmation that UKPN substations are compliant as they fall below the limit values assigned to these local substations.

8.4 Transportation/Parking

The proposals have no impact on any parking or transportation issues.

8.5 Economic Considerations

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

8.6 Access

There are no access issues as a result of the installation of a substation.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Landscaping

The footprint of the substation and its enclosure is 20 sqm. The substation is proposed in an area originally allocated as hard paving and timber walkway insets. Whilst the loss of this communal area of hard soft landscaping is regrettable, it is a very small part of the communal gardens and not considered to be significantly at odds with the original approval.

8.8 Westminster City Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.9 Neighbourhood Plans

There are no neighbourhood plans for this area.

8.10 London Plan

This application raises no strategic issues.

8.11 National Policy/Guidance Considerations

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2021 unless stated otherwise.

8.12 Planning Obligations

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

8.13 Environmental Impact Assessment

The proposed development is not EIA development.

8.14 Other Issues

Objections have been received on the grounds that the residents of Alpha House and Earle House, who apparently have detailed involvement in the communal gardens planning, were not consulted by the applicant. Whilst this is regrettable and City Council Guidance is for applicants to enter into early community engagement, it must be remembered that the substation is at the request of UKPN and that the housing development cannot be occupied until a sufficient electricity supply can be guaranteed. An application cannot be refused on these grounds.

(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@WESTMINSTER.GOV.UK

9. KEY DRAWINGS

View from Alpha House looking to side of development site and communal gardens.



01 ELEVATION A-A
SCALE: 1:100

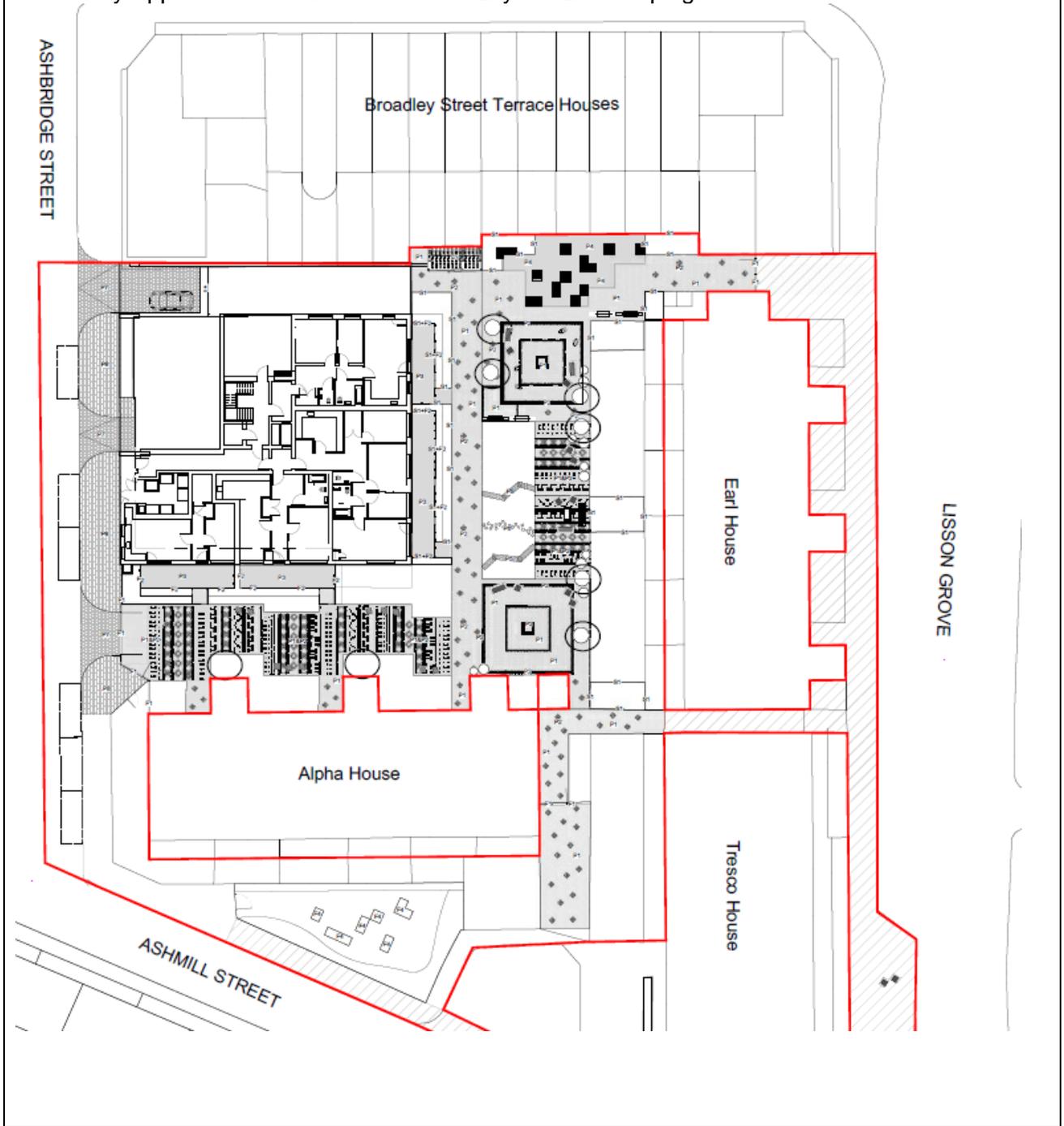
View from Earle House looking to rear of development site and communal gardens.



02 SECTION B-B
SCALE: 1:100

ELEVATION FINISHED BY TIMBER

For Information:
Previously Approved Ground Floor General Layout/ Landscaping:



DRAFT DECISION LETTER

Address: Repeater Station, 2 Ashbridge Street, London, NW8 8DS

Proposal: Erection of an electrical substation to rear of new building and associated works including protective fencing.

Plan Nos: ABR-OUT-XX-GF-DR-L: 9002 C04; 9003 C02; 9004 P02; 9005 C03; 9006 C02.

Technical Note dated 8 February 2022; Confirmation that the proposals comply with EMF requirements.

Case Officer: Kimberley Davies

Direct Tel. No. 07866036948

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 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 the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 4 Before first occupation of the development approved under application RN: 17/10968/COFUL, you must apply to us for approval of the external treatment of the enclosure to the substation. The external treatment must be compatible with the landscaping details required by condition 8 of application RN: 17/10968/COFUL. Within three months of the external treatment being approved, you must finish the enclosure in accordance with the approved details and retain it as such thereafter.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 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 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 in writing 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 in writing 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 written 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. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R48AB)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 **HIGHWAYS LICENSING:**
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, please visit our website at www.westminster.gov.uk/guide-temporary-structures.

CONSIDERATE CONSTRUCTORS:

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.

BUILDING REGULATIONS:

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control

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.