

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b>	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>29 Great Peter Street, London, SW1P 3LW</b>		
<b>Proposal</b>	<p>Application 1: Installation of emergency smoke extract duct and emergency generator exhaust flue with attenuator within external sunken lightwell; and installation of two external airbricks at plinth level to Great Peter Street and associated works (part retrospective).</p> <p>Application 2: Installation of five condenser units and acoustic enclosure, acoustic canopy and acoustic sound absorbent panels within external sunken lightwell (part retrospective).</p>		
<b>Agent</b>	Gerald Eve		
<b>On behalf of</b>	Sapphire Alpha Ltd		
<b>Registered Number</b>	Application 1: 22/01194/FULL Application 2: 22/03260/FULL	<b>Date amended/ completed</b>	16 May 2022
<b>Date Application Received</b>	16 May 2022		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Smith Square		
<b>Neighbourhood Plan</b>	Not applicable		

## 1. RECOMMENDATION

Application 1: Grant conditional permission.

Application 2: Grant conditional Permission.

## 2. SUMMARY & KEY CONSIDERATIONS

29 Great Peter Street, also known as Gaywood House, is an unlisted building of merit within the Smith Square Conservation Area. In 2016 planning permission was granted for alterations and extensions to the building in connection with its use as 14 residential flats. This permission has been implemented and the works are nearing completion.

The approved scheme included mechanical equipment within a plantroom at basement level with natural ventilation provided via acoustic louvres into an external sunken lightwell to the rear of the building. The applicant has advised that as the full design and technical specification of the plant was developed it became apparent that more spacing between the air condenser units would be required to ensure that they can operate efficiently; and that the smoke extract outlet and flue exhaust for the emergency generator, which are needed for the operation of the emergency and life safety system for the building (originally to vent through the acoustic/air intake louvres into the sunken lightwell), were required to be positioned away from the louvres to avoid any contamination going back into the building. The current applications (1 and 2) therefore seek to provide a technically feasible solution to the mechanical heating and cooling, and health and safety requirements for the building.

Objections have been received from neighbouring residents in Tufton Street and Gayfere Street to both applications on the grounds of noise (applications 1 and 2) and air quality impact (application 1).

### Application 1

An emergency smoke extract duct and an exhaust flue to serve the emergency generator (the generator itself sits within the consented basement plantroom) have been installed within the rear sunken lightwell, which this application seeks to retain. The emergency smoke extract duct is required in the event of a fire to remove smoke from the property to allow for safe evacuation. The exhaust flue serving the emergency generator is required in the event of an emergency for the life safety system power supply. In addition, two airbricks are proposed at low level to the ground floor elevation on Great Peter Street to provide ventilation to an existing gas meter.

Neighbouring residents' objections about noise and the potential emissions from the smoke extract duct and exhaust flue are understandable. The applicant has submitted an acoustic report and air quality assessment, which have been revised during the course of the application. Mitigation measures are proposed with the installation of acoustic attenuators to the emergency generator and exhaust flue. The applicant states that it is their intention to run the generator on hydrotreated vegetable oil, instead of diesel fuel, as originally intended.

The smoke extract and generator exhaust flue will only be in operation during an emergency (i.e. a fire) and for maintenance testing, which the applicant states will occur twice a year and will be limited to 15 minutes per visit. They state that advance (10 working days) notification will be provided to the immediate neighbours on any scheduled maintenance visit. It is recommended that these measures are secured by condition. On the basis that the equipment is for emergency use only and with the attenuation measures proposed the Councils Environmental Health officer raises no objection on noise or air quality grounds.

The equipment is located within the confines of the sunken lightwell and will not be visible from the street, and will be visually discreet from neighbouring residential windows. The two air bricks to Great Peter Street measure 215mm x 215mm and will be painted to match the adjacent render so not to be readily visible. The proposals will not therefore have an adverse visual impact on the surrounding townscape or on the character and appearance of the Conservation Area, and are in

accordance with policies 38 and 39 of the City Plan.

#### Application 2

Due to space and airflow requirements it has not been possible to position all of the required air condenser units within the consented basement plantroom. As such five condenser units have been housed within a stand-alone acoustic enclosure/cabinet (approximately 3.5m x 1.3m x 3.2m high) within the external sunken lightwell, adjacent to the plant room, which this application seeks to retain.

Planning permission was previously refused in March 2021 for five air condenser units within the lightwell on the grounds that it had not been demonstrated that they would be designed and operated without causing harm to the amenity of neighbouring residential occupiers as a result of noise and vibration.

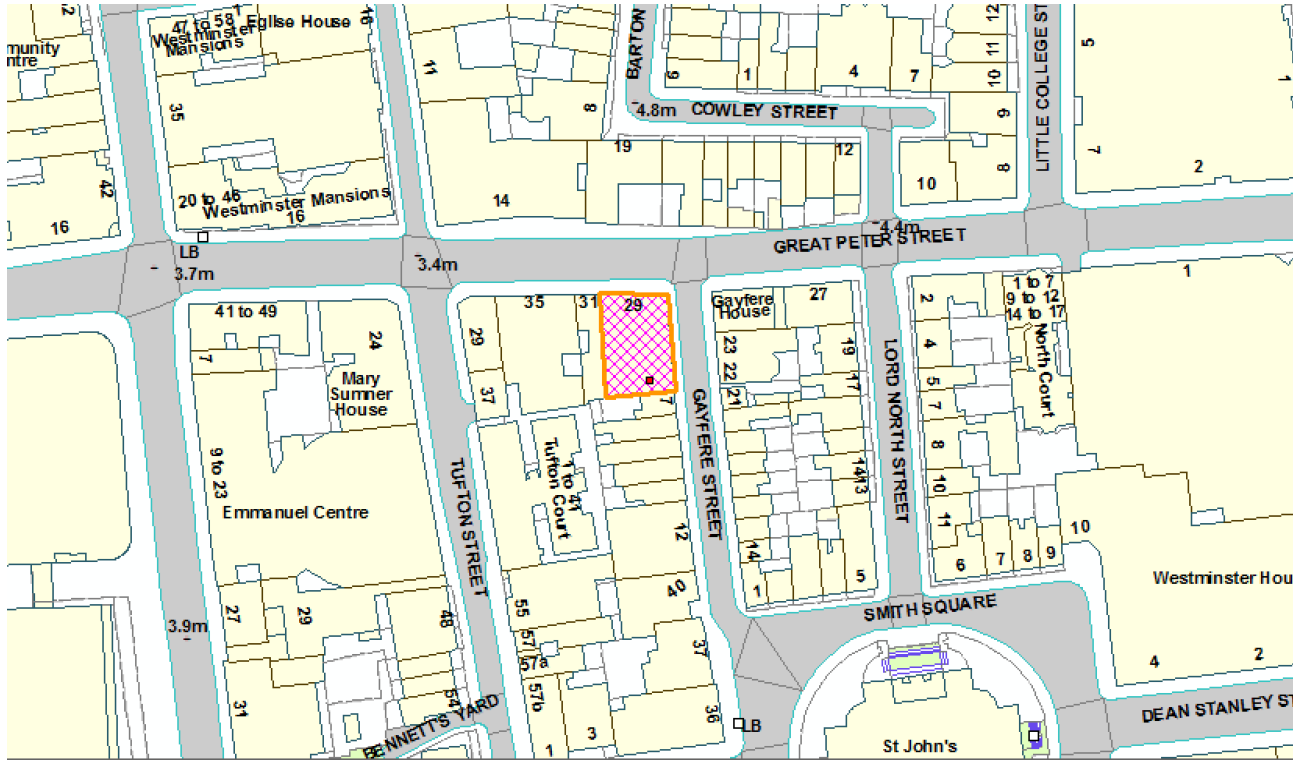
The applicant has submitted an updated acoustic report in support of their application. The units are located within an acoustic enclosure set away from the party wall to prevent vibration at the base of the sunken lightwell. In addition, a range of other mitigation measures are now proposed including noise attenuation measures to the plant itself, and the provision of an acoustic canopy above the plant enclosure and acoustic sound absorbent panels to line the walls of the lightwell.

The Council's Environmental Health officer is satisfied that with the additional mitigation measures proposed the units will comply with the Council's standard noise and vibration conditions and they will not therefore cause harm to the amenity of neighbouring residents. A condition is recommended that the mitigation measures are implemented within 3 months from the date of the decision.

The acoustic enclosure and canopy are to be powder coated grey. Their location within the sunken lightwell will not be visible from the street or readily visible from neighbouring residential windows. As such the proposals are considered acceptable in design and conservation terms, in accordance with policies 38 and 39 of the City Plan.

Applications 1 and 2 accord with the relevant policies in the City Plan 2019-2040 and are considered acceptable in design, conservation and amenity terms. The applications are recommended for approval, subject to the conditions set out in the draft decision letters.

### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS





External sunken lightwell to rear

## 5. CONSULTATIONS

### 5.1 Application Consultations

#### APPLICATION 1:

##### WESTMINSTER SOCIETY

No response received to date.

##### THORNEY ISLAND SOCIETY

Understand the neighbours' frustration that this less-than-optimal generator solution has already been installed in a space that is so near neighbouring properties. It is hoped that the generator will not be required to be used often.

##### ENVIRONMENTAL HEALTH

Based on the plant installed and the restricted use (emergency plant use only) no objection on noise or air quality grounds.

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

No. Consulted: 16

No. of replies: 7 (from 6 individuals)

7 Letters of objection have been received from neighbouring residents in Tufton Court, Tufton Street (5) and Gayfere Street (1) on the following grounds:

##### Amenity

- Air quality impact. The scheme uses a large diesel or diesel substitute (hydrotreated vegetable Oil) powered generator with exhaust discharging into a confined courtyard area, surrounded by residential properties. There is potential for exhaust fumes to "build up" within this enclosed area, particularly in high pressure weather conditions.
- Short term elevations in nitrous oxide and noxious emissions may cause acute symptoms to neighbouring residents (e.g. asthma attacks from which certain neighbours are long-suffering). These elevated conditions will persist when the generator is in use.
- Noise impact on residents when the emergency generator is in use. It is wrong to expect neighbours to close their windows or install double glazing.
- Odours from fumes.
- The applicant should give proper consideration to the use of a battery back-up power source which would remove the concern about air quality.
- If the generator is permitted to remain in use its exhaust pipe should extend to roof level and treated to satisfy visual requirements of the conservation area

##### Other

- The application is retrospective, proper consideration should have been given to this issue at design stage.

- Suggestions made to the architect to improve the scheme for the most part have been ignored.
- It is suspected that the generator that has been installed is to meet the whole building energy requirement in the event of a power outage. This would change the emissions profile, and the generator may be run for longer periods than suggested.

PRESS NOTICE/ SITE NOTICE:

Yes

**APPLICATION 2**

WESTMINSTER SOCIETY

No response received to date.

ENVIRONMENTAL HEALTH

No objection subject to conditions to ensure compliance with the Council's standard noise condition in respect of neighbouring residential properties.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 16

No. of replies: 6

6 Letters of objection have been received from neighbouring residents in Tufton Court, Tufton Street (5) and Gayfere Street (1) on the following grounds:

Amenity

- Potential noise nuisance from 5 air condenser units, particularly at night, in such a small and noise reverberating lightwell space which is in very close proximity to residential windows.
- The report does not sufficiently demonstrate that there will not be the risk of noise nuisance exposure for the neighbouring properties, even with the installation of all the mitigation measures.
- The original application granted in 2015 (15/07819/FULL) was based on the basement plant being installed in a dedicated plant room at basement level, with substantial masonry surrounds and acoustic louvres. The basement should be rearranged to accommodate all of the required plant and equipment even if it means utilising ancillary storage and bike store areas, or at roof level, rather than encroaching into the lightwell and exposing neighbours to unwelcome noise levels.
- The neighbouring properties on Tufton Street, Great Peter Street and Gayfere Street are older and/or Grade II listed properties and therefore owners are unable to and/or prohibited by regulations from implementing mitigation measures against noise emissions such as facade insulation, double-glazed windows or mechanical ventilation. The only way for residents to ventilate these building is to open their windows.

Other

- The 5 condensers units were installed in the lightwell without planning permission.



PRESS NOTICE/ SITE NOTICE:

Yes

## **6. WESTMINSTER'S DEVELOPMENT PLAN**

### **6.1 City Plan 2019-2040 & London 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 Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 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.

### **6.2 Neighbourhood Planning**

Not applicable.

### **6.3 National Policy & Guidance**

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

## **7. BACKGROUND INFORMATION**

### **7.1 The Application Site**

29 Great Peter Street, also known as Gaywood House, is located at the junction with Gayfere Street. It is an unlisted building of merit and falls within the Smith Square Conservation Area. It comprises basement, ground and six upper floors and is currently undergoing alterations and extensions in connection with its conversion to 14 residential flats, by virtue of planning permission granted in April 2016. It lies within the Central Activities Zone.

### **7.2 Recent Relevant History**

15/07818/FULL

Removal of existing roof and construction of new roof extension incorporating roof level plant; construction of extensions at lower ground to fifth floor level within rear lightwell;

associated alterations to front and rear facade in association with the use of the building as 14 residential flats (Class C3).

Application permitted 01 April 2016

16/05098/NMA

Amendments to planning permission dated 01 April 2016 [RN: 15/07819/FULL] for the removal of existing roof and construction of new roof extension incorporating roof level plant; construction of extensions at lower ground to fifth floor level within rear lightwell; associated alterations to front and rear facade in association with the use of the building as 14 residential flats (Class C3); namely, to allow amendments to the layouts of the proposed ground to sixth floor plans.

Application permitted 10 June 2016

18/07346/FULL

Installation of grilles on the external facade on the west and south elevations.

Application Permitted 26 October 2018

18/09798/NMA

Amendments to planning permission dated 01 April 2016 (RN 15/07819/FULL) as amended by Non Material Amendments refs 16/05098/NMA, 17/11078/NMA and 18/04322/NMA) for the removal of existing roof and construction of new roof extension incorporating roof level plant; construction of extensions at lower ground to fifth floor level within rear lightwell; associated alterations to front and rear facade in association with the use of the building as 14 residential flats (Class C3), namely the insertion of an automatic smoke extract window instead of casement window at 6th floor level to match adjacent windows in mansard roof.

Application permitted 9 January 2019

19/00391/FULL

Installation of plant equipment, extract vents, access hatch and platform at roof level.

Application Permitted 15 March 2019

19/04968/NMA

Amendments to planning permission dated 01 April 2016 (RN 15/07819/FULL) for the Removal of existing roof and construction of new roof extension incorporating roof level plant, construction of extensions at lower ground to fifth floor level within rear lightwell, associated alterations to front and rear facade in association with the use of the building as 14 residential flats (Class C3). Namely, the insertion of a larger window instead of casement window at 6th floor level in the west elevation to match all adjacent windows in mansard roof.

Application Permitted 5 July 2019

19/07238/NMA

Amendments to planning permission dated 15 March 2019 (RN: 19/00391) for installation of plant equipment, extract vents, access hatch and platform at roof level namely, alteration to the handrail on the metal man-safe platform from a collapsible fixing handrail to a fixed handrail.

Application Refused 26 September 2019 - the works were not considered sufficiently minor to constitute a non-material amendment.

19/08515/FULL

Variation of condition 1 of planning permission dated 15 March 2019 (RN: 19/00391/FULL) for the: Installation of plant equipment, extract vents, access hatch and platform at roof level. Namely, to allow amendments to handrail at roof level.  
Application Permitted 6 January 2020

19/09214/FULL

Installation of a fall-restraint safety line system at mansard roof level.  
Application Permitted 7 February 2020

20/00475/FULL

Installation of two external lights and one CCTV camera to Gayfere Street entrance.  
Application Permitted 2 March 2020

20/08223/FULL

Installation of five condenser units and acoustic enclosure within external sunken lightwell and the installation of two external airbricks for gas ventilation at plinth level on the front elevation.  
Application Refused 18 March 2021

The application was refused on the following grounds:

It has not been demonstrated that the proposed condenser units will be designed and operated without causing harm to the amenity of neighbouring residential occupiers as a result of noise and vibration. The information contained within the submitted acoustic report by Bickerdike Allen Partners reference A11350\_01\_\_MO001\_1.0 dated 1 March 2021 does not demonstrate that your proposal would meet S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

(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: JULIA ASGHAR BY EMAIL AT [jasghar@westminster.gov.uk](mailto:jasghar@westminster.gov.uk)

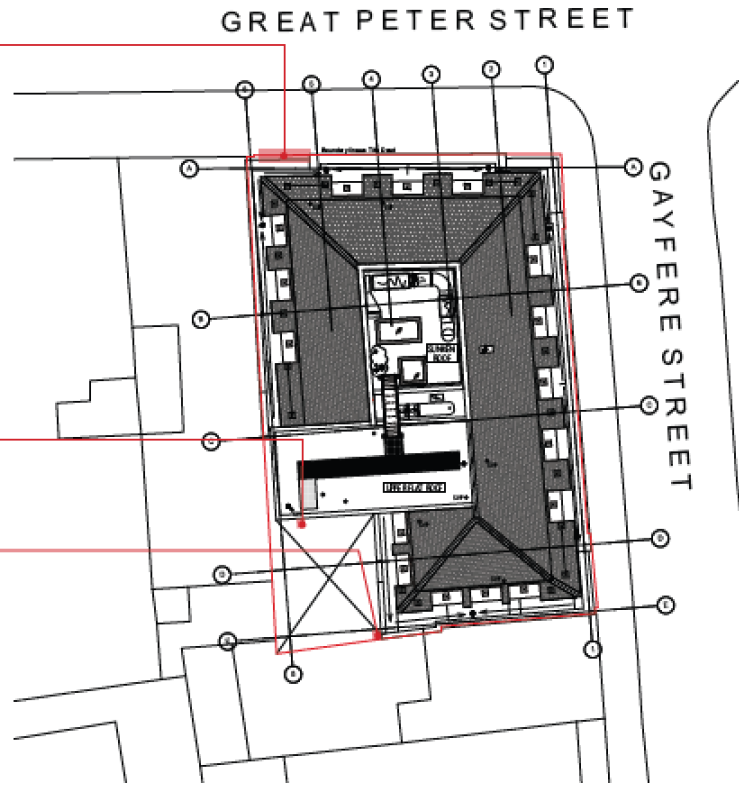
### 8. KEY DRAWINGS

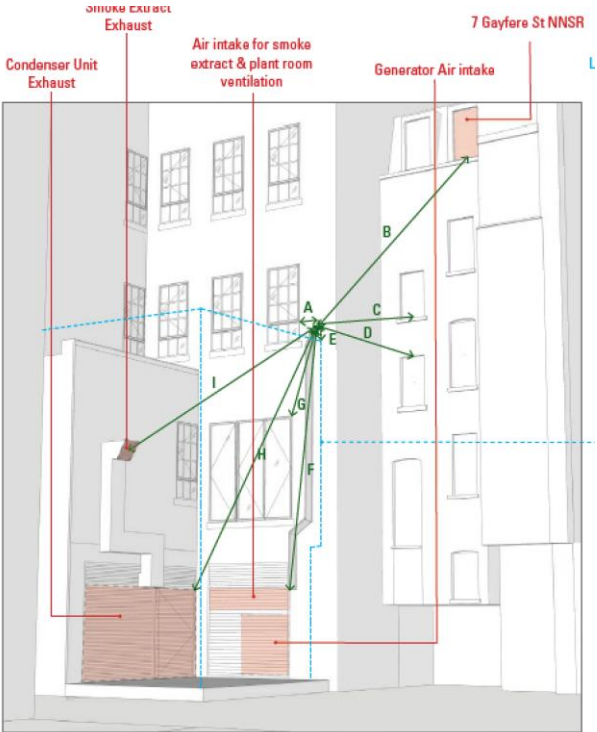
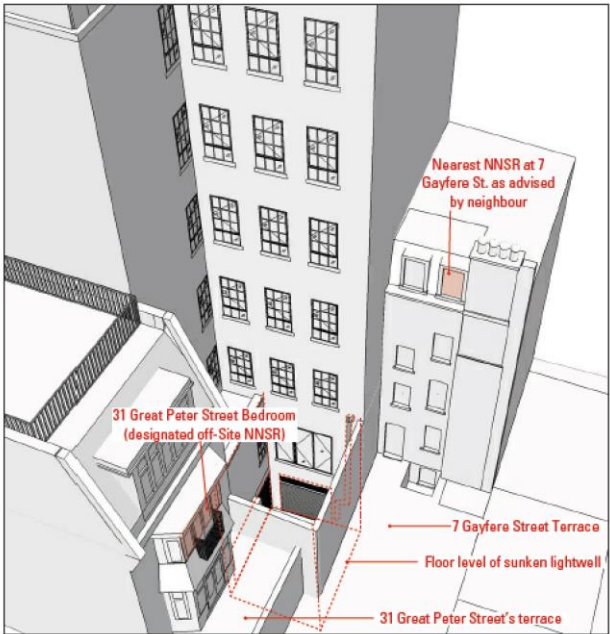
#### Application 1

3. Proposed 2 no. airbricks at street level, close to pavement.

2. Proposed smoke extract duct location

1. Proposed generator exhaust flue pipe location





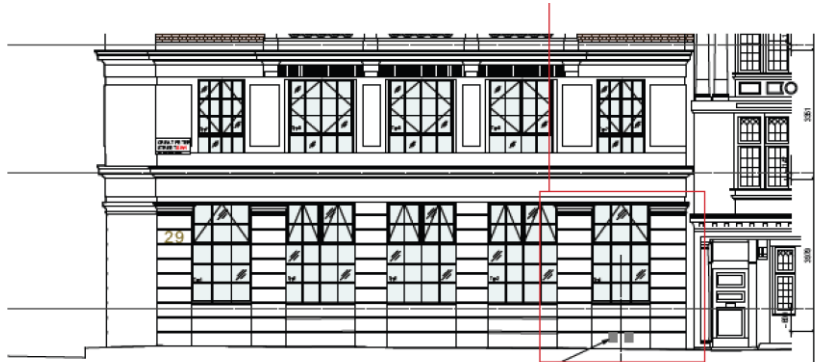
**Rear sunken lightwell**



Generator exhaust flue

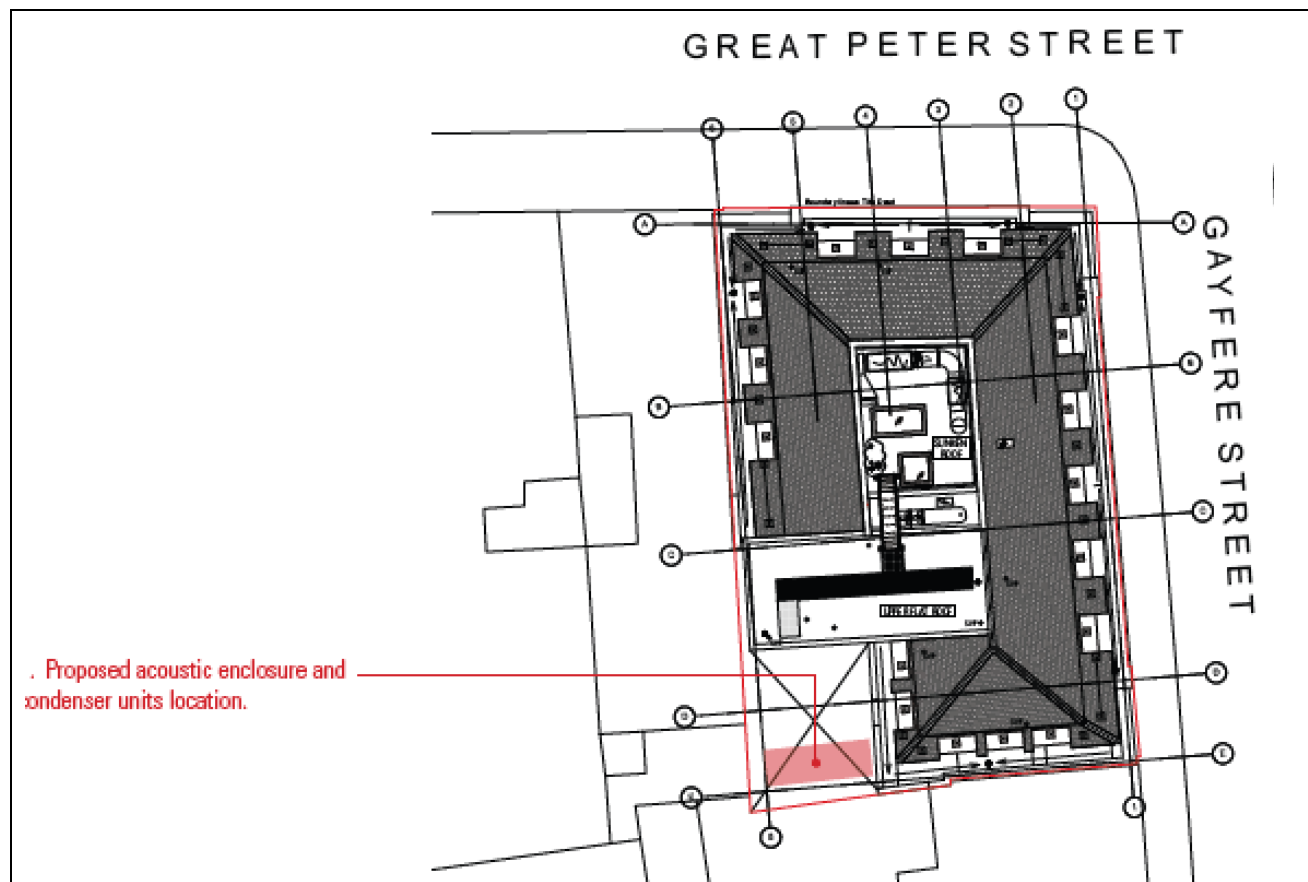


Smoke extract duct



Air bricks to Great Peter Street

**Application 2**



. Proposed acoustic enclosure and condenser units location.

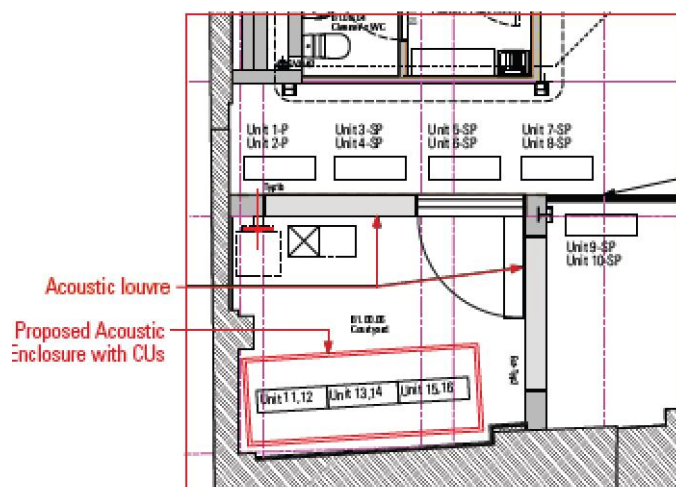


Fig. 13 - Proposed plan with location of independent acoustic enclosure



Fig. 14 - View from ground floor unit of installed CU enclosure





**DRAFT DECISION LETTER**

**Address:** 29 Great Peter Street, London, SW1P 3LW

**Proposal:** Installation of emergency smoke extract duct and emergency generator exhaust flue with attenuator within external sunken lightwell; and installation of two external airbricks at plinth level to Great Peter Street and associated works (part retrospective).

**Reference:** 22/01194/FULL

**Plan Nos:** Site location plan; 831-GAB1-P1; 831-GE01-P11; 831-GE03-P5; 831-GE04-P9; 831-GAB1-P2; 831-GE01-P13; 831-GE03-P6 and 831-GE04-P11. Emergency Plant Acoustic Report from Bickerdike Allen Ref:A11350\_00\_RP005\_3.0 dated 21 April 2022 and Air Quality Assessment from Aether Ref: AQ Assessment /2022/Great Peter Street version 4 dated 14 April 2022., , For information: Design and Access Statement dated February 2022 .

**Case Officer:** Seana McCaffrey **Direct Tel. No.** 020 7641  
07866037773

**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 , onot 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 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 Environmental Supplementary Planning Document (February 2022). (R48AB)

- 4 The emergency plant and generators hereby approved shall only be used for the purpose of public safety and life critical systems and shall not be used for backup equipment for commercial uses such as Short Term Operating Reserve (STOR). The emergency plant and generators shall be operated at all times in accordance with the following criteria: , (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the LA90, 15 mins over the testing period) by more than 10 dB one metre outside any premises., , (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required in an emergency situation., , (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour every 6 months, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays. Neighbouring residents (7 Gayfere Street, 31 Great Peter Street and tenant representative of Tufton Court) shall be given advance notification of 10 working days of any scheduled maintenance visit.

Reason:

Emergency energy generation plant is generally noisy, so in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AC)

- 5 You must install the acoustic attenuation measures shown on the approved drawings and as set out in Section 4.6 of the Emergency Plant Acoustic Report from Bickerdike Allen Ref:A11350\_00\_RP005\_3.0 dated 21 April 2022 within 3 months from the date of this decision. You must then maintain the attenuation measures in the form shown and as specified for as long as the machinery remains in place.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13AD)

- 6 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 Smith Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 7 You must finish the ductwork in grey and the air bricks in a colour to match the material next to it. You must then keep it that colour thereafter. (C26FA)

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 Smith Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

#### **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 Please contact Environmental Sciences by email to [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk) if you have any queries about your obligations under the Control of Pollution Act 1974 or the Environmental Protection Act 1990.

**DRAFT DECISION LETTER**

**Address:** 29 Great Peter Street, London, SW1P 3LW

**Proposal:** Installation of five condenser units and acoustic enclosure, acoustic canopy and acoustic sound absorbent panels within external sunken lightwell (part retrospective).

**Reference:** 22/03260/FULL

**Plan Nos:** Site location plan; 831-GAB1-R2; 831-GE04-P13; 831-GE11-P2; 831-GE12-P2; 831-GE13-P2; 831-GE14-P2. Plant Assessment Acoustic Report by Bickerdike Allen Partners Ref:A11350\_00\_RP004\_3.0 dated 06 May 2022; and E-mail from David Williams with response from Bickerdike Allen Partners dated 22 June 2022., , For Information only: Design and Access Statement dated April 2022.

**Case Officer:** Seana McCaffrey

**Direct Tel. No.** 020 7641  
07866037773

**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 , onot 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 (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 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 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., , (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 minutes) 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. (C46BC)

**Reason:**

As set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46BC)

- 4 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 Environmental Supplementary Planning Document (February 2022). (R48AB)

- 5 You must install the acoustic attenuation measures shown on the approved drawings and as set out in Section 6 of the Acoustic Report by Bickerdike Allen Partners Ref:A11350\_00\_RP004\_3.0 dated 06 May 2022 within 3 months from the date of this decision. You must then maintain the attenuation measures in the form shown and as specified for as long as the machinery remains in place.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13AD)

- 6 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 Smith Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 7 You must finish the acoustic enclosure and acoustic canopy in grey and the absorbent panels in a colour to match the material next to it. You must then keep it that colour thereafter. (C26FA)

#### **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 Please contact Environmental Sciences by email to [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk) if you have any queries about your obligations under the Control of Pollution Act 1974 or the Environmental Protection Act 1990.