

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 04 August 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	8-14 Meard Street, London, W1F 0EQ		
Proposal	Retention of 3 condenser units and installation of associated acoustic/visual screening on roof of 4th floor of existing office building (partially retrospective application).		
Agent	Left City		
On behalf of	WeWork		
Registered Number	20/00669/FULL	Date amended/ completed	31 January 2020
Date Application Received	31 January 2020		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The application site comprises 12 flats ('Royalty Mansions') on the first to fourth floors of the building fronting Meard Street, gym and office uses on the basement and ground floors and offices on the first to fourth floors of a separate block to the rear. The building has recently been refurbished, including to provide the gym and additional office floorspace, pursuant to permissions granted in 2018 and 2019. As part of the office refurbishment, three additional condenser units were installed on the roof of the rear office building. This application seeks permission for the retention of these units and has been revised to include proposals for new acoustic/visual screening.

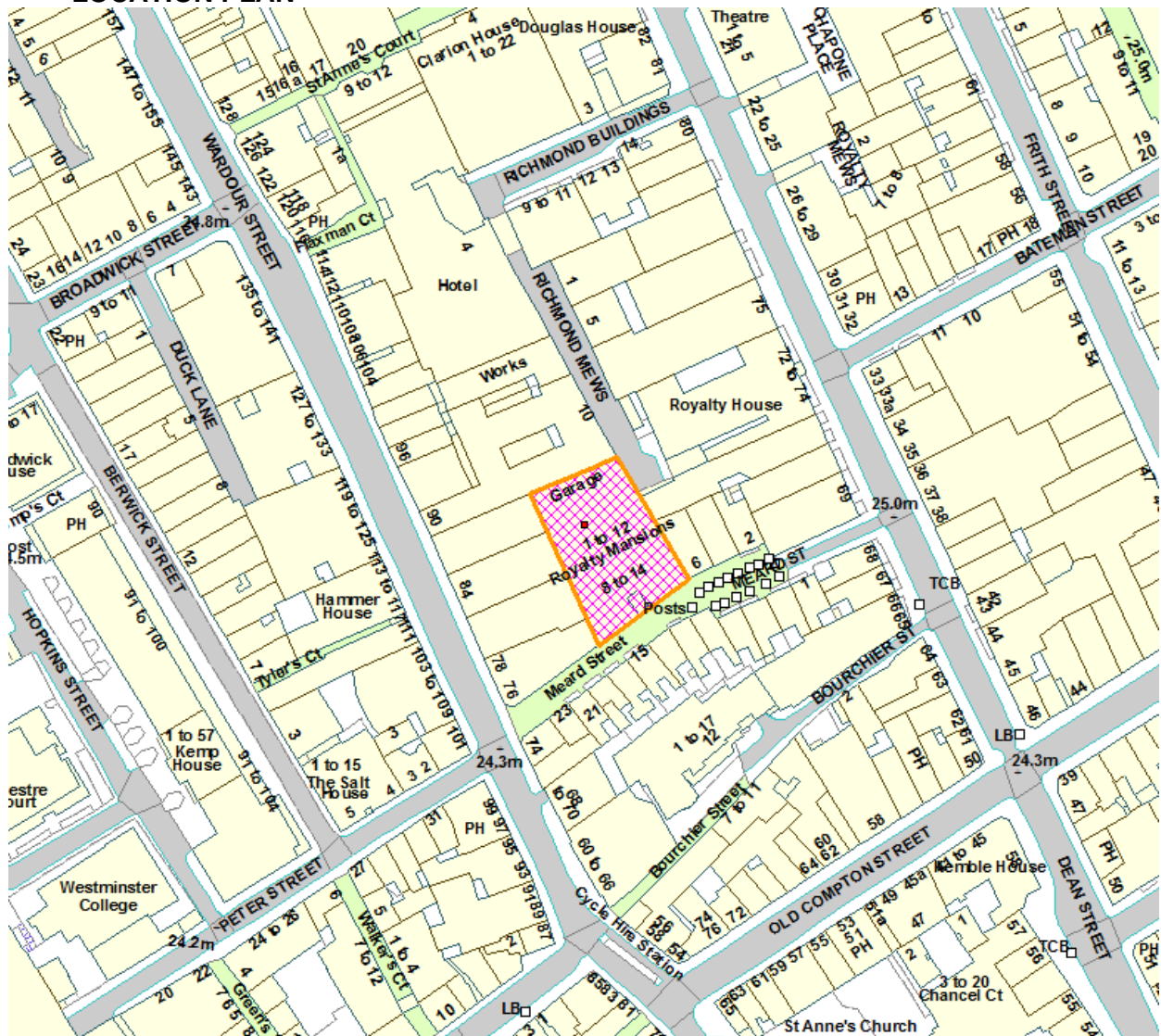
Objections have been received to the original and revised applications on the grounds that the plant would result in unacceptable noise and vibration and would adversely affect the character and appearance of the conservation area. Objections to the original application also concerned the methodology and accuracy of the submitted acoustic report, the hours of plant operation, and the future performance/maintenance of the units. The revised proposals are supported by an updated acoustic report which confirms that all three units would be required to operate on a 24-hours basis as they provide cooling/refrigeration to the office communications/equipment room and a food storage area.

The key issues for consideration are:

- The impact on neighbouring residential amenity. and
- The impact of the proposals the character and appearance of the area.

The Council's Environmental Sciences Officer has confirmed that the operation of the plant is likely to comply with Council noise and vibration standards. Subject to conditions, including a requirement for the plant screen to be installed within 3 months of the date of any permission, the application is considered acceptable in amenity terms. The proposals are also considered acceptable in urban design and conservation terms and would comply with relevant UDP and City Plan policies.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Meard Street Elevation



Richmond Mews Elevation



Elevation of Office Extension at Rear, as viewed from rear of Royalty Mansion



5. CONSULTATIONS

ORIGINAL SUBMISSION:

COUNCILLOR LEWIS

Noise disturbance, units running on a 24-hour basis, unacceptable appearance, screening required,

CROSSRAIL 1

Do not wish to comment.

CROSSRAIL 2

No comment to make.

SOHO SOCIETY

Any response to be reported verbally.

ENVIRONMENTAL SCIENCES

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 76

No. of replies: 7

No. of objections: 8 (including one letter from the Meard and Dean Streets Residents' Association)

Amenity:

- Disturbance to neighbouring residential and business premises from noise and vibration
- Acoustic screening should be provided
- Question why units required to run over 24 hours
- Unit performance will deteriorate over time,
- Concerns over accuracy/methodology of acoustic reports.

Design and Conservation:

- Adverse impact on conservation area, visual screening required.

SITE AND PRESS NOTICE: Yes

REVISED SUBMISSION:

ENVIRONMENTAL SCIENCES

No objection subject to conditions

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 76 No. of replies: 1 No. of objections: 1

Reiterated previous objections on amenity and design grounds, even with the addition of plant screening.

6. BACKGROUND INFORMATION

6.1 Application Site

The application site is located on the north side of Meard Street, mid-way between Wardour and Dean Streets, within the Soho conservation area. The site includes 12 flats (first to fourth floors) within Royalty Mansions which fronts onto Meard Street. The basement and ground floors and a separate block at the rear of the site (first to fourth floors) have recently been refurbished/extended and provide a gym and offices (Class B1).

6.2 Relevant planning history

27 February 2018: Permission granted for the demolition of the rear ground, first and second floor office accommodation and replacement with a full width rear extension at first to fourth floors to provide Office (Class B1) floorspace. Change of use of basement to part gym (Class D2) and part office (Class B1) and change of use of part ground floor to retail (Class A1), office (Class B1) and gym (Class D2). Replacement shopfronts at ground floor level on Meard Street and amendments to the rear of the existing residential flats in Royalty Mansions (Class C3) and associated works (17/09109/FULL). This has been implemented.

26 June 2019; Permission was granted for the use of part ground floor as offices (B1) accommodation. This area was the part of the building approved for retail use under the February 2018 permission (19/03540/FULL). This has been implemented.

The permitted offices are currently being fitted out. It is not clear if the gym use has commenced.

7. THE PROPOSAL

Planning permission was originally sought for the retention of three additional condenser units to the roof of the approved rear office extension. The application has been amended to include acoustic screening and a revised acoustic report has been provided.

The original acoustic report stated that two of the units would operate on a 24-hours basis and that the third unit would operate between 0700 and 2300 hours. The report also incorrectly assessed the closest noise sensitive receptor. It has now been confirmed that all units (which provide cooling to the office 'comms room' and provide refrigeration for a food and beverage store) are required to operate over 24 hours. The applicants have advised that there is insufficient space within the approved plant enclosure to accommodate the additional plant requirements. The report has also been updated to assess the closest residential receptor.

8. DETAILED CONSIDERATIONS

8.1 Townscape and Design

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 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.”*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy DES 9 (F) in the UDP requires that where development will have a visibly adverse effect upon a conservation area’s recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

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.

Objections were received to the original application on the grounds that unscreened units would have an adverse impact upon the character and appearance of the conservation area. The application has since been revised to include screening. A further objection has been received on design grounds which acknowledges that screening is now proposed.

The screened units will not be readily visible from any public place and, although they will be seen from some upper floors of surrounding buildings. They would be contained within a neat, and reasonably unobtrusive, enclosure. Consequently, the proposal is not considered to harm the appearance of the building or the character and appearance of this part of the Soho Conservation Area. As now proposed, the scheme is considered acceptable in urban design and conservation terms and the objections cannot be supported.

As such, the revised proposal is considered acceptable under policies S25 and S28 in the City Plan (November 2016) and Policies DES1, DES 6 and DES 9 of the UDP; and would be compliant with the requirements of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.”

8.2 Economic Considerations

Any economic benefits generated by the proposal are welcomed.

8.3 Other UDP/Westminster Policy Considerations

Plant

The proposals involve the retention of three condenser units on the fourth floor roof of the rear office building which have recently been installed without planning permission. Following negotiations, the application has been amended to include new acoustic/visual screening to the units. An updated acoustic report has also been submitted.

The closest residential properties to the proposed units are located within Soho Lofts (10 Richmond Mews), which forms the blank flank wall to the site and against which the new units are positioned.

Objections were received to the original application (unscreened units) on the grounds that the proposals would result in unacceptable noise and vibration and that acoustic screening should be provided. While the original acoustic report did not identify a requirement to provide acoustic screening to meet noise and vibration requirements, this was on the basis of an assessment which incorrectly identified the nearest noise sensitive receptor. The revised acoustic report now correctly identifies the closest residential property (Soho Lofts) and the scheme has been revised to provide acoustic screening, with a 'lid'.

Objectors have queried why the units are required to run on a 24 hours basis, when they serve offices. The revised acoustic report now confirms that the units would provide cooling for the 'comms' systems and refrigeration for a food storage area. Consequently, the need for 24-hours operation is accepted and is typical in modern offices.

Objectors have also expressed concern about the accuracy/methodology of the original acoustic report, and also the report submitted in support of the 2018 scheme, on a number of grounds:

- They consider the background noise survey period (from Monday afternoon through to Wednesday morning) is not representative and that "*measurements should always include at least one weekend as well as at least one weekday night*" on the basis that the lowest noise level may be on a Sunday night.

The Environmental Sciences Officer has advised that the vast majority of acoustic reports submitted to the Council do not assess the existing noise climate over a weekend period, nor do they need to. Such an assessment would only be required should that particular neighbourhood's ambient and/or background noise levels change significantly during the most critical time period of the operation of the plant applied for. As the proposed plant would operate over 24 hours, the lowest measured background levels are in the early hours of the morning. As early morning background noise levels would not be expected to be significantly different on a Sunday morning from the rest of the week, the Environment Sciences Officer has confirmed that the background noise assessment is acceptable.

- The objectors note that the current acoustic report considers the assessment of the noise performance of the approved plant and the performance of the approved acoustic screening, as identified within the previous acoustic report to be 'extremely optimistic' and, on the basis that the approved development was '*...new and uncommissioned at the date of the (new) noise survey.....assume that the plant was not operating and so was not measured...*' as part of the current noise assessment.

Consequently, they consider that the noise generated by the development as a whole (which would include the approved plant, and the units which are the subject of the current application) will exceed that predicted by the noise report in relation to the new units.

- They consider that the background noise readings undertaken in support of the 2018 scheme are 'vastly different' from those in the current noise report and that the previous noise report set an artificially high background noise level, as it was undertaken with all the old, and obsolete, plant for the site 'running noisily', hence the concerns expressed in the current acoustic report concerning noise emissions and adequacy of acoustic screening to the approved plant.

The current acoustic report confirms that the assessment of the operation of the proposed units was made in relation to background noise readings taken when neither the original building plant (in situ prior to the implementation of the 2018 permission) nor the plant approved in 2018 was operational. The Environmental Services Officer has confirmed that as a 'stand alone' application, the new units, with the acoustic attenuation proposed, are likely to comply with standard noise conditions which require all new plant to operate at least 10dBA below the prevailing background noise level. The Environmental Sciences Officer has reviewed the objections received to the application and has not expressed any concern about the methodology within the current noise report.

It is acknowledged that the current acoustic report re-considers the likely noise generated by the approved plant and expresses concern about the estimated level of attenuation provided by the approved acoustic screening. However, the acoustic report submitted as part of the approved scheme cannot be re-considered as part of the current application. When considering the original report, the Environmental Sciences Officer, at that time, did not identify anything of concern in the adopted methodology nor, given their knowledge of background noise levels in the area, did they consider background noise levels within the report to be unexpectedly high. It is noted that the lowest background noise levels within the previous scheme and the current reports, which are crucial in the assessment of 24-hour plant, are not dissimilar, differing by approximately 2dBA.

Once it becomes operational, any reported concerns that the approved plant is not operating in accordance with the noise conditions imposed on the 2018 permission, would be subject to enforcement investigations

The revised scheme was the subject of further neighbour re-consultation and one further objection has been received reiterating the same noise grounds as previously raised, whilst acknowledging that the scheme now includes acoustic/visual screening.

Subject to conditions relating to plant noise, vibration and plant screening, the plant is likely to comply with Council noise and vibration standards. A further condition would require the plant screening to be fully installed within 3 months of the date of any permission. The applicant has advised that this time period would be achievable but anticipate that the screening would be installed sooner. In these circumstances, it is not considered that objections relating to plant noise and vibration can be supported.

Objectors are also concerned that the unit performance may deteriorate, resulting in increasing noise levels. Should permission be granted, the noise/vibration conditions would be applicable for as long as the plant remains in situ. Permission could not reasonably be withheld on the basis of a potential breach of these conditions at some future date. Once reported, any concerns regarding the operation of the units would be the subject of enforcement investigations.

Subject to the conditions outlined above, the application is considered acceptable in amenity terms and in compliance with policies S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of the Unitary Development Plan (UDP) and the objections cannot be supported

8.4 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.

8.5 Neighbourhood Plans

Not relevant

8.6 London Plan

This application raises no strategic issues.

8.7 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.

No pre-commencement conditions are proposed.

8.8 Planning Obligations

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

8.9 Environmental Impact Assessment

Environmental Impact issues have been covered above.

8.10 Other Issues

None Applicable

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

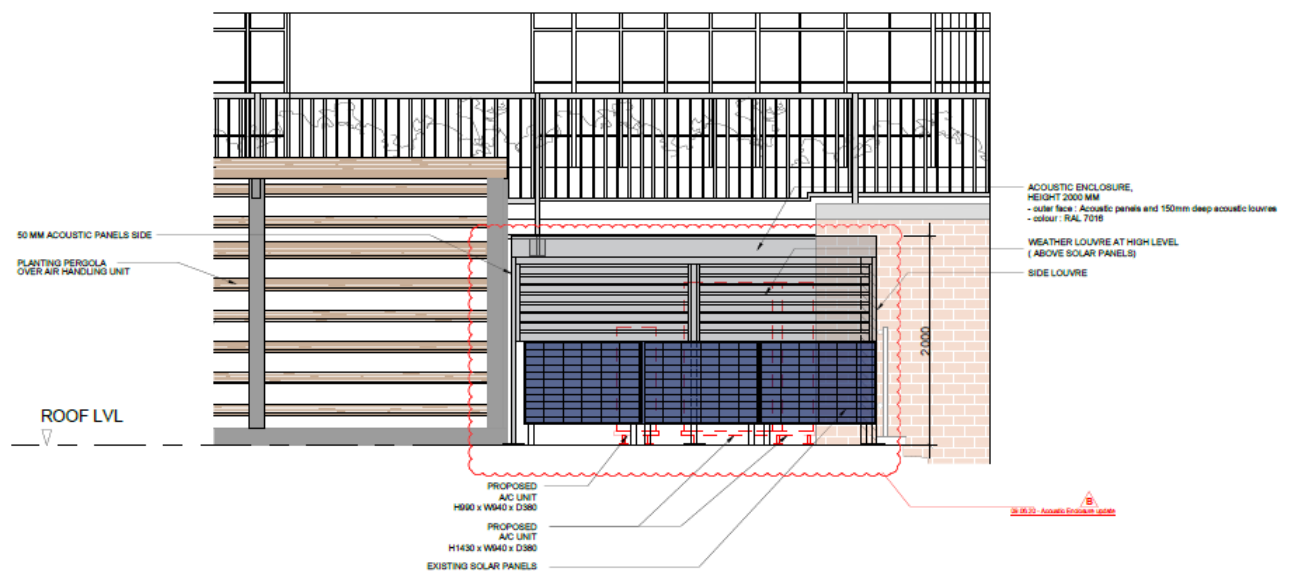
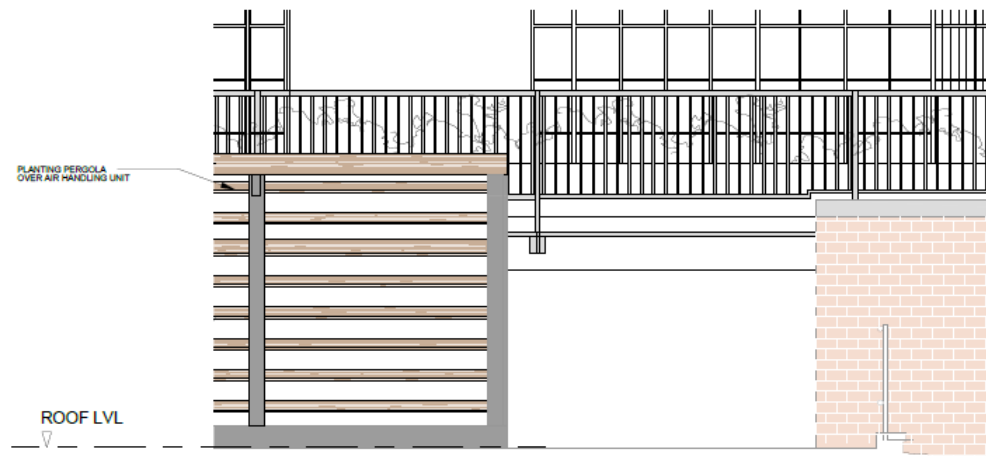
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARA SPURRIER BY EMAIL AT sspurrier@westminster.gov.uk



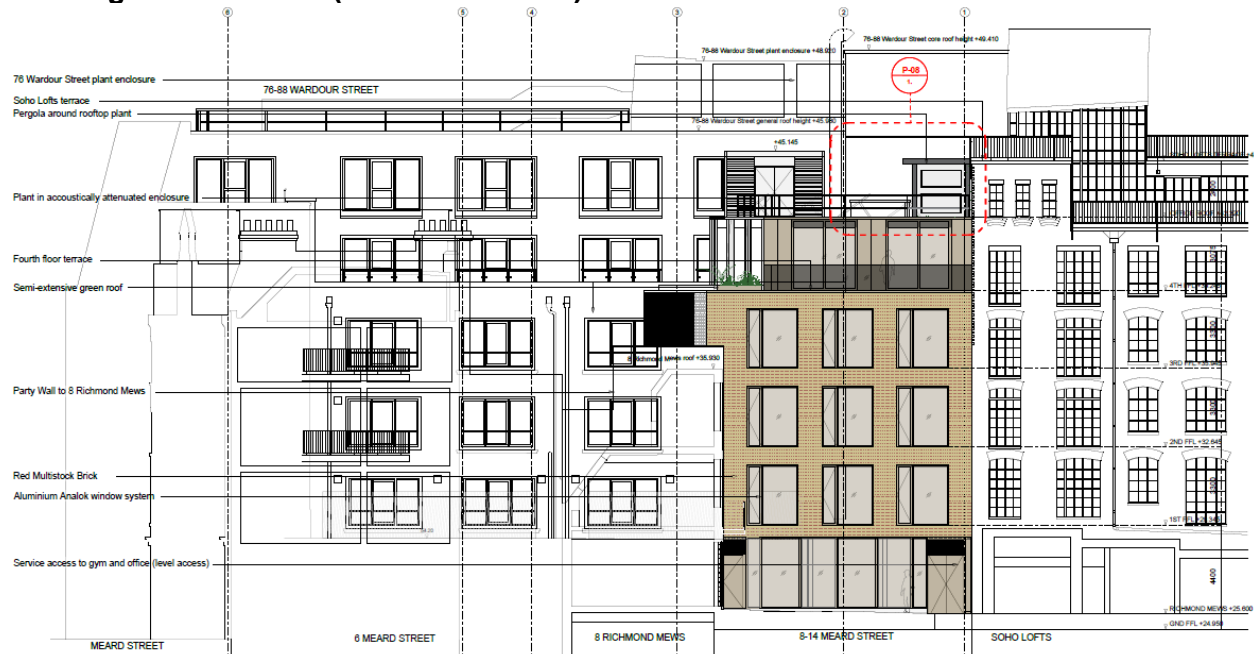
Architectural section drawing of the SOHO LOFTS building. The drawing shows a multi-story structure with various levels and a rooftop terrace. Key features include:

- A rooftop terrace with a red dashed line indicating a specific area.
- A section labeled "P-05 1."
- A section labeled "SOHO LOFTS"
- A section labeled "ACCESSIBLE OFFICE ENTRANCE"
- A section labeled "ROOFLIGHT"
- A cross-section of a building with a sloped roof and a section labeled "ROOFLIGHT"

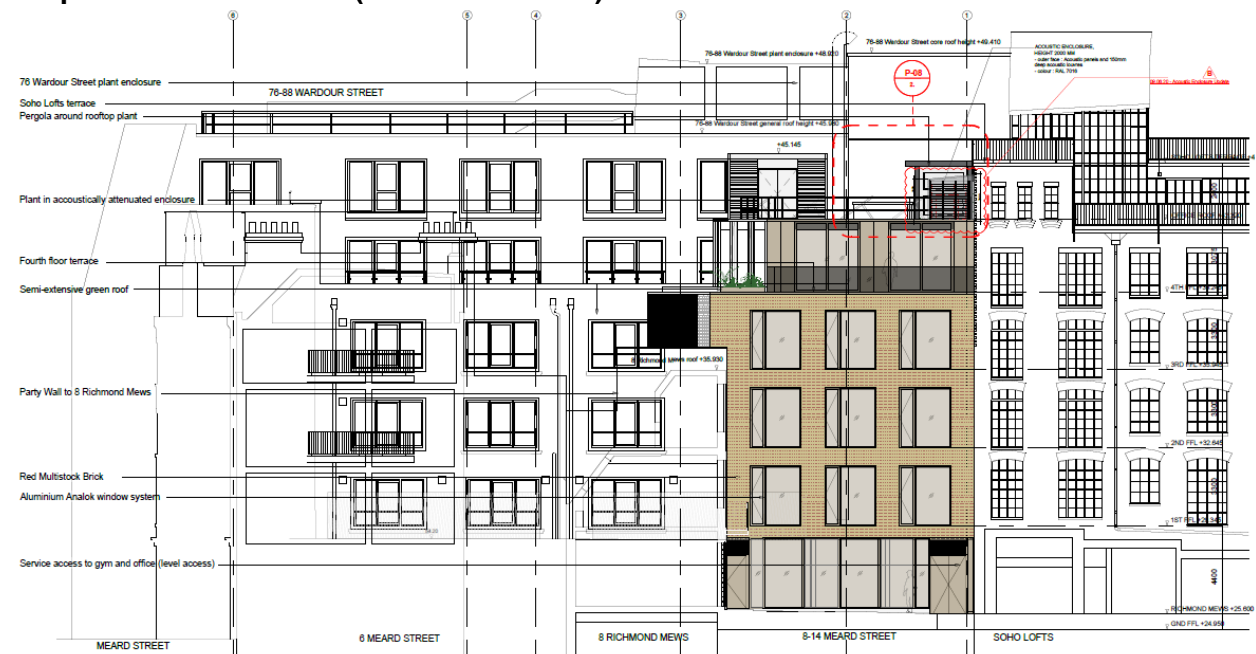
Existing and Proposed Elevation A-A Detail



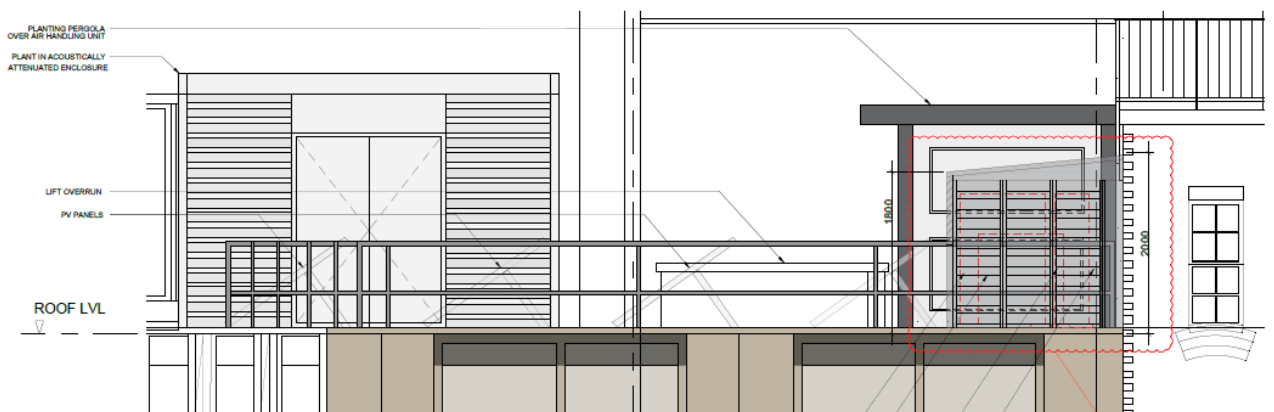
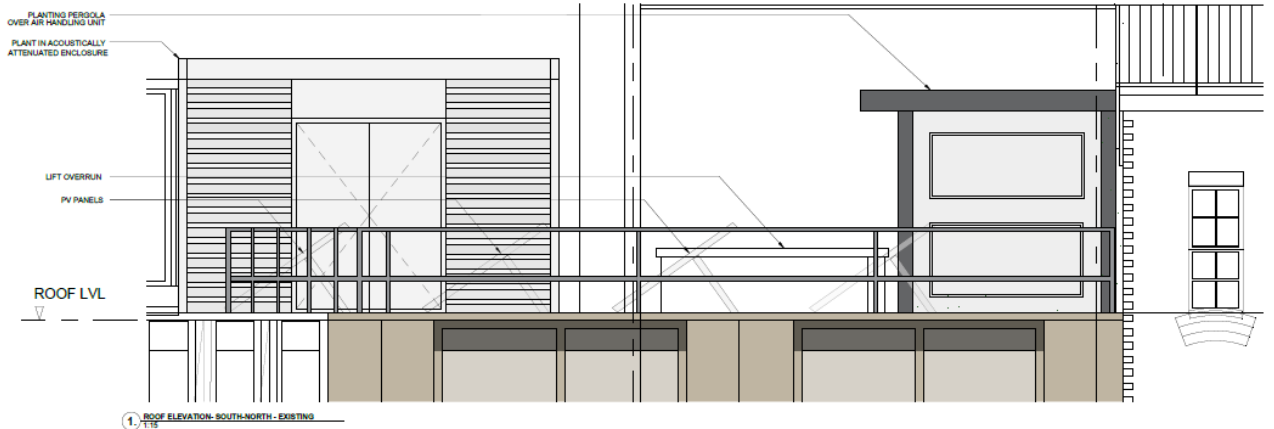
Existing Elevation B-B (Richmond Mews)



Proposed Elevation B-B (Richmond Mews)



Existing and Proposed Elevation B-B Detail (Richmond Mews)



PROPOSED A/C UNIT
H1430 x W560 x D380
PROPOSED A/C UNIT
H960 x W560 x D380
PROPOSED A/C UNIT
H1430 x W560 x D380

ACOUSTIC ENCLOSURE,
HEIGHT 2000 MM
outer face : Acoustic panels and 150mm
deep acoustic foam
colour : RAL 7016

0 300 600 900 1200

DRAFT DECISION LETTER

Address: 8-14 Meard Street, London, W1F 0EQ,

Proposal: Installation of 3 condenser units and associated acoustic/visual screening on roof of 4th floor of existing office building (partially retrospective application).

Reference: 20/00669/FULL

Plan Nos: P_05 Rev. B ; P_07 Rev. B ; P_08 Rev. B ; P_04 Rev. B ; P_06 Rev. B

Case Officer: Adam Jones

Direct Tel. No. 07779431391

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
 - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;

(i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

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

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 6 You must put up the plant screen shown on the approved drawings within 3 months of the date of this permission. You must then maintain it in the form shown for as long as the machinery remains in place.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in 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. (R13AC)

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 Conditions 4, 5 and 6 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should

Item No.
4

make sure that the machinery is properly maintained and serviced regularly. (I82AA)

- 3 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.