

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 29 September 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	28 Hill Street, London, W1J 5NW		
Proposal	Extension of the service wall within the ground floor courtyard to incorporate a bulkhead to accommodate mechanical, electrical and plumbing services, removal of glass bridge and infill to lightwell in the ground floor courtyard. (Retrospective).		
Agent	Urbanauts Consultancy Ltd		
On behalf of	Dr Khalid Bin Thani Al Thani		
Registered Number	19/06379/FULL	Date amended/ completed	17 September 2020
Date Application Received	13 August 2019		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The application site comprises a single family dwelling house on lower ground, ground and first to fifth floors. The application, for works within the lower ground floor and ground floor courtyard, is retrospective but has been revised to include an acoustic louvre to plant located between the party wall and the service wall, which has also been installed. The application was submitted in response to an enforcement complaint.

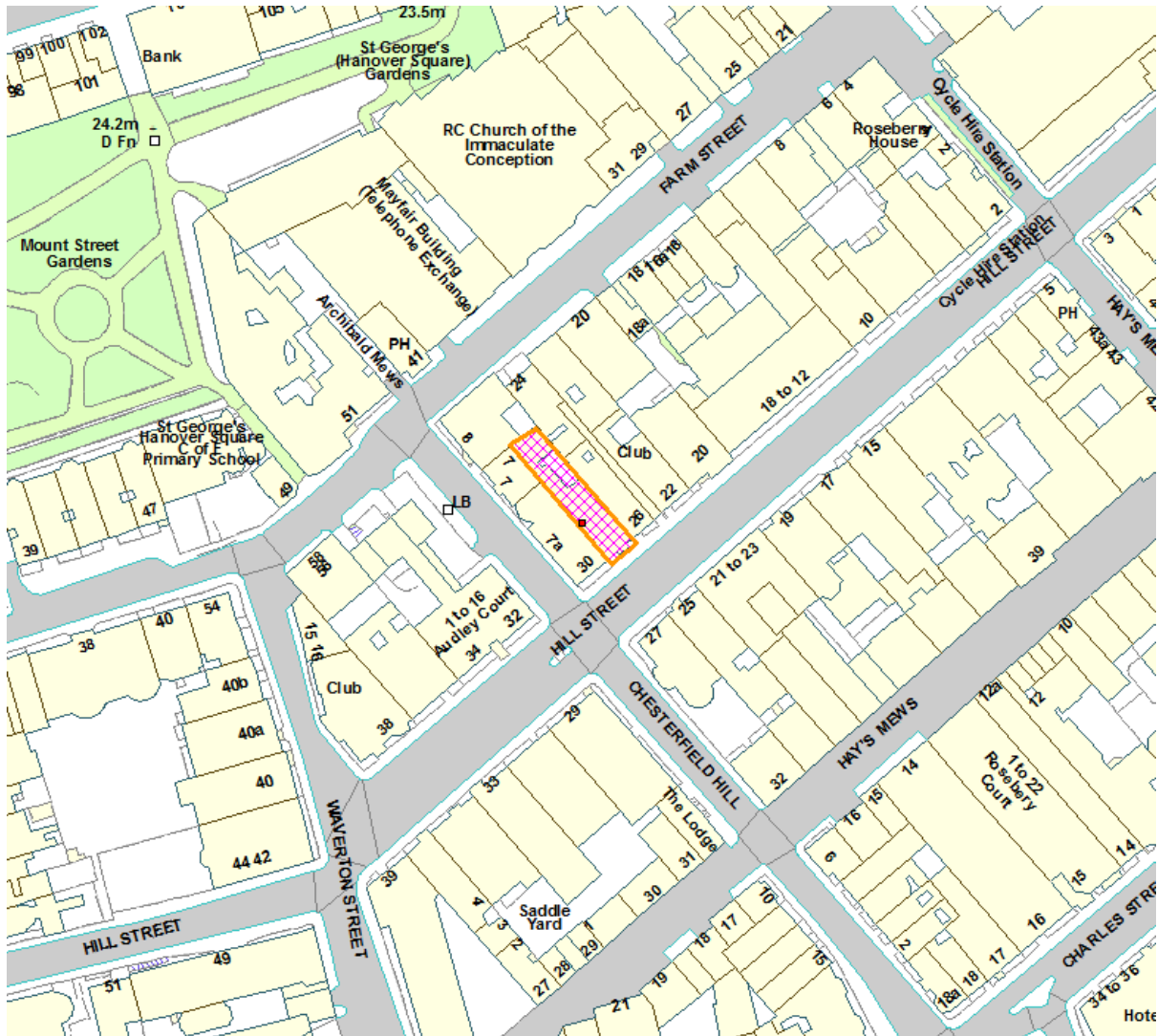
The key issues for consideration are:

- The impact of the proposals upon the amenity of neighbouring residential properties, and
- The acceptability of the proposals upon the appearance of the building, the setting of listed neighbouring buildings, and the character and appearance of the conservation area.

An objection was received on the ground of noise disturbance from the proposed plant. A further acoustic assessment was undertaken, measuring the operation of the plant in situ, which included recommendations for additional noise attenuation. Based upon this revised acoustic report, the Council's Environmental Sciences Officer has confirmed that the operation of the plant would comply with Council noise and vibration standards. Objections have also been received regarding potential

nuisance from odour/fumes from kitchen and pool ventilation systems. However, these are domestic systems, which would not normally be subject to planning control, and are considered unlikely to result in any material smell nuisance, Subject to conditions, including a requirement for the new plant attenuation to be retained, the application is considered acceptable in amenity terms. Objectors have raised concern regarding the impact of the proposals on the setting of the neighbouring listed building and the conservation area. The proposals are considered acceptable in urban design and conservation terms and would not affect the setting of neighbouring listed buildings. The proposals are considered to comply with relevant UDP and City Plan policies and are recommended for approval.

### 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



## 5. CONSULTATIONS

### COUNCILLOR GLANZ

Support objections – adverse impact on residential amenity due to unacceptable noise disturbance; effective noise attenuation should be provided; adverse impact on the conservation area; works retrospective and permission should not automatically be granted for their retention. (These comments were received before Councillor Glanz was elected Mayor).

### COUNCILLOR LEWIS

Note that objections received; application retrospective and works have caused unacceptable noise disturbance; adverse impact on conservation area. permission should not automatically be approved;

### RESIDENTS' SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally

### MAYFAIR RESIDENTS' GROUP

Any response to be reported verbally

### ENVIRONMENTAL SCIENCES

No objection subject to conditions.

### PLANNING ENFORCEMENT TEAM

Any response to be reported verbally

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 12 Total No. of replies: 1 No. of objections: 1

- No assessment of noise and fumes discharged from equipment located closest to neighbouring property or ability of equipment to redirect odour away from neighbouring windows;
- Only desk-based assessment undertaken, report does not assess the plant 'as installed'.
- Noise disturbance to neighbouring properties
- Plant noise and fume nuisance likely to increase over time
- Equipment should be relocated to centre of application site and redesigned to direct noise/fumes away from neighbouring sites
- Seeking approval for works previously refused under 17/09011 and 17/09725
- Impact of works on Conservation Area due to adverse impact on use of neighbouring outdoor space, and
- Listed building consent required as false wall attached to boundary wall with neighbouring listed building.
- Permission should not automatically be granted as works already undertaken

### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application site is an unlisted single dwelling house comprising of sub-basement, lower ground, ground and first to fifth floors, located within the Mayfair Conservation Area and the Core Central Activities Zone.

### **6.2 Recent Relevant History**

The application site has an extensive recent history relating to its conversion from a number of flats to the single family dwelling house.

Permission was granted in April 2016 (RN: 16/00936/FULL) for the infilling of a lightwell at lower ground floor level, the installation of roof lights at main roof level and alterations to rear terrace at first floor level including the extension of timber screening all in association with the use of the property as a single family dwelling (Class C3). The building was previously used as five separate residential units. These units were 1x self-contained studio flat, 1x 1 bed flat, 2x 2 bed flats and 1x 4 bedroom flat.

Permission was also granted in July 2016 (RN: 16/04701/FULL) to allow the use of the property as a single family dwelling, infilling of lightwell at lower ground floor level and installation of walk-on glass rooflight, alterations to rear terrace at first floor level, erection of extensions at rear ground to second floor level, infill extensions to rear third to fifth floor levels and the installation of air conditioning condensers on the main roof and associated alterations.

Planning permission granted in November 2016 (RN: 16/08352/FULL) allowed alterations at roof level including the installation of a lift, skylight and glass balustrade in association with the use of the roof as a terrace.

Permission was granted in January 2017 (RN: 16/10873/FULL) allowing the excavation of a basement extension, installation of five air conditioning units at roof level, reinstatement of lightwell at rear lower ground floor with glazed walk on floor and associated alterations, glazed infill of existing lightwell at lower ground floor level all in association with use of the property as a single family dwelling.

Permission was granted in November 2017 (RN: 17/08158/FULL) to allow the creation of two new terraces, including privacy screens, at rear second floor level.

A number of applications have been refused for a range of works including for the extension of the existing roof terrace (RN: 17/09275/FULL) in December 2017; for the erection of a rear extension at first floor level and the enlargement of the existing 1st floor terrace on 13 February 2018 (RN: 17/09011/FULL); for the creation of an entrance porch on the front of the building in March 2018 (RN: 18/00493/FULL). An enlargement to the main roof level terrace was subsequently permitted in September 2018 (RN: 18/05568/FULL).

More recently, planning permission was granted at appeal for the installation of two security railings to the front windows of the ground floor (PINS RN: APP/X5990/D/19/3226437 ; Council RN: 19/00618/HASREF) on 02 July 2019.

All of the above permissions have been implemented.

## **7. THE PROPOSAL**

Retrospective permission is now sought to regularise works which have been undertaken, without planning approved, in addition to the works permitted to date. The proposals include an extension of the service wall within the ground floor courtyard to incorporate a bulkhead to accommodate MEP (mechanical electrical and plumbing services). Although the applicant contends that a full length courtyard wall, and almost all of the MEP services have previously been approved, the approved drawings show this wall extending only half of the length of the ground floor courtyard, with the space between the false wall and the boundary wall annotated to read 'services'.

An approved glass bridge within the courtyard has been removed and a lightwell lower ground floor courtyard (which this glass bridge spanned) has been infilled to create a single level courtyard.

There is a current enforcement case relating to these unauthorised works (RN: 19/69709/K).

During the course of this application the scheme has been amended to include an acoustic louvre between the party wall and the service wall. This louvre has also been installed.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **Residential use**

The application results in a small increase in residential floorspace as a result of the courtyard infilling of the lower ground floor courtyard. This is considered acceptable in land use terms and is compliant with Policy H3 of the UDP and Policy S14 of the City Plan, both of which seek to increase the residential floorspace within Westminster.

### **8.2 Townscape and Design**

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.”

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.

The proposals involve the extension of a false wall in front of the existing east boundary wall, which conceals new plant. This wall is clad in mosaic tiles on the lower half and ashlar render on the upper half. The top of the wall features grey coloured acoustic ventilation louvres between the false wall and the site boundary, at its northern end, following revisions to the scheme. A glass bridge within the courtyard has been removed to and the lower ground floor courtyard infilled.

Objections have been received on the grounds that the proposals have an adverse impact upon the character and appearance of this part of the conservation area, including as a result of an adverse impact upon the amenity of external spaces. Whilst this is an unusual proposal, the visual impact of the wall and louvres is relatively limited, and not considered to be harmful to the character and appearance of the Mayfair Conservation Area. The works are adjacent to the grade 2 listed building at 26 Hill Street. However, it is not considered that the works will harm the setting of this listed building.

“The objector has questioned the relationship of the works proposed to the boundary wall with no. 26 Hill Street, which is a grade 2 listed building; whether the boundary wall should be treated as part of the listed building and whether the works require listed building consent . Notwithstanding the applicant’s suggestion that the proposed false wall is a freestanding structure within the curtilage of no. 28 Hill Street, officers requested further information regarding the relationship between the works proposed and the boundary wall with no. 26 Hill Street. In response, the applicants have submitted construction drawings. These show lead flashing to the wall and suggest that other features may be attached to the side of the wall facing into the rear garden area of no. 28 Hill Street, including, what appear to be, smaller scale supports for the false wall, and other features associated with the services area. All of these works, as set out on the drawings are proposed to be retained. On the basis of the information currently available, officers consider that the works do not appear to affect special architectural or



historic interest of the neighbouring listed building at 26 Hill Street. Officers, however, will continue to liaise with the City Council's Planning Enforcement Team regarding the need for retrospective listed building consent on the basis of all available information, including any new information which comes to light. This application would be considered on its merits but the potential need for listed building consent does not prevent the determination of the current planning application.

As such, the proposal is considered acceptable, mindful of policies DES 1, DES 5, DES 6 and DES 9 of the UPD and S28 of the City Plan; and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF.

### 8.3 Residential Amenity

Council records show that the application site is surrounded by residential properties to the western side and the rear (north). These are the rear of properties on Chesterfield Hill and Farm Street.

#### Nuisance from fumes/odour

Objections have been received on the grounds that the application does not include an assessment of potential fumes or odour discharged from the swimming pool (chemical smells) and kitchen ventilation equipment, which are located closest to the objector's property, or consider the technical ability of the equipment to redirect such fumes or odours away from neighbouring sites effectively. However, the objector does not report any actual issues nuisance from odour/fumes.

The objector notes that the submitted drawings (Section C-C and Terrace Elevation) include labels stating "*Bulkhead to redirect airflow to the main building 28 Hill Street, instead of neighbours*", or similar, with directional arrows indicating the direction of airflow. The revised drawings show that, as a result of the installation of the acoustic louvre, air flows would be directed upwards.

It should be noted that both the swimming pool and kitchen have been provided as part of the approved developments. The applicant contends that these areas were to be served via systems concealed behind the approved, half-length, courtyard wall, although they were not detailed on the approved drawings and these ventilation systems were not the subject of the relevant permissions. The drawings simply labelled the gap behind the new wall as 'services'. Technical drawings submitted with application 16/10873/FULL (which were not approved as part of the permission) show pool and kitchen vents located in a small secondary lightwell. That lightwell has since been the subject of permissions to glaze it over and to reduce it in size. No subsequent permissions have included details of the relocation of the vents.

Notwithstanding the above, domestic kitchen extracts would not normally require planning permission. The Council would not normally seek to regulate cooking extracts within a residential property in the same way that commercial cooking extract systems, which have the potential to cause smell nuisance due to extended periods of continual use, would be regulated. Cooking odour from normal domestic cooking is exempt from statutory nuisance legislation. Although the kitchen extract is marked as a 'commercial'

system, it is for domestic use. Consequently, it would be unreasonable for the Council to seek to impose conditions regarding the use of this kitchen extract system.

The applicant has advised that there are no odour emissions from the extract to the pool as this is part of the air circulation system and is not related to the discharge of chemical fumes or gas. They have also advised that the pool is not chlorinated. The Council's Environmental Sciences Officer has confirmed that there would not be expected to be a swimming pool or a 'chloramine' smell from a well-maintained domestic pool. Swimming pool odour is usually associated with heavily used commercial pools when chlorine reacts with bodily fluids and releases chloramine.

The objector considers that the kitchen and pool vents should be located in the centre of the application site, away from neighbouring boundaries, as well as questioning how any fumes will be prevented from drifting towards their property when the prevailing winds are in that direction. However, the equipment, as installed, is considered acceptable for the purposes of operating these domestic systems. As it is not considered that the operation of the kitchen and swimming pool extract systems would have a material adverse impact upon the amenity of neighbouring properties, objections relating to nuisance from fumes/odours cannot be upheld and it is not considered that it would be reasonable for the Council to require the equipment to be relocated.

#### **8.4 Transportation/Parking**

Not applicable.

#### **8.5 Economic Considerations**

Not relevant.

#### **8.6 Access**

Not applicable.

#### **8.7 Other UDP/Westminster Policy Considerations**

##### **Plant noise**

The original submission was accompanied by an acoustic report. This was assessed by the Council's Environmental Services Officer who confirmed that the proposed additional plant installations were likely to comply with the relevant noise criterion within UDP Policy ENV 7.

A detailed objection was received from a neighbouring resident on the grounds that the operation of the plant, as installed, resulted in unacceptable noise disturbance. They also expressed concern that the acoustic report noise report was a desk-based assessment rather than an assessment of the plant in operation.

In response, the applicant undertook a further acoustic assessment including a 24-hour noise survey of the plant, in operation, (carried out from 3rd to 4th August 2020). This

survey measured a lowest background noise level of 36 dB LA90 (15 min). As the ambient noise levels are below WHO guideline levels, any new plant is required to operate at, at least, 5 dB below the lowest LA90 level. Hence, the plant is required to produce a maximum sound pressure level of 31 dB LPA at the nearest noise sensitive receptor.

The acoustic consultant also undertook measurements of the plant at a point 1m away from the 1st floor façade (representative of the first floor façade of 26 Hill Street - the nearest noise sensitive receptor - approximately 7 metres from the installed plant). It is acknowledged that the rear window to the nearest property on Farm Street may be marginally closer to the boiler and kitchen extracts but this window benefits from screening from the plant wall enclosure.

To mitigate noise levels from the equipment, the acoustic report confirms that a 150mm deep, bespoke, acoustic louvre should be installed to fully cover the boiler and kitchen extract across the top of the plant wall, at a profiled angle. This acoustic screening is now included in the revised drawings and has been installed. It is positioned, between the site boundary wall and the new courtyard wall, where the plant is housed.

The Environmental Health Services Officer has confirmed that the methodology used in the revised acoustic report is appropriate and that, with this additional acoustic screening in place, the units are likely to comply with Council noise and vibration criteria. In addition to standard conditions relating to plant noise and vibration, a condition is recommended requiring the retention of this screening, as shown on the revised drawings.

Subject to appropriate noise conditions, it is not considered that the operation of the plant would have a material impact upon the amenity of neighbouring residential properties. Although objectors have expressed concern about potential noise disturbance in future years, as the plant ages, the plant installations would be required to comply with the relevant noise conditions at all times. Any future concerns about non-compliance with noise conditions would be the subject of future enforcement investigations.

## **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 Neighbourhood Plans**

The Mayfair Neighbourhood Plan includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment. It has been through independent examination and supported at referendum on 31 October 2019, and therefore now forms part of Westminster's statutory development plan. It will be used alongside the council's own planning documents and the Mayor's London Plan in determining planning applications in the Mayfair Neighbourhood Area. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed elsewhere in this report.

#### **8.10 London Plan**

This application raises no strategic issues.

#### **8.11 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.

#### **8.12 Planning Obligations**

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

#### **8.13 Environmental Impact Assessment**

Not applicable

#### **8.14 Other Issues**

##### **Retrospective Nature of Application**

Objections have been received, including from Councillor Glanz and Lewis, to the fact that the application is retrospective. However, the NPPF allows retrospective applications to be made to regularise unauthorised works and, as the scheme is otherwise considered acceptable with appropriate conditions, permission cannot justifiably be withheld on these grounds.

##### **Previously Refused Applications**

The objector states that they consider this application has the "...aim to get through some of what had been refused in applications 17/09011 and 17/09725...". The second reference number would appear to be a reference to application 17/09275/FULL. Neither of these schemes, which relate to a first floor extension and the enlargement of a terrace and the enlargement of the terrace on the main roof, are concern with the works in the rear courtyard which are the subject of the current application.

##### **Description of Development**

The applicant's planning agent has noted that the original description of development, as amended by officers, included works that were not part of the application, including new

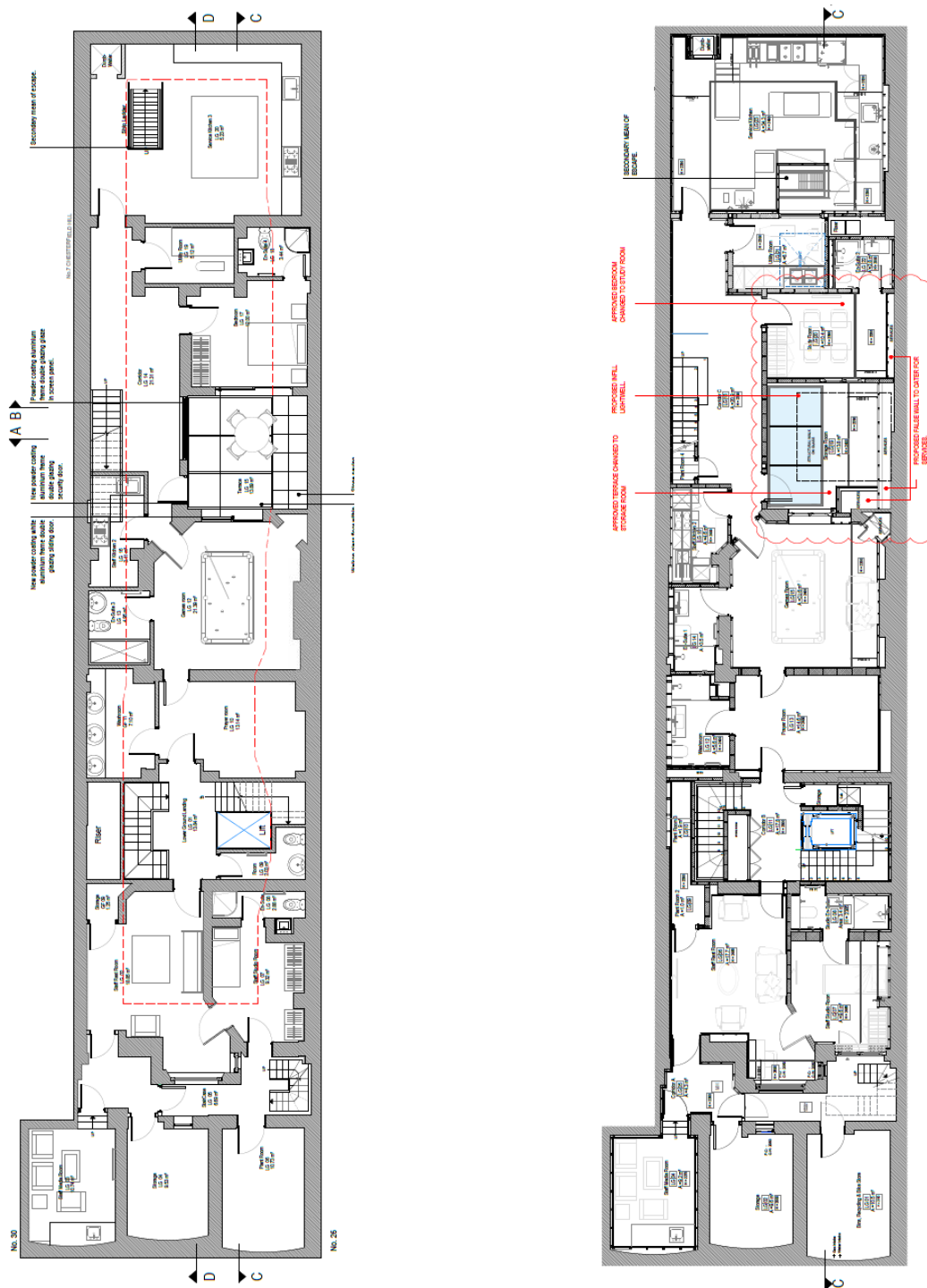
Item No.
<b>8</b>

plant in the basement and/or internal works which do not require planning permission.  
The description has subsequently been amended.

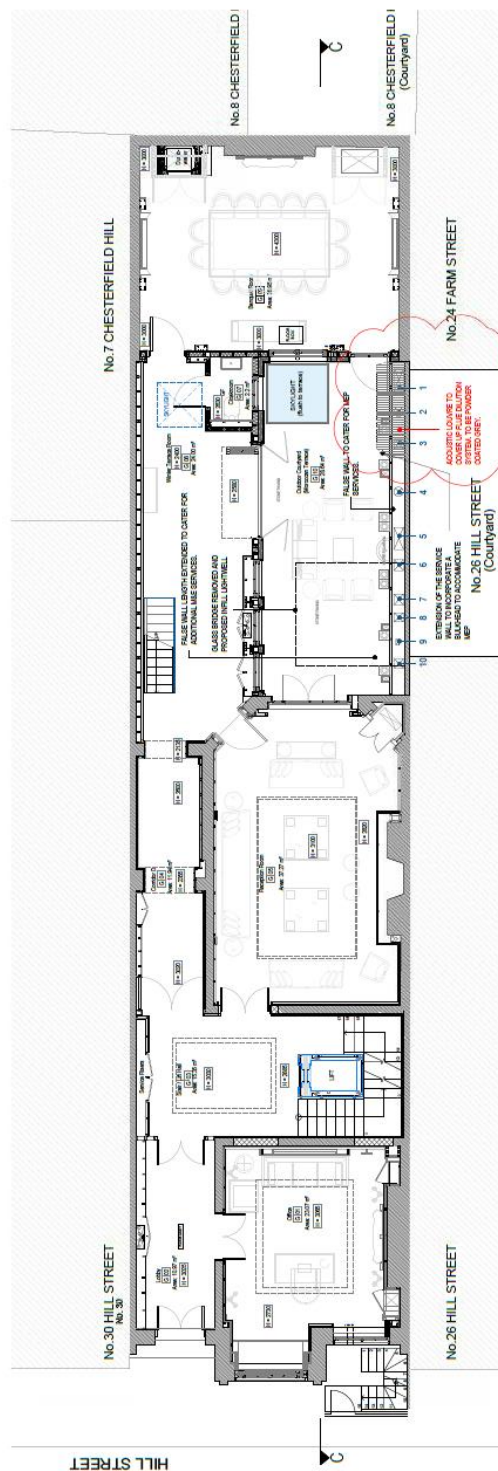
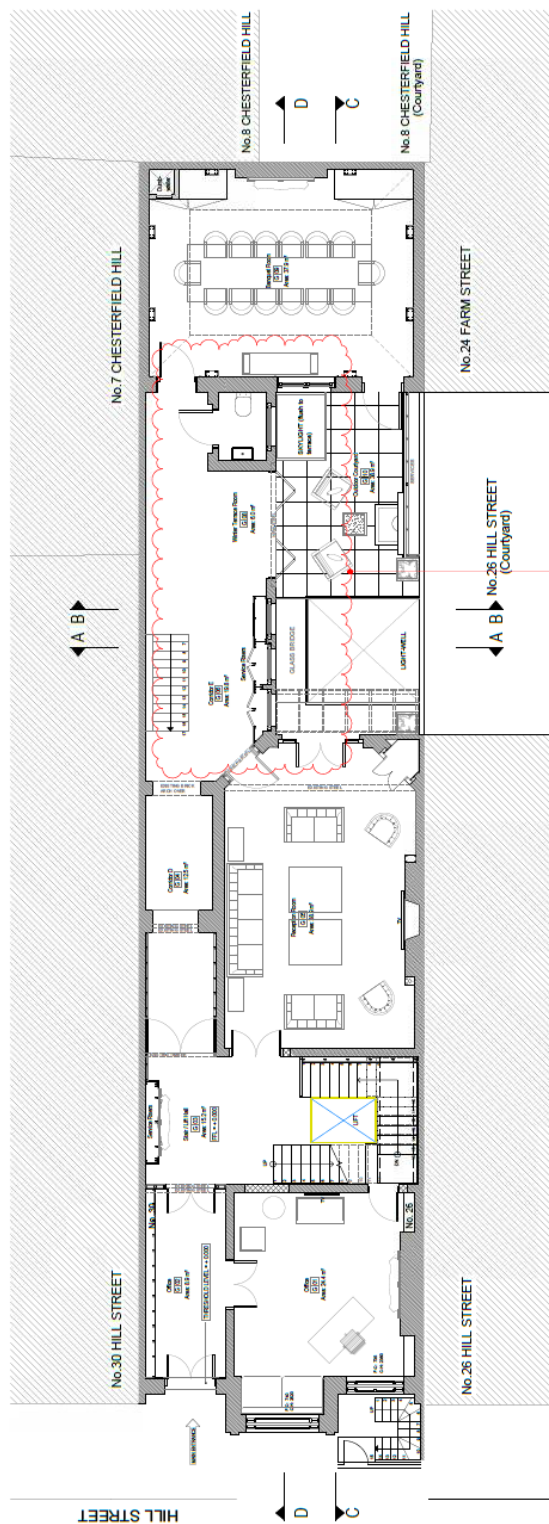
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARA SPURRIER BY EMAIL AT <a href="mailto:sspurrier@westminster.gov.uk">sspurrier@westminster.gov.uk</a>
---

Left: Lower Ground Floor Plan as approved - Right: Proposed Lower Ground Floor Plan

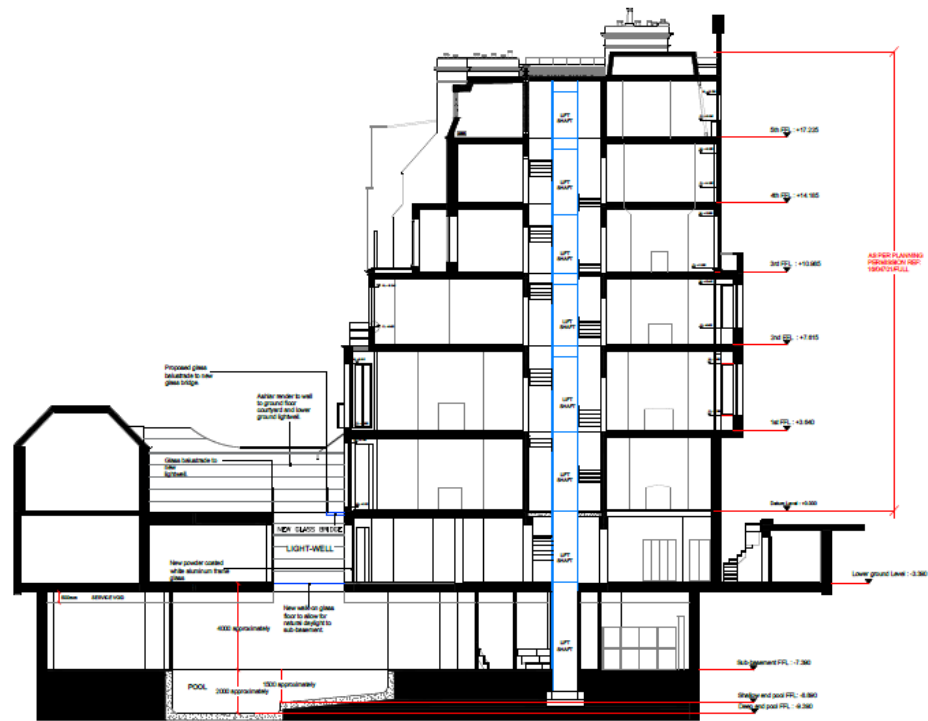


Left: Ground Floor Plan as approved – Right: Proposed Ground Floor Plan

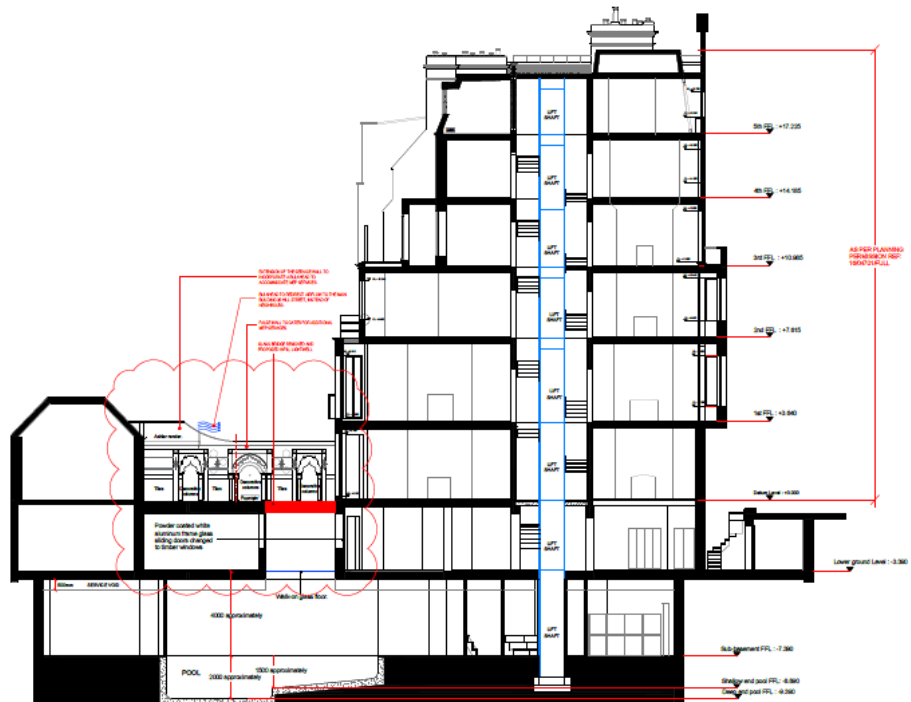




## Section C-C – as approved



## Proposed Section C-C





**DRAFT DECISION LETTER**

**Address:** 28 Hill Street, London, W1J 5NW

**Proposal:** Extension of the service wall within the ground floor courtyard to incorporate a bulkhead to accommodate mechanical, electrical and plumbing services, removal of glass bridge and infill to lightwell in the ground floor courtyard. (Retrospective)

**Reference:** 19/06379/FULL

**Plan Nos:** P75 ; P77 Rev. A ; P76 Rev. B ; P78 Rev. A ; Acoustic Report by Sound Solution Consultants, reference 34165-R1, dated 06/08/2020 ; P137 Rev. A

**Case Officer:** Adam Jones

**Direct Tel. No.** 020 7641 1446

**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)

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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 (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 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:**

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)

- 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 acoustic attenuation shown on the approved drawings and as required by the approved acoustic report before you use the machinery. 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

Item No.
<b>8</b>

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 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.