

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	41 Great Pulteney Street, London, W1F 9NT,		
Proposal	Variation of Condition 7 of planning permission dated 11 October 2016 (RN: 16/03788) for erection of new fourth storey, plant room and perimeter railing for use as offices (Class B1) with a terrace. External alterations comprising new fenestration and painting of the facades, and alterations to the office entrance on Great Pulteney Street including erection of a fixed canopy; NAMELY to allow the plant to operate on a 24 hour basis (with restricted mode applied to various items).		
Agent	Rolfe Judd		
On behalf of	Richard Sutton Ltd		
Registered Number	17/04725/FULL	Date amended/ completed	30 May 2017
Date Application Received	30 May 2017		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional planning permission.

2. SUMMARY

41 Great Pulteney Street comprises basement, ground and three upper floors situated on the northern side of Brewer Street with frontages to Great Pulteney Street and Bridle Lane. The site lies within the Soho Conservation Area and the Core Central Activities Zone (CAZ). The upper floors are in office use (Class B1). Permission was granted on 11 October 2016 for the erection of a 4th floor roof extension with plant above, to be located in 2 x screened areas (RN 16/0788/FULL). The hours of operation of the plant were restricted by condition (No 7) to between 07.00 and 19.00 hours daily.

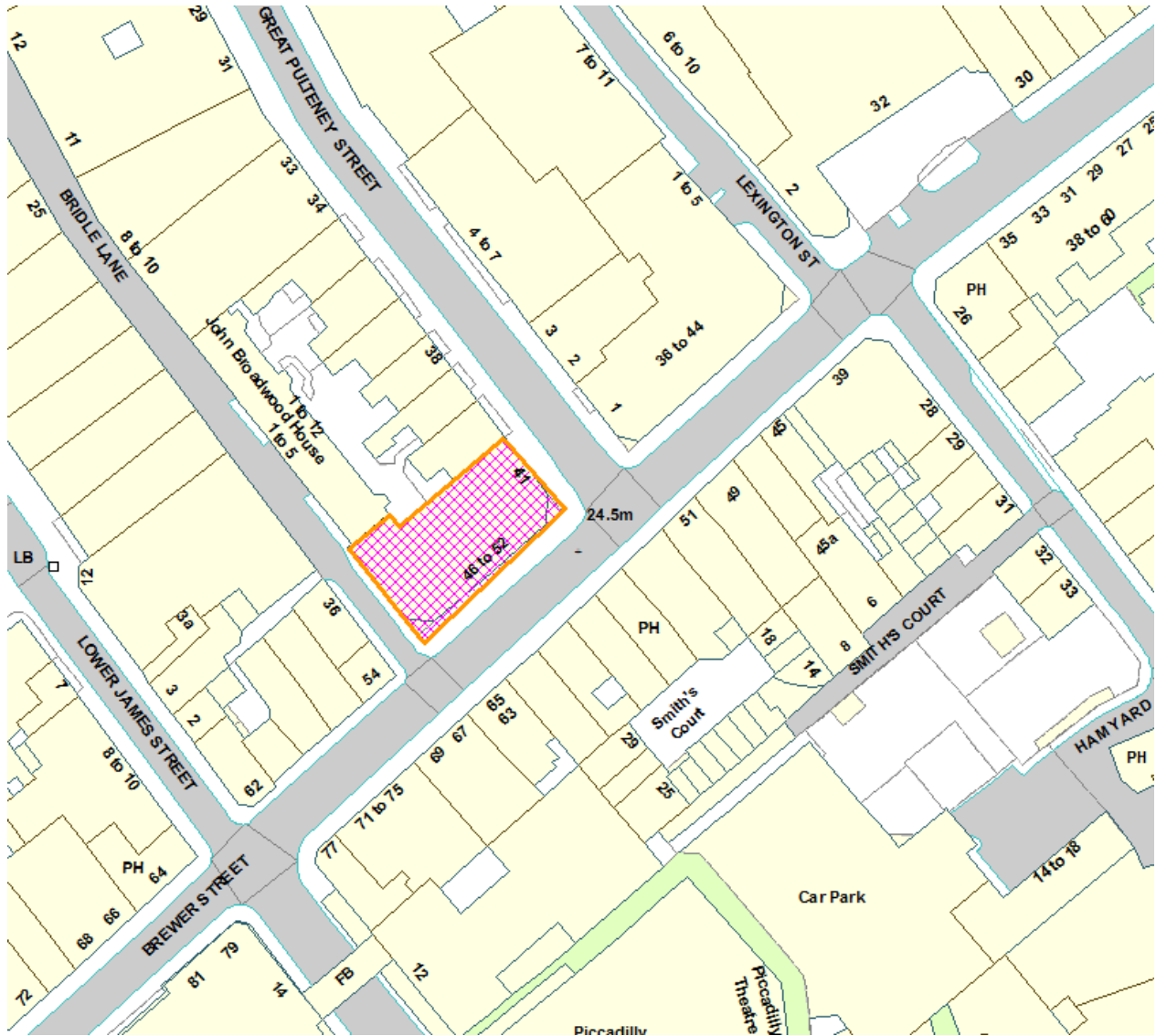
This application seeks to vary the condition to enable plant to operate on a 24 hour basis (with six units set to 'silent mode' between the hours of 19:00 and 07:00). The applicant advises that the office occupants may require greater flexibility to operate plant outside the permitted hours and that cooling to computer servers is required on a 24 hour basis.

In response to consultations 10 objections have been received from nearby neighbouring residents and from the Soho Society that the extended operating hours of plant could result in noise nuisance. The nearest noise sensitive windows are residential flats on the upper floors of 39 and 40 Great Pulteney Street. Which are 7m from the proposed plant.

An acoustic report has been submitted which sets out a design criteria of 38dB being 10dB below the lowest background noise level of 48dB. Environmental Health raise no objection advising that the operation of the plant is likely to comply with the standard noise condition. The plant is subject to a condition which requires acoustic measures (acoustic screening and silencers to certain items) to be installed whilst the plant is operational.

Since the initial permission was granted on 11 October 2016 the Council has adopted the City Plan in November 2016. There has however been no material change in policy. The application accords with UDP policies ENV 6 and ENV 7 and City Plan policy S32. It is recommended that permission is granted and the condition is varied as proposed.

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

SOHO SOCIETY

Objection, plant should be switched off between 23:00 and 07:00.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 39

Total No. of replies: 10

No. of objections: 10

Objections to potential noise disturbance as a result of the operation of plant during the night.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND PAPERS

1. Application form
2. Response from Soho Society, dated 12 June 2017
3. Response from Environmental Health dated 7 June 2017
4. Letter from occupier of 39c Great Pulteney Street, London, dated 22 June 2017
5. Letter from occupier of 39A Great Pulteney Street, London, dated 22 June 2017
6. Letter from occupier of 5 Bridle Lane, London, dated 22 June 2017
7. Letter from occupier of 37C Great Pulteney Street, London, dated 22 June 2017
8. Letter from occupier of 36B Gt Pulteney St, London, dated 22 June 2017
9. Letter from occupier of Flat 4, John Broadwood House, 1 Bridle Lane, dated 21 June 2017
10. Letter from occupier of 36C, Great Pulteney Street, London dated 22 June 2017
11. Letter from occupier of 40, Great Pulteney Street, London, dated 20 June 2017
12. Letter from occupier of 39D Great Pulteney Street, London, dated 22 June 2017
13. Letter from occupier of 37C Great Pulteney Street, London, dated 22 June 2017

(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: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk.

DRAFT DECISION LETTER

Address: 41 Great Pulteney Street, London, W1F 9NT,

Proposal: Variation of Condition 7 of planning permission dated 11 October 2016 (RN: 16/03788) for erection of new fourth storey, plant room and perimeter railing for use as offices (Class B1) with a terrace. External alterations comprising new fenestration and painting of the facades, and alterations to the office entrance on Great Pulteney Street including erection of a fixed canopy; NAMELY to allow the plant to operate on a 24 hour basis (with restricted mode applied to various items).

Reference: 17/04725/FULL

Plan Nos: Acoustic Report (15209-004), Drawings: A(21)D02 RevA, T(20)E01 RevA, T(20)E02 RevA, T(20)E03 RevA, T(20)04 RevA, T(20)P-1, T(20)P00, T(20)P01, T(20)P02, T(20)P03, T(20)P04 RevA, T(20)P05 RevA, T(20)S01 RevA, T(20)S02 RevA, T(20)S03 RevA.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: between 08.00 and 18.00 Monday to Friday; between 08.00 and 13.00 on Saturday; and, not at all on Sundays, bank holidays and public holidays. You must carry out piling, excavation and demolition work only: between 08.00 and 18.00 Monday to Friday; and, not at all on Saturdays, Sundays, bank holidays and public holidays. Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 4 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 5 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved 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 LA90, 15 mins measurement recorded under (f) above;, (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;, (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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.

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

Reason:

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

- 7 As detailed within the submitted acoustic information the six Panasonic U-12MF1E8 units need to operate in 'silent mode' between 19:00 and 07:00.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in 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.

- 8 You must install the acoustic mitigation measures to the specification detailed in the approved acoustic report at the same time as the plant is installed. It must thereafter be maintained in this form for as long as the plant 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)

- 9 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the office accommodation. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 10 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 Soho 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)

- 11 You must install and maintain the green roof area and hedging in accordance with the details approved by the City Council as Local Planning Authority on the 2nd February 2017 under reference: 17/00612/ADFULL or in accordance with other measures as submitted to and approved by the City Council.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 12 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 13 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

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 Soho 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)

- 14 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

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 Soho 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)

- 15 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

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 Soho 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)

- 16 All new and existing railings must be painted black and maintained in that colour.

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 Soho 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)

- 17 Before you use the approved terrace for sitting out or for any other purpose, you must plant the hedge as identified on the approved drawings (subject to the approval of species type required as part of condition 11) at main roof level adjoining the approved terrace. You must thereafter maintain the hedge at a minimum height of 2.0m in perpetuity.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 18 The terrace area hereby approved at fourth floor level associated with the office accommodation can only be used between the hours of 08:30 and 21:00 (Monday to Sunday). You cannot use the terrace area outside of these hours other than in the case of an emergency. The use of the terrace can continue for one year from first occupation of the refurbished office accommodation on any part of the first to fourth floors. After this time you must not use any part of the roof for sitting out or for any other purpose unless permission has been granted. You can however use the roof to escape in an emergency.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 19 This permission must be commenced no later than 11 October 2019

Reason:

This permission authorises amendments to the original planning permission granted on 11 October 2016 (RN 16/03788/FULL) which must be commenced no later than the above date.

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, 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 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 3 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point., , If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)
- 4 Conditions 5 and 7 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)
- 5 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 6 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form** , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Forms can be submitted to CIL@Westminster.gov.uk , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
- 7 You are advised that there is a potential means of escape in case of fire over the roof of this

building from adjoining properties which may be impacted by the proposal. Please contact our Head of District Surveyors' Services and/or The London Fire Authority regarding this aspect of your proposal.

- 8 With regard to Condition 11, you are advised that Council officers consider that the proposed hedge does not necessarily have to be box and that you should assess alternatives that provide adequate screening whilst also being of biodiversity value.

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.