

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 19 September 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	12-14 Wilfred Street, London, SW1E 6PL		
Proposal	Installation of four air conditioning units within acoustic enclosures at main roof level, one air conditioning unit in front basement light well and associated works.		
Agent	Mr Luke Rose		
On behalf of	Mr A Jafarian		
Registered Number	17/03448/FULL	Date amended/ completed	21 August 2017
Date Application Received	20 April 2017		
Historic Building Grade	Unlisted		
Conservation Area	Birdcage Walk		

1. RECOMMENDATION

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| 1. Grant conditional permission. |
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2. SUMMARY

12 - 14 Wilfred Street is in office use. Permission is sought for the installation of four air conditioning units at main roof level and one unit within the front basement lightwell. The associated ductwork is proposed to be routed in a black pvc pipe at the rear of the building.

The current application has been submitted in response to enforcement action which has been taken to remove unlawful plant located in the rear garden which has now been removed.

Concern has been raised by the Westminster Society and four neighbouring residents on the grounds of visual impact and noise nuisance.

In terms of design, the equipment proposed in the front lightwell will not be readily visible from the street and is considered acceptable in design terms. The application has been revised during the course of the application, to site the four units at roof level behind an existing chimney stack to the rear and be arranged in a row at low level against the high party wall of the adjoining property at No. 10 and set back from the front parapet by approximately 0.78m. A condition is recommended to ensure that the acoustic enclosures are painted in a colour to match the adjoining party wall. The application is therefore considered acceptable in design and conservation terms, in accordance with the NPPF, Westminster City Plan strategic policies S25 and S28, and Unitary Development Plan policies DES 1,

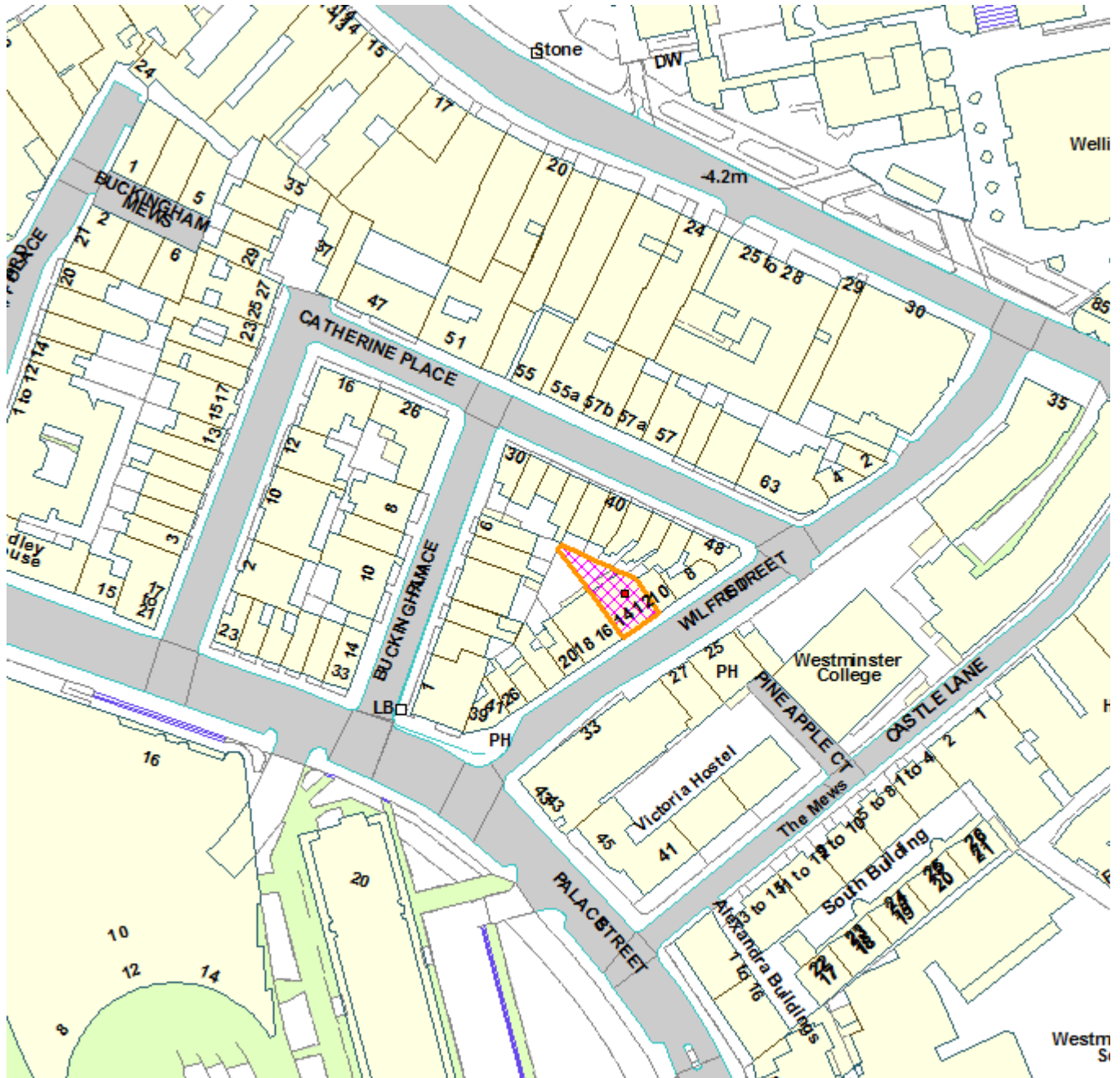
DES 5, DES 6 and DES 9.

The applicant has submitted an acoustic report in support of the application. Environmental Health raise no objection subject to conditions, limiting the hours of use of the units to between 07:00 to 19:00 daily and requiring the submission of a supplementary acoustic report confirming compliance. The application is therefore considered acceptable in amenity terms in accordance with S29 of the City Plan and ENV 13 of the UDP.

Concern has also been raised over the trustworthiness of the applicant given their previous record of installing units without permission which have caused a noise nuisance for a number of years, and for submitting inaccurate information. The City Council has taken enforcement action against the applicant which has resulted in the units previously installed being removed. The applicant will be required to adhere to the recommended conditions in full.

Accordingly, it is recommended that conditional planning permission be granted.

3. LOCATION PLAN



4. PHOTOGRAPHS



Front elevation (Wilfred Street)



Roof of 12-14 Wilfred Street (application site) as viewed from rear

5. CONSULTATIONS

WESTMINSTER SOCIETY

Objection. Roof mounted units visually intrusive from views from upper parts of building opposite.

ENVIRONMENTAL HEALTH

No objection, subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 15

Total No. of replies: 4

No. of objections: 4

No. in support: 0

Four letters of objection received from three neighbouring residents.

Design

- The roof is a better position for the units if everything is discreetly hidden and they do not ruin the skyline.
- The roof is not appropriate for unsightly units, given the conservation area setting.
- The units need to be fully screened and not be massive.
- Units not aesthetically pleasing.

Noise

- New units must fully comply with noise standards when installed.
- Hope sound engineer's values are true and accurate representations.
- Surprised over need for four units.
- Concern over noise disturbance to neighbouring roof terrace and in summer when windows are open.
- Conditions on hours of use must be applied.
- Noise will be worse than when sited in the garden as no walls to muffle the noise.

Other

- Lack of trust in applicant.
- The units which were installed in the yard area without permission created very significant noise pollution issues and have been visually unsightly for the last few years.
- Applicant has history of installing units without permission, submitting inaccurate information and has shown little consideration for neighbours.
- The building is not appropriate for modern office space, hence the application.
- Note that the old units have already been removed.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. RELEVANT PLANNING HISTORY

A Lawful Development Certificate (Existing) to confirm the use of the basement, ground and first floor as offices (Class B1) was issued in June 2016 (RN: 16/03559/CLEUD). An application for the installation of air conditioning plant equipment within an acoustic enclosure in the rear courtyard at basement level was permitted in June 2015 (RN: 14/12802/FULL). Condition 7 of this planning permission required the submission of a supplementary acoustic report to show the proposed plant would be compliant with relevant noise limits. A subsequent application seeking the approval of these details was refused on the basis that noise limits were not complied with (RN: 15/09365/ADFULL).

An application for the retention of an air conditioning unit within enclosure to rear courtyard at basement level was refused in May 2016 (RN: 15/11327/FULL) on design grounds. Despite complying with relevant noise limits, the size, siting and detailed design of the proposed plant and screen were considered to result in a significant impact on the character of the building and the visual amenity of the conservation area. The application was subsequently refused and the units and enclosures removed following enforcement action by the Council.

7. BACKGROUND PAPERS

1. Application form
2. Response from Westminster Society, dated 2 May 2017
3. Response from Environmental Health, dated 17 July 2017
4. Letters from occupier of 40 Catherine Place, London, dated 8 May 2017 and 17 May 2017
5. Letter from occupier of 6 Buckingham place, London, dated 23 May 2017
6. Letter from occupier of 40 Catherine Place, London, dated 9 May 2017

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

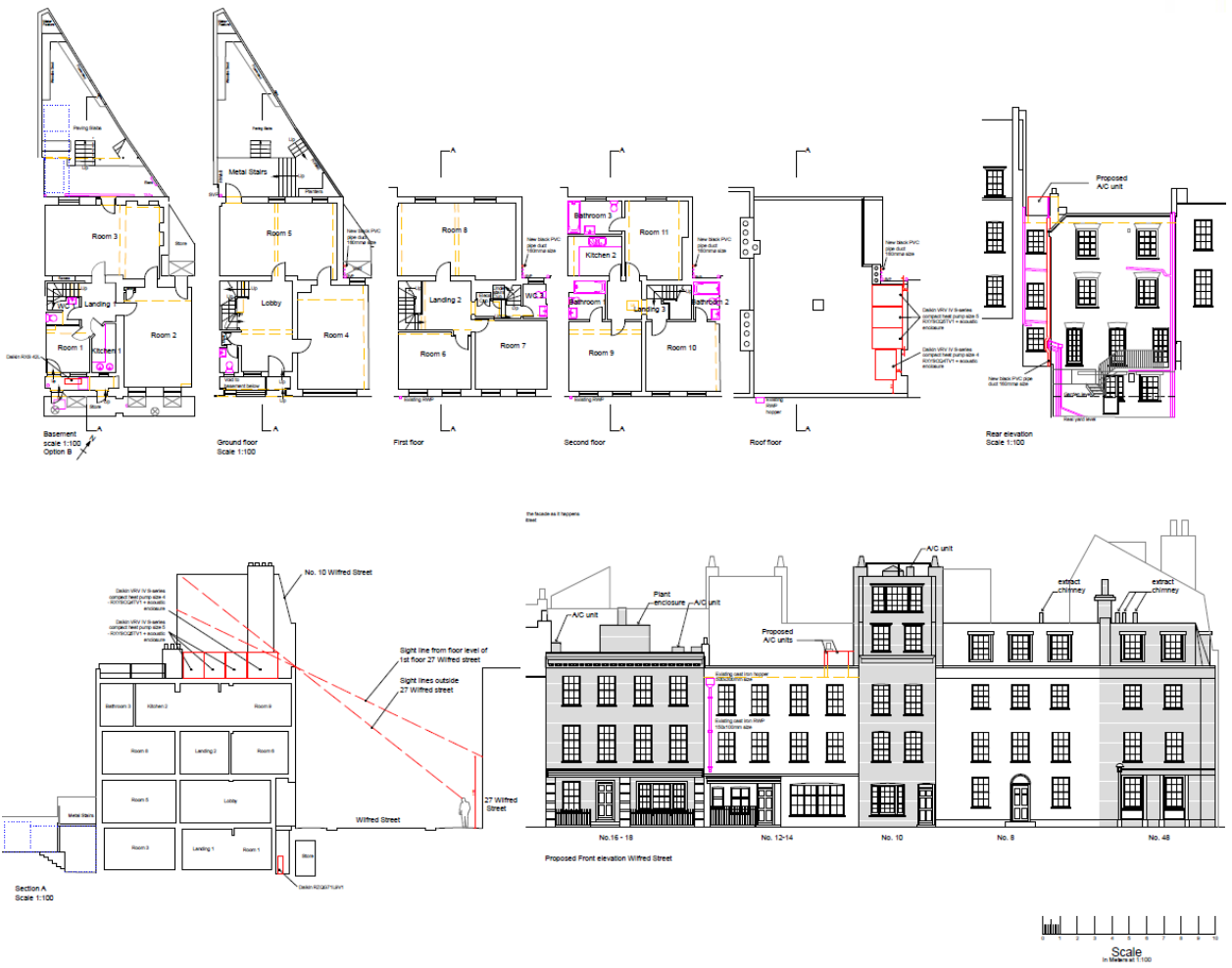
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JULIA ASGHAR BY EMAIL AT jasghar@westminster.gov.uk.

8. KEY DRAWINGS

Existing Plans, Elevations and Section



Proposed Plans, Elevations and Section



Scale
1:100

DRAFT DECISION LETTER

Address: 12-14 , Wilfred Street, London, SW1E 6PL

Proposal: Installation of four air conditioning units and enclosures at main roof level and one air conditioning unit in the front light well and associated works.

Plan Nos: 13/212/01 Rev. A; 13/212/04 Rev. E; Plant Noise Assessment Report dated 19 April 2017, prepared by Auricl Limited; (for information) acoustic enclosures specifications.

Case Officer: Sebastian Knox

Direct Tel. No. 020 7641 4208

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

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in 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 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 Birdcage Walk 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 The plant/machinery hereby permitted shall not be operated except between 07:00 hours and 19:00 hours daily.

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.

- 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 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.

- 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 The acoustic enclosures at main roof level should be painted a colour to match the brick party wall of the adjoining property at No. 10 and maintained that colour thereafter.

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 Birdcage Walk 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)

- 8 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 5 and 6 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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 (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.

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 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (150AA)

- 3 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 4 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.
- Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
- * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
 - * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
 - * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
 - * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
 - * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
- 5 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
- * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
 - * Lighting - ensure luminaires can be safely accessed for replacement.
 - * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).
- More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm.

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 6 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.

- 7 Conditions 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)