

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 17 January 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>84 - 86 Great Portland Street, London, W1W 7NR,</b>		
<b>Proposal</b>	Installation of low level ductwork around the roof at rear third floor level; plant screening around low level ductwork; raising of existing central plant enclosure screen; installation of boiler flue at rear third floor roof level; and alterations to parapet walls and associated works.		
<b>Agent</b>	Gerald Eve LLP		
<b>On behalf of</b>	Knighton Estates Limited		
<b>Registered Number</b>	16/08770/FULL	<b>Date amended/ completed</b>	4 October 2016
<b>Date Application Received</b>	12 September 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	East Marylebone and Harley Street		

## 1. RECOMMENDATION

Grant conditional permission

## 2. SUMMARY

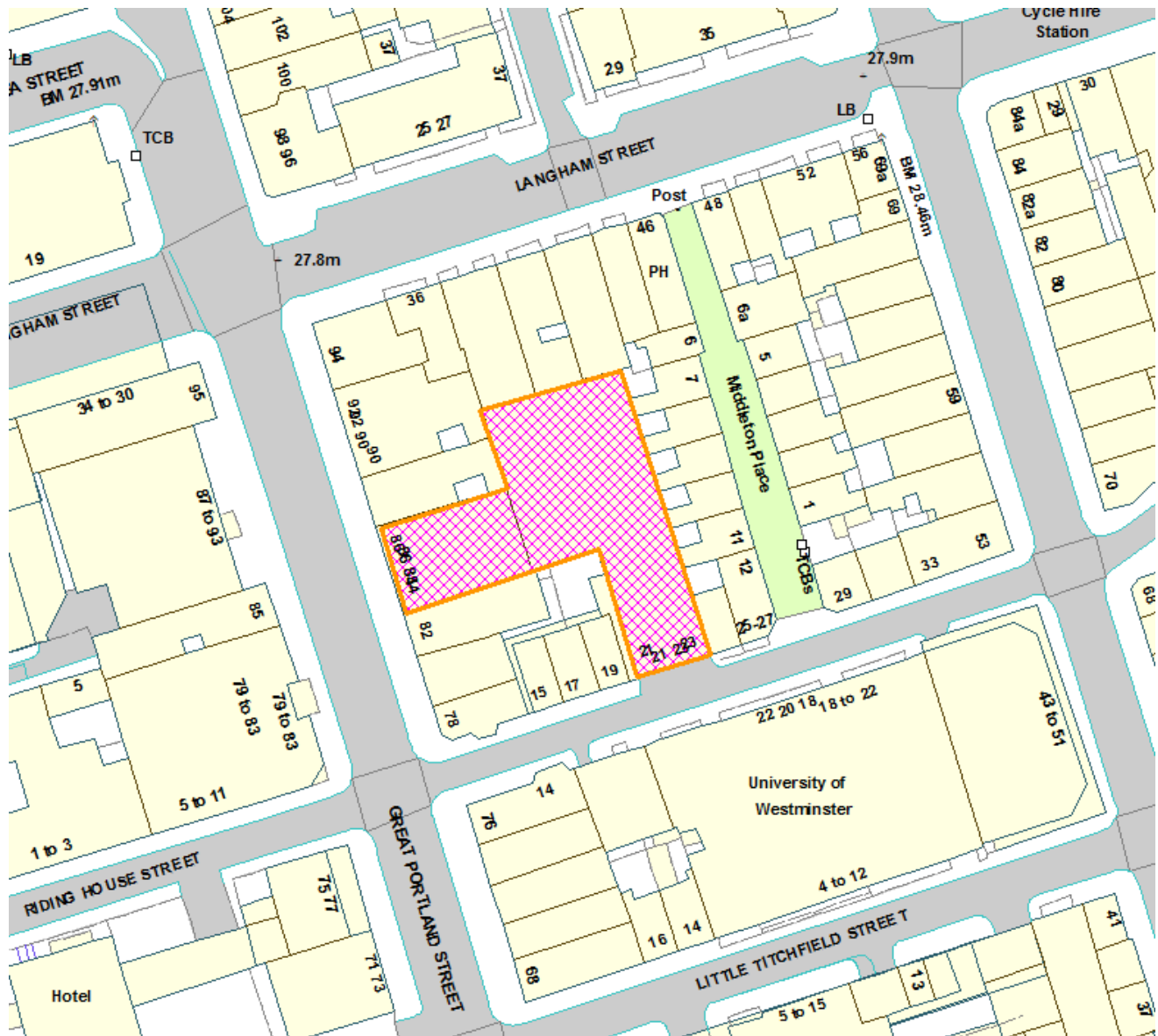
This site was considered by Planning Applications Committee in August 2015 (as part of a land use package with Tasman House, 59-65 Wells Street): planning permission was granted for use of first to fifth floors of 84-86 Great Portland Street as 6 residential flats with plant at roof level and new front façade on the Great Portland Street elevation and other associated external alterations, and (of specific relevance to the current application) works to extend the existing building to the rear to provide additional office accommodation and other associated external alterations, including plant at third floor/roof level. This rear part of the building occupies the centre of the block bounded by Great Portland Street, Langham Street, Middleton Place and Riding House Street.

The works to implement this approval are well advanced. Planning permission is being sought now because, although ducting was shown on the approved roof plans, it was accidentally omitted from the elevations and the true extent of the ducting was therefore not fully appreciated at that time. The main works now proposed are the installation of the low level ductwork around the roof at rear third floor level, to be screened with a new low level (1.1m high) plant screen around the perimeter of the roof to visually screen the ducting. It is also proposed to raise the central plant structure and enclosure screen (approximately 600mm), because it has proved necessary to provide it with a supporting steel framework. Other minor works include the installation of boiler flue and alterations to parapet walls.

The latest application has given rise to a considerable number of objections from residents who live in buildings around the perimeter of the block. The planning objections include concerns about the amenity implications of the changes, including loss of light and noise nuisance, and impact on the approved green roof. There are also strong concerns about the applicant's request to amend/extend works for which they have already had approval ('planning creep'), the large number of applications to this site and others in the block, the large amount of planning documents, and that some of the works (on the current application site and other unrelated properties) have not been carried out in accordance with previous permissions. These concerns are shared by all three ward councillors.

The key planning issue is considered to be the potential impact on the amenity of neighbouring residential properties. However, for the reasons set out in the main report, there is not considered to be any material loss of amenity arising from these works. The objectors' frustrations about new planning applications and issues with other planning permissions for other buildings in the block are noted but this in itself does not justify refusal of the current application.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS

Street elevation





Central block (before works commenced)



## 5. CONSULTATIONS

### WARD COUNCILLORS FOR WEST END:

#### COUNCILLOR JONATHAN GLANZ

- Strongly supports the concerns and objections of the residents with regard to the adverse effect on their amenity;
- has been on a full site visit with the applicant – thinks that the plant should be fully screened (which may help to minimise some of the adverse visual aspects) and properly tested to ensure that it continues to comply with the Council's restrictions in relation to noise levels;
- asks for confirmation that the proposed plant screen will not adversely affect daylight to habitable rooms.

#### COUNCILLOR PAUL CHURCH

Supports the concerns of local residents and objects to the application on the grounds of residential amenity/that it is unneighbourly, and asks that it is decided by Committee rather than under delegated powers.

#### COUNCILLOR GLENYS ROPERTS

Supports the concerns of local residents about developers coming back for new permissions to change and extend initial permissions.

#### FITZROVIA NEIGHBOURHOOD ASSOCIATION

Any response to be reported verbally.

#### ENVIRONMENTAL HEALTH

Comments on the revised noise impact assessment submitted by the applicant [which looks at nearer noise sensitive properties than those originally assessed] – advises that the proposed plant is likely to comply comfortably with the Council's standard noise level criteria.

#### MIDDLETON PLACE RESIDENTS ASSOCIATION

Raise objections to the large amount of documents associated with the site and departures from the original plans including the addition of a toilet block, replacement of skylights with large new structures that negatively impact on neighbouring properties, balconies that differ from those originally proposed, loss of areas of proposed green roof and the externalising of ductwork, flues and venting, and continued applications.

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

No. Consulted: 80:

Representations received on behalf of 19 residents/12 properties raising objections on some or all of the following:

- Noise nuisance/pollution;
- Failure to include some neighbouring properties in the acoustic report [subsequently rectified];
- Adverse impact of additional plant/ductwork for the approved green roof, and loss of amenity benefits of the green roof for neighbours;

- Request that the plant screen is covered by a green roof/wall;
- Proposed plant/ducting should be internal – complaint that the applicant apparently advised local residents at pre-application stage that the ducting would be within the building;
- Adverse impact of plant ductwork and screening on visual amenity, including visibility of ducting behind the screening from upper floors of surrounding properties and raising the height of the parapet walls to accommodate changes to plant;
- Relocation of the boiler flue to a position that is more visually intrusive for neighbours;
- The proposed screening rises the height of the building and causes loss of daylight and sunlight to neighbouring properties (including impact on an external courtyard);
- Adverse impact on the setting of adjoining listed buildings and the conservation area;
- centralized plant should be kept at approved height, rather than allowing taller equipment;
- Proposals are different from the original permission;
- Complaints about aspects of the original permission for this site and other applications to surrounding properties including installation of balconies, a large amount of scaffolding, light pollution, questions about the replacement skylights approved on the original application, and failure to provide translucent 'fritting' to the monopitched glazed roof that faces the rear of 42 Langham Street;
- The applicant has not directly informed neighbouring residents of the proposed changes;
- Large number of applications/paperwork, including changes to schemes already approved ('planning creep'), causing confusion to neighbours.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The site is located on the east side of Great Portland Street and is bounded by Langham Street to the north, Middleton Place to the east and Riding House Street to the south. The immediate vicinity includes a diverse mix of buildings and uses including retail, offices and residential accommodation.

84-86 Great Portland Street is an unusual site, comprising two linked, but distinctly different, buildings. The building fronting Great Portland Street is a relatively conventional modern six storey office building, comprising a basement level and ground plus five storeys. It was previously in office use (Class B1).

The front building leads through to a sizeable rear extension (referred to as the 'rear' or 'central' building) which occupies the centre of the Great Portland Street/Riding House Street/Middleton Place block. This building provides basement, ground and two upper floors and was used as offices until vacated by the previous tenant in late 2014.

The site sits across the boundary of two Conservation Areas. 84-86 Great Portland is located within the Harley Street Conservation Area, the rear building is located within the East Marylebone Conservation Area. Although the application buildings are not listed, there are a number of Grade II listed buildings in close proximity to the site (94 Great Portland Street, Nos. 38 to 42 Langham Street, and Nos. 78-80 Great Portland Street).

The site is within the Marylebone and Fitzrovia part of the Central Activities Zone, and within the Great Portland Street "Named Street" as defined by Westminster's City Plan. It is also within the Protected Vista of Primrose Hill to the Palace of Westminster.

The application site is part of a wider development site controlled by Great Portland Estates, including Nos. 78-82, 88 and 90-92 Great Portland Street and 15-23 Riding House Street. These properties have been the subject of separate development proposals (the cumulative impact of which is part of local residents' complaints) summarised as follows:

Nos. 78-82: Housing, including affordable housing, in connection with the redevelopment of St Lawrence House, 30 Broadwick Street;  
Nos. 84-86: Housing, and refurbished/renewed office space, in connection with the redevelopment and extension of Tasman House, Wells Street;  
No. 88: Affordable housing, in connection with the redevelopment of 35-50 Rathbone Place; and  
Nos. 90-92: Affordable housing, in connection with the redevelopment of Hanover Square (part of the Crossrail over station development).

## 6.2 Recent Relevant History

In September 2015, planning permission was granted for the use of first to fifth floors of 84-86 Great Portland Street as 6 residential flats (Class C3) with plant at roof level and new front façade on the Great Portland Street elevation and other associated external alterations; works to extend the existing building to the rear to provide additional office accommodation (Class B1) and other associated external alterations to include plant at roof level, a sedum roof and replacement entrance at ground floor level to 21-23 Riding House Street. This was linked to a redevelopment at Tasman House, 59-65 Wells Street, forming part of a land use package with that site.

## 7. THE PROPOSAL

The works to implement the September 2015 approval are well advanced. Planning permission is being sought now because, although ducting was shown on the approved roof plan [though not in any great detail], it was, according to the applicant, incorrectly and accidentally omitted from the elevations. The true extent of these works was therefore not fully appreciated at the time the case was originally considered, though the applicant argues that both officers and members were aware of the ductwork when making their original decision.

The current proposal also amends the layout of the ductwork and includes some other minor changes, all of which can be summarized as follows:



- Low level ductwork on the roof of the central block, mostly running around its perimeter, to provide air intake and discharge serving the centralized plant equipment. The applicant advises that the ducting is necessary to provide an air supply to the interior of the building, to ensure that it can continue to be used as employment space, and needs to be external rather than internal;
- Low level screening (1.1m) around the perimeter of the roof of the central block to mask the ductwork and improve the visual appearance and outlook. The screen will comprise a perforated trapezoidal cladding panel and will be power-coated light grey;
- The approved centralized plant structure and its acoustic screening is to be increased in height by 460mm (to a total height of 2.6m above the parapet). The applicant advises that during the initial design stages it was anticipated that the existing roof structure had the inherent strength to withstand the weight of the plant equipment, so the plant equipment could be mounted directly on the roof. It subsequently emerged that the existing roof structure could not support the load of the plant and a steel frame platform is required to better distribute the weight and transfer the load down the existing columns. Whilst the plant itself does not change in size, this means that it is raised by the height of the supporting steelwork below it.

Additionally, it has not been possible to strip off and replace some of the existing finishings on the roof, meaning that a new roof finish has had to be installed on top of the existing, which also adds slightly to the overall height.

- A boiler flue is to be installed in the central block section at the rear of 21-23 Riding House Street, reaching a height of 1m above third floor roof level;
- The skylight parapet wall on the link between the front and rear parts of the site is being raised by 0.5m to allow a small skylight to slope and enable run-off;
- A lower parapet wall (at the rear of 88 Great Portland Street) is to be raised to provide a 1.1m parapet height to allow safe roof access.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The current application has no land use implications and does not change the approved office accommodation (approximately 2,100 sqm GEA). It is noted that the applicant states that the size and location of the external ductwork on the roof of the central block is necessary to provide adequate ventilation for the refurbished office accommodation, which extends to basement level and has relatively deep floorplates.

### **8.2 Townscape and Design**

Notwithstanding the objections that have been received on visual amenity grounds, the proposed changes are considered to be acceptable. The works are wholly confined to the centre of the block, so they will not be visible from any public view points and therefore have no adverse impact on the wider public realm.

Nevertheless, it is accepted that the works will be visible from numerous private vantage points within buildings surrounding the centre of the block. However, the works are considered to be relatively minor and arguably the most visible structure (the 1.1m high screen around the perimeter of the roof) has been proposed at the suggestion of officers to be more visually acceptable than the ducting itself. This is supported by Cllr Glanz (who has been given a full tour of the site by the applicant). The screen will be a light grey colour to provide a uniform visual appearance.

As one objector states, the ducting may be visible behind the screening in some very high level locations (the top floors of some neighbouring properties), but this is not considered to be so visually intrusive as to warrant a refusal.

There has been an objection to the increased height of the main plant structure in the centre of the roof. However, the increase is considered to be modest (460mm) and as explained in Section 7, is mainly due to the need to provide structural support for the equipment. An objection to a boiler flue (at the rear of 21-23 Riding House Street) being visually intrusive is noted but again this is a small alteration that in the overall context of the works is considered to be acceptable.

The extent of the works is not considered to be so excessive as to have a materially adverse impact on the character and appearance of the conservation areas or neighbouring listed buildings.

Accordingly the objections on these grounds are not considered to be sustainable.

The applicant's arguments are noted that their overall proposals for the central block (including new windows and white render approved originally) will improve its appearance and the outlook from the surrounding properties

### **8.3 Residential Amenity**

#### Noise and Vibration from mechanical plant

Objections have been raised that the proposals will lead to noise nuisance or noise pollution. The applicant has provided an updated acoustic report [subsequently revised to take account of the residential properties in Middleton Place]. This has been assessed by the Council's Environmental Health officer who confirms that the plant should operate within the normal stringent constraints required by Council policy. This will be secured by condition, along with standard the condition preventing any vibration.

As a safeguarding measure it is proposed to also have a condition requiring a supplementary acoustic report demonstrating that the plant operates in accordance with these conditions. The applicant has advised that the low level ductwork itself will not generate noise – it is not mechanical plant but connects the central plant enclosure on the roof with the office accommodation.

The objections to noise nuisance are therefore not considered to be sustainable.

### Sunlight and Daylight

There have been objections that the proposals will lead to losses of daylight and sunlight, namely from the screening around the perimeter of the roof and the increased height of the centralised plant.

Policy ENV 13 seeks to protect existing premises, particularly residential properties, from a material loss of daylight and sunlight, as a result of new development. Policy S29 of the City Plan aims to improve the residential environment whilst UDP Policy ENV13 seeks to protect and improve residential amenity, including sunlighting and daylighting to existing properties. Principally the policy seeks to ensure good lighting levels for habitable rooms, which are bedsits, living rooms, studies and kitchens (if they include dining space and are more than 12.6m<sup>2</sup>).

In implementing Policy ENV13 the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used. Council policy refers to an assessment of the Vertical Sky Component (VSC) as the primary test. VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves a figure of 27% or more, then enough skylight should still be reaching the window and there will be the potential to provide good levels of daylight. It is suggested that reductions from existing values of more than 20% would be likely to be noticeable to occupants of the affected rooms. The area lit by the window is likely to appear more gloomy and electric lighting will be needed for more of the time. Consequently, BRE guidelines suggest that any reduction below the 27% threshold should be kept to a minimum.

As a general rule, rooms to dwellings or non-domestic buildings which have a particular requirement for sunlight, should still receive enough sunlight if the affected windows receive more than a quarter of Annual Probable Sunlight Hours, (25% APSH) including at least 5% of APSH during the winter months. Any reduction in sunlight below these levels should be kept to a minimum. If the available sunlight hours are both less than the amount given and less than 20% of their former value, either over the entire year or during the winter months, then occupants of these rooms will notice the loss of sunlight. Sunlight to kitchens and bedrooms is considered less important than that to main living rooms although, in all cases, care should be taken not to block too much sun.

A daylight and sunlight report has been submitted which assesses the most sensitive of the surrounding residential properties. It does not include some windows (e.g. the rear windows of the second and third floor maisonettes in 15-19 Riding House Street) because these are below the 25 degree line at which the BRE guidance advises that further assessment may be necessary. (This is on the basis that any development below the 25 degree line relevant to a neighbouring window is unlikely to have a substantial effect of the diffuse skylight enjoyed by the neighbour's window). An officer site visit to one of these maisonettes has also ascertained that the impact on daylight to this property is minimal.

Of the windows that have been assessed, most only lose a small percentage of daylight, and all losses are well within the 27% maximum recommended by the BRE guidelines. In Middleton Place the greatest VSC loss is 5.30% to the rear ground floor window of No. 8; in Langham Street the greatest VSC loss is 5.19%, to the rear first floor of No. 36. There have been strong objections to the proposals from the occupier of 42 Langham Street, a single occupation as offices on basement and ground floor and residential

accommodation from first floor and above: the largest VSC loss to this property is 2.28% to the rear first floor kitchen within the original building. Although the modern dining extension at the rear first floor has not been assessed, this is largely glazed (including a partially glazed roof) and it is clear from an officer's site visit that the impact on daylight will be minimal.

The greatest VSC loss (10.86%) is actually to rear first floor of the applicant's own property at 90-92 Great Portland Street (being converted to housing) but this is also within acceptable limits.

With regard to sunlight, nearly all losses are minimal and within acceptable limits. The one exception is 10 Middleton Place, where there is a reduction in winter sunlight from 2 to 1 Annual Probable Sunlight Hours. However, this is no different from the approved scheme.

In conclusion, the impact of the low level screen and increased height of the centralised plant is considered to be minimal as measured by the Council's standard criteria and not material worse when compared with the original approved scheme. It is important to note that the daylight to a number of neighbouring rear windows is already limited by the height of the existing buildings that make up the block. The objections on these grounds cannot therefore be sustained.

#### Sense of Enclosure

The screen will be visible from a number of windows around the site and arguably might be considered to increase the sense of enclosure to some windows. However, the screen is set back from the outer edge of the wall by approximately 800mm and the nearest windows are approximately 10m away and it is not considered that there would be any material impact on the sense of enclosure to these neighbouring windows. It is considered that the visual benefits of screening the ductwork overcomes any potential increased sense of enclosure.

The extent of screening has been amended slightly at officers' request: it is not now proposed to install the screening on the link block connecting the central building to the rear elevation of 84-86 Great Portland Street. No plant or ducting is proposed on this part of the roof and therefore the screen is not necessary. This will remove the proposed stretch of plant screen when viewed from some of the rear windows in 17-19 Riding House Street.

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

There are no highways implications arising from the proposals.

#### **8.5 Economic Considerations**

It is noted that the applicant states that the ducting is necessary to provide an air supply to the interior of the building, to ensure that it can continue to be used as employment space and that it needs adequate ventilation equipment as part of the modern office space.

## 8.6 Access

There are no access implications arising from these changes.

## 8.7 Other UDP/Westminster Policy Considerations

### Green roof

There have been objections to the impact of the works on the approved green/sedum roof. The applicant has stated that the approved roof plan showed the ductwork above areas of the green roof and that there is no material reduction in the size of the proposed green roof as originally permitted.

The provision of the screening will undoubtedly reduce the visual benefits of the green roof, hiding this in many views from neighbouring properties as much as it will hide the ductwork. Although this is unfortunate it does not justify refusal of the current proposals. There could still be biodiversity benefits if this area is more of a 'brown/living roof' than a 'green/sedum roof' (e.g. providing a habitat for insects beneath the ductwork). One suggestion that the plant screening is covered with a green wall/roof is not considered to be practical and would give rise to excessive maintenance requirements.

## 8.8 London Plan

This application raises no strategic issues.

## 8.9 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.

## 8.10 Planning Obligations

This application does not trigger any planning obligations nor is it CIL liable.

## 8.11 Other Issues

A considerable number of the objections refer to the large number of applications to this site and others in the block, the large amount of planning documents, and that permission is being sought for changes to works already approved ('planning creep'). Whilst sympathetic to the residents' concerns that there have been a number of applications for several buildings in the block in which they live, this is often the case and whilst unfortunate this does not justify refusal of an application. There is arguably a benefit in the current situation in that the applicant has sought to actively engage with the residents and carry out the developments in a co-ordinated manner: if the buildings were in different ownerships with different applicants, works might have been carried out more haphazardly over a greater period of time with less liaison with the residents.

There have also been complaints that some of the works (on the current application site and other unrelated properties) have not been carried out in accordance with previous permissions, for example balconies on the rear of 82, 88 and 90-92 Great Portland Street,

and the roof lights at the rear of the current application site (backing on to Middleton Place). An initial review of the works indicates that they are in accordance with the relevant planning permissions. Objectors have been advised to register formal complaints with the Council's Planning Enforcement Team for proper investigations to be carried out if they have reason to believe that unauthorised works have been carried out. There is ongoing discussions with the architects about mismatched brickwork to the rear of some of the properties in Great Portland Street.

With regard to concerns about light pollution, the applicant has advised that the completed development will be fitted with occupancy sensors which should ensure that lights are not left on at night. It should be noted that the original building on the site had a number of large windows and was not subject to any planning controls with regard to light pollution.

There has been a complaint that the large glazed monopitch (which faces the rear of the Langham Street properties) has not been made partially obscure, as required by the planning permission. However, the works are ongoing and the applicant has confirmed that the obscuring film will be provided before the building reaches practical completion in due course.

Recently a large scaffold structure has appeared on the roof of the central building, which has triggered concerns. The applicant advises that it is required to enable the lifting of a stair rooflight glass to their roof locations, which are both very large units (2.5m x 2.4m in size and approximately 400Kgs in weight). It is understood the initial plan was to use a crane to install these glass units but it did not have sufficient reach to access the relevant locations. The scaffolding is only temporary and is likely to be removed by the end of January, once construction on the relevant parts of the development has been completed. As with any building project, there will inevitably be some temporary structures.

Some objectors refer to not being directly consulted by the applicant about the latest changes, or when they have been consulted previously on other matters, the applicant has done something different from what they allegedly said they would do. This is a private matter between the residents and the applicant, and Council officers cannot answer for the applicant on discussions that they have not been privy to.

## **9. CONCLUSION**

The mistakes in the original application in not fully showing the extent of required ducting around the roof of the central building is most unfortunate. However, it is a common occurrence that as the detailed design of developments progress, changes are required, and not only to correct mistakes. Residents' concerns about the cumulative impact of these works, and other developments within their block, are understandable, but this in itself does not justify refusing the current application. The proposed changes are considered to be relatively modest and for the reasons outlined above, are considered to be acceptable, subject to conditions.

## **10. BACKGROUND PAPERS**

1. Application form and letter from Gerald Eve dated 13 December 2016
2. Emails from Cllr Jonathan Glanz dated 24 November and 7 December 2016
3. Emails from Cllr Paul Church dated 21 October and 24 November 2016



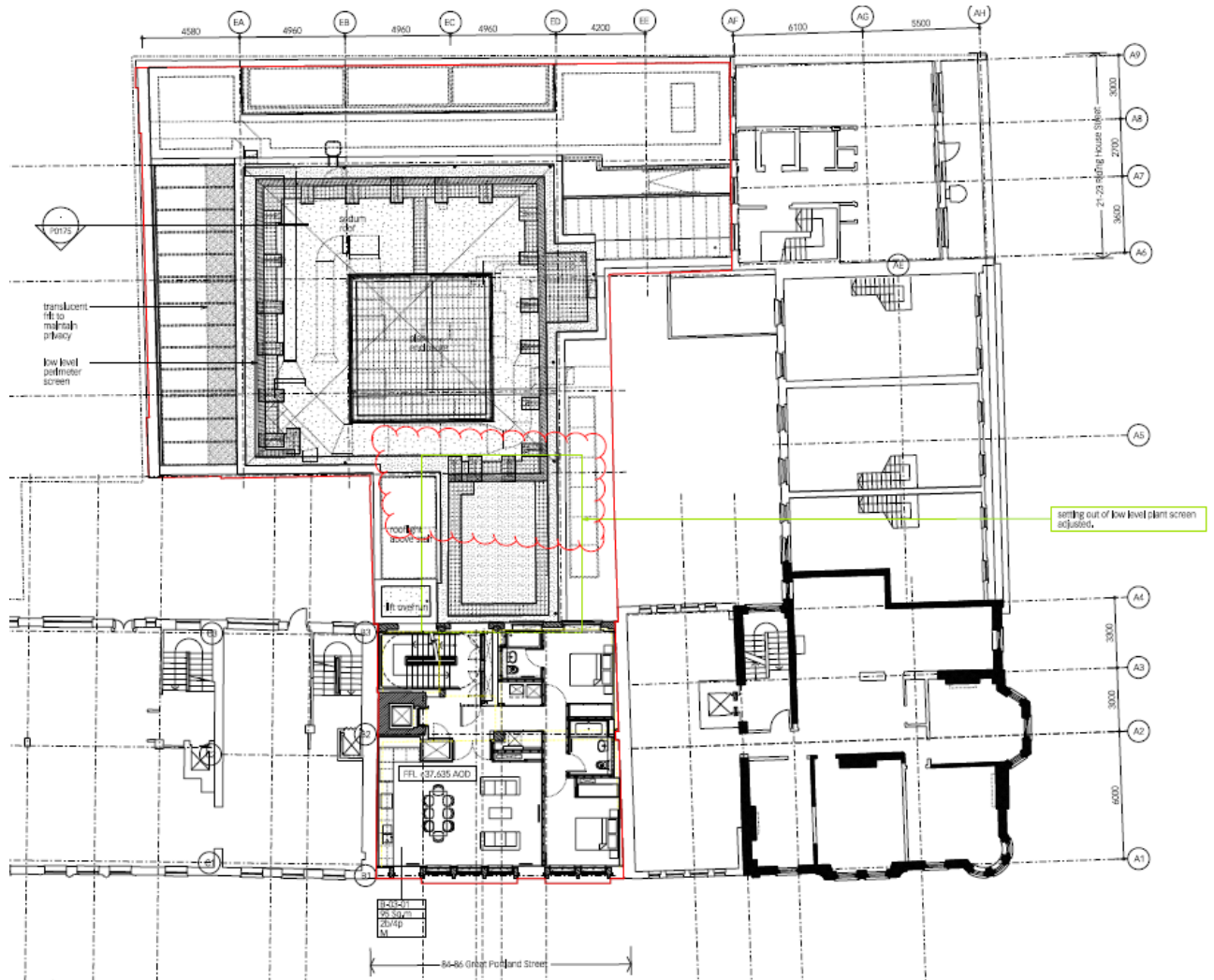
4. Email from Cllr Glenys Roberts dated 27 November 2016
5. Memorandum from Crossrail and Environmental Sciences Team dated 22 November 2016
6. Email and representation on behalf of Middleton Place Residents Association dated 18 October and 23 November 2016
7. Emails from residents of 19 Riding House Street dated 25 October and 23 November 2016
8. Emails/representations from the occupier of 1<sup>st</sup> floor flat, 44 Langham Street dated 21 October, 23 November 2016 and 3 January 2017
9. Emails from residents in Middleton Place [full address not given] dated 23 November 2016
10. Emails from residents of 7 Middleton Place dated 23 November 2016
11. Email from residents in 8 Middleton Place dated 23 November 2016
12. Representation for the occupier, Second Floor Flat, 44 Langham Street dated 18 October 2016
13. Representation from the occupier of Flat 2, 19 Riding House Street, dated 18 October 2016
14. Letter and representation from the occupier of 42 Langham Street, dated 20 and 27 October 2016

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

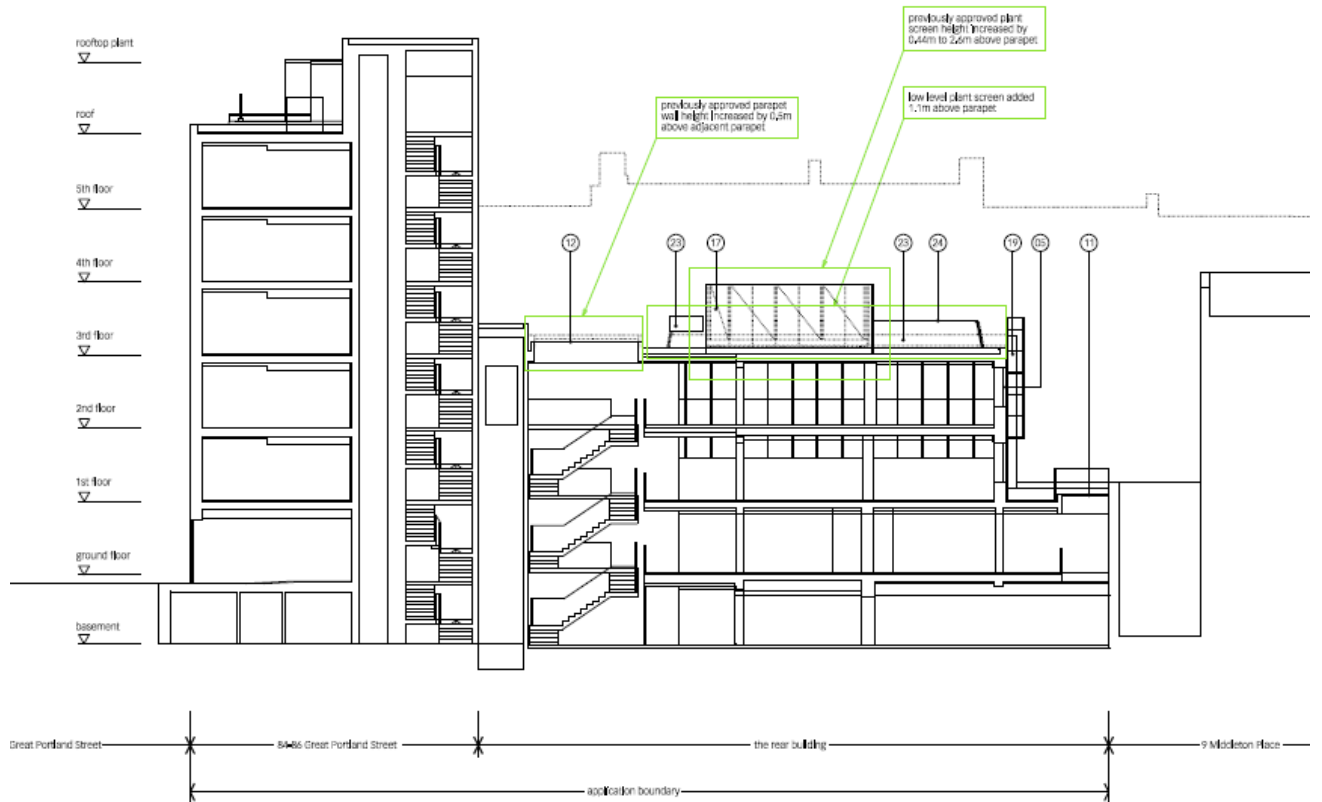
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: HELEN MACKENZIE BY EMAIL AT [hmackenzie@westminster.gov.uk](mailto:hmackenzie@westminster.gov.uk)

### 11. KEY DRAWINGS

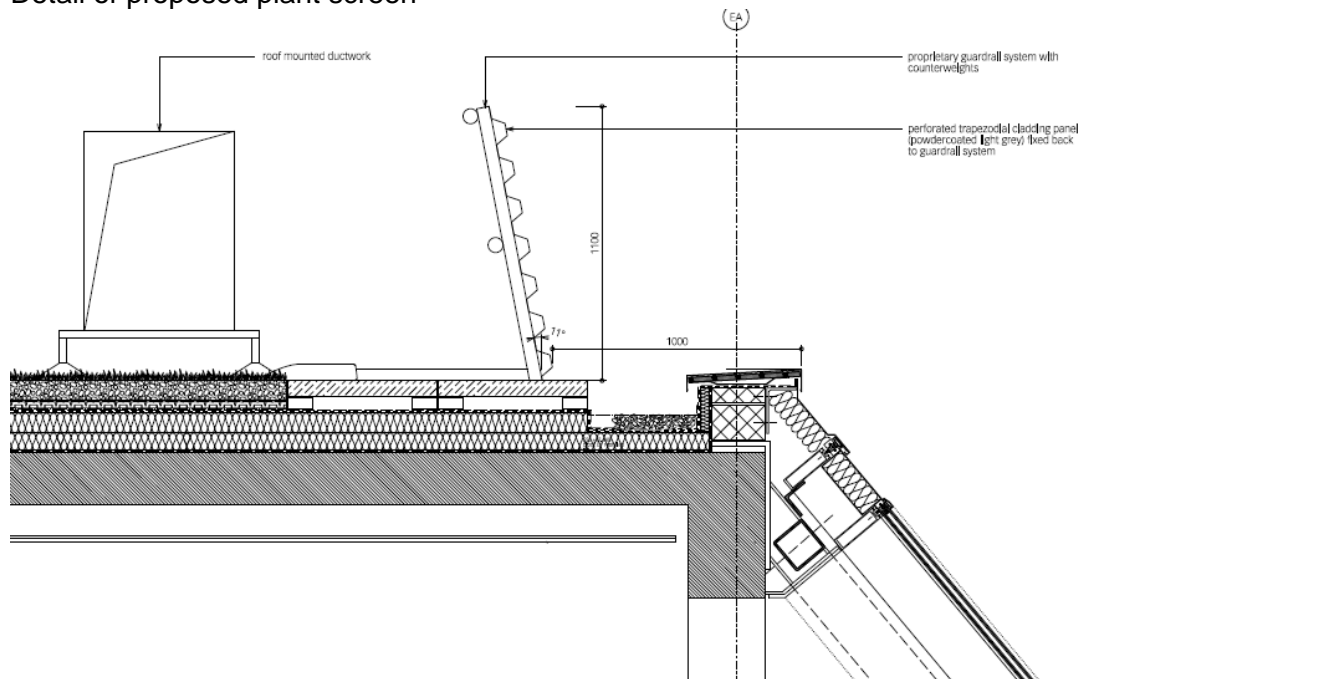
Proposed roof plan



### Proposed long section



### Detail of proposed plant screen



**DRAFT DECISION LETTER**

**Address:** 84 - 86 Great Portland Street, London, W1W 7NR,

**Proposal:** Installation of low level ductwork around the roof at rear third floor level; plant screening around low level ductwork; raising of existing central plant enclosure screen; installation of boiler flue at rear third floor roof level; alterations to parapet walls and associated works.

**Reference:** 16/08770/FULL

**Plan Nos:** 0946\_P0105 Rev F, 0946\_P0106 Rev F, 0946\_P0151 Rev C, 0946\_P0152 Rev F, 0946\_P0153 Rev D, 0946\_P0154 Rev E, 0946\_P0155 Rev D, 0946\_P0156 Rev F, and 0946\_P0175.

**Case Officer:** Paul Quayle

**Direct Tel. No.** 020 7641 2547

**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 The plant screen around the perimeter of the roof and the boiler flue shall be painted (or similarly treated) light grey and shall thereafter be permanently retained 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 East Marylebone/Harley Street 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)

- 3 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: , o 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.

- 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.

- 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.

- 6 You must not use any of the areas of flat roof of the rear part of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency.

**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)

- 7 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant and any associated ductwork will comply with the Council's noise and vibration criteria as set out in Conditions 4 and 5 of this permission. You must not occupy the development until we have approved what you have sent us.

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.

- 8 You must put up the plant screens shown on the approved drawings before you use the machinery or occupy the building. You must then maintain the plant screening in the form shown for as long as the machinery and low level ductwork remains in place.

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 East Marylebone/Harley Street 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)

- 9 You must apply to us for approval of details of a biodiversity management plan in relation to green/sedum roof (though this should include alternative provision of a 'brown' or 'living' roof should this be more appropriate). You must not occupy the development until we have approved what you have sent us. You must carry out the measures in the biodiversity management plan according to the approved details no later than six months of the first occupation of the building.

Reason:

To protect and 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. (R43CB)

### **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 You are reminded of the need to comply with the terms and conditions of the planning permission dated 29 September 2015, reference 15/02730/FULL.

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.