

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 7 March 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	37 Curzon Street, London, City Of Westminster, W1J 7TX		
Proposal	Variation of Condition 5 of planning permission dated 17 July 2013 (RN: 13/03289/FULL) for use of the first floor and second floors as 4 x 3 bedroom flats (Class C3), namely, to allow changes to sound proofing and to allow the submission of a revised acoustic report.		
Agent	DP9		
On behalf of	Vevil International Ltd and 38 Curzon Limited		
Registered Number	16/11057/FULL	Date amended/ completed	18 November 2016
Date Application Received	18 November 2016		
Historic Building Grade	Grade II		
Conservation Area	Mayfair		

1. RECOMMENDATION

The application site comprises the first and second floor of a Grade II listed building situated on the corner of Curzon Street and Hertford Street. The Curzon Cinema is located on the lower floors of the property. Planning permission was granted in July 2013 for conversion of the office accommodation at first and second floors into four residential units. At the time of consideration of the application it was considered important to ensure that the residential flats were not affected by the cinema and vice versa. An acoustic report was submitted with the application which included mitigation measures (a screed to the floor) to help prevent noise transference from the cinema to the residential units. Condition 5 of the permission stated that "The proposed mitigation measures as listed in "assessment of impact of cinema noise" dated 16.05.2013, must be implemented before the residential flats are occupied."

The 2013 permission is being implemented on-site and when the construction works started, the applicants discovered that the approved mitigation measures listed in the acoustic report would not be sufficient to protect the new residents from the noise generated from cinema screenings.

Permission is therefore sought to vary Condition 5 of the 2013 permission to allow changes to the soundproofing measures (improvements to the floor screed) and the submission of an updated acoustic report. As the works on-site are continuing, the soundproofing measures have already been implemented. However, this has allowed Environmental Health officers to visit the first and second floors to determine whether the improved soundproofing measures are sufficient to protect the residents from noise from the cinema. Environmental Health officers visited the first and second floors

at a time that there was a scheduled performance in the cinema. The officers were there for the trailers and the first 45mins of the film. Officers have confirmed that there was no audible noise from the cinema in any part of the first floor.

Prior to officers visiting the site the cinema had agreed to have an amplification control system installed (which has been done) and this monitors and adjusts the sound of a film, but not to the detriment of the films shown or the experience.

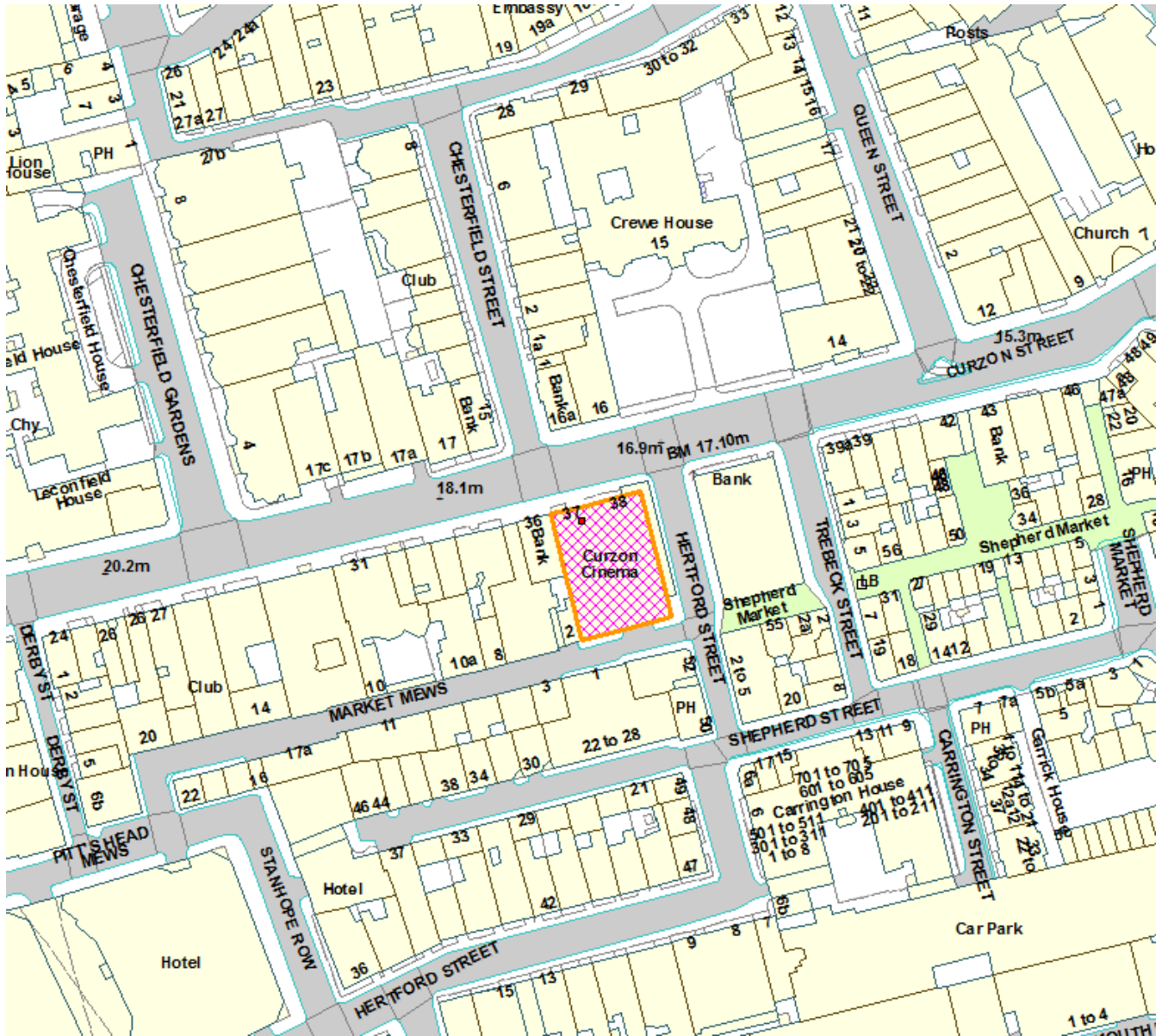
During the course of the application, Environmental Health officers noted that the acoustic report submitted with this application indicated that the residential flats would not comply with the standard noise condition (condition 4). This standard noise condition seeks to ensure that residential flats comply with the WHO noise standards in terms of acceptable internal noise levels. A new report has now been submitted and this takes account of the sound control system installed by the cinema, and also includes additional works that have been carried out which were not required by the original (2013) acoustic report. These works included airborne sound transmission mitigation work (flanking) to risers and vents between the cinema and the dwellings. On this basis it is considered that the proposal now complies with the standard noise conditions.

Environmental Health is satisfied that the variation of Condition 5 is appropriate and provides a better standard to the original Condition 5 as permitted.

2. SUMMARY

Grant conditional permission

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally

ENVIRONMENTAL HEALTH

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 11

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND PAPERS

1. Application form
2. Response from Environmental Health, dated 13 February 2017
3. Cinema Impact Assessment dated 3 February 2017

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

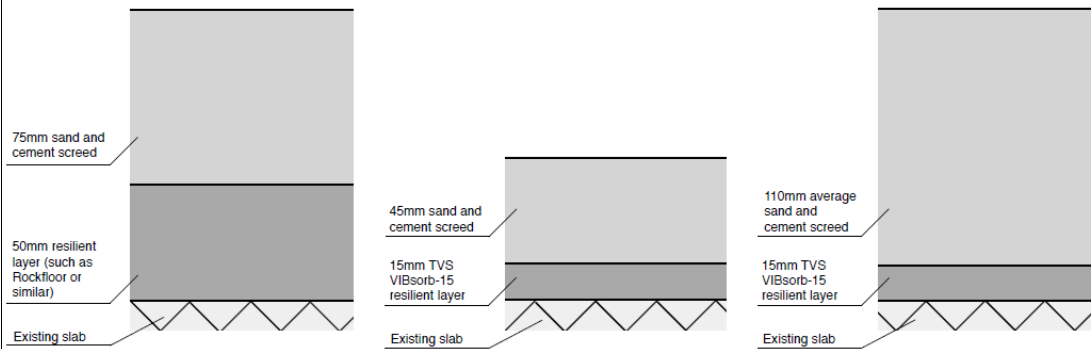
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk.

7. KEY DRAWINGS

Photos showing the installation of the screed and flanking



Comparison between the as approved and installed screed to floors




A - Existing MTT Design in Westminster Planning

* MTT sub-let this design to Red Twin for their 2013 report

B - Red Twin Alternative Design of Equal Performance

C - Actual Installed Higher Performance

PROJECT		
38 CURZON STREET		
DRAWING TITLE		
CONDITION 5 FLOOR BUILD UP'S		
SCALE	DATE	DRAWN
NA	15.11.16	
 Ovington DEVELOPMENTS <small>Ovington Developments Limited 8 Broadwater Place London SE16 1RQ</small>		
JOB NO	DRAWING NO	
X212	300/165-01	

DRAFT DECISION LETTER

Address: 37 Curzon Street, London, City Of Westminster, W1J 7TX

Proposal: Variation of Condition 5 of planning permission dated 17 July 2013 (RN: 13/03289/FULL) for use of the first floor and second floors as 4 x 3 bedroom flats (Class C3). Namely, to allow changes to sound proofing.

Reference: 16/11057/FULL

Plan Nos: Acoustic report ref: 10199-N&V-05 dated 3 February 2017,

13/03289/FULL, 12-11 00, P01 P1, P02 P1, P03 P1, P04 P1, P05 P1, P06 P1, P07 P1, P08 P1, P09 P1, P10 P1, P11 P01, P12 P1, P13 P1, P14 P1, P15 P1, P16 P1, P17 P1 assessment of impact of cinema noise by MTT Consultants, daylight assessment by GVA Schatunowski Brooks dated 28 March 2013, environmental noise survey report by MTT consultants, design and access statement,

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

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 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.

Noisy work must not take place outside these hours. (C11AA)

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 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation

of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 4 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 5 The proposed mitigation measures as listed on page 6 of the Cinema Impact Assessment dated 3 February 2017, must be implemented before the residential flats are occupied, and must thereafter be retained in situ.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 6 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.

- 7 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 8 You must not use the first floor flat roof (Drawing P07 P1) as a balcony or for any other purpose. You can however use the roof to escape in an emergency. (C21CA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 9 You must provide the waste store shown on drawing P06 P1 before anyone moves into the property. You

must clearly mark it and make it available at all times to everyone using the residential flats. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

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 You must carry out the development according to the approved arrangements to secure the affordable housing provision approved by the City Council as Local Planning Authority on 06.01.2014 under reference RN:13/10216/ADFULL or in accordance with other appropriate arrangement measures as submitted to and approved by the City Council.

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) (R19AC)

- 11 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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance 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 paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 12 (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.

- 13 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.

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 advised that any future compliance with Condition 4 should not be reliant upon the cinema's equipment.

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.