

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 21 August 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Warwick	
<b>Subject of Report</b>	<b>89 Charlwood Street, London, SW1V 4PB</b>		
<b>Proposal</b>	<u>Application 1:</u> Details of a scheme for the control of noise, odours and ventilation and the colouring of the grille unit pursuant to conditions 1 and 2 of the permission granted following an appeal against an enforcement notice dated 20 June 2017 (Ref APP/X590/C/16/3159525). <u>Application 2:</u> Installation of an air re-circulation system, relocation of existing air condenser units and associated external alterations to rear.		
<b>Agent</b>	<u>Application 1:</u> Ms Katie Scouler <u>Application 2:</u> Mrs Faye Wright		
<b>On behalf of</b>	Mr Ali Hamandi		
<b>Registered Number</b>	<u>Application 1:</u> 17/07551/ADFULL <u>Application 2:</u> 17/03875/FULL	<b>Date amended/ completed</b>	<u>Application 1:</u> 6 October 2017 <u>Application 2:</u> 4 May 2017
<b>Date Application Received</b>	<u>Application 1:</u> 6 October 2017 <u>Application 2:</u> 4 May 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Pimlico		

## 1. RECOMMENDATION

Application 1: Refuse details – amenity impact  
Application 2: Grant conditional permission

## 2. SUMMARY

89 Charlwood Street is an unlisted building located within the Pimlico Conservation Area. The lower ground and ground floor levels of the property are currently in use as a hot food takeaway (A5). The application site is located within a row of four commercial properties with residential properties above.

Investigations by the Council's Planning Enforcement team following complaints by nearby residents have resulted in the submission of series of applications for retrospective planning permission

between 2013 and 2015 in an attempt to regularise and/or amend the low level extraction that had been installed (RNs: 13/12649; 14/11727; 15/10954). These were all refused on design and amenity grounds. In August 2016, an enforcement notice was issued by the Council requiring the removal of the plant equipment and housing on the rear elevation at ground floor level and in the rear yard at lower ground floor level. The applicant subsequently appealed the notice and permission was granted by the Planning Inspectorate in June 2017 (RN: APP/X5990/C/16/3159525).

Application 1 provides details of a scheme for the control of noise, odours and ventilation and the colouring of the grille unit pursuant to conditions 1 and 2 of the permission granted by the Planning Inspectorate. Application 2 proposes an alternative solution to the current installation, and seeks permission for an air re-circulation system, the relocation of existing air condenser units and associated external alterations to the rear of the building.

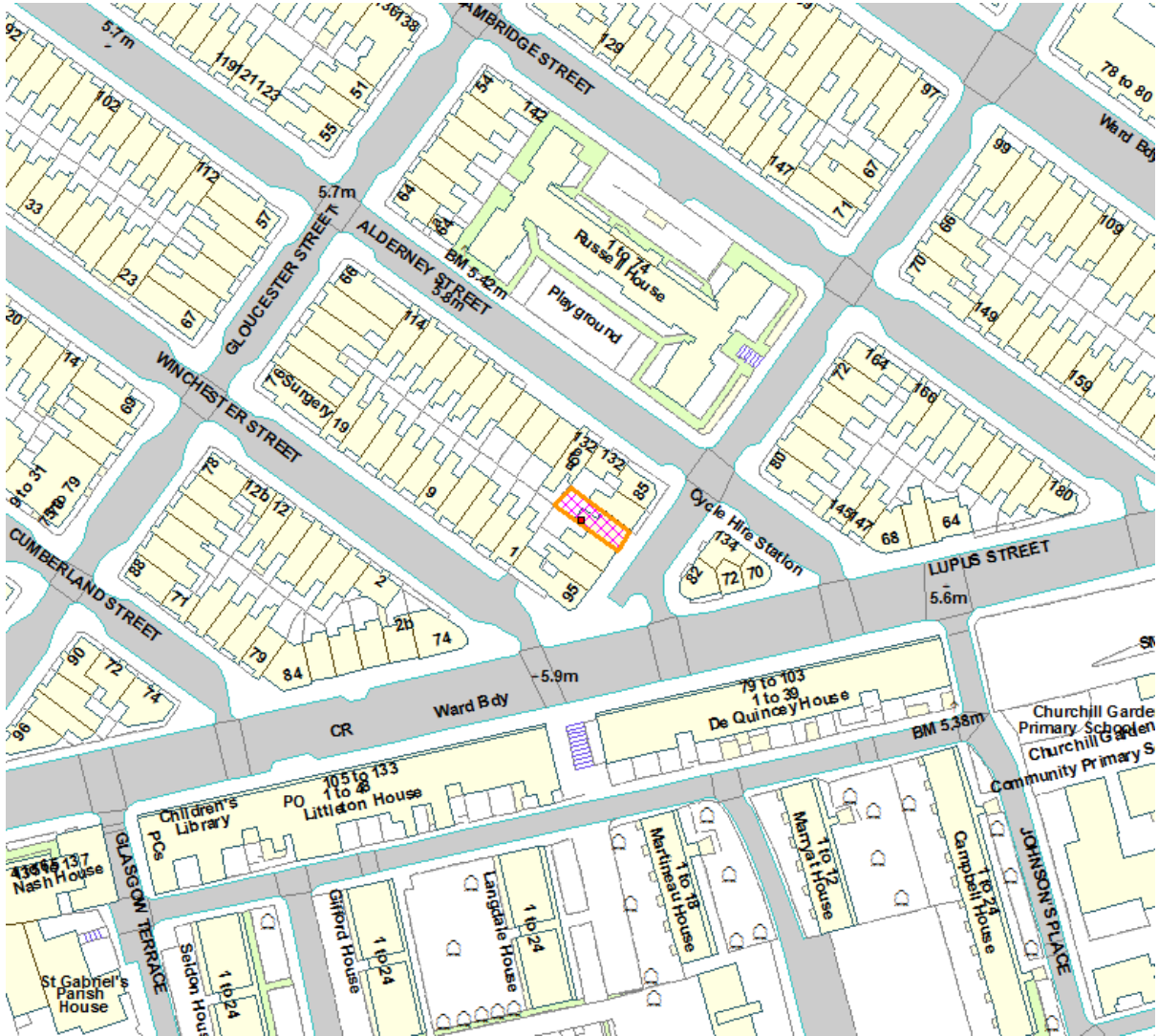
The key issues for both applications are:

- \*The impact on the character and appearance of the building and the Pimlico Conservation Area; and
- \*The impact on neighbouring resident's amenity.

Objections have been made by neighbouring residents to both applications, primarily on the grounds of amenity.

Each application has been assessed against the relevant policies as set out in the Unitary Development Plan (January 2007) and Westminster's City Plan (November 2016). Application 1 is considered to be unacceptable in amenity terms (odour) and is recommended for refusal. Application 2 is considered to be acceptable in both design and amenity terms and is recommended for approval, subject to conditions.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS

Front Elevation



Rear Elevation



## 5. CONSULTATIONS

### Application 1:

#### ENVIRONMENTAL HEALTH

- The consultant's report states the nearest residential property to be at the opposite side of the yard at basement level to the rear of 132 Alderney Street at a distance of 6m. In addition, a new residential extension has been constructed at first floor level at 89a Charlwood Street which has also been considered.
- The existing plant installed at the premises does not fully comply with the noise requirements of the Council.
- Calculations indicate that with the specified noise attenuation measures, distance attenuation and shielding the proposals should satisfy the Council's requirements in terms of noise and vibration.
- Although a maintenance regime has been put in place to reduce odour nuisance; residual odour was still noticed while standing in the rear yard at approx. 5m away from the duct discharge point on two site visits (November 2017, June 2018). The current maintenance regime cannot guarantee that future complaints will not take place and would not eliminate an abatement notice/ enforcement being served by the Council Officers due to any relevant nuisance issues from residual odour.
- The proposed installation of an air re-circulation system under application no. 17/03875/FULL is a suitable alternative system which can eliminate such potential issues and complaints from occurring in future.

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

No. Consulted: 24  
Total No. of replies: 2  
No. of objections: 2  
No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Objections have been received from the residents of 89A and 93A Charlwood Street on the following grounds:

#### AMENITY

- The noise survey report was conducted in artificial conditions and demonstrated noise levels in excess of WHO guidelines.
- The problems with odours and ventilation have not been addressed, residents experience odour nuisance everyday.
- The current plant machinery causes a lot of noise and vibration to adjoining buildings.
- Moving the machinery inside and creating an internal plant room in a timber joisted building is not acceptable. The machinery should be in a concrete building.

- The acoustic report only states the noise levels outside and at no stage were recordings made from inside neighbouring residential properties.
- The unit operates around 18 hours a day and the noise levels from day-to-day goings on are not acceptable.
- Industrial-scale extract machinery is not appropriate for this type of property located in a predominantly residential area, representing an increased risk to residents of the terrace in terms of vibration, fire and structural integrity.

#### LAND USE

- The applicant states that the shop is in a commercial area, however objectors contend that this is not true as the shops are now being turned into residential properties.

#### OTHER

- It is claimed that the applicant cut corners when they refitted the shop a few years ago, so residents are not confident that the works will be carried out correctly.
- Concern raised about how the removal of part of the closet wing would impact adjacent properties.
- The applicant is reported to have previously offered to sound proof the inner wall, between the site and 89A Charlwood Street, this was not carried out.
- Dominos and the current freeholder have no fire or smoke plan in place.

#### Application 2:

#### WESTMINSTER SOCIETY

- No objection.

#### ENVIRONMENTAL HEALTH

- No objection to the application on environmental noise or nuisance grounds, subject to conditions.
- The consultant's report states the nearest residential property to be at the opposite side of the yard at basement level to the rear of 132 Alderney Street at a distance of 6m. In addition, a new residential extension has been constructed at first floor level at 89a Charlwood Street which has also been considered.
- Calculations indicate that with the specified noise attenuation measures, distance attenuation and shielding the proposals should satisfy the Council's requirements in terms of noise and vibration.
- The installation of the RECO Air-Recirculation system, operated in accordance with the submitted management plan dated 8 March 2018 should satisfy the requirements of the Council in terms of odour control, subject to conditions.

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

No. Consulted: 24

Total No. of replies: 2

No. of objections: 2

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes



Objections have been received from the residents of 89A and 93A Charlwood Street on the following grounds:

#### AMENITY

- Current noise levels from plant machinery are unbearable.
- Moving the machinery inside and creating an internal plant room in a timber joisted building is not acceptable. The machinery should be in a concrete building.
- The acoustic report only states the noise levels outside and at no stage were recordings made from inside neighbouring residential properties.
- The unit opens from eleven in the morning until midnight and the noise levels from day-to-day goings on are not acceptable.
- Industrial-scale extract machinery is not appropriate for this type of property located in a predominantly residential area, representing an increased risk to residents of the terrace in terms of fire and structural issues.
- The plant room uses space within the building that should be used for staff welfare. There is already a problem with staff loitering on the street outside the residential dwellings, making noise late at night, because they have no facility within the building.

#### LAND USE

- Charlwood Street is mainly residential and in the Pimlico Conservation Area, the business has outgrown its environment and is causing a significant blight to its neighbours.

#### OTHER

- It is claimed that the applicant cut corners when they refitted the shop a few years ago, so residents are not confident that the works will be carried out correctly.
- The ability of the machinery to function safely and effectively is based on a regular maintenance schedule, objectors have little confidence that this will take place.
- Concern raised about how the removal of part of the closet wing would impact adjacent properties.
- The applicant is reported to have offered to sound proof the inner wall, between the site and 89A Charlwood Street, this has not been carried out.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

89 Charlwood Street is an unlisted building located within the Pimlico Conservation Area. The lower ground and ground floor levels of the property are currently in use as a hot food takeaway (A5). The application site is located within a row of four commercial properties with residential properties above.



## 6.2 Recent Relevant History

Investigations by the Council's Planning Enforcement Team following complaints by nearby residents resulted in an application for retrospective planning permission for the retention of a replacement extraction system and 2no.air condenser units to the rear elevation of the property, in June 2014 (RN: 13/12649). Permission was refused on design, amenity and lack of information grounds.

In March 2015 permission was refused for retrospective planning permission for the retention of existing extract duct and three condenser units, the erection of a two storey brick effect GRP clad enclosure, additional ducting, grilles and condenser unit to the rear of the property (RN: 14/11727). The proposals were refused on design and amenity grounds.

In April 2016 permission was refused for retrospective planning permission for the retention of replacement internal extract and supply air systems with external grille plus air conditioning and refrigeration condensers units with associated enclosures to the rear of the building (RN: 15/10954). The proposals were refused on design and amenity grounds.

In August 2016 an enforcement notice was issued by the Council requiring the removal of (a) the plant equipment housing on the rear elevation at ground floor level including the removal of plant and extract equipment with this housing, (b) removal of the air conditioning and refrigeration condenser units with associated enclosures and (c) the remedy of any damaged caused to the property by the installation or removal of the works (RN: 15/59568).

In May 2017, a Certificate of Lawfulness (existing) for the lower ground and ground floor rear infill extension was refused as insufficient information had been provided (17/02777/CLEUD).

The applicant appealed against the 2016 Enforcement notice and permission was granted by the Planning Inspectorate in June 2017 (RN: APP/X5990/C/16/3159525), subject to the conditions now being considered under Application 1.

## 7. THE PROPOSAL

### Application 1:

The application seeks to provide details of a scheme for the control of noise, odours and ventilation and the colouring of the grille unit pursuant to conditions 1 and 2 of the permission granted following an appeal against an enforcement notice dated 20 June 2017 (Ref APP/X590/C/16/3159525).

Condition 1 states: "If within one month of the dates of this decision a scheme for the control of noise, odours and vibration caused by the operation of the installation has not been submitted in writing to the local planning authority for their written approval, or if the approved scheme has not been carried out as approved within three months of the local planning authority's written approval, the use of the installation shall cease until the approved scheme has been carried out as approved. The scheme carried out as

approved shall be retained and the installation shall be operated in accordance with the approved scheme.”

Condition 2 states: “If within one month of the date of this decision a scheme for the colouring of the grille unit has not been submitted in writing to the local planning authority for their written approval, or if the approved scheme has not been carried out as approved within three months of the local planning authority’s written approval, the grille unit shall be removed. The scheme carried out as approved shall be retained.

#### Application 2:

The proposals are for the installation of an air re-circulation system, the relocation of existing air condenser units from the rear yard to within the building at lower ground floor level and associated external alterations to the rear of the building. At lower-ground floor level the alterations include the installation of two new grilles. At ground floor level it is proposed to remove the existing acoustic louvre and surrounding timber panels and to finish this area of rear wall in brick work to match the existing lower ground and create a traditionally sized window opening with a louvred vent grill and obscure glazing fixed within it

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

Whilst the premises does not have any formal planning history in reference to its existing use, the property has been in use as a hot food takeaway (Class A5) for many years. Neither applications propose a change of use or increase in floorspace.

### **8.2 Townscape and Design**

Currently there is a two storey closet wing to the rear at ground and lower ground floor levels. There is also an existing two storey closet wing infill extension. The top storey of the infill is a plant equipment housing behind large grille set within timber panels (both the grille and timber panels are painted black). The lower storey is in brickwork. There are also existing external air conditioning and refrigerator condenser units with associated enclosures within the rear garden.

#### Application 1:

In the appeal decision it is stated that the appearance of the building and the prospect of it from other properties would be improved if it were coloured more sympathetically. The submitted scheme for the colouring of the grill unit involves the installation of a new external acoustic louvre coloured to match the existing brickwork (RAL1024, Ockergelb). It is considered that this colour would more closely match the brickwork of the surrounding buildings and that the details provided are acceptable in design terms.

#### Application 2:

The proposals involve moving the plant from the rear garden of the building to an internal location at lower ground floor level and retaining the top storey of the closet wing infill extension, but replacing the timber panels and grille with brickwork walling to match that at the lower ground floor. A ventilation grille would be fitted into the top half of a

traditionally sized window opening and an obscure glazed panel fitted into the bottom half. The adjoining properties along the terrace, nos. 87 and 91 Charlwood Street, have single storey closet wing infill extensions at lower ground floor level and the second storey of the closet wing infill at no. 89 would be the only two-storey closet wing infill along the terrace.

However, given that the detailed design has been revised from earlier proposals to be more in keeping with the host building and the surrounding properties within the conservation area, and given that retention of the second storey was permitted by the Planning Inspectorate (APP/X5990/C/16/3159525), it is felt that this solution is acceptable in design terms. The changes proposed here would be much less visually obtrusive than the scheme allowed by the Planning Inspectorate and would have a positive impact on the visual amenity of the conservation area.

A condition is recommended to ensure that the proposed uPVC guttering, hopper and downpipe at the rear of the infill are removed and replaced with a traditional drainage detail behind the parapet and metal pipework. This is to ensure that they are appropriate to the main building and match those in this part of the conservation area.

Subject to conditions, the proposals are welcomed in design and conservation area terms and comply with the NPPF, policies S25 and S28 in Westminster's City Plan, DES 1, DES 5, DES 9 and our supplementary planning guidance 'Pimlico Conservation Area Audit' and 'Pimlico Design Guide'

### 8.3 Residential Amenity

#### Application 1:

Objectors state that the current noise levels from plant machinery are unbearable. The existing plant installed on the premises does not fully comply with the Council's standard noise requirements. In the appeal decision it is stated that the current installation appears to consist of conventional components that should be capable of being operated so as to comply with customary environmental standards. The proposals involve the introduction of additional measures including additional acoustic enclosures and anti-vibration mounts.

The applicant has submitted a plant noise assessment in support of the application dated 29 May 2018. Concern has been raised that noise levels have not been measured from inside neighbouring residential properties. However, this is not a technical requirement from the council in assessing plant noise and the Council's Environmental Health Team are satisfied that, subject to the specified additional attenuation measures, the proposed plant is likely to comply with the Council's standard noise and vibration conditions.

Objectors state that they still regularly experience odour nuisance. The applicant intends to retain the existing low level extract system and has provided a unilateral undertaking which states they will:

- a. Monitor the level of the odour neutralizing liquid on a three monthly basis;

- b. Keep the levels of the odour neutralizing liquid at an appropriate level to facilitate the proper functioning of the extract system;
- c. Carry out any maintenance and repair to the extract system as reasonably required to facilitate the proper functioning of the system; and
- d. Keep a log of the activities taken to comply with a-c above and make such log available to the Council on reasonable notice to do so.

The applicant has confirmed that the maintenance regime has already been put in place to reduce odour nuisance. However, residual odour was still noticed while standing in the rear yard at approx. 5m away from the duct discharge point on two site visits (November 2017 and June 2018). It is considered that the scheme for the control of odours is not sufficient to get rid of cooking smells from the hot food takeaway use and would continue to harm the amenity of neighbouring residential occupiers. Accordingly, the application is recommended for refusal on amenity grounds.

#### Application 2:

The application has been submitted as an alternative solution to deal with the odour/extraction requirements of the existing take away use. The proposals involve the installation of a RECO air recirculation system; the relocation of two existing air conditioning and refrigeration condensers to within the building at lower ground floor level in a new plant room; the installation of a mechanical ventilation system to the new plant room; the removal of two condenser boxes and the replacement of the acoustic louvre in the rear ground floor façade with two smaller louvres. Objectors are concerned that the current plant machinery causes a lot of noise and vibration to adjoining buildings and that moving plant machinery inside would cause further disturbance.

The applicant has submitted a plant noise assessment in support of the application dated 29 May 2018. Objectors have raised concern that noise levels have not been measured from inside neighbouring residential properties. This is not a specific requirement of the council in terms of noise assessment. Having assessed the data, the Council's Environmental Health Team are satisfied that, subject to the specified attenuation measures, the proposed plant is likely to comply with the Council's standard noise and vibration conditions.

The Council's Environmental Health Team advise that the installation of a RECO air recirculation system, operated in accordance with the submitted Operational Management Plan dated 8 March 2018, should satisfy the requirements of the Council in terms of odour control. Objectors have raised concern that the applicant may not maintain the system properly. It is recommended that the operational management plan is secured by condition to ensure that maintenance and servicing will be carried out.

Air recirculation systems as a means of dealing with odour control and extraction from commercial kitchens are not commonplace within Westminster. In this particular case, the appeal decision has accepted the principle of low level extraction in this location, subject to further details being submitted regarding odour, noise and vibration control. As discussed under application 1, these details are not acceptable to the council in respect of odour control and consequent impact on amenity. The alternative is then to consider an internal air recirculation system which does not vent kitchen odours externally. In these circumstances this type of system presents itself as a reasonable

solution to the current situation brought about by the Planning Inspectorate's acceptance of low level extraction on this site.

Objectors also raise concern about the hours of operation and the noise from the day-to-day operations of the unit. Given the application is for internal plant machinery some of which will serve refrigeration units that need to be kept on overnight, it would not be reasonable to condition reduced hours of operation or controls on the general operation of the unit.

Accordingly, it is considered that the objections on amenity grounds cannot be sustained in relation to the air recirculation scheme. Subject to the recommended conditions the proposals are considered to comply with the NPPF, Policy S29 of Westminster's City Plan (2016) and ENV 5, 6, 7 and 13 of our Unitary Development Plan that we adopted in January 2007.

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

Not applicable.

#### **8.5 Economic Considerations**

No economic considerations are applicable.

#### **8.6 Access**

The applications would not result in any adverse access implications.

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

None.

#### **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**

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

This development does not generate a Mayor CIL or WCC CIL payment.

#### **8.11 Environmental Impact Assessment**

Not required.

## 8.12 Other Issues

### Fire Risk and Structural Issues

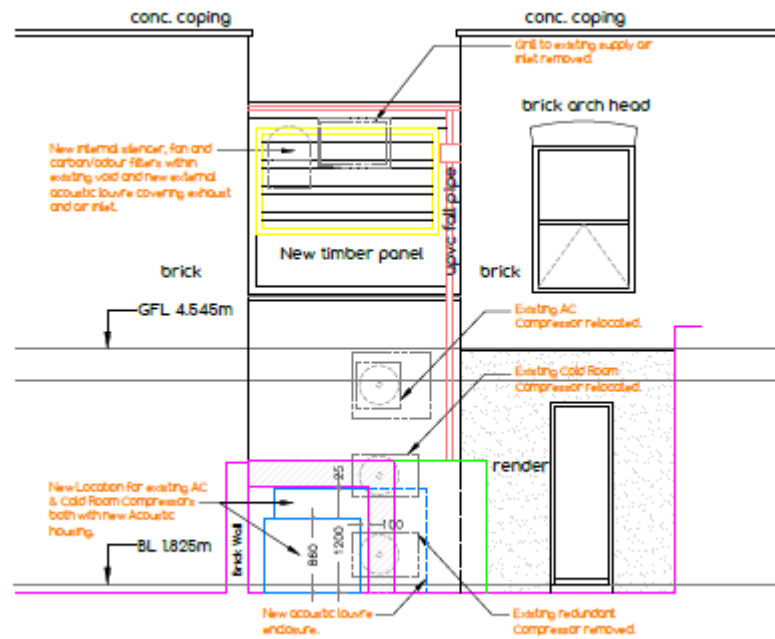
Objectors have raised concerns relating to increased risk of fire and structural issues. Whilst noted, these are matters to be considered under the building regulations.

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

9. KEY DRAWINGS

Application 1

Proposed Rear Elevation



PROPOSED REAR ELEVATION  
(Scale 1:50)

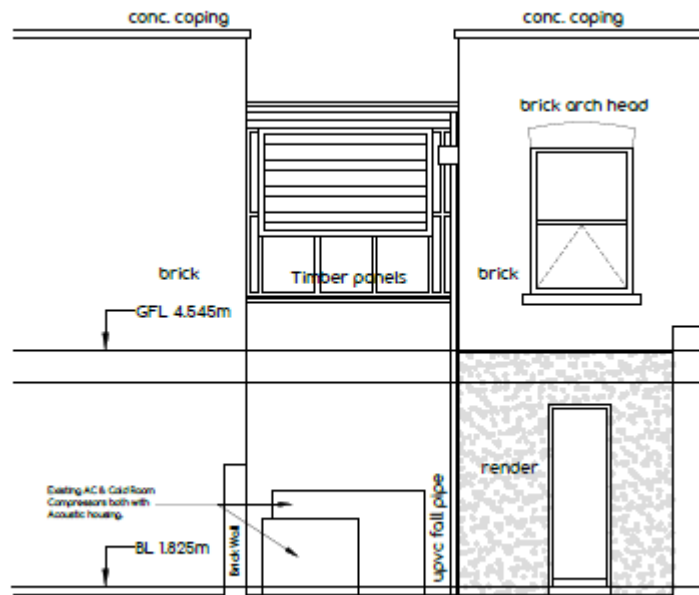


= Suggested Colour for external louvres  
RAL 1024 Ockergelb to match  
existing brickwork (TBC by Planning)



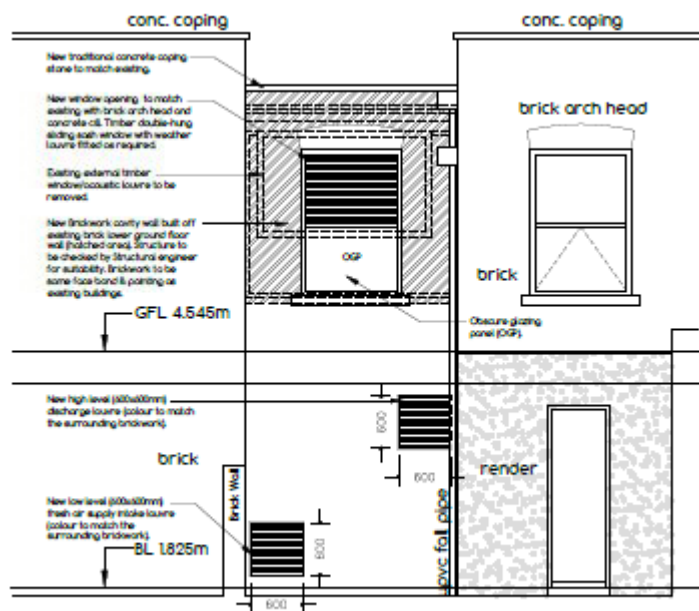
Application 2

Existing Rear Elevation



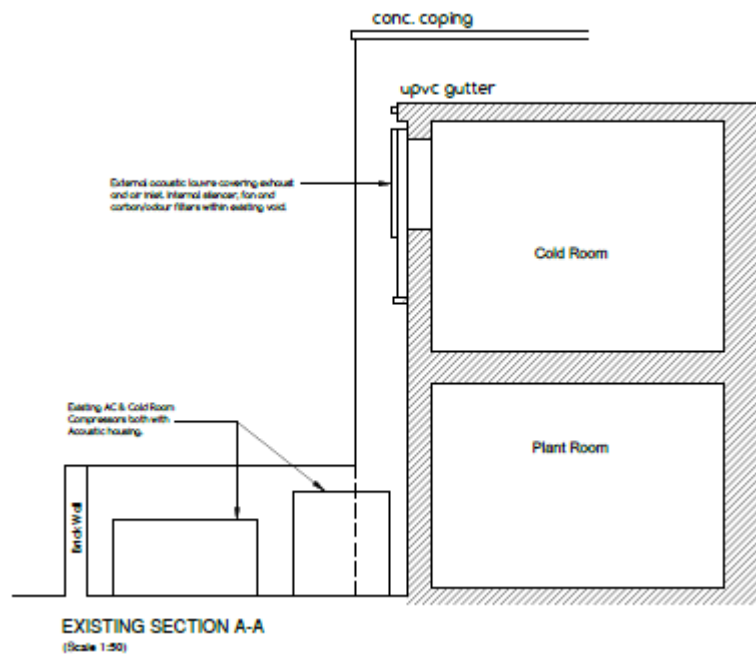
EXISTING REAR ELEVATION  
(Scale 1:50)

Proposed Rear Elevation

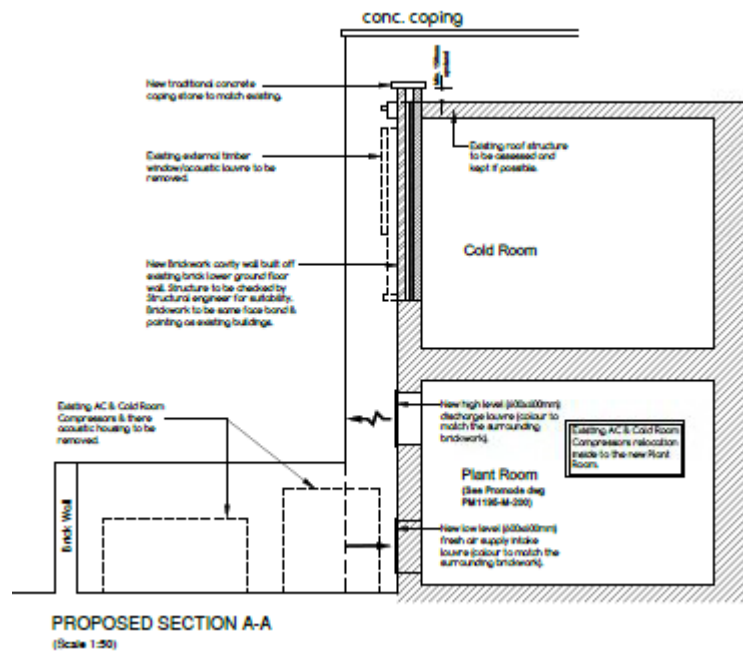


PROPOSED REAR ELEVATION  
(Scale 1:50)

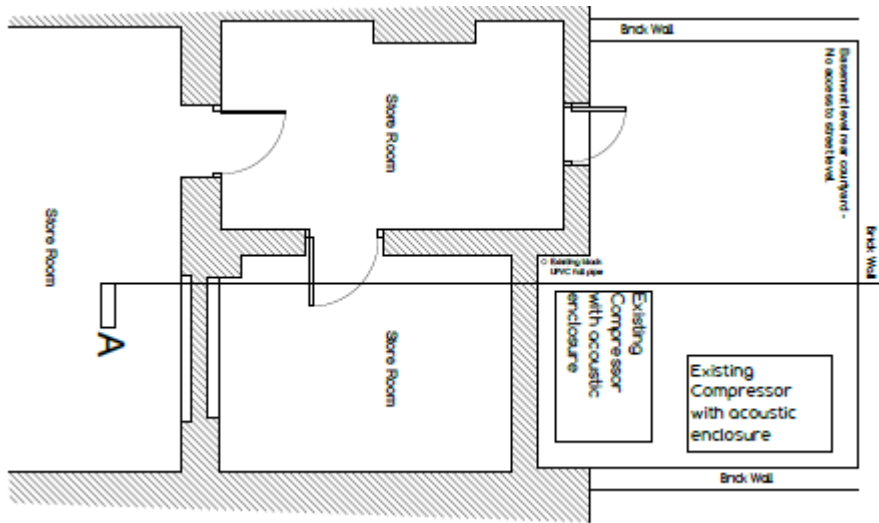
Existing Section A-A



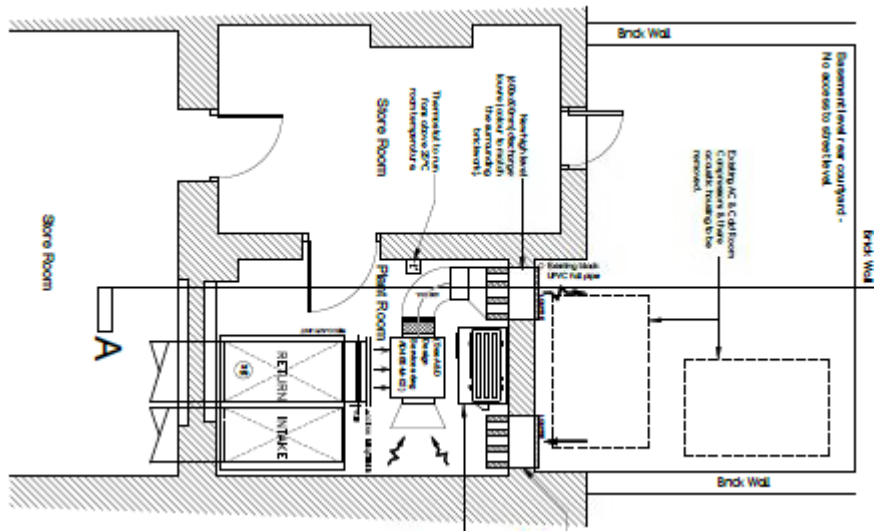
Proposed Section A-A



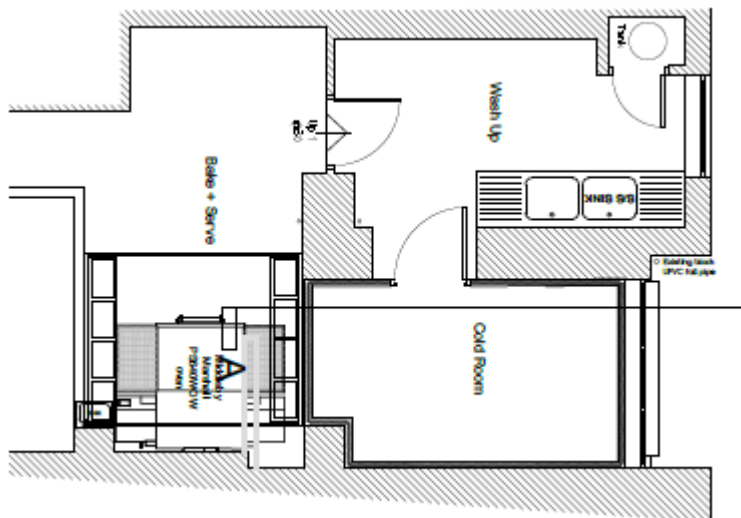
Existing Part Basement Plan



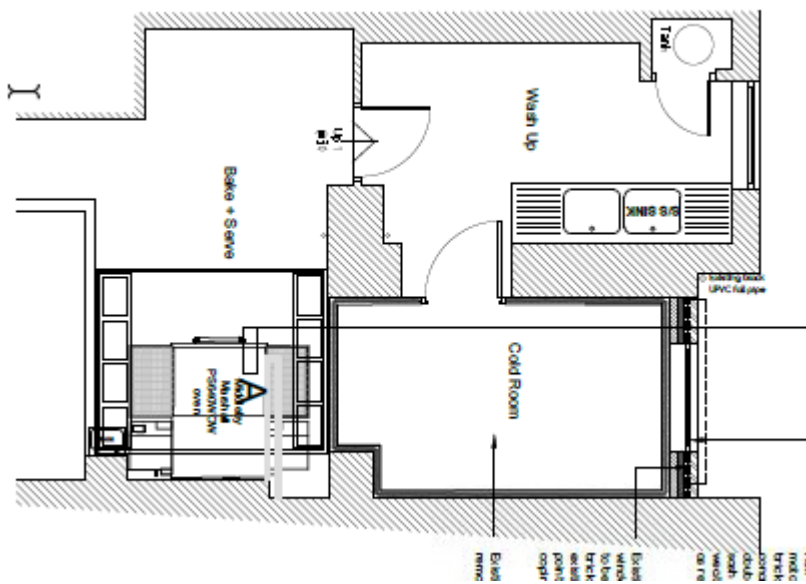
Proposed Part Basement Plan



Existing Part Ground Floor Plan



Proposed Part Ground Floor Plan



**DRAFT DECISION LETTER**

- Address:** 89 Charlwood Street, London, SW1V 4PB
- Proposal:** Details of a scheme for the control of noise, odours and ventilation and the colouring of the grille unit pursuant to conditions 1 and 2 attached to the permission granted following an appeal against an enforcement notice dated 20 June 2017 (Ref APP/X590/C/16/3159525).
- Reference:** 17/07551/ADFULL
- Plan Nos:** 0017/13/03/P09; Plant Noise Assessment Rev. 1 dated 29 May 2018; E-mail dated 24 January 2018; Purified Air Brochure; Purified Air Report; Unilateral Undertaking dated 31 August 2017.

**Case Officer:** Ian Corrie

**Direct Tel. No.** 020 7641 1448

**Recommended Condition(s) and Reason(s)**

- Reason:
- 1 The arrangements for ventilation and getting rid of cooking smells from the hot food takeaway use will harm the amenity of neighbouring residential occupiers. This does not meet policies S29 of Westminster's City Plan (2016) and ENV5 of our Unitary Development Plan that we adopted in January 2007.

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.

**DRAFT DECISION LETTER**

- Address:** 89 Charlwood Street, London, SW1V 4PB
- Proposal:** Installation of an air re-circulation system, relocation of existing air condenser units and associated external alterations.
- Reference:** 17/03875/FULL
- Plan Nos:** 0017 13 09 BP; 0017/13/02/P08 Rev. A; Plant Noise Assessment Rev. 2 dated 29 May 2018; Operational Management Plan dated 8 March 2018; RA2-0S., , For Information Purposes; Reco-Air Unit Description & Operation; Quotation 50k-0217-272 dated 20 February 2017; AD465-M-02 Rev. P; Reco-Air Acoustics; Design & Access Statement dated April 2017; Cover Letter dated 4 May 2017; Operational Management Plan dated 8 March 2018.

**Case Officer:** Ian Corrie

**Direct Tel. No.** 020 7641 1448

**Recommended Condition(s) and Reason(s)**

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of 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 Pimlico 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 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:
- (a) removal of the uPVC guttering from the infill extension and a revised drainage detail to the inside of the parapet connecting to proposed hopper; and
  - (b) all new outside pipework in metal painted black.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings.

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 Pimlico 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)

- 5 All new ventilation louvres to be in metal and maintained in that material.

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 Pimlico 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)

- 6 (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. (R46AB)

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

**Reason:**

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 8 Following installation of the recirculation plant and equipment, you are required to submit a further report confirming previous details. The supplementary report must include:
- (a) A schedule of all plant and equipment installed.
  - (b) The air volume flow rates to extract & return air ductwork verified by a suitably qualified commissioning engineer & a report produced as documentation.
  - (c) Details of monitoring devices interlocked with the electric cooking equipment, such that cooking is only enabled when all parts of the system are operating.

- (d) In the working environment the breakout noise not exceeding 60 dBA measured at 1 metre (free field) and the recirculated air achieving an ambient temperature of 25oC
- (e) Details of service / filter replacement and maintenance arrangements.

You must not begin operating the recirculation plant and equipment until we have approved what you have sent us, you must then maintain it in accordance with the approved report for as long as the system remains in place.

**Reason:**

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 9 The recirculation plant and equipment must be operated in accordance with the Operational Management Plan dated 8 March 2018.

**Reason:**

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

**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 Conditions 6, 7 and 8 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 3 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

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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.