

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 9 October 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>First To Third Floor, 64-65 Long Acre, London, WC2E 9SX,</b>		
<b>Proposal</b>	Use of part ground, first, second, third and new internal mezzanine floors as eight residential dwellings (Class C3); installation of footbridge across internal light well at second floor level, plant machinery and internal lift; associated external alterations, including changes to fenestration.		
<b>Agent</b>	Camberwell & Metropolitan		
<b>On behalf of</b>	Technosite Limited		
<b>Registered Number</b>	18/04254/FULL	<b>Date amended/ completed</b>	22 May 2018
<b>Date Application Received</b>	22 May 2018		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Covent Garden		

## 1. RECOMMENDATION

Grant conditional permission, including a condition to secure the following benefits:

- i) mitigation of the potential increased demand for on street residents car parking

## 2. SUMMARY

The application site is comprised of the first to third floors of 64 and 65 Long Acre, with entrances at ground floor level. The buildings are unlisted and located within the Covent Garden Conservation Area and Core Central Activities Zone (Core CAZ). The basement and part ground floor levels of the building are currently in commercial use, a language school (Class D1) is situated over the first to third floors at no.64 and first and second floors at no. 65, with a residential unit at third floor level at no. 65.

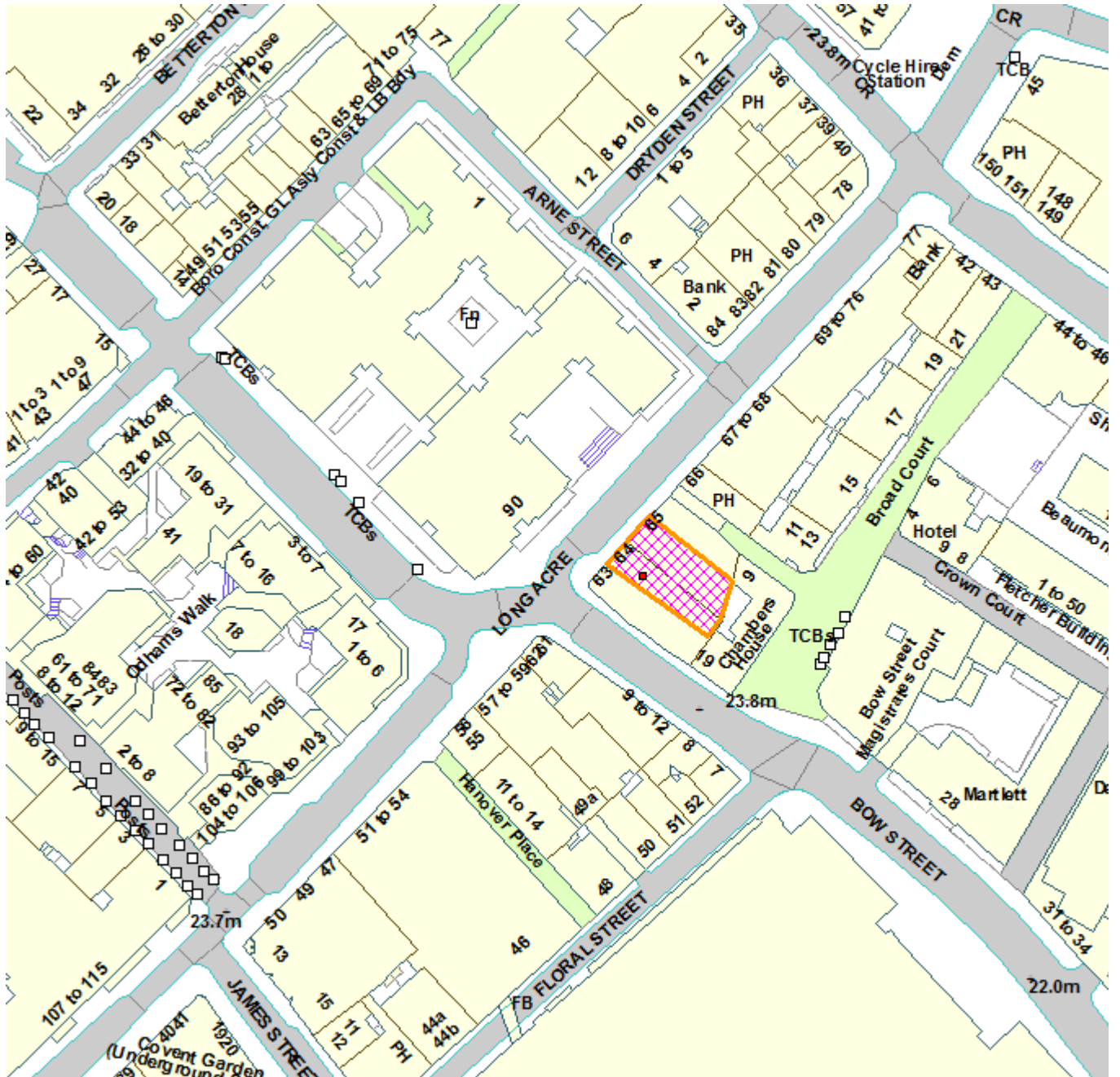
Planning Permission is sought for use of part ground, first, second, third and two new internal mezzanine floors as eight residential dwellings (5 x 1 bed and 3 x 3 bed). Associated works to the building include the installation of a footbridge across the internal lightwell at second floor level, plant machinery and alterations to the fenestration.

The key issues for consideration are:

- Loss of social and community infrastructure
- the principle of new residential accommodation
- Increase in on-street parking stress

As set out in the report, the proposed development is considered acceptable in land use, design, highways and amenity terms subject to the proposed conditions including a Grampian condition to secure mitigation for the increased pressure on on-street residential car parking.

### 3. LOCATION PLAN



4. PHOTOGRAPHS



## 5. CONSULTATIONS

### COVENT GARDEN COMMUNITY ASSOCIATION

- No objection to change of use to residential but would prefer a mix of residential (Class C3) and small office use (Class B1)
- Tight control on short term rental is requested as this could reduce the stock of permanent housing and harm the amenity of permanent residents.

### ENVIRONMENTAL HEALTH

- Objection
- Arrangements for means of escape in case of fire appear to be inadequate.
- Concern that the rooms shown on the mezzanine level are not provided with openable windows for ventilation.
- Concerns that one of the rooms may not be provided with adequate natural light and that one of the rooms is a "Remote Room".
- Conditions relating to sound insulation and plant machinery recommended.

### HIGHWAYS PLANNING MANAGER

- Objection
- No off street parking would be provided and it is considered that the proposals would increase pressure on the existing on-street parking to an unacceptable level.
- Inadequate cycle parking provision.

### WASTE PROJECT OFFICER

- No objection
- The proposed storage arrangements for waste and recyclable materials are in line with the requirements of the City Council.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 28  
Total No. of replies: 1  
No. in support: 1

One letter of support from commercial occupier of ground and basement levels 65 Long Acre (Pret a Manger).

- The redevelopment of the site would bring broader public benefits including the repair of the building's failing infrastructure and prevention of the vacant building being occupied by squatters.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is comprised of the first to third floors of 64 and 65 Long Acre, with entrances at ground floor level. The buildings are unlisted and located within the Covent

Garden Conservation Area and Core Central Activities Zone (Core CAZ). The basement and part of the ground floor are currently in commercial use with Ryman Stationary located at no. 64 and Pret A Manger located at no. 65. The lawful use of the first to third floors at no.64 and first and second floors at no. 65 is a language school (Class D1) last occupied by Edgware Academy. There is an existing residential unit at third floor level at no. 65.

The language school occupier vacated the property in September 2015. The building was illegally occupied by squatters in January 2018 and has been temporarily occupied on a not-for-profit basis to prevent further anti-social activity since.

## 6.2 Recent Relevant History

There is no recent relevant history.

## 7. THE PROPOSAL

The proposals involves the change of use of the language School (Class D1), a small amount of retail space a ground floor level and the reconfiguration of the existing residential unit, to provide eight residential dwellings. (5 x 1 bed and 3 x 3 bed).

Internally the works include the installation of a passenger lift between ground and first floor levels and the installation of two mezzanine floors. Externally, the works are primarily minor in nature and located to the rear. These include changes to the fenestration and installation of a footbridge across the internal lightwell at second floor level. Plant machinery is also proposed at main roof level and on the fire escape above third floor level.

	Existing GIA (sqm)	Proposed GIA (sqm)	Net Floor Area (Sqm GIA)
Language School (Class D1)	536.61	0	-536.61
Residential (Class C3)	59.72	649.14	+589.42
Sandwich Shop (Class A1)	1.24	0	-1.24
Total	597.57	649.14	+51.57

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Loss of Social and Community Use (Class D1)

UDP Policy SOC1 and City Plan Policy S34 seek to protect and improve social and community facilities in Westminster. UDP Policy SOC 1 (D) states that all community facilities will be protected. Under SOC 1(E), schemes involving the redevelopment or change of use of community facilities are required to include adequate replacement facilities. Where the facility is surplus to the needs of the existing provider, any new

development should include an alternative community facility. Where adequate replacement facilities are not proposed, the City Council will normally refuse planning permission.

*City Plan Policy S34 states that; 'all social and community floorspace will be protected except where existing provision is being reconfigured, upgraded or is being re-located in order to improve services and meet identified needs as part of a published strategy by a local service provider. In all such cases, the council will need to be satisfied that the overall level of social and community provision is improved and that there is no demand for an alternative social and community use for that floorspace. In those cases where the council accepts a loss or reduction of social and community floorspace the priority replacement use will be the priority use for the area.'*

The language school occupier (Edgware Academy) vacated the property in September 2015, after trading was considered to be commercially unviable. The applicant has provided marketing particulars dated April 2016 and other evidence that the property has been marketed for Use Class D1 purposes by Ashwell Rogers (letting agents) and Robin Calver (chartered surveyors). A schedule has also been provided, showing that at total of 17 parties showed interest in the property between 1 October 2015 and January 2017 (11 for Use Class D1 purposes). The applicant asserts that no offers were received during this period due to the size, inefficient layout and condition of the property and argues that there is no demand for an alternative, commercially viable, social and community use for the floorspace being offered at the premises. It is noted that the property was illegally occupied by squatters in January 2018 and has been temporarily occupied on a not-for-profit basis to prevent further anti-social activity.

Based on the evidence provided, the City Council is satisfied that there is no demand for an alternative community use in this location. It is also considered that language schools offer very little "social" benefit to the local community and are essentially commercial enterprises. In these circumstances, a departure from the policy requirement to protect existing social and community uses is considered justifiable. The priority replacement use within the Core CAZ is office floorspace (Use Class B1), however given the increased emphasis for the Council to achieve and exceed its borough housing targets, the principle of residential accommodation as a replacement is again considered justifiable.

It is noted that the Covent Garden Community Association (CGCA) have not objected to the proposals but would prefer a mixed of residential (Use Class C3) and small office use (Use Class B1). The CGCA's concerns about short-term letting is also noted and it is recommended that an informative is attached, reminding the applicant that planning permission is required to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights).

### **Loss of Retail (Class A1)**

The applicant states that 1.24sqm of A3 floorspace will be lost at ground floor level associated with the sandwich shop at no.65 "Pret-a-Manager". Whilst the lawful use of the unit has not been established, this type of operation usually falls within Use Class A1.

City Plan Policy S21 seeks to protect A1 retail throughout Westminster except where the council considers that the unit is not viable, as demonstrated by long-term vacancy despite reasonable attempts to let. However, given the small amount of floorspace in question, it is considered that the loss would not impact the viability of the unit and is acceptable in this instance.

### **Creation of Residential Accommodation (Class C3)**

City Plan Policy S14 states that the council will work to achieve and exceed borough housing targets set out in the London Plan and that the number of residential units on developments sites will be optimised.

The mix of the proposed units is as follows: 5 x 1 bed and 3 x 3 bed which provides 37.5% family sized accommodation (3 or more beds), which is in accordance with UDP policy H5. In terms of floor area, the residential units would all provide a good standard of accommodation, consistent with the guidance in the technical Housing Standards- Nationally Described Space Standard (2015).

Environmental Health have raised concern that the main living area in flat 2C (on the second floor) may not receive adequate natural light. The application is supported by a daylight and sunlight study based on the numerical tests laid down in the Building Research Establishment (BRE) guide "Site Layout Planning for Daylight and Sunlight: a good practice guide" by PJ Littlefair 2011. The study finds that 17 of the 23 rooms exceed the minimum recommended Average Daylight Factor (ADF). The 6 rooms that fail are all bedrooms, which are considered to be less important (in terms of levels of natural light) than living/kitchen rooms. Accordingly, it is considered that the flats will receive an acceptable amount of natural light, not uncommon for such a dense urban environment.

The proposed dwellings all have windows facing into internal lightwell, which are in close proximity to one and other. The drawings show that the windows at first and second level will have obscure glazing to prevent direct overlooking between the dwellings, it is recommended that this is secured by condition. Environmental Health initially raised concerns about ventilation and overheating, as future occupants may consider it necessary to keep the internal lightwell windows closed to prevent noise and disturbance. Comfort cooling is now proposed, which will prevent overheating if the occupiers choose to keep windows closed.

Conditions have been added to ensure that the design and structure of the development shall be of such a standard that it will protect residents within the same building and in adjoining buildings from noise and vibration from the development.

On balance, the proposed dwellings would provide an acceptable standard of accommodation.

## **8.2 Townscape and Design**

The application site 64 and 65 Long Acre consists of two buildings of differing character. 64 Long Acre is a four storey building that was purpose built as a motor car depot in 1912-13. The buildings design accords with that of the buildings on the corner, No. 63



Long Acre and No. 18 Bow Street. The front elevation is of red brick and includes a glazed shop front at ground floor level with a separate doorway providing access to the application site and upper floors. The façade includes decorative stucco columns and detailing around the upper windows, including the impressive arched first floor window. The windows are similar at second and third floor levels, although they are four panes wide at the lower and only three at the upper. The fourth floor includes a circular window set within the gable.

65 Long Acre is a five storey building including a mansard, built in a traditional Georgian style. The front elevation is constructed in London stock brick, pierced by three windows at each storey (first, second and third) with three dormers at fourth floor level. The metal framed windows have limited detailing and the buildings design overall accords with that of the neighbouring No.66. The ground floor includes a modern glazed shop front and doorway (blocked) to the upper floors. The rear of both buildings are much altered and add little to the overall character of the conservation area. The proposed works consists of:

**Enlargement of Windows in Light Well** – The proposed windows are slightly larger, but within the lightwell and completely enclosed. Accordingly, it is considered that the works are of no harm to the character of the building or conservation area.

**Enlargement of Three Roof Lights (North East Elevation)** – The roof lights are located to the rear and surrounded by other roof lights. Enlargement will not harm the character of the building or conservation area.

**Installation of Footbridge in Light Well and Formation of Associated Doors-** The works would be completely enclosed within the lightwell and are not considered harmful to the character of the building or conservation area.

**Addition of Two Roof Lights (Main Roof Level)** – The proposed roof lights would be located to the back of the main roof, which already includes numerous AC units. The roof lights would not be visible from street level and are not considered harmful.

**Plant** – Air conditioning units are proposed on the roof of no. 64 Long Acre and the rear fire escape above third floor level. There are a number of existing air conditioning units on the roof of no. 64, which serve adjacent buildings. The proposed units on the roof of no.64 would be visible from limited views at street level. Accordingly, an amending condition is recommended to ensure that full width screening is provided to reduce the impact of the plant. The plant to the fire escape would not be visible from street level and is not considered harmful. Subject to this condition, it is considered that the proposed plant machinery is acceptable in design and conservation terms.

### 8.3 Residential Amenity

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment of surrounding properties.

The site is surrounded by a number of residential properties. The rear windows of the , property are in close proximity to a number of residential windows at Chambers House

on Broad Court. In order to prevent direct overlooking and loss of privacy, a condition is recommended to ensure so that the rear windows of the kitchen/ living room areas in flats 1C (first floor) and 2D (second floor) will not be clear glass and will have limited opening. Subject to this condition, it is considered that the proposals would not lead to an unacceptable degree of overlooking or loss of privacy to surrounding properties.

Given the position of the proposed plant and its scale and massing, it is considered that there will be no significant loss of light or sense of enclosure to surrounding residential or commercial properties.

The applicant has submitted an acoustic report demonstrating that the proposals can meet the City Council's policies for noise and this has raised no objection from the City Council's Environmental Health Manager or neighbouring properties. The City Council's standard noise conditions have been attached. Additionally, a condition is recommended to ensure that the enclosures referenced in the applicant's acoustic report are provided before the plant machinery is used.

A condition is recommended to ensure that the roofs of the buildings are not used for sitting out or for any other purpose.

Overall, it is considered that the proposals would meet City Plan policy S29 and UDP policy ENV 13 and are therefore acceptable in terms of amenity.

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

The Highways Planning Manager recommends refusal of the application due to lack of off-street parking

Policy TRANS23 details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency.

Council's most recent day time parking survey (2015) indicates that the parking occupancy of Residents' Bays and Shared Use Bays within a 200m radius of the development site is 79% (based on only 61 out of the available 77 bays being occupied). Accordingly, if just one of the proposed residential dwellings requires on-street parking, this would take the area over the 80% threshold, and the highways planning manager has objected on this basis. However, given the benefits of providing new residential accommodation and the proximity of excellent public transport links, it is considered that on balance the residential use is acceptable in highways terms subject to appropriate mitigation for the potential increased pressure on on-street parking locally. The applicant has agreed to meet the costs of providing a scheme to mitigate on-street parking demand for the additional residential units. This is likely to be lifetime membership of a car club for the additional residential units on site (i.e. 7 units).

The London Plan requires 1 cycle parking space per 1 bed residential unit and 2 spaces for all others. The plans include space for bicycle storage within the individual units, in accordance with this requirement. Whilst a communal bike store on the lower levels of the building would be preferable, this is considered to be acceptable given the

constraints of the site. A condition is recommended to ensure that the proposed cycle parking is retained.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size.

#### **8.6 Access**

Access will remain from doors at 64 and 65 Long Acre respectively. A new passenger lift will be installed between ground and third floor levels at 65 Long Acre.

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

Refuse /Recycling

The proposed storage arrangements for waste and recyclable materials are considered to be in line with the requirements of the Council. A condition is recommended to ensure that the proposed arrangements are made permanently available and used for no other purpose.

#### **8.8 Neighbourhood Plans**

No neighbourhood plan is in place for this area.

#### **8.9 London Plan**

This application raises no strategic issues.

#### **8.10 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.

#### **8.11 Planning Obligations**

The estimated Mayor's CIL payment is: £3,723.22

The estimated WCC CIL payment is: £33,701.28

#### **8.12 Environmental Impact Assessment**

This application is not of a sufficient scale to require an Environmental Impact Assessment.

#### **8.13 Other Issues**

##### **Building Regulations**

Environmental Health have raised concern that the arrangements for means of escape in case of fire appear to be inadequate, one of the rooms is a "Remote Room" and that

the mezzanine level windows should be openable to allow for purge ventilation. Whilst these concerns are noted, they are matters to be considered under the building regulations and are not a material planning considerations.

**Pre commencement condition**

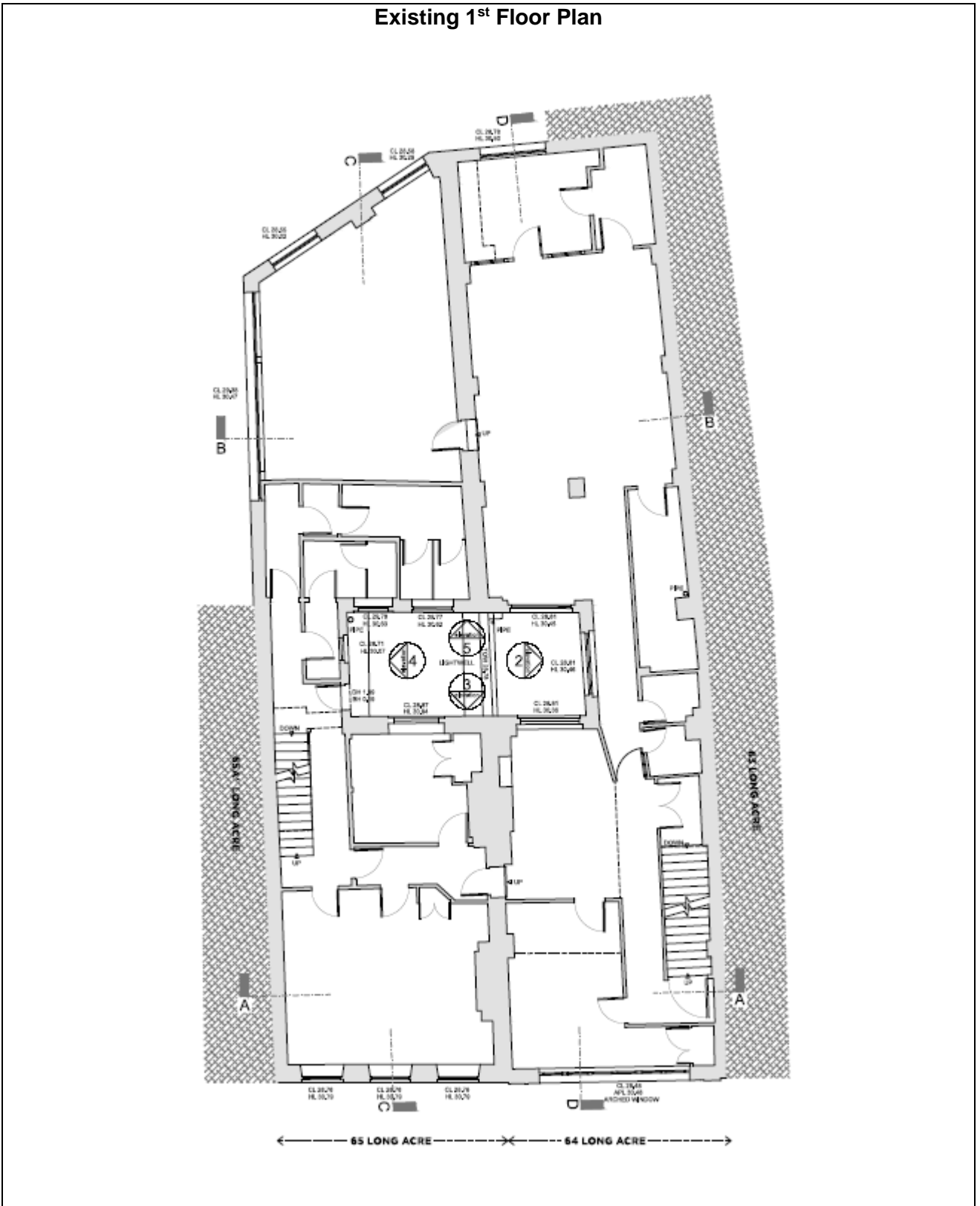
Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

A notice has been served relating to the proposed imposition of a pre-commencement condition to secure the mitigation against the pressure on on-street parking spaces caused by the development, as already discussed in Section 8.4 of this report. Any substantive response received will be reported verbally.

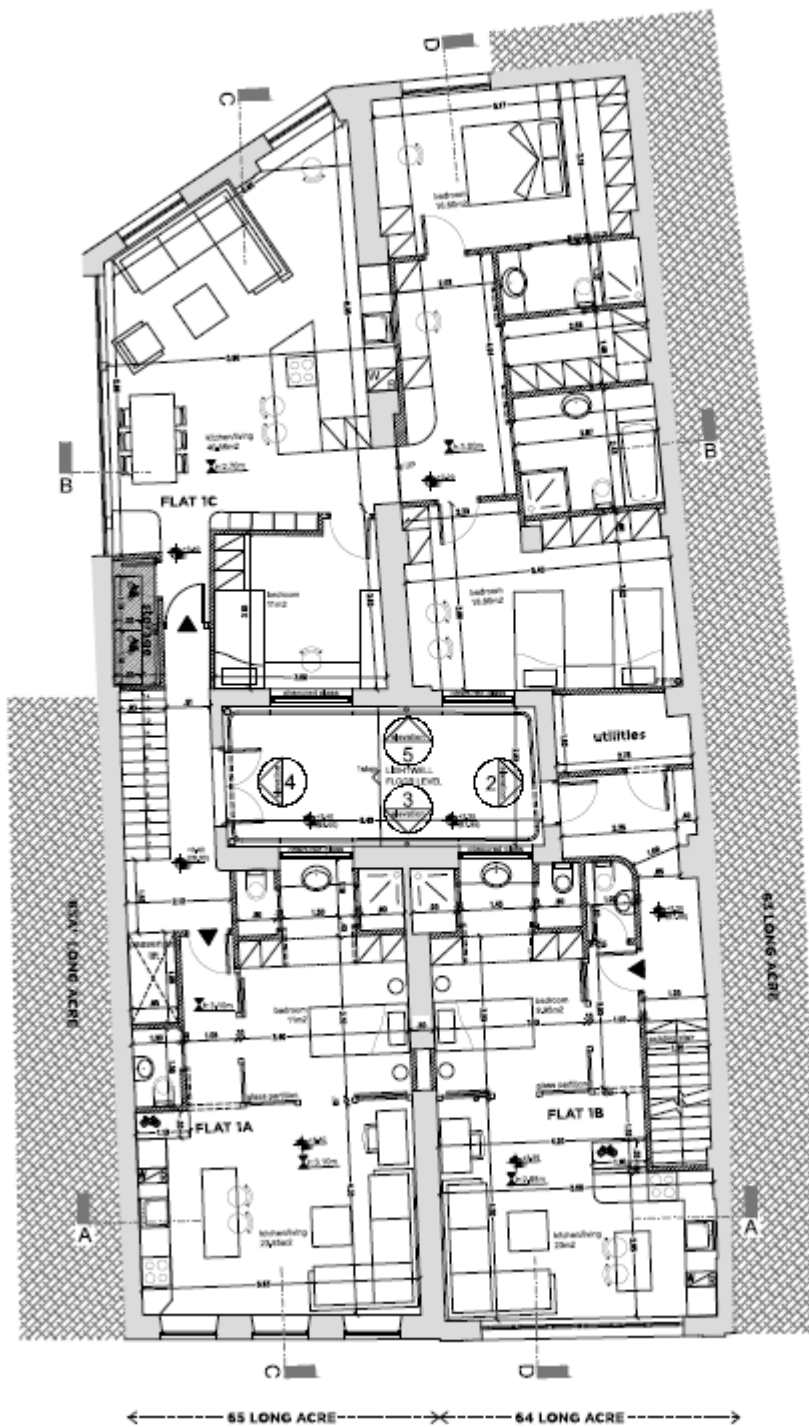
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

9. KEY DRAWINGS



### Proposed 1<sup>st</sup> Floor Plan

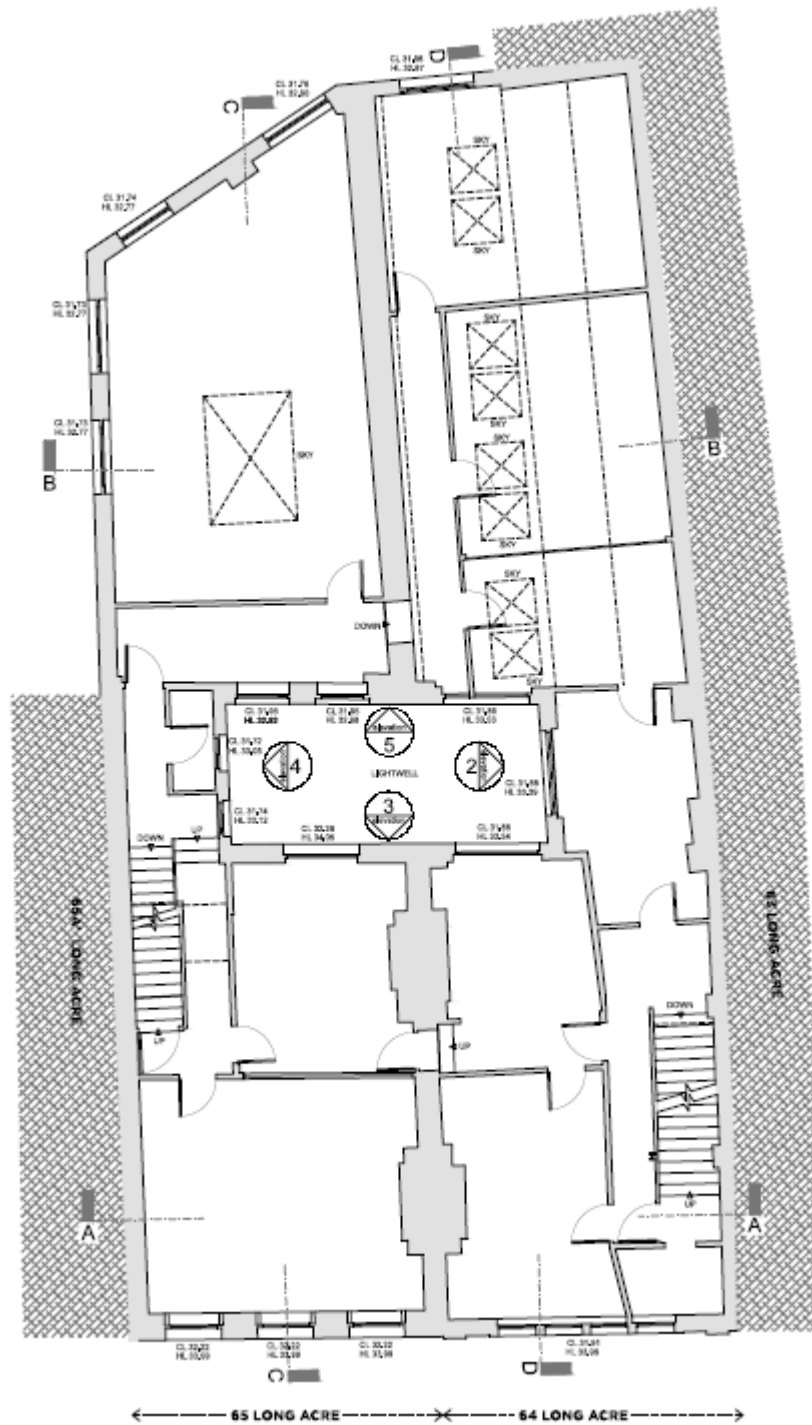


FLAT 1A\_  
46.50m<sup>2</sup>  
(1b1p)

FLAT 1B\_  
44.50m<sup>2</sup>  
(1b1p)

FLAT 1C\_  
120.30m<sup>2</sup>  
(3b3p)

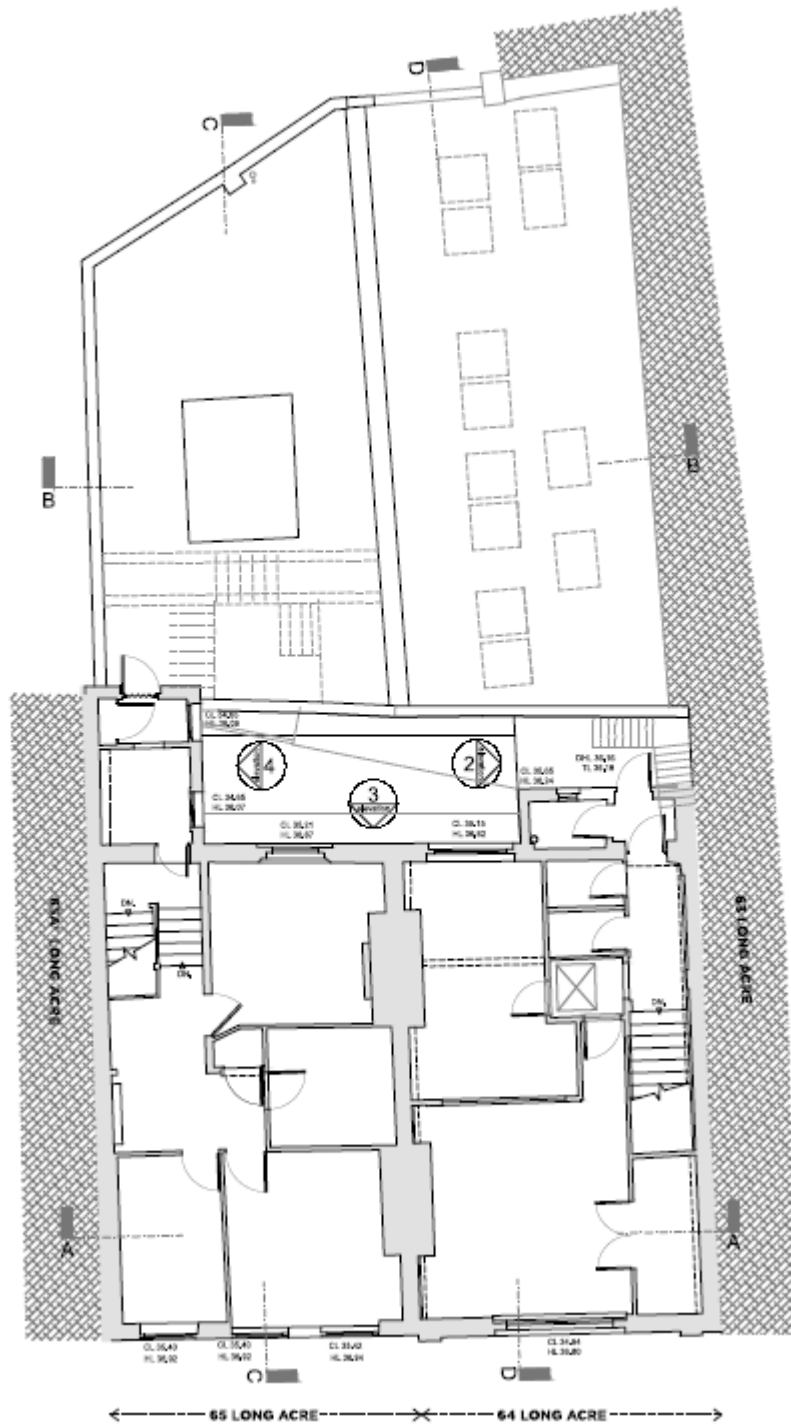
### Existing Second Floor Plan



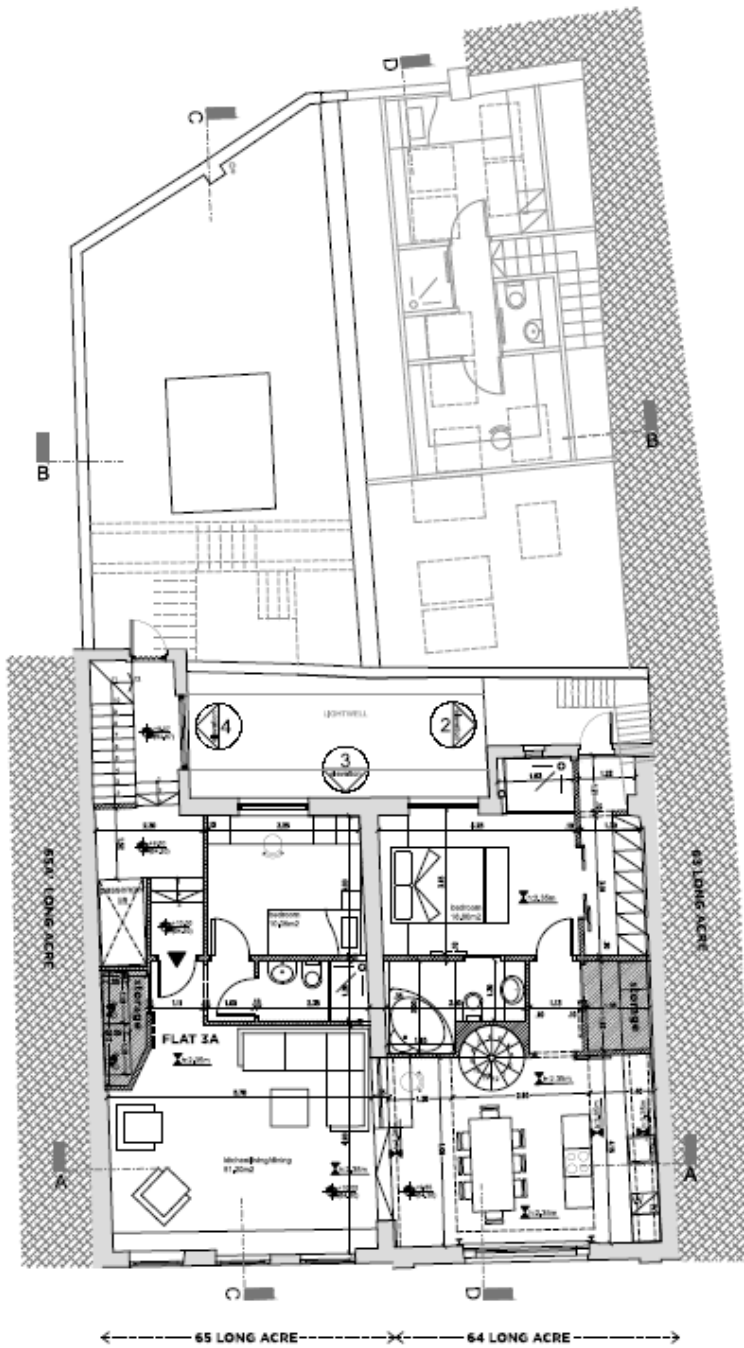




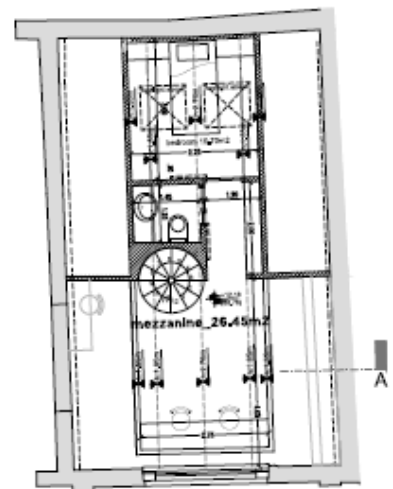
Existing Third Floor Plan



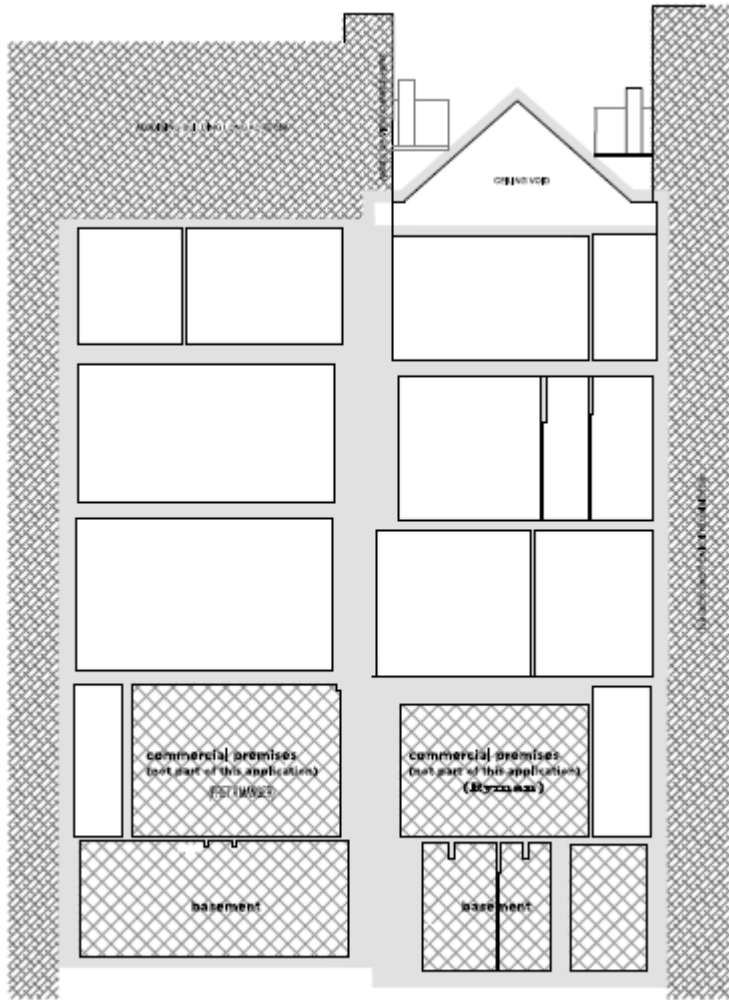
### Proposed Third Floor Plan



FLAT 1C\_  
105,60+26,45 =  
132,05m2  
(3b4p)

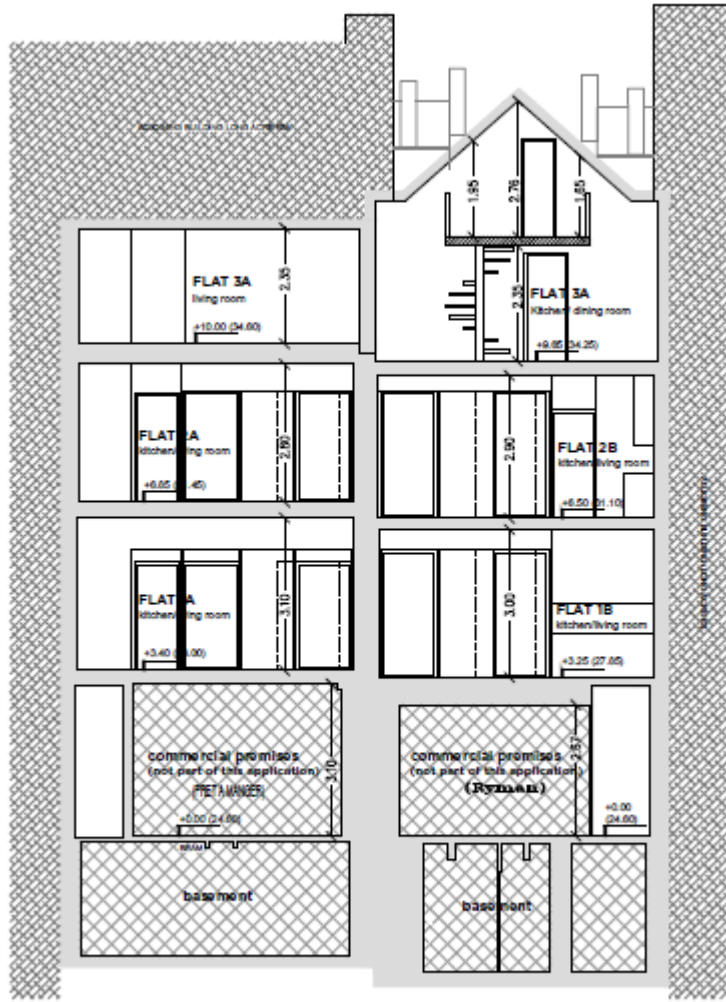


Existing Section A-A (Front)



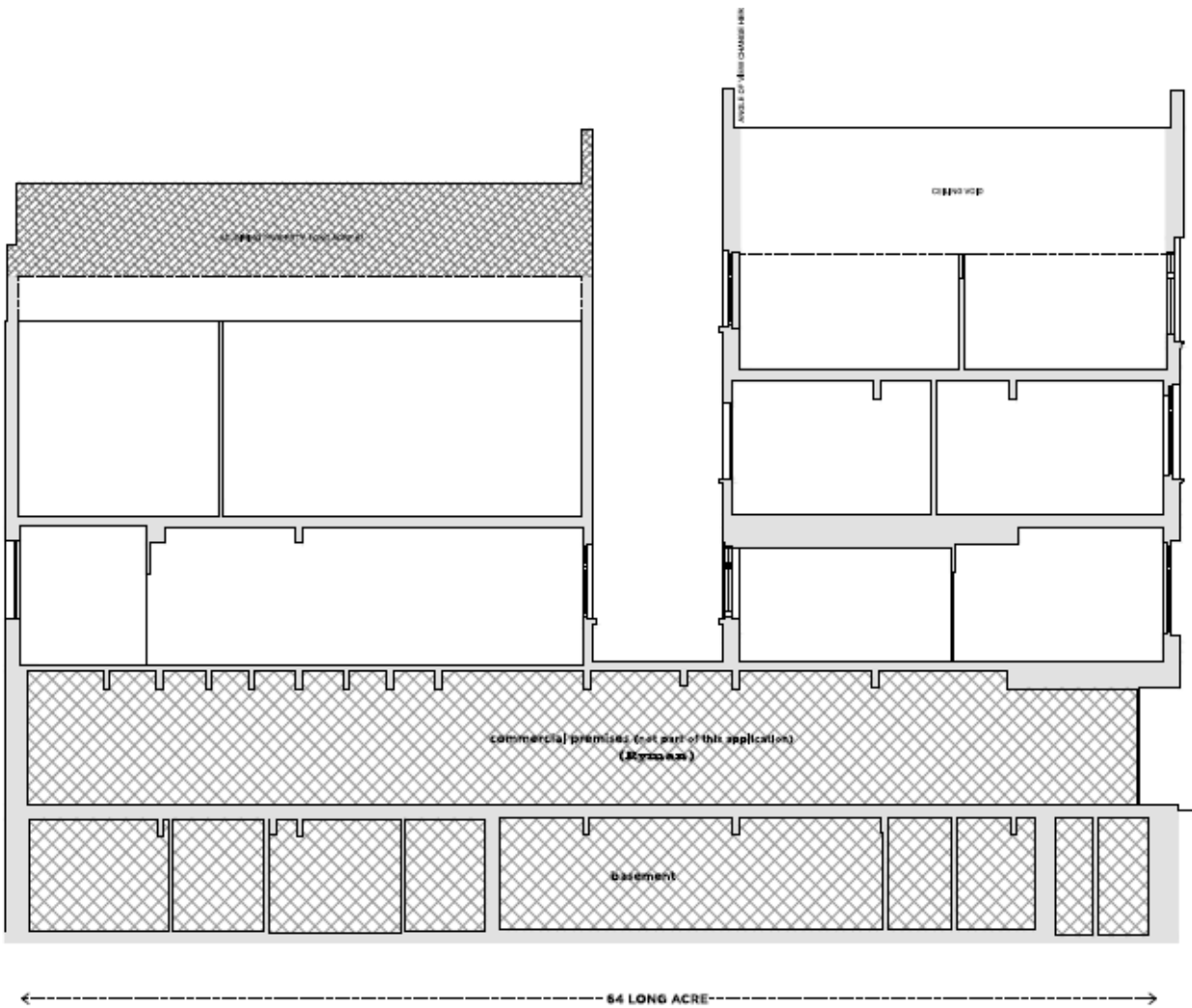
6 ACRES ———> 65 LONG ACRES ———> 64 LONG ACRES ———> 63 LONG ACRES

Proposed Section A-A (Front)

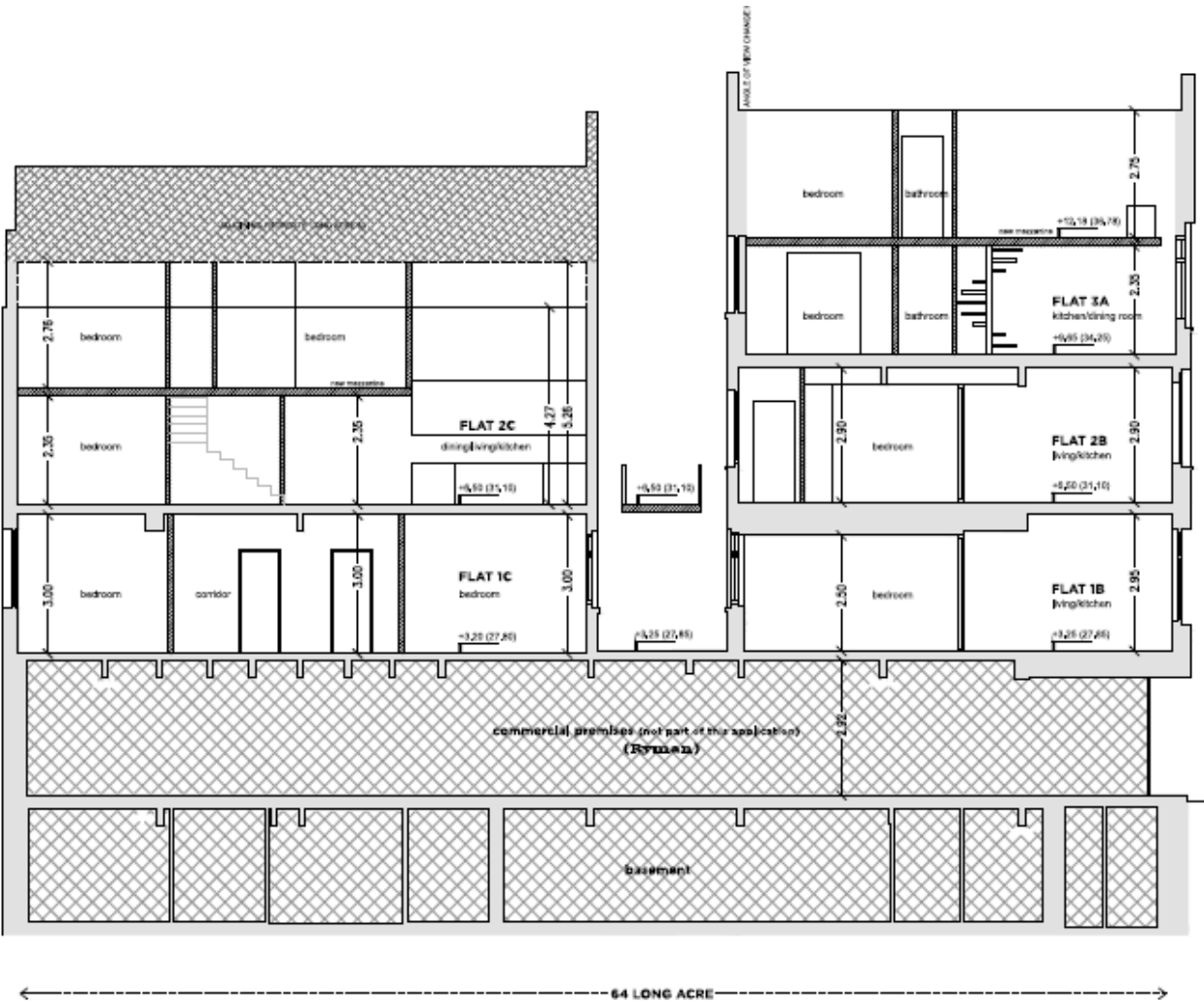


LCRE ---X--- 65 LONG ACRE ---X--- 64 LONG ACRE ---X--- 63 LONG ACRE

### Existing Section D-D



Proposed Section D-D



**DRAFT DECISION LETTER**

**Address:** First To Third Floor, 64-65 Long Acre, London, WC2E 9SX,

**Proposal:** Use of part ground, first, second, third and new internal mezzanine floors as eight residential dwellings (Class C3); Installation of footbridge across internal lightwell at second floor level, plant machinery and internal lift: External alterations, including changes to fenestration.

**Reference:** 18/04254/FULL

**Plan Nos:** A.01; A.02; A.04; A.06 Rev. B; A.08 Rev. B; A.10 Rev. B; A12 Rev. C; A.14 Rev. C; A.16; A.18; A.20; A.22; A.24; A.26 Rev. B; A.28 Rev. A; A.30; Report 13527-NIA-01-RevD dated 14 September 2018.

**For Information:**

Planning, Design and Access Statement dated 22 May 2018; Appendices to Planning, Design and Access Statement dated 22 May 2018; Daylight and Sunlight Study dated 24 April 2018; Addendum to the Planning, Design and Access Statement dated 23 July 2018.

**Case Officer:** Ian Corrie

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

- 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 Covent Garden 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 submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:

-Windows, including roof lights,

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

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 Covent Garden 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 Notwithstanding what is shown on the approved drawings you must apply to us for approval of details of the following part of the development:

- Full width screening for plant machinery on roof of 64 Long Acre (Elevation and Section drawings at 1:50 and 1:10 including specifications),



You must not install the plant machinery on the roof of 64 Long Acre until we have approved what you have sent us. You must then install the full width screening according to the approved drawings. You must then maintain the screening for as long as the plant machinery is in situ.

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 Covent Garden 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 Notwithstanding what is shown on the approved drawings you must apply to us for approval of details of the following part of the development:

-Acoustic enclosures for plant machinery on roof of 64 Long Acre (Elevation and Section drawings at 1:50 and 1:10 Including Specifications),

You must not use the approved plant machinery on the roof of 64 Long Acre until we have approved what you have sent us. You must then install the acoustic enclosures according to the approved drawings. You must then maintain the acoustic enclosures for as long as the plant machinery is in situ.

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 Covent Garden Conservation Area and to protect the environment of people in neighbouring properties. This is as set out in S25, S28 and S29 of Westminster's City Plan (November 2016) and ENV 13, 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)

- 7 (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. (R46AB)

- 8 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)

- 9 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. (R49AA)

- 10 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. (R49BA)

- 11 The glass that you put in the windows at first and second floor levels in the rear elevation must not be clear glass and the windows shall be fitted with devices to limit the extent of opening. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant parts of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

## 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)

- 12 You must not use the roofs of the buildings 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)

- 13 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.

- 14 You must provide the waste store shown on drawings A06 Rev. B, A08 Rev. B and A10 Rev. B before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the residential accommodation. 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 and materials for recycling 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. (R14CC)

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 16 **Pre Commencement Condition.**

Occupation of the flats hereby approved shall not commence until we have approved appropriate arrangements to secure the following.

-A scheme to mitigate on-street parking demand for the additional residential units proposed.

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements.

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) and in TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

#### **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 encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 3 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 4 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)

- 5 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 6 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:
1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
  2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).
- This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting>
- Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).
- 7 Under condition 16, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure Car club membership for future residents, as set out in the letter dated 25 September 2018 from Ian Corrie. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at [www.westminster.gov.uk](http://www.westminster.gov.uk). Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)

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.