

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 30 July 2019	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Marylebone High Street	
<b>Subject of Report</b>	<b>60 Wimpole Street, London, W1G 8AG</b>		
<b>Proposal</b>	Demolition of existing two storey building and link to rear, replacement three storey link and four storey building to rear including mansard storey incorporating plant, infill extension at basement level and part ground floor level, fourth floor rear extension to main building, all to provide additional Class D1 medical floorspace, demolition of existing roof to main building, replacement roof structure incorporating plant and lift overrun, alterations to front entrance and associated works.		
<b>Agent</b>	Howard De Walden Management Limited		
<b>On behalf of</b>	Howard De Walden Management Limited		
<b>Registered Number</b>	19/00416/FULL	<b>Date amended/ completed</b>	28 January 2019
<b>Date Application Received</b>	21 January 2019		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Harley Street		

## 1. RECOMMENDATION

Grant conditional permission

## 2. SUMMARY

The application site is located within the Harley Street Special Policy Area on the west side of Wimpole Street close to the junction of New Cavendish Street. The application site is bounded by mixed residential and medical property to the south and a wholly residential property (in use as flats) to the north on Wimpole Street, and a residential property immediately at the rear on Marylebone Mews, to the west of the site. The building comprises a mid-terrace building consisting of basement, ground, plus four upper storeys. Consent has been granted on a previous application for the use of the third and fourth floor for medical purposes (Class D1). The entire building is now lawfully in use for medical purposes.

Planning permission is sought for the demolition of existing two storey building and link to rear, replacement three storey link and four storey building to rear including mansard storey incorporating plant, infill extension at basement level and part ground floor level, fourth floor rear extension to main

building, demolition of existing roof to main building, replacement roof structure incorporating plant and lift overrun, alterations to front entrance and associated works.

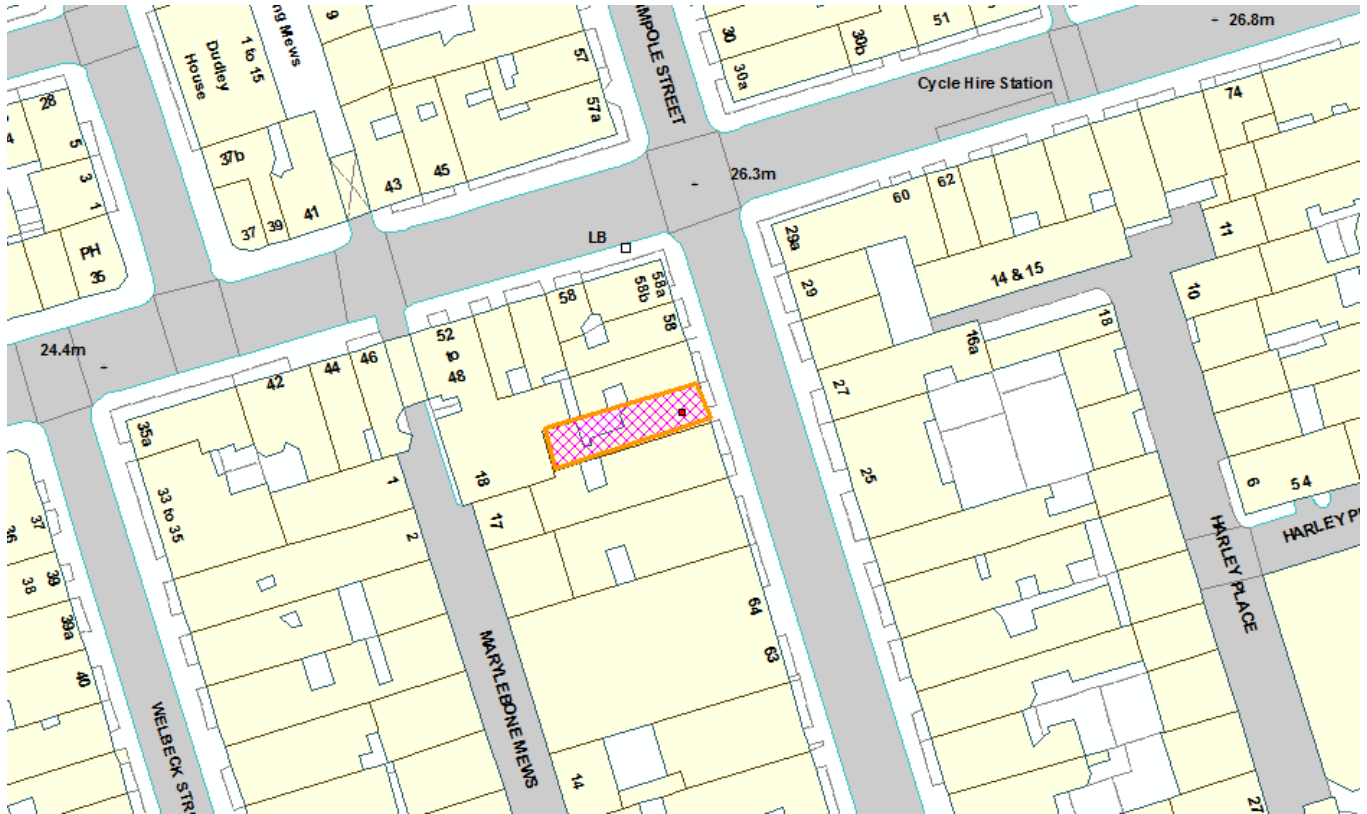
One objection has been received on behalf of a neighbouring resident regarding noise concerns, specifically from the new plant and lift.

The key issues for consideration are:

- The impact of the proposals upon the amenity of neighbouring residents;
- The impact of the works upon both the special interest of the neighbouring listed building and the Harley Street Conservation Area.

For the reasons set out in the main report, the proposal is considered acceptable and is in line with the policies within the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan).

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



5 Mar 2019 at 15:32:15



## 5. CONSULTATIONS

### MARYLEBONE ASSOCIATION

Concerns regarding the potential impact upon overlooking and harm to the heritage of the neighbouring listed building at 61 and 62 Wimpole Street.

### ADJOINING OWNERS / OCCUPIERS AND ANY OTHER REPRESENTATIONS

No. of original consultees: 33; No. of objections: 1

One objection has been received from neighbouring properties. The objections relate to:  
- Loss of amenity due to increased noise from plant and the lift.

PRESS ADVERTISEMENT AND SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site comprises the basement, ground, plus four upper storeys of this unlisted building located within the Harley Street Conservation Area.

The application site is in medical use on the basement to second floors and was previously in use as a 3 bedroom flat on the third and fourth floors. The property formed part of a land use swap application with 14 Wimpole Street permitted in April 2019, with medical use approved on the third and fourth floors of the current site (putting the whole building into medical use). The land use swap has partly been implemented, with works having commenced at 14 Wimpole Street. The occupants of the medical use at basement, ground to second floor levels have recently vacated.

### 6.2 Recent Relevant History

29 April 2019 – permission granted for the use of third and fourth floor for medical purposes (Class D1). (Land Use Swap with 14 Wimpole Street).

## 7. THE PROPOSAL

Permission is sought for the demolition of existing two storey building and link to rear, and replacing that with a three storey link and four storey building to rear of the site, including a mansard storey that incorporates mechanical plant; an infill extension at basement level and part ground floor level, fourth floor rear extension to main building, demolition of existing roof to main building, replacement roof structure incorporating plant and lift overrun, alterations to front entrance and associated works. The proposal provides additional floorspace for medical purposes.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

As mentioned above, the site was previously subject to a land use swap with 14 Wimpole Street. It is understood that the land use swap, which is subject to a S106

agreement, has been partly implemented. The proposed works will result in an increase of 95.1sqm D1 medical floorspace: this is a welcome addition within the Harley Street Special Policy Area and in accordance with policy CM2.1 of Westminster's City Plan (November 2016).

## 8.2 Townscape and Design

60 Wimpole Street is an unlisted building located within the Harley Street Conservation Area. The building is identified as an unlisted building of merit in the Harley Street Conservation Area Audit, which was adopted by the City Council in 2008. The building is located immediately adjacent to a pair of grade II listed buildings to the south at 61 and 62 Wimpole Street. The site includes a five storey (above basement) townhouse building with a rear closet wing and a two storey wing at the back, separated by a lightwell, with a two storey link between the principal building and rear wing. The main design implications of the proposals involve the demolition of the existing two storey rear wing, the erection of a new four storey building and three storey link (inclusive of basements), the demolition and rebuild of the roof to the principal building to incorporate plant at roof level, the infill of the rear lightwell at basement and part ground floor level and alterations to the front entrance.

The original application also sought permission for an extension to the rear of the main building at fourth floor level to heighten the existing closet wing by an additional storey. This aspect of the proposals was resisted in design terms and subsequently omitted from the scheme. The proposal to add an additional storey to the closet wing was considered contrary to DES 5 of the UDP, which resists extensions above the penultimate level of the original building. The proposed extension resulted in the rear closet wing dominating the scale and appearance of the principal building. It was therefore considered that the closet wing should be retained at its current height, which is now proposed in the revised scheme.

The existing two storey rear wing and link at the rear of the site are of brick construction with white painted timber fenestration and are considered to make a neutral contribution to the appearance of the building and the conservation area. The proposal to demolish this part of the building is considered uncontentious in design terms. Permission is sought for a new four storey building in this position, including basement and mansard storeys, the latter of which incorporates plant. Whilst the proposed scheme represents an increase in height in this area, the proposed four storey building remains proportionate and subordinate to the scale of the principal building and is largely concealed behind the rear and flank walls of 18 Marylebone Mews, against which the new building will abut. These walls are significantly taller than the existing two storey structure and will serve to enclose the replacement four storey to the north and west. There is little consistency at the rear of this group of buildings. The proposed four storey building will therefore relate sensitively to the scale and height of development in this part of the conservation area and would not appear uncharacteristic in this position.

The proposed building and link will represent an increase in height at the boundary wall adjacent to the listed building at no. 61. However, this increase in height is not considered detrimental to the setting of this listed building and is considered acceptable.

The design of the replacement four storey extension has been subject to negotiations. The original proposal for a fully glazed wall within the new building at first floor level was resisted, because this failed to relate to the traditionally detailed dormers proposed above at second floor level and the pattern of fenestration on the main building. This aspect of the proposals has subsequently been revised and now shows timber sash windows in this location, which is considered appropriate. The proposed palette of brickwork and timber fenestration is considered appropriate, as is the principle of a lightweight glazed link between the principal building and rear wing. The proposed infill at basement level is also considered uncontentious in design terms, given that the open lightwell is largely retained from ground floor level upwards.

The proposal to demolish and rebuild the roof on this unlisted building is considered acceptable, given that the new roof form will appear similar to the existing from the front and rear and retain the appearance of a traditional roof, in keeping with the roofscape of this group. Internally, the new roof will conceal plant and a lift overrun which will not be visible from any public and private vantage points and are also considered acceptable. The imposition of conditions requiring the submission of a slate sample and detailed drawings of the rebuilt dormers to the front and rear of the main building are recommended.

One comment has been received from the Marylebone Association which refers to the potential impact of the proposed roof level works on the fabric of the neighbouring building. The proposed drawings show that the existing party wall, which separates the demolished roof structure from the roof of the adjacent listed building, is retained and extended rearwards in brickwork to accommodate the new roof form. The proposed drawings do not show any alterations which would harm the fabric of the adjacent building at roof level. Based on the drawings submitted, the potential for damage to the adjacent building is not considered to be a sustainable reason for refusal on planning grounds and this comment cannot be supported in design terms.

To the front elevation, minor alterations are proposed including a replacement front door, replacement basement entrance door and the installation of an entrance ramp. The existing entrance steps are of poor quality and the principle of creating a ramped access is acceptable subject to materials and detail. The imposition of a condition requiring further details of the entrance ramp and doors is recommended. Subject to these conditions, the proposed works to the front elevation are considered acceptable in principle.

Overall, the application is considered compliant with DES 5, DES 6 and DES 9 of the UDP and will preserve the setting of the nearby listed buildings, compliant with DES 10. The proposed development will preserve (or enhance) the character and appearance of this part of the conservation area and is therefore recommended for approval in design terms.

### **8.3 Residential Amenity**

The rear of the application site is in close proximity to the rear of the residential properties on Marylebone Mews and to the rear of neighbouring properties at 59 and 61 Wimpole Street.



**Noise**

One objection has been received on behalf of a neighbouring resident adjacent to the premises in 61 Wimpole Street. They object to the additional background noise, the units operating all night and inconvenience.

The objector commissioned their own acoustic consultant (Gillieron Scott Acoustic Design (GSAD)) to undertake a review of the noise assessment submitted to support this application.

GSAD raised a number of queries relating to the report provided by RBA Acoustics in support of this application: the queries related to how data has been measured by the applicant's acoustic consultant.

The report has been assessed by the Council's Environmental Health Officer who has confirmed that he is satisfied that the applicant's noise assessment is acceptable and that the plant should operate in accordance with the relevant criterion set out within UDP Policy ENV 7. The draft permission includes the Council's standard conditions restricting noise levels and on this basis the objection is not considered to be sustainable.

**Lift**

The objectors seek reassurances that the lift motor mechanism and operation does not produce and noise or vibration that is perceivable from within their residential dwelling at any time.

The applicant has provided a detailed response confirming that, given the location of the lift shaft within the building, it is very unlikely there will be any noise or vibration that would carry through to a neighbouring property. The proposed lift is set away from the party wall and there is no reason to believe that it will cause a nuisance for the neighbouring properties.

**Sunlight and Daylight**

Policy S29 of the City Plan aims to improve Westminster's residential environment. UDP Policy ENV13 aims to protect and improve residential amenity, including the level of sunlight and daylight received to existing properties.

The principal BRE methodology for the assessment of daylight values is 'vertical sky component' (VSC). This measures the amount of light reaching the outside face of a window. This has the advantage of enabling the impact to be assessed without accessing the affected properties. BRE guidelines principally seek to protect light to principal habitable rooms including living rooms, kitchen/dining rooms and, to a lesser extent, bedrooms. Under this method, a window achieving a VSC value of 27% is considered to be well lit. If, as a result of the development, light received to an affected window is below 27%, and would be reduced by 20% or more, the loss would be noticeable. The numerical values used in this assessment are not intended to be prescriptive in every case and are to be interpreted flexibly, depending on the given circumstances.

In respect of sunlight, the BRE guide suggests that if a living room has a main window facing within 90 degrees of due south then the sunlighting of the existing dwelling may

be adversely affected if it receives less than 25% of annual probable sunlight hours (APSH) or less than 5% of APSH between September and March, and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight received over the whole year greater than 4% of APSH.

The application is supported by a daylight and sunlight report based on guidance published by the Building Research Establishment (BRE). The report assesses the impact on windows at 59 and 61 Wimpole Street and 17 and 18 Marylebone Mews. With regards to daylight the report shows that in many cases there would be no change in the vertical sky component. Where there are losses to residential windows, these losses will be very minimal. The maximum loss is 2.2%, which is well below 20% in which the Building Research Establishment (BRE) guidelines refer to as being potentially noticeable. The sunlight assessment shows that in all cases losses in both summer and winter annual probable sunlight hours would be very minor and there are no breaches in BRE guidelines.

### **Privacy**

The Marylebone Association raised a holding objection requesting officers to closely review the potential impact of the redesign of the link and rear building, with their large windows, for potentially overlooking neighbours.

It is considered that there may be an increased amount of potential overlooking between 60 and 59 Wimpole Street from the windows within the link and the medical floorspace at rear first floor level. It is noted that there are flats within 59 Wimpole Street, although no objection has been received from this neighbour. Available plans suggest that there are bathrooms and kitchens in the rear of No. 59.

A staircase is located within the link adjacent to the window at first floor. It is unlikely that this will result in an intense amount of overlooking into 59 Wimpole Street. However, it is considered to be appropriate to have obscure glazing in these windows to ensure no overlooking and ensure that the extension to the rear of 60 Wimpole Street will not result in a negative impact to the residential amenity of the neighbouring property.

### **8.4 Transportation/Parking**

The London Plan requires the provision of 1 cycle space per 90sqm of office (B1) accommodation. This application proposes the increase in floorspace of 74sqm, falling short of the requirement for the provision of additional cycle parking.

### **8.5 Economic Considerations**

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

### **8.6 Access**

Not applicable

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

None

## 8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

## 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

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

The proposal is not CIL liable.

## 8.12 Environmental Impact Assessment

The scheme is of insufficient scale to require an Environmental Impact Assessment.

## 8.13 Other Issues

None

(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](mailto:pquayle@westminster.gov.uk)

### 9. KEY DRAWINGS

#### Existing plan



Red brick - English bond  
Used on front facade



London stock brick - English bond  
Used on rear and side facades



White painted brick - English bond  
Used on rear and side facades at B1 Level



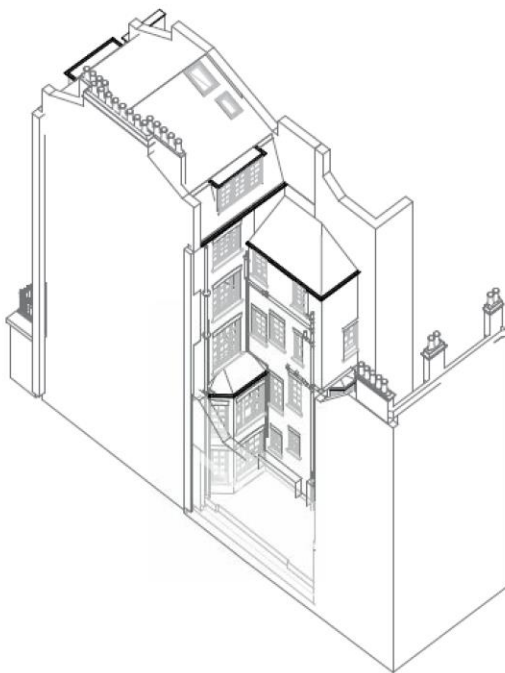
White painted render  
Used on front lightwell



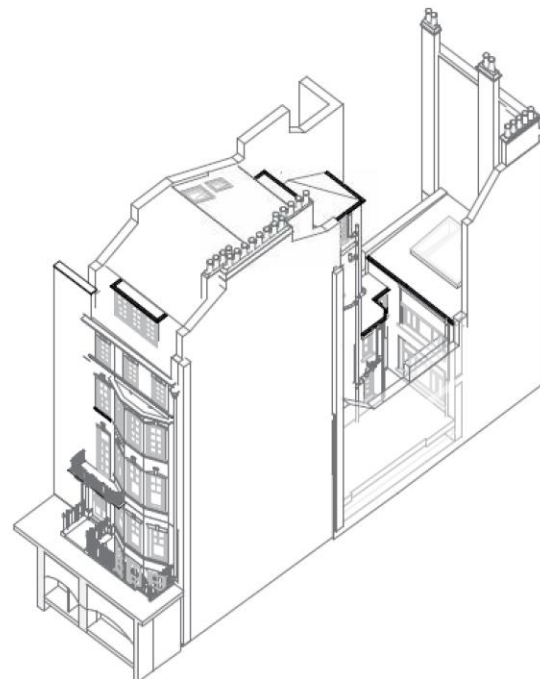
Natural slate roof  
Used on front mansard roof



Lead cladding  
Used on rear roof end dormer



1 Existing Volume - Rear View  
SK01



2 Existing Volume - Front View  
SK01

### Proposed plan



Red brick - English bond  
Used on front facade



London stock brick - English bond  
Used on rear and side facades



White painted render  
Used on front lightwell



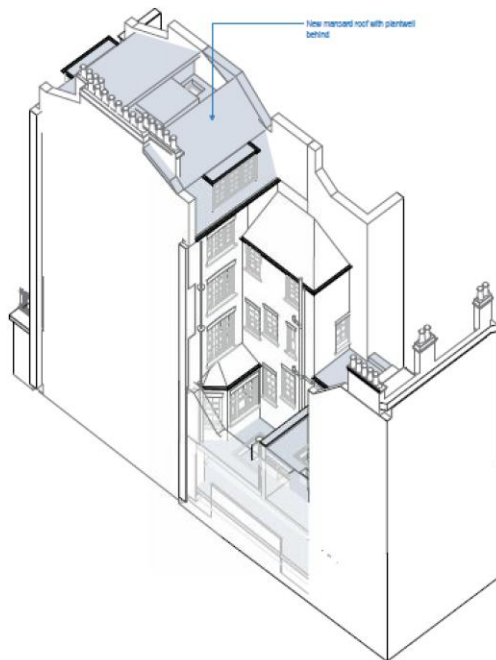
Natural slate roof  
Used on front mansard roof



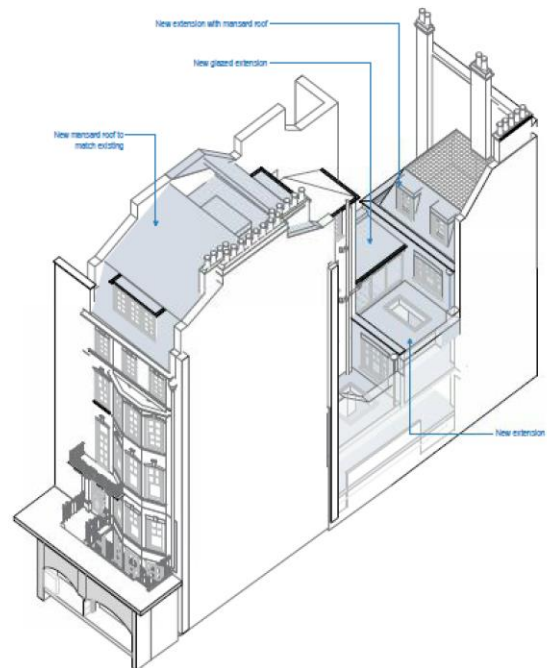
Conservation rooflights  
Used on rear pitched roof



Plateau rooflight  
Used on flat roofs



1 Proposed Volume - Rear View



2 Proposed Volume - Front View

**DRAFT DECISION LETTER**

**Address:** 60 Wimpole Street, London, W1G 8AG

**Proposal:** Demolition of existing two storey building and link to rear, replacement three storey link and four storey building to rear including mansard storey incorporating plant, infill extension at basement level and part ground floor level, fourth floor rear extension to main building, demolition of existing roof to main building, replacement roof structure incorporating plant and lift overrun, alterations to front entrance and associated works (REVISED DESCRIPTION).

**Reference:** 19/00416/FULL

**Plan Nos:** Proposed plans:  
1748-ST-XX-ZZ-DR-A-2254 REV A5, 1748-ST-XX-ZZ-DR-A-2253 REV A5, 1748-ST-XX-ZZ-DR-A-2252 REV A5, 1748-ST-XX-ZZ-DR-A-2251 REV A5, 1748-ST-XX-ZZ-DR-A-2236 REV A5, 1748-ST-XX-ZZ-DR-A-2236 REV A5, 1748-ST-XX-ZZ-DR-A-2231 REV A5, 1748-ST-XX-XX-DR-A-4254 REV A5, 1748-ST-XX-XX-DR-A-4253 REV A5, 1748-ST-XX-XX-DR-A-4252 REV A5, 1748-ST-XX-XX-DR-A-4251 REV A5, 1748-ST-XX-XX-DR-A-SK03 REV A5, 1748-ST-XX-XX-DR-A-3252 REV A5, 1748-ST-XX-XX-DR-A-3251 REV A4

Demolition plans:

1748-ST-XX-ZZ-DR-A-2131 REV A4, 1748-ST-XX-ZZ-DR-A-2136 REV A4, 1748-ST-XX-ZZ-DR-A-2151 REV A4, 1748-ST-XX-ZZ-DR-A-2152 REV A4, 1748-ST-XX-ZZ-DR-A-2153 REV A4, 1748-ST-XX-ZZ-DR-A-2154 REV A4, 1748-ST-XX-XX-DR-A-3151 REV A4, 1748-ST-XX-XX-DR-A-3152 REV A5, 1748-ST-XX-XX-DR-A-4153 REV A5, 1748-ST-XX-XX-DR-A-4154 REV A5, 1748-ST-XX-XX-DR-A-SK02 REV A5, 1748-ST-XX-ZZ-DR-A-2153 REV A5, 1748-ST-XX-ZZ-DR-A-2153 REV A5

**Case Officer:** Shaun Retzback

**Direct Tel. No.** 020 7641 6027

**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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must apply to us for approval of detailed drawings of the following parts of the development: , , 1. Rebuilt dormers to front and rear of main roof to match size and profile of existing (1:5 and 1:20), 2. New external windows and doors (1:5 and 1:20), 3. New rooflights (1:5 and 1:20), 4. Ground floor entrance ramp (1:5 and 1:20) , , You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these detailed drawings. (C26DB)

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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 9 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Harley Street Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 10 The roof shall be clad in a natural slate of a dark blue/ grey colour.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 11 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins



during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) A schedule of all plant and equipment that formed part of this application;; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;; (c) Manufacturer specifications of sound emissions in octave or third octave detail;; (d) The location of most affected noise sensitive receptor location and the most affected window of it;; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46BB)

- 12 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)

- 13 You must provide the waste store shown on drawing 1748-ST-XX-ZZ-DR-A-2251 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the property. 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)

- 14 You must not use the first floor flat roof of the extension 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. 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)

**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, neighbourhood plan (where relevant), 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 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
  - Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
  - This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.
  - Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm). It is now possible for local authorities to prosecute any of the relevant parties with respect to non-compliance with the CDM Regulations after the completion of a building project, particularly if such non-compliance has resulted in a death or major injury.
  
- 3 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following:
  - Window cleaning - where possible, install windows that can be cleaned safely from within the building.
  - Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
  - Lighting - ensure luminaires can be safely accessed for replacement.
  - Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).
 More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/falls/index.htm](http://www.hse.gov.uk/falls/index.htm). Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (180CB)

- 4 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained., Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:,\* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;,\* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;,\* Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;,\* Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;,\* Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
- 5 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.
- 6 Conditions 11 and 13 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)
- 7 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work. Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974, 24 Hour Noise Team, Environmental Health Service, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP, Phone: 020 7641 2000. Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)
- 8 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)

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.