

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 14 April 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Church Street	
Subject of Report	15 Hatton Street, London, NW8 8PL,		
Proposal	Dual/alternative use of ground and first floor as offices (Class B1) or as music audio production and training facility and recording studio (Sui Generis) and alterations to front entrance to provide glazed foyer.		
Agent	Mr David Gurlter		
On behalf of	Mr Mike Sinnott		
Registered Number	19/08137/FULL	Date amended/ completed	18 October 2019
Date Application Received	10 October 2019		
Historic Building Grade	Unlisted		
Conservation Area	No		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

This application relates to a vacant office at ground and first floor in a building called The Old Aeroworks building, a building which comprises offices and residential flats. The application site lies to the north east of Edgware Road and north of the Church Street Estate. The property is not listed or within a conservation area.

Planning permission is sought for the use of the premises as a dual/alternative use of ground and first floor as offices (Class B1) or as music audio production and training facility and recording studio (Sui Generis). The educational facility and recording studio is to be operated by the Abbey Road Institute, a specialist music production and sound engineering school.

Objections to the proposals have been made primarily from residents in the residential flats above and to the rear in the Wallace Building on the grounds of noise transference within the building and noise and disturbance from the proposed comings and goings of the educational facility.

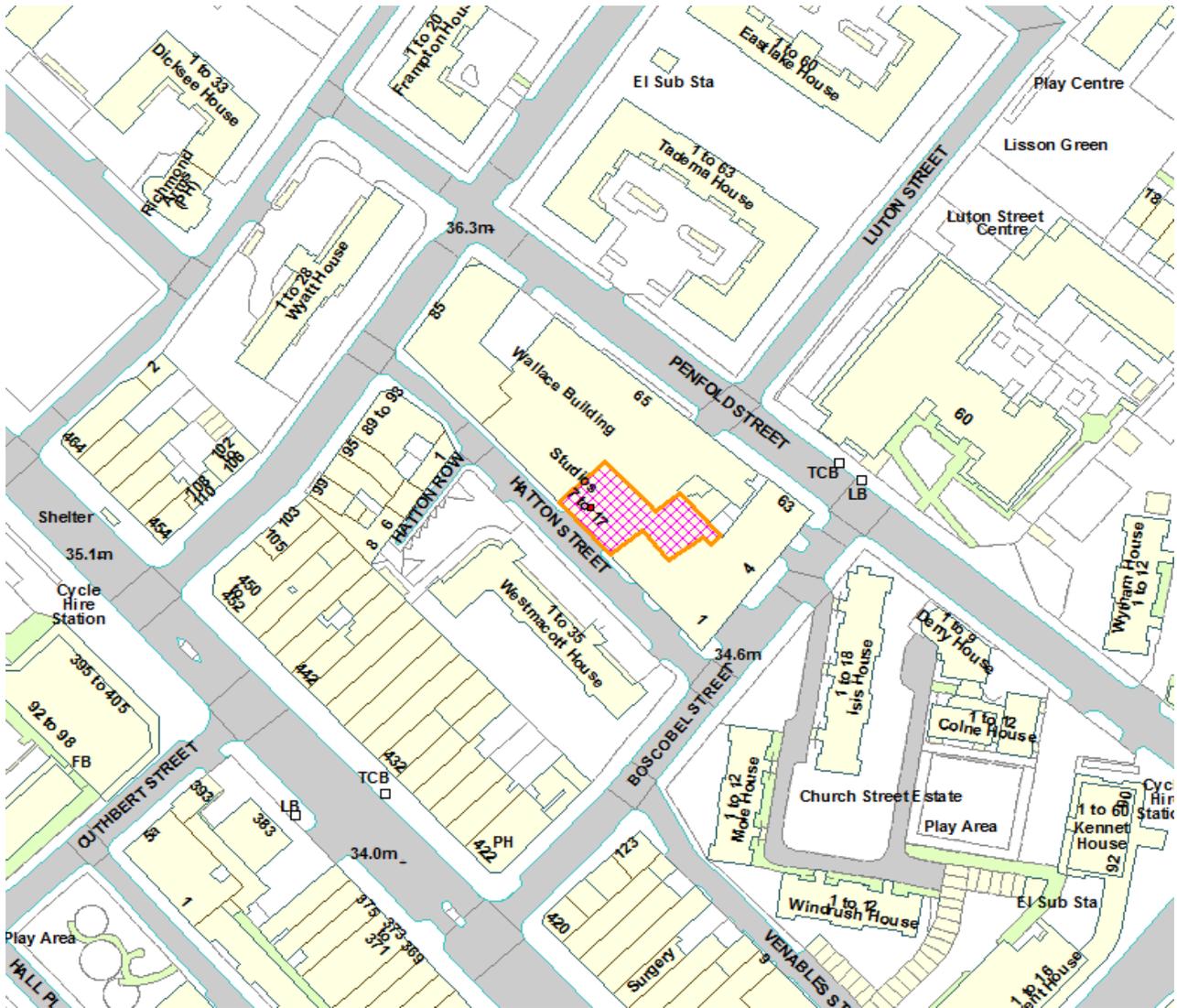
The key issues in the determination of this application:

- The acceptability of the proposals in land use terms;
- The acceptability of the proposals in amenity terms;

- The acceptability of the proposals in highways terms.

For the reasons set out in the report, the proposals are considered to comply with City Council land use, amenity and design policies as set out in the UDP (adopted January 2007) and the City Plan (adopted November 2013), subject to the conditions as set out on the draft decision letter at the end of this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation of building

5. CONSULTATIONS

WARD COUNCILLORS

Any response to be reported verbally.

THE ST MARYLEBONE SOCIETY

No objection provided that there are no noise concerns.

ENVIRONMENTAL SCIENCES

No objections subject to bespoke noise conditions.

HIGHWAYS PLANNING MANAGER

Objection to loss of off-street car parking space.

WASTE PROJECT OFFICER

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 128

Total No. of replies: 24

No. of objections: 23 on behalf of 19 properties

No. in support: 1

Objections have been received on some or all of the following grounds:

Amenity:

- Noise
- The building has existing inadequate sound insulation as it's a concrete shell and the sound proofing proposed is not sufficient
- Disturbance from hours of operation
- Disturbance from 'comings and goings' and smoking outside
- Increase in traffic and congestion associated with those attending the site and the unloading of equipment.

Other:

- Conflict of interest as the proposing party is the building manager
- The applicant did not engage with the residents of the flats above
- Some residents were not notified of the proposals
- Reduction in property values.

One letter of support has been received stating that 'bringing a world famous company to our building and creating employment and the training of new talent has to be a good thing'.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site consists of a commercial unit occupying a part of the ground and a part of the first floors. The wider site comprises a mid-terraced building of five storeys (rising to eight storeys on the corner). Within the building there are a mix of commercial spaces and residential units. The application site is 460sq.m and is of Class B1 office space but has been vacant for a year. The site does not lie within a conservation area nor is it listed. The site lies out of the Central Activities Zone and is within the North Westminster Economic Development Area (NWEDA).

6.2 Recent Relevant History

There is no relevant history.

7. THE PROPOSAL

The proposal is for the dual/alternative use of ground and first floor as offices (Class B1) or as music audio production and training facility and recording studio (Sui Generis) and alterations to front entrance to provide glazed foyer. The facility is to be operated by the Abbey Road Institute (ARI) (established 2015) which is a specialist music production and sound engineering school.

It should be noted that the proposed use was originally described (and advertised) as a mixed Class B1/D1 use however this has since been amended by officers and agreed by the application to be classed as a Sui Generis Use.

A flexible permission is sought under Class V of the Town and Country Planning (General Permitted Development) Order 2015 (the GPDO), as the freeholder wishes to retain the ability to use the building solely as B1[a] offices, whilst having the ARI as a tenant that would wish to use the premises for the proposed sui generis use. The legislation would allow the use (should it be granted) to switch between these uses within a ten year period.

As way of background (and taken from the applicants supporting statement), "Abbey Road Studios' reputation for excellence in recorded music has developed over 85 years with the Institute being built on that history. The school provides an opportunity to learn from the wealth of knowledge and expertise developed in the Studio, previously unavailable to those outside of the studio environment.

An international programme was developed in collaboration with industry, Abbey Road Studio engineers and specialist academic staff. The 12-month Advanced Diploma in Music Production and Sound Engineering launched in the UK, has 40 students enrolled, and is an active vocational course with hands on experience. The course now has a worldwide presence in locations including Germany, France, the Netherlands and Australia.

The curriculum offers a unique mix of theoretical and practical modules designed to equip students for their next step toward a professional music production career. It

covers all aspects of music production and engineering, focusing on three main areas: engineering, music and business. The Institute is developing a Diploma in Film and TV Sound (sound for picture) which it anticipates starting in the 2020 academic year, with placements in industry envisaged as part of the course. In addition to the full-time education, ARI provides short courses and professional training for industry”.

The educational element of the proposal (which would ordinarily fall within Class D1), currently comprises two intakes of 20 students on their diploma course and it is intended to increase the capacity to 24 students per course and introduce a further course. There would therefore be three intakes, with students having 12 hours of teaching time (three hours of lectures on four days a week) with six hours practical time. Lecture times would predominately be between 10am and 5pm during term time.

Outside of the above hours and where there is capacity, it is proposed that the studios and production rooms will provide additional facilities that will supplement those that already exist at Abbey Road. The facilities can be commercially used by others in the music and film industry. This commercial use will provide a degree of financial protection and security, allowing a diversity of uses and mix of income streams in what are currently uncertain times. Ordinarily this element of the proposal would fall in Class B1 of the uses classes order and therefore a recording studio could be operated from the property without planning permission as it stands.

In terms of hours of use the applicant confirms that the education / training facility will operate between the hours of 9am to 11pm Monday to Saturday, and 10am to 10pm Sunday, although the actual lecture hours will be 10-5pm Monday to Friday. This is to reflect the flexibility needed for office staff, production staff, technical staff, etc to use the building, and within the education element, for teaching and support staff to prepare in advance of student lessons.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Whilst the proposals comprise a Sui Generis use of Class B1 accommodation (the recording studio element) and Class D1 accommodation (an educational facility), the use of the existing property as a recording studio would not constitute a material planning consideration as the building already has an authorised B1 office use.

The educational facility is welcomed in policy terms (S12 and S34 of the City Plan and SOC3 of the UDP) and is supported by the NPPF which encourages the provision of educational facilities.

Objections have been received on the grounds that the courses offered by the ARI would be akin to private education in that its only in the reach of those that can afford the fees and that this doesn't support the local area.

Whilst the above it true, the proposed facility is considered to be a world class offering and will add to the creative industry in Westminster. The applicant has advised that the recording industry (in terms of music/film/TV) is struggling to attract qualified,

experienced sound engineers/technicians etc and that sustaining the industry without the 'training' up of these professionals become harder. Although Policy SOC3 does seek that the educational facility is available to other members of the community when not in use, whilst this is not likely to be residents/schools in the vicinity, it could be argued that opening up of the studio to artists/ film/tv recordings that otherwise would've been accommodated at Abbey Road Studios, some 0.8miles away is a benefit and welcomed.

The proposals are acceptable in land use terms.

8.2 Townscape and Design

As the building is not listed, none of the internal works require permission.

The only external alterations proposed with this application is the change of the existing garage door to glazed entrance doors. The doors will match the adjacent window glazing (within the application site) and other glazed frontages at ground floor in the block. The proposals are considered acceptable in design and townscape terms and comply with City Council policies S28 of the City Plan and DES5 of the UDP.

8.3 Residential Amenity

Policy S29 of the City Plan and ENV13 of the UDP relates to protecting amenities and environmental quality. Policy S32 of the City Plan and ENV6 and ENV7 of the UDP relates to noise (from both plant and proposed internal activity)

As noted above, whilst the proposals comprise a Sui Generis use of Class B1 accommodation (the recording studio element) and Class D1 accommodation (an educational facility), the use of the existing property as a recording studio would not constitute a material planning consideration as the building already has an authorised B1 office use. Notwithstanding this, the possible intensification of the use of the ground and first floor as a recording studio (outside of lecture/teaching hours) does raise legitimate amenity concerns due to the proximity to neighbouring residential properties.

This is reflected in the objections received from those properties directly above and to the rear in Wallace Buildings. It should also be noted that there is a small element of residential accommodation at basement level to the rear of the site, under what is proposed to be the tech lab (known historically as archive facility at 17 Hatton Street). The concerns relate to noise outbreak from the proposed recording studios/ pods inside in the building and that the proposed educational facility and commercial recording studios would lead to an increase in noise disturbance as a result of students and users of the facility/studio coming and going from the premises and congregating outside the property between lectures/ recording sessions.

Noise

In terms of noise disturbance from the use of part of the building as a recording studio, production and post production studios, tech lab and lecture space, the City Council's Environmental Sciences Officer has been working closely with the applicant's acoustic advisor, who has also collaborated closely with the objectors acoustic consultants. We have also been in receipt of a preliminary structural survey which has also been reviewed.

As a result of these discussions and negotiations, the City Council's Environmental Sciences Officer raises no objection to the proposals on noise grounds and has suggested bespoke, and very stringent noise conditions that have been agreed with the applicant. These suggested conditions have been forwarded to the objectors, who despite their regret at the officers recommendation to support the proposals, on the whole support the conditions proposed. The objector has asked for some additional requests and these include:

- ARI to allow for periodic reviews by an independent surveyor and acoustic consultant (RBA Acoustics) during the build.
- An independent acoustic consultant (RBA Acoustics) to be present during the testing and commissioning
- Proposal on the hours of operation with limitations on the noise omitting studios.
- Ensuring that Grid Line 5 is suitably insulated and that the staircase and lift (and associated mechanical parts) 'float' off the wall to avoid noise transfer into the neighbouring property.

Requests 1 and 2 are a private matter in which ARI may agree to, however it is not something that the City Council could insist on. Should the proposals fail to comply with the noise conditions at any point during the lifetime of the property as a recording studio/ education facility, these would be investigated by the City Council's Enforcement officers, with the aid of Environmental Sciences. Request 3 is not considered reasonable given the applicants formal request as part of their application is for hours of operation to be as listed above. The applicant has however confirmed that they would be happy for a condition to states which limits the use of equipment in the Technical Labs on the ground and first floor after 18.00 (headphones only after that time, no amplification/loudspeakers). In relation to Request 4; relating to the stair case and lift, if the internal lift has no external manifestation and doesn't require an external plant room, this can be installed without any permission. Building Regulations will deal with all other aspects of noise and vibration.

Hours of Use and Noise and Disturbance

As noted above the education / training facility will operate between the hours of 9am to 11pm Monday to Saturday, and 10am to 10pm Sunday, although the actual lecture hours will be 10-5pm Monday to Friday. Given the size of the facility (the scheme includes one recording studio at 3.6m x 5.5m, an associated control room, a post production room 3 production rooms and a 2 lecture/tech lab (showing space for 24 students)), the number of students proposed and that this site doesn't lend itself to recording on a large scale, the proposals would not result in significant comings and goings detrimental to the harm of the surrounding neighbours, notably those directly above. The applicant has agreed to the submission of an operational management plan which will go some way into ensuring that students etc do not loiter outside and how recording artists would arrive at the property etc.

The proposals are considered to comply with City Council noise and amenity policies.

8.4 Transportation/Parking

Car Parking

As a result of the creation of a new entrance to the property, glazed doors are installed on the façade of the building and this removes one off-street carparking space.

TRANS23 of the UDP states that the permanent loss of any existing off-street residential car parking will not be permitted other than in exceptional circumstances. Whilst there are flats above the application site, the car parking space is associated with the existing office. Therefore, whilst the Highways Planning Manager raises an objection to the proposals, as the car parking space is not associated with the residential units, the proposals are considered acceptable, as office parking is not protected.

The site is within a Control Parking Zone which means anyone who does drive to the site will be subject to those controls. The impact of the proposed development on parking levels will be minimal and consistent with TRANS21 and TRANS22.

Trip Generation

The nature of the proposal is likely to increase the number of trips, especially in relation to class arrival and departures. In terms of impact on the highway and transport networks, the Highways Planning Manager considers that this impact would not be significant. As noted above, an operational management plan is to be secured to ensure that there is minimal disruption to surrounding residents in noise terms from people coming and going.

The Highways Planning Manager in their original comments refer to the wide range of uses that could operate in Class D1 and that this should be conditioned. As noted above, during the course of the application the proposed description was amended to refer to the use as Sui Generis and therefore these comments are not relevant.

Cycle Parking

The draft London Plan policy T5 requires 1 cycle parking space per 4 staff and 1 space per 20 students (minimum 2 spaces) and that this must be secured, weather proof, accessible and within the development site. The proposed drawings indicate 10 cycle parking spaces at ground floor level accessed directly from street level. This provision, whilst in excess of the number of staff and students proposed to be on-site at any one time, is accepted and welcome. The Highways Planning Manager does however have concerns that the cycle parking is proposed within the Waste Store area and this may not work well together. As this area exists as waste storage and could have in the past been used as cycle storage and is directly accessed from the street, whilst not the best scenario as this cycle parking could be seen as unattractive and therefore isn't supportive of sustainable transport promotion, on balance this is acceptable.

Waste

Waste is to be stored at ground floor level and can be accessed easily from the street with a dropped kerb in front of it. Given that the existing building has been used as offices in the past and that the proposed use is unlikely to generate levels of waste above what could currently exist, the suggested conditions from the waste officer are not considered reasonable.

Servicing

No off-street servicing is provided for the proposed development. As the site is located within a Controlled Parking Zone, there is sufficient single yellow lines in the vicinity

which will allow loading and unloading to occur. The largest regular service vehicle expected to be associated with the proposed development is the refuse collection vehicle. This will service this site in a similar fashion to existing.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size, although as noted above the proposed Abbey Road Institute provides a global training course, seen as vitally important to the music industry. Any economic benefits are welcomed.

8.6 Access

The property is fully accessible from the street and internal works are proposed to relocate the staircase to allow for a lift from ground to first floor.

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. Formal consultation on Westminster's City Plan 2019-2040 was 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 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, 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 Neighbourhood Plans

There are no neighbourhood plans relevant for this site.

8.10 London Plan

This application raises no strategic issues.

8.11 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.

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.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to proposed noise conditions. The applicant has agreed to the imposition of the condition.

8.12 Planning Obligations

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

There will be no CIL payment as a result of the proposals.

8.13 Environmental Impact Assessment

Issues of noise have been addressed elsewhere in this report.

8.14 Other Issues

Objections have been received on the grounds that the applicant did not engage with the residents who live directly above. There are disputes between the applicant and residents as to this engagement, and whilst officers would always suggest that engagement with neighbours is recommended, an application cannot be refused on the basis that this happened.

A resident in Penfold Street states that they weren't notified of the proposals and only found out by word of mouth. The City Council records indicate that all residents in the Wallace Building, Penfold Street directly behind the application site were notified.

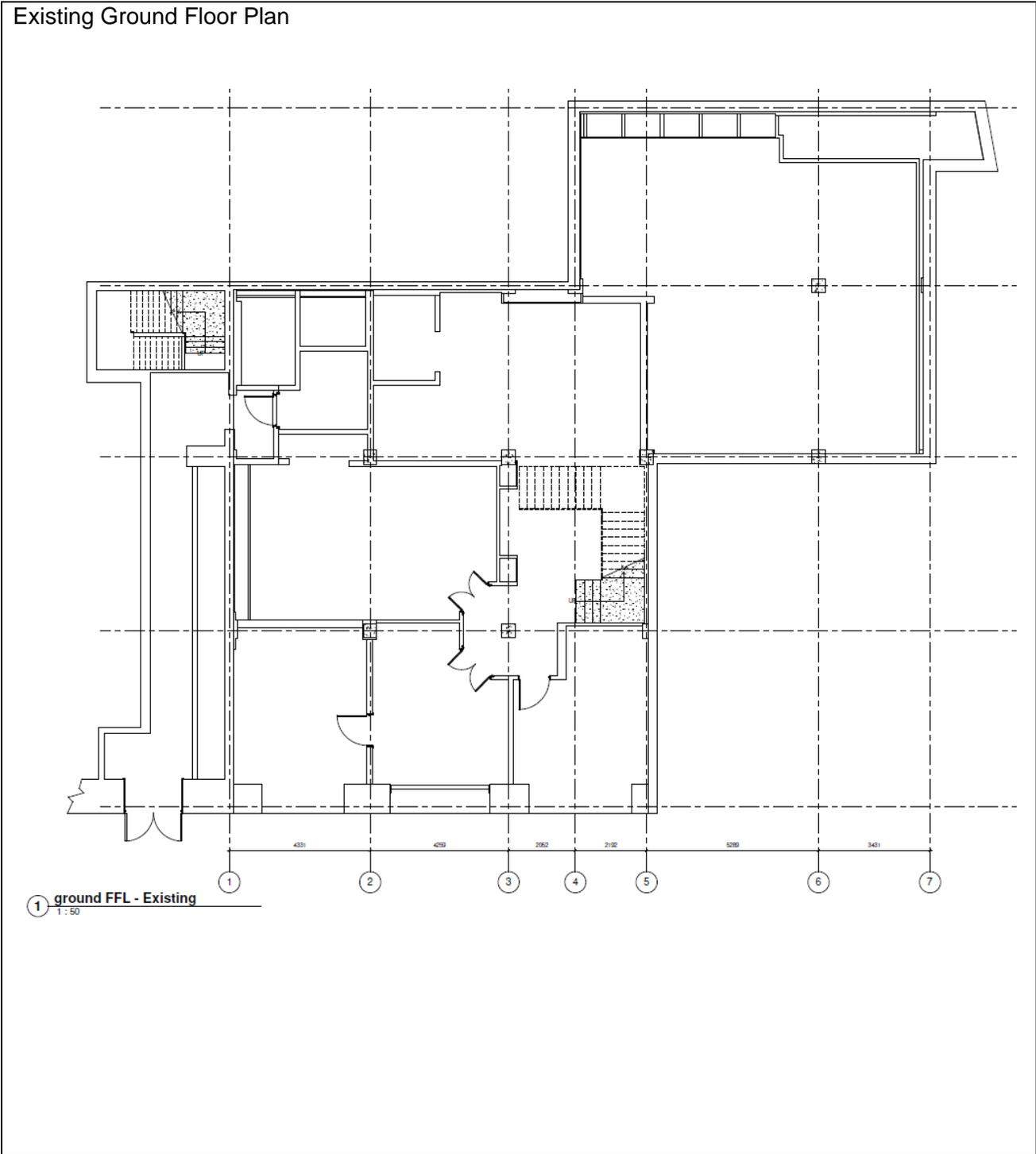
Issues of freeholder/ leaseholder and whether there are any conflicts are not a material planning consideration.

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

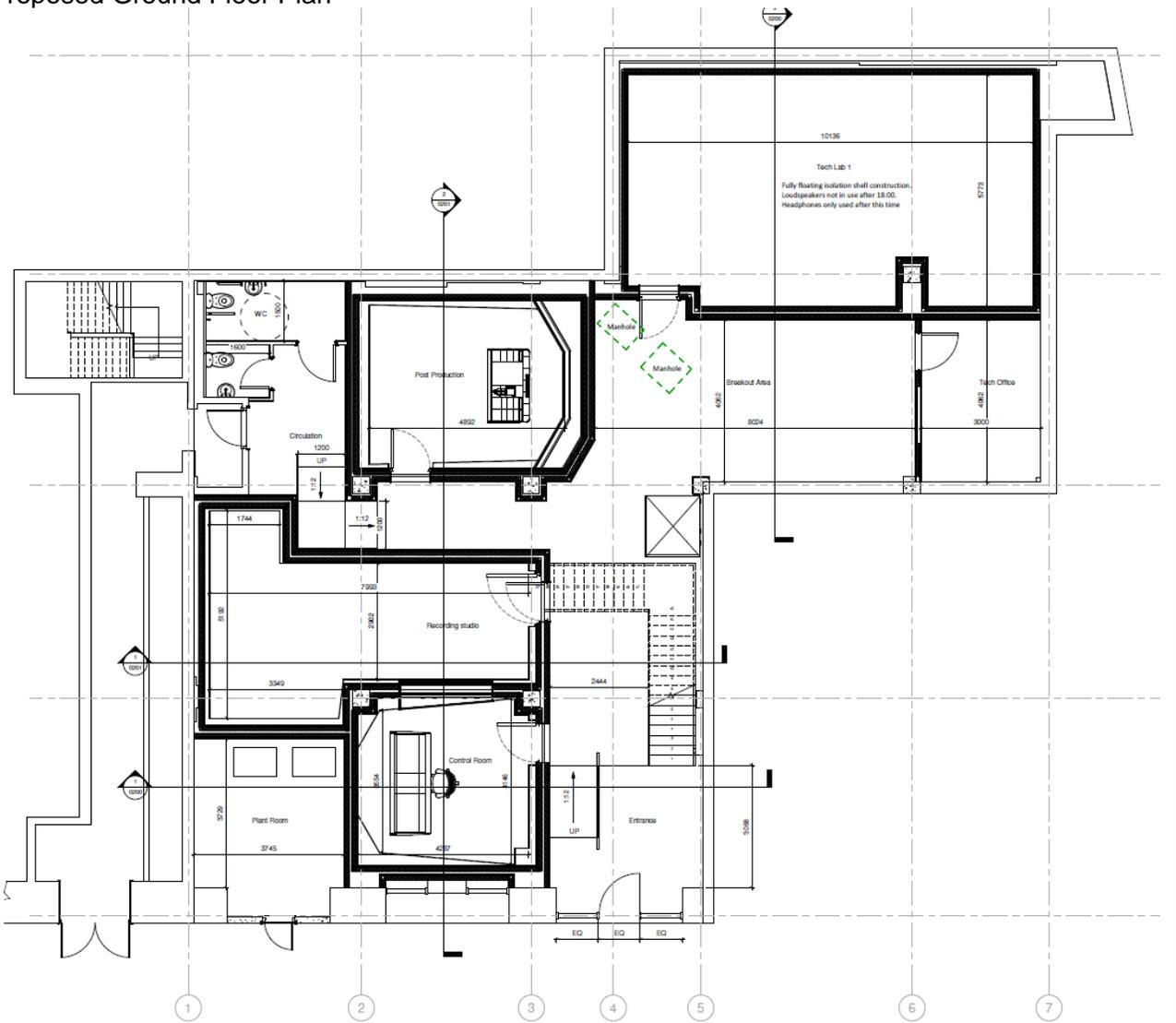
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk

9. KEY DRAWINGS

Existing Ground Floor Plan

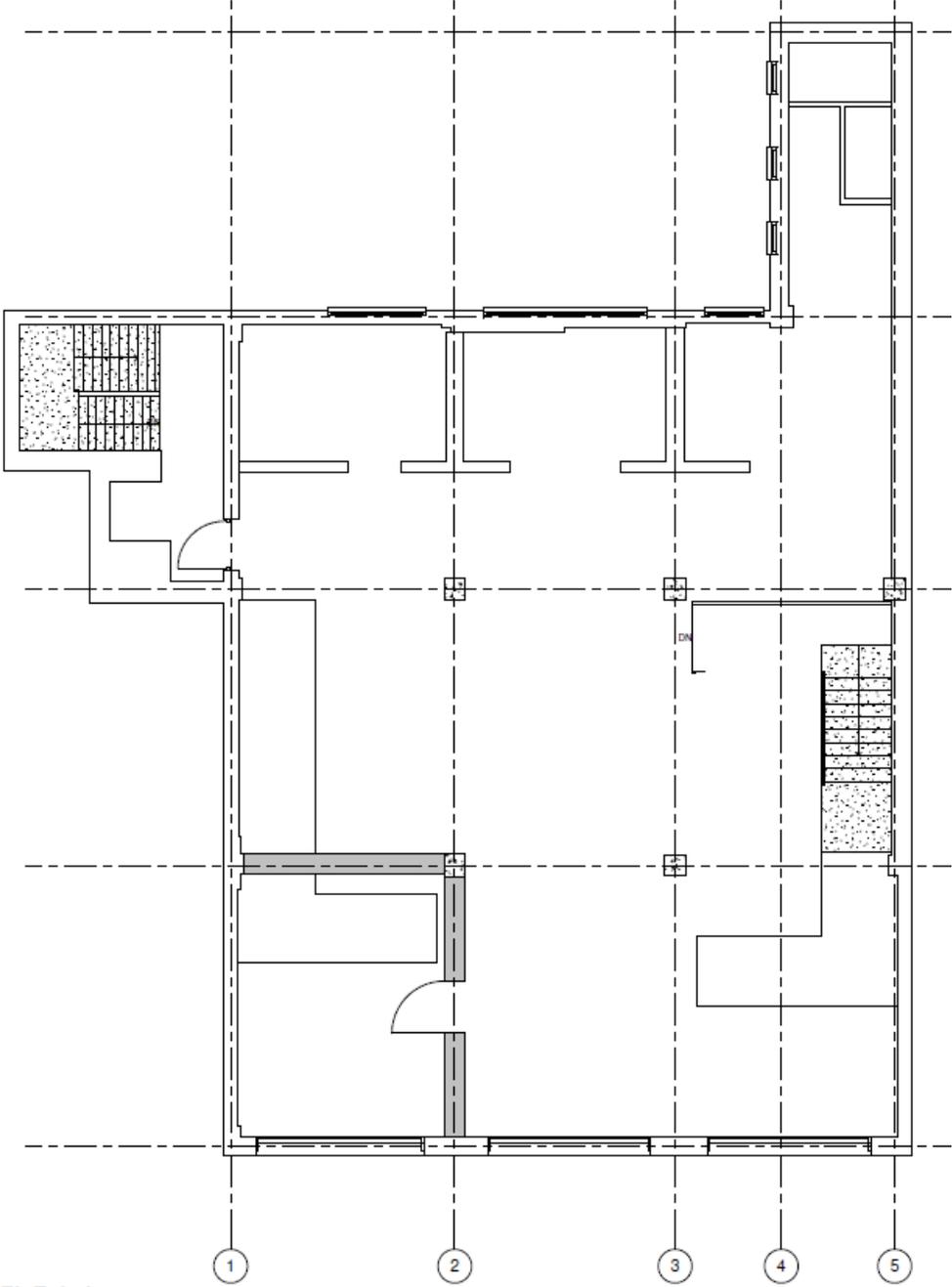


Proposed Ground Floor Plan



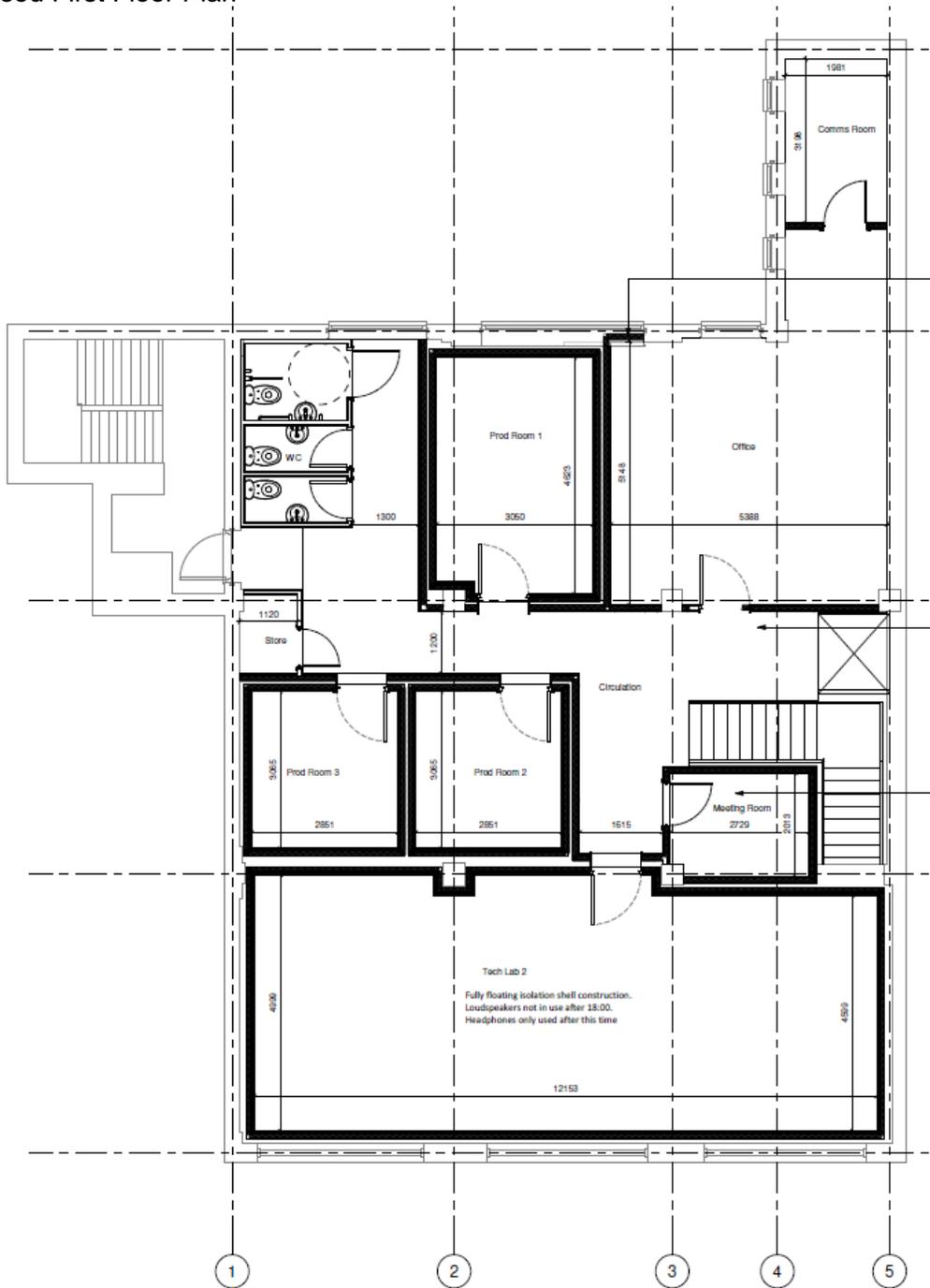
1 GF - FFL - Proposed
1:50

Existing First Floor Plan



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1:50

Proposed First Floor Plan

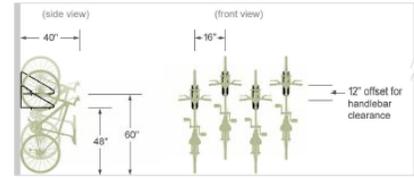
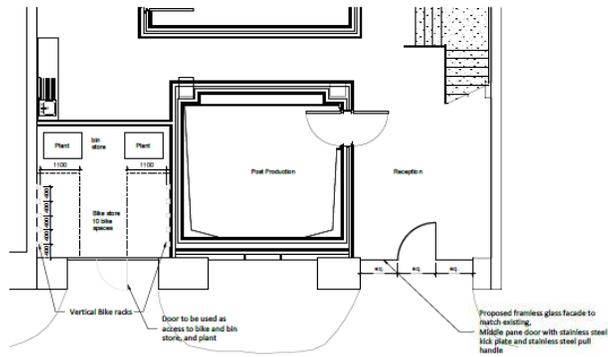


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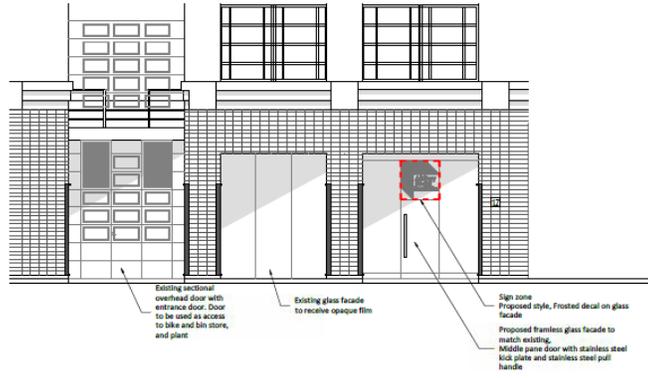
Existing Elevation



Proposed Elevation



Proposed Plan 1:50 @A1



Proposed Street Elevation 1:50 @A1

DRAFT DECISION LETTER

Address: 15 Hatton Street, London, NW8 8PL,

Proposal: Dual/alternative use of ground and first floor as offices (Class B1) or as music audio production and training facility and recording studio (Sui Generis) and alterations to front entrance to provide glazed foyer.

Plan Nos: 1481-0010 - Existing Location and Site Plan_B; 1481-0011 - Existing Plan and Elevation_A; 1481-0012 - Proposed Location and Site Plan_A; 1481-0013 - Proposed Plan and Elevation_A; 1481-0100 - Existing Ground Floor Plan_B; 1481-0101 - Existing First Floor Plan_B; 1481_110_G_Proposed GA_Ground Floor; 1481_111_D_Proposed GA_First Floor; 1481 Abbey Road Institute - acoustic report v6; 20.01.28 Abbey Road Institute Rodrigues Associates letter 29.1.20; R01-SW-DP-Transport Statement (191018); Planning Statement 15 Hatton Street NW8 8PL FINAL.

For information only: Structural Assessment of 15 Hatton Street for Abbey Road Institute rev A

Case Officer: Kimberley Davies

Direct Tel. No. 07866036948

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 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 the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 The premises shall not open before 07.00 or after 23.00 on Monday to Saturday and before 09.00 or after 22.00 on Sundays, bank holidays and public holidays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and SOC1 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 5 You must apply to us for approval of a management plan to show how the educational facility/recording studio would operate on a daily basis and how you will prevent people who are entering and leaving the property from causing nuisance for people in the area, including people who live in nearby building, notably those directly above. You must not start the educational or recording studio use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the educational facility/ recording studio is in use.

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 SOC1 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 6 You must provide the waste store shown on drawing 0013 A 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)

- 7 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 2016 (R22FA)

- 8 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)

- 9 Other than within the ground floor recording studio, control room and post production room and the first floor production rooms (as shown on the approved plans) live or recorded sounds must not be played after 18:00 (headphones only may be used after this time). Doors to the rooms where live or recorded music is being played shall be kept closed during the times when the music is being played.

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)

- 10 The design and construction of the separating building fabric should be such that the received noise value in the residential habitable spaces, with music/entertainment/performance occurring, should achieve a value of 10 dB below that measured/assessed without music/entertainment events/performance taking place, at the quietest time of day and night, measured/assessed over a period of 5 minutes and in the indices of Leq & LFmax in the octave bands of 63 Hz & 125 Hz.

Maximum noise levels generated by the proposed new development in terms of LFmax should be demonstrated not to exceed the NR 20 curve inside the adjoining residential dwellings and other noise sensitive properties. This includes noise from all sources (including amplified sound, music, and other activities).

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 11 You must not use the any area of the building for playing amplified music, recording or performance of live music that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that measured noise breakout criteria complies with the noise criteria set out in conditions 10 of this permission in adjoining noise sensitive properties.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 12 In the event the scheme is implemented, you must install compression sound limiting devices in the tech labs, production rooms and post production studio room. Visual sound limiters must be installed in the studio control room and post production studios. These must be set by a competent acoustic engineer to maintain compliance with the requirements of condition 10. All amplification equipment including music generating equipment, speakers and amplifiers shall be routed and controlled through the sound limiter. The operational panel of each noise limiter shall be secured by key or password so that only persons with management responsibility have access. No additional sound generating equipment shall be used on the premises without being routed through a sound limiter device. All noise limiters must be set, with officers from Local Planning Authority in attendance, and in order to comply with, as a minimum, the noise limits as set out in condition 10. You must not occupy the hereby approved use until you have submitted to us details of compliance and these must be approved first in writing by the Local Planning Authority. The use must then operate in accordance with these details, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

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

Reason:

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

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 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 3 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 4 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 5 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work.

When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974).

British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work.

An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

- 6 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, for example by issuing regular bulletins about site progress.
- 7 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the floor can change between the office (Class B1) and music audio production and training facility and recording studio (Sui Generis) uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)
- 8 One or more of the uses we have approved are referred to as being 'sui generis'. This means that the use or uses are not in any particular class. Any future plans to materially (significantly) change the use that we have approved will need planning permission. (I78AA)
- 9 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at:
www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:
www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 10 Noise:
The 10dB below limit would apply in 63Hz and 125Hz octave bands. For lower frequencies, the applicant would need to demonstrate that the received noise would not exceed the threshold of hearing and should not exceed the lowest noise level without music/performance noise present (Leq).

Where the background noise level is below the threshold of hearing we would not expect the standards above to be met in all circumstances, in some instances this would be impossible to assess or measure and would be unenforceable as a planning condition. A pragmatic approach will be taken where the applicant can demonstrate the received noise level would in effect be inaudible.

It is possible that existing background, ambient and maximum noise levels within the residential dwellings could be very low for measurement and assessment purposes. It is expected that the accuracy of the results should be taken into consideration when dealing with the measurement of very low noise levels. Standard Deviation of measurement is a recognised measure of accuracy of results and reasonable consideration should be given to Standard Deviation as well as the capabilities of the instrumentation used for the assessment. It is acknowledged that it is impossible to physically measure noise which is 10dB below existing noise levels or measure NR criteria which is below existing NR levels. Therefore it is anticipated that the assessment of conditions 11 will include a comparison of 'on/off' conditions and seek to investigate the 'increase' in measured levels with the above points taken into consideration. For example; a level 10dB below existing levels would increase existing levels by 0.4B. The assessment of Conditions 10 might also include a calculation approach where measurement is impractical or a combination of measurement and calculation may be appropriate. Measurement of conditions 10 requires that residents allow the applicant access to carry out acoustic testing to demonstrate compliance with conditions 10 through measurement. If access is not made available, the applicant may deploy a calculation approach and base the criteria on reasonable assumptions of the existing acoustic conditions within the residential properties.

- 11 In relation to condition 12, you must contact Environmental Sciences team at least 10 working days prior to the setting of the sound limiters to agree a date.