

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 4 August 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Warwick	
Subject of Report	89 Charlwood Street, London, SW1V 4PB		
Proposal	Installation of louvres at rear lower-ground floor level to replace existing louvres and installation of an air condenser unit within an acoustic enclosure within rear yard. Retention of alterations to windows at rear ground floor level.		
Agent	Mrs Faye Wright		
On behalf of	Day		
Registered Number	19/09826/FULL	Date amended/ completed	17 December 2019
Date Application Received	17 December 2019		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		

1. RECOMMENDATION

Grant conditional planning permission.

2. SUMMARY

89 Charlwood Street is an unlisted building of merit located within the Pimlico Conservation Area comprising lower-ground level and three upper levels with mansard. At lower-ground and ground floor level the building is in use as a Domino's Pizza takeaway shop (Class A5). The building is mid-terraced, surrounded by other commercial uses at ground floor level with a residential dwelling above and is located within the designated Lupus Street local shopping centre

The site has a long and complex planning history. Following enforcement investigations in response to resident complaints, several schemes for retrospective permission for plant equipment were refused between 2013 and 2015 on design and amenity grounds. In August 2016, an enforcement notice was issued by the Council requiring the removal of the plant equipment on the rear elevation at ground floor level and in the rear yard at lower ground floor level. The applicant subsequently appealed the notice and permission was granted by the Planning Inspectorate in June 2017. However, it transpired that this scheme allowed at appeal was incapable of meeting the council's noise and odour standards and as such an alternative scheme which included an internal recirculation scheme and louvres to the rear elevation was approved by the council in September 2018, and has been implemented. However, since this scheme has been implemented, further noise complaints have been received. Following enforcement investigations a breach of condition notice

has been served on the applicant for non-compliance with part (1) of Condition 6 of planning permission 17/03875/FULL (which is the council's standard noise condition).

The current proposals seek to address the ongoing noise issues through the installation of a larger louvre to the rear elevation at lower-ground level to increase air flow into the plant room and the installation of an air condenser unit within an acoustic enclosure within the rear yard to allow improved cooling of the commercial unit. At the same time retrospective permission is sought for alterations to the rear windows at ground floor level.

The key issues in this case are the impact of the proposals upon the residential amenity of neighbouring occupiers and the appearance of the surrounding Pimlico Conservation Area.

Two objections have been received by neighbouring occupiers regarding noise disturbance, odour and the impact of the proposals upon the appearance of the building and conservation area. With recommended noise conditions and an additional condition requiring a post-commissioning acoustic report to demonstrate compliance to noise requirements, it is likely this scheme will address ongoing issues of noise at the property. The proposed development is therefore considered acceptable in design and amenity terms and would accord with relevant policies within the adopted Westminster City Plan and Unitary Development Plan.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Photo of rear elevation at lower ground showing two louvres approved under RN: 17/03875/FULL



Photo showing two windows at ground floor level and residential window and terrace at first floor level.

5. CONSULTATIONS

WESTMINSTER SOCIETY

No response to date.

PIMLICO FREDA

No response to date.

PIMLICO NEIGHBOURHOOD FORUM

No response to date.

NEIGHBOURING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. consulted: 20

No. of responses: 2

Objections have been received on the following grounds:

- Noise from existing commercial operation. The applicant has failed to requirements of Westminster's noise conditions in the past resulting in Westminster investigating over long periods. It should be accepted that an operation of such a nature is not compatible with adjoining residential uses.
- Existing equipment operates 24hrs a day and the claim by the applicant that equipment use ceases at 11pm is false. Currently have noise disturbance within bedrooms including through the night-time.
- Odours from existing commercial operator.
- Proposals are not in keeping with the conservation area or surrounding gardens; enlarged louvres aren't in keeping whilst the external unit will darken the garden areas.

ENVIRONMENTAL SCIENCES

No objection. Recommend noise compliance conditions and conditions restricting the hours of use of the proposed plant equipment so that no internal plant operates between 23:00hrs and 07:00hrs apart from an external condenser serving the cold storage which can operate 24hrs. Given history of the site, recommends a post-commissioning survey to demonstrate that the new plant will comply with noise conditions.

PLANNING ENFORCEMENT

A Breach of Condition for non-compliance with noise compliance conditions has been served. Ongoing investigation into noise disturbance and non-compliance with previous noise compliance conditions. Enforcement case and investigation will be kept open until the results of the post-commissioning noise survey have been submitted to and considered by the Council.

SITE AND PRESS ADVERTISEMENT NOTICE

Yes.

BACKGROUND INFORMATION

5.1 The Application Site

89 Charlwood Street is an unlisted building of merit located within the Pimlico Conservation Area comprising lower ground level and three upper levels with mansard. At lower-ground and ground floor level the building is in use as a Domino's Pizza takeaway shop (Class A5). The building is mid-terraced, surrounded by other commercial uses at ground floor level with a residential dwelling above and is located within the designated Lupus Street local shopping centre.

5.2 Recent Relevant History

Several schemes for retrospective permission for plant equipment were refused between 2013 and 2015 (RN's: 13/12649/FULL, 14/11727/FULL, 15/10954/FULL).

15/10954/FULL

Retrospective planning permission was refused 22nd April 2016 for;

'Retention of replacement internal extract and supply air systems with external grille plus air conditioning and refrigeration condensers units with associated enclosures to the rear of the building.'

The proposals were refused on design and amenity grounds. Subsequently an Enforcement Notice was served that required the removal of the rear plant equipment at lower-ground and ground level. The applicant appealed this decision and the proposals were allowed at appeal and the Enforcement Notice quashed. (APP/X5990/C/16/3159525 dated 20th June 2017)

17/07551/ADFULL

Attached to the appeal decision were conditions that required the applicant to submit details for approval by the Council of a scheme for the control of odours, noise and vibration. These details were submitted through an approval of details application and were considered unacceptable in amenity terms as the measures were insufficient to control odour whilst noise levels exceeded noise limits. Application refused 11 September 2018

17/03875/FULL

At the same time as the above approval of details application, an application was submitted for an alternative scheme to that allowed at appeal to address amenity concerns. Planning permission was granted 4 September 2018 for Installation of an air re-circulation scheme, relocation of existing air condenser units and associated external alterations.

This scheme included the installation of an air re-circulation system, the relocation of existing air condenser units from the rear yard (allowed at appeal) to within the building at lower ground floor level and associated external alterations to the rear of the building. At lower-ground floor level the alterations included the installation of two new intake and extract grilles. At ground floor level the proposals saw the removal of the acoustic louvre and surrounding timber panels allowed at appeal, with the ground level area of rear wall

finished in brick work to match the existing lower ground and creation of a traditionally sized window opening with a louvred vent grill and obscure glazing fixed within it.

Condition 10 of the planning permission required the works approved to be completed in their entirety within three months of the date of the permission, namely by 4 December 2018. Subsequently a s73 application was approved in March 2019 to extend the time limit for the completion of the works to 22 March 2019. (18/10012/FULL). This permission was subsequently implemented. However, following further noise complaints in 2019, an enforcement investigation was undertaken and it became evident that the mechanical plant was not complying with noise compliance conditions (specifically part (1) of Condition 6). Consequently, the current application seeks to remedy this situation.

6. THE PROPOSAL

Planning permission is sought for the installation of larger louvres at rear lower-ground floor level to replace the two existing smaller louvres together with the installation of an air condenser unit within an acoustic enclosure within the rear yard. The scheme also includes the retention of alterations to windows at rear ground floor level comprising the replacement of an existing sash window with one that has a different method of opening and the introduction of glazing bars to another dummy sash window.

7. DETAILED CONSIDERATIONS

7.1 Land Use

Whilst the premises do not have any formal planning history in reference to its existing use, the property has been in use as a hot food takeaway (Class A5) for many years. Although concerns about the Class A5 takeaway being inappropriate in this location are noted, the application does not raise any land use issues as there is no change of use or increase in floorspace proposed.

7.2 Townscape and Design

The key legislative requirements in respect to designated heritage assets are as follows:

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy DES 9 (F) in the UDP requires that where development will have a visibly adverse effect upon a conservation area's recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme,

taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The objections received consider the proposals to be harmful to the appearance of the surrounding conservation area and they note that previous proposals have been refused by the council due to perceived harm to the appearance of the host building and conservation area.

The appeal decision dated June 2017 is a material consideration in the determination of this application. The appeal proposal allowed the installation of two louvres and the siting of two air condenser units within the rear yard of the property. The appeal decision noted that the significance of the building as an Unlisted Building of Merit derived from the architectural features of the front elevation and its contribution to the conservation area. With regard to the air condenser units, the Inspector noted that they had a low profile, below the level of the walls surrounding the rear yard and that objects of that size could be expected to be placed in the rear yards of these commercial units. The Inspector concluded that the proposed units and louvre did not result in harm to the surrounding conservation area significant enough to warrant refusal as the proposals were confined to the rear of the building, did not visually dominate the building and were contained within the building envelope so far as practically possible.

The louvres as now proposed are significantly larger than previously approved, however they are confined to the lower-ground level of the rear of the building. Initially the applicant had proposed to cover the louvres with a brick effect to match surrounding brick work in an attempt to reduce their visibility. However, this would have looked visually incongruous and the louvres would still have been visible. Therefore the proposals have been amended so that the louvres are to be white to match the appearance of the smaller louvre at ground level for a more consistent appearance whilst the white powder coating will reduce the obtrusiveness of the louvres as they would be in closer accordance with the appearance of the white stuccoed finish of the lower-ground levels of neighbouring properties either side.

The proposed external condenser unit would measure a length of approximately 1.85m with a depth of 1.2m and height of 1.75m. The proposed unit would rise above the height of the lowest boundary garden wall (the rear wall) by approximately 40cm. As originally submitted, the unit was positioned along the rear boundary garden wall. The proposals have been amended to re-orientate the position of the unit and enclosure so that it would be positioned against the significantly taller boundary wall between 89 and 91 Charlwood Street, with this wall being taller due to the presence of the flank brick elevation of the neighbouring extension. Following officer advice the concrete plinth within the rear yard is also to be removed to enable the unit to be further set-back. The boundary wall has existing trellising, which would further screen the small increase in height of the proposed unit beyond the height of the boundary wall. The re-orientation of the unit and its new position alongside the higher boundary wall will aid in reducing its visibility as well as the existing trellising. Given that the bulk of the unit would be enclosed by surrounding walls, and with consideration to the number of units previously allowed at appeal, the proposal, although undesirable, is not considered to harm the appearance of the surrounding conservation area to the extent that would warrant refusal in this case.

The proposed retention of works carried out to two ground floor windows is considered acceptable. One ground floor window proposes retaining glazing bars in the lower half of the dummy sash whereas the other has a hinged top opening. In reviewing the details of the pre-existing window in this location, the hinged opening of the top sash is considered acceptable in this case. There is no objection to the introduction of the glazing bars to the other window.

As such, the proposal is considered acceptable, mindful of policies DES 1, DES 5, DES 9 of the UDP and S25 and S28 of the City Plan and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7.3 Residential Amenity

Noise

The site has a complex history of noise complaints. In summer 2019, following the implementation of the scheme approved in September 2018 which included the internal re-circulation system, the louvre at ground level and two louvres at rear lower-ground level, there were complaints from neighbouring residential occupiers about noise throughout the day and night. Planning enforcement investigated and undertook its own noise survey measuring the levels of noise in relation to a nearby noise sensitive residential occupier. This report aided the enforcement investigation, and it demonstrated that the noise levels of the installed equipment were in breach of Condition 6 part (1) of the September 2018 planning permission. Following this warning letters were sent and a breach of condition notice served.

From the applicant's cover letter and acoustic report, it is explained that the installed re-circulation system recirculates hot air resulting in overheating internally, levels of which are unacceptable to workers but also operation of equipment. In an attempt to remedy the situation two additional air conditioning units have been installed internally beyond that previously permitted, to cool the air temperature within the commercial premises. The installation of additional plant equipment within the plantroom has further increased temperatures within the plant room, the air pressure within the two small louvres and noise levels. The current proposals seek to address the problem with the following works:

- a) The RECO filter kitchen extract system (which largely recirculates filtered air within the building) has a discharge duct which currently discharges to the plantroom which is then exhausted via another fan. This discharge duct is to be fitted with a silencer then directly ducted externally.
- b) The two existing supply and extract fans are to be removed. Instead the condenser fans will be ducted externally on the discharge side with associated attenuation.
- c) The existing louvres will be removed and replaced with larger acoustic louvres thereby reducing airflow noise.
- d) Plantroom walls and the ceiling will be lined with sound absorbent materials
- e) An extra condenser in a sound attenuating box will be installed externally in the yard. This is required in order to cool the internal work spaces, plantroom and RECO recirculation unit to ensure it can operate effectively.

The newly proposed equipment and proposed noise mitigation measures set out above have been considered in an acoustic report submitted as part of the application. This report outlines the existing background noise levels with no equipment and the levels of noise that would be expected to be transmitted by the proposed equipment (including noise mitigation measures) to surrounding noise sensitive occupiers. The report has identified the first floor closet wing window of 89A Charwood Street (above the louvres and condenser) and windows of 132 Alderney Street as the nearest noise sensitive receptors with calculations of transmission to each.

Environmental Health has assessed the acoustic report and consider that, with the noise mitigation measures outlined above, the proposal would be likely to meet the council's noise requirements subject to our standard noise conditions. In addition Environmental Health recommend a condition to require that all equipment to be switched off at night time (except the use of one condenser unit serving the cold room which will operate overnight but will not exceed 22dB limit) and an additional planning condition requiring that a supplementary noise survey (post commissioning survey) is undertaken after the noise attenuation works are completed confirming compliance with our standard planning noise conditions.

In regards to the residential roof terrace at first floor level, although not shown on the photographs submitted by the applicant, this was seen and considered following a site visit to the application site in March this year. It is noted that planning permission for a roof terrace in this location was granted in September 2017 (RN: 17/05881/FULL) and after permission was granted at appeal for louvres below this area. Therefore it is not considered sustainable to oppose the principle of louvres in such proximity to this outdoor terrace, provided they comply with noise controls.

With the recommended conditions, the proposals are considered acceptable in amenity terms in principle and consistent with policies ENV 6 and ENV 7 of the UDP and S29 and S32 of the City Plan.

Odour

The comments in the neighbour responses regarding odour from the property are noted. When permission was granted for the RECO air recirculation unit it was subject to a condition to ensure compliance with the submitted management plan. The concerns relating to smells have been passed on to Environmental Health for information purposes and an informative is recommended to advise the applicant that they must adhere to the measures set out in the approved management plan which include maintenance of the unit. There is no record of complaints to Environmental Health about kitchen smells following the installation of the kitchen recirculation system in 2019.

7.4 Transportation/Parking

Not applicable.

7.5 Economic Considerations

No economic considerations are applicable.

7.6 Access

The application would not result in any adverse access implications.

7.7 Other UDP/Westminster Policy Considerations

None.

7.8 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.

7.9 Neighbourhood Plans

There is no neighbourhood plan in place relevant to this application.

7.10 London Plan

This application raises no strategic issues.

7.11 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.

The condition relating to the post-commissioning acoustic report does not prevent the applicant from beginning works to implement the permission, therefore written agreement is not required whilst remaining conditions are compliance conditions.

7.12 Planning Obligations

Planning obligations are not relevant in the determination of this application. This development does not generate a Mayor CIL or WCC CIL payment

7.13 Environmental Impact Assessment

Not required.

7.14 Other Issues

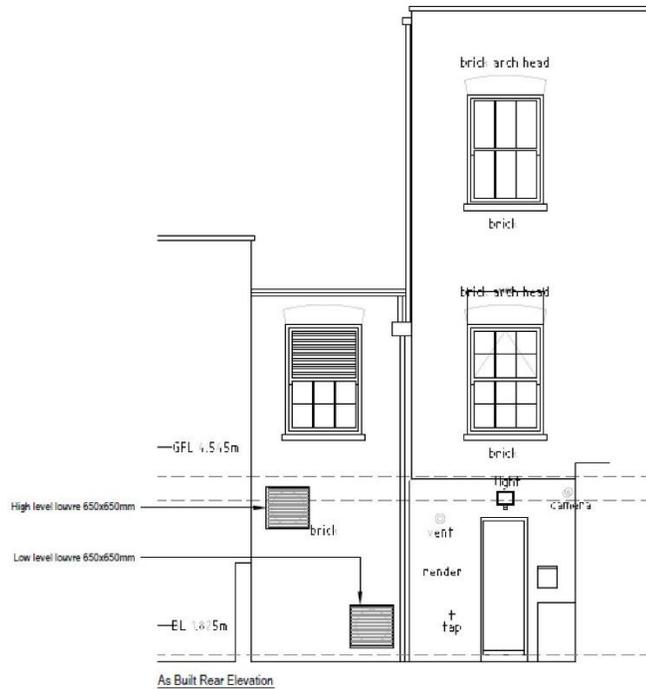
None relevant.

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

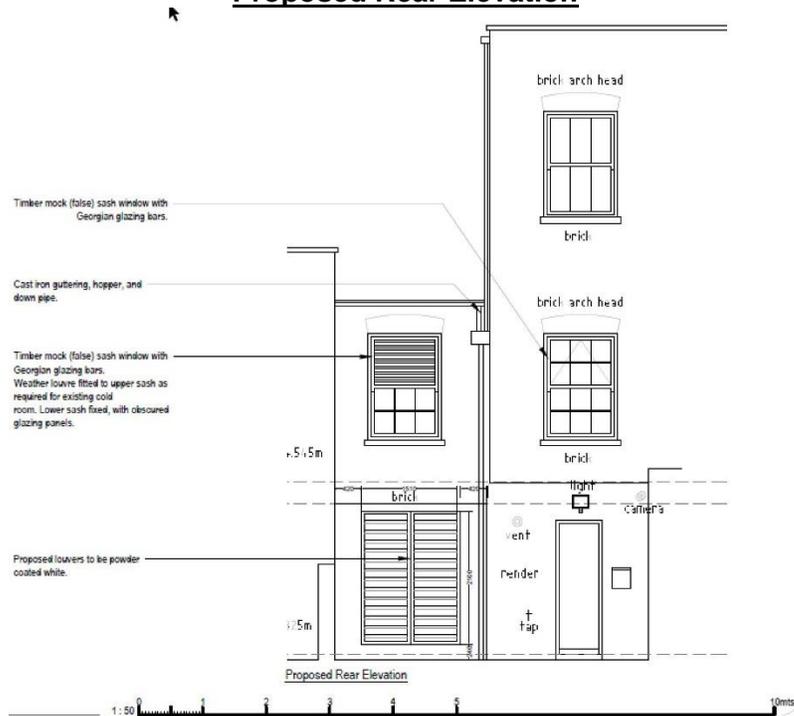
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk.

8. KEY DRAWINGS

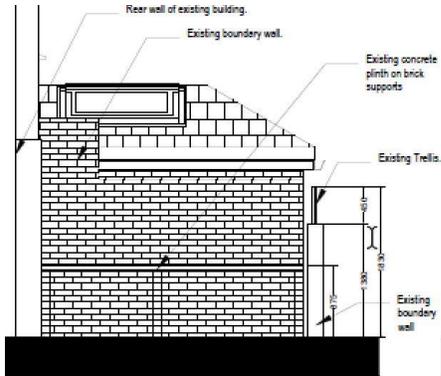
Existing Rear Elevation



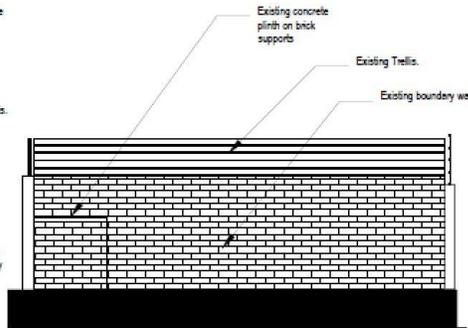
Proposed Rear Elevation



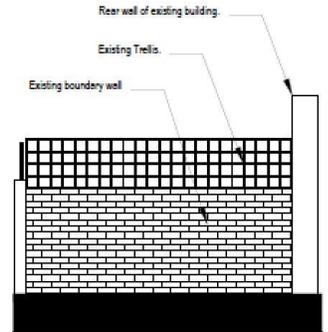
Existing Rear Yard (Sections)



Section A
through
Backyard

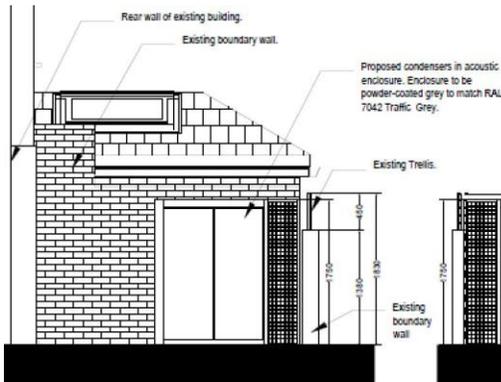


Section B
through
Backyard

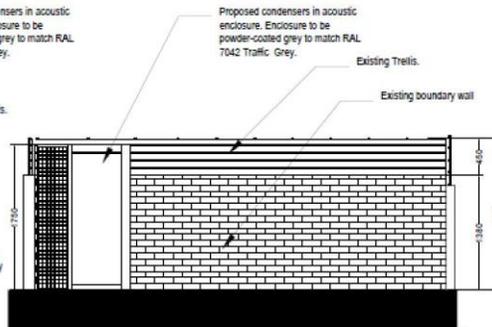


Section C
through
Backyard

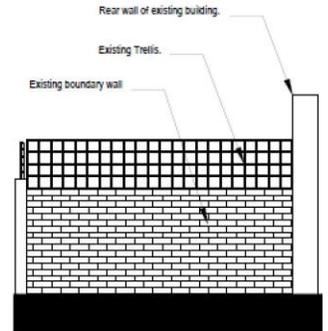
Proposed Rear Yard with Enclosure (Sections)



Section A
through
Backyard



Section B
through
Backyard

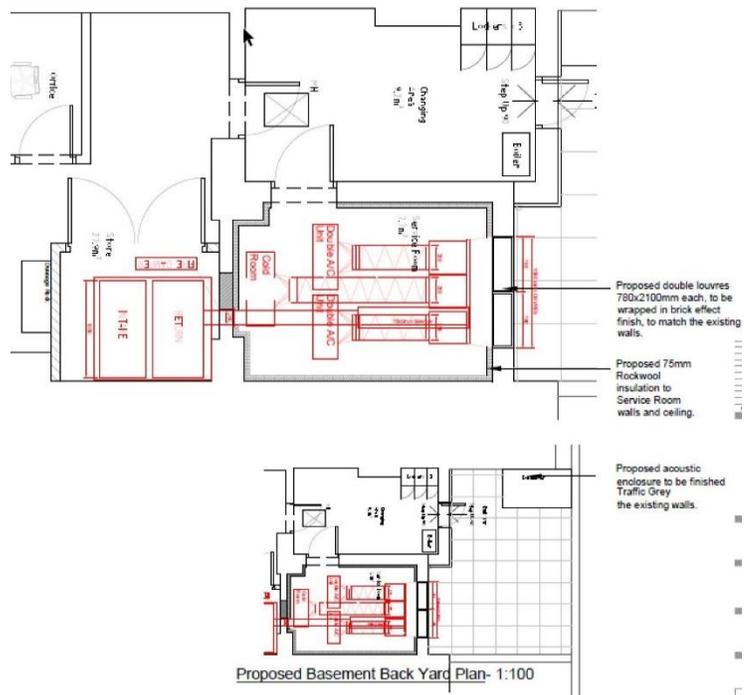


Section C
through
Backyard

Existing (Part) Basement Plan



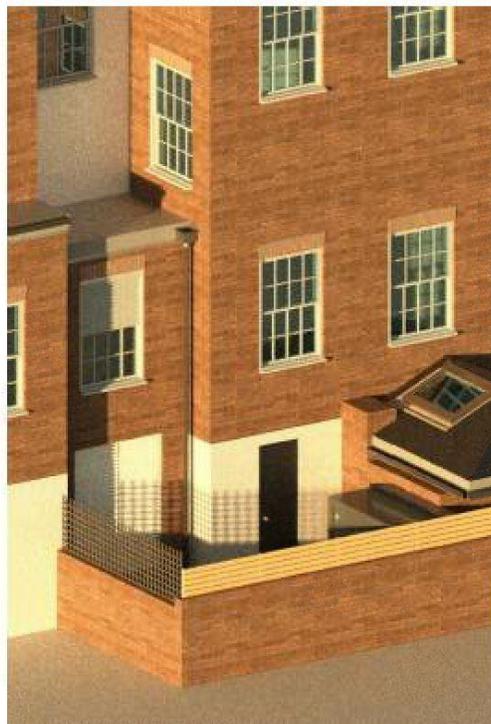
Proposed (Part) Basement Plan



Indicative 3D Model Visualisation



3D View 2



3D View 3

DRAFT DECISION LETTER

Address: 89 Charlwood Street, London, SW1V 4PB

Proposal: Installation of louvres at rear lower-ground floor level to replace existing louvres and installation of an air condenser unit within an acoustic enclosure within rear yard. Retention of alterations to windows at rear ground floor level.

Reference: 19/09826/FULL

Plan Nos: 10026/PIMLICO/98 Rev. 01; 10026/PIMLICO/111 Rev. 02; 5924/PIMLICO/MODEL Rev. 01; 5924/PIMLICO/MODEL Rev. 02; 5924/PIMLICO/123 Rev. 02; 5924/PIMLICO/125 Rev. 02; 10026/PIMLICO/110 Rev. 01; 10026/PIMLICO/139 Rev. 01; 10026/PIMLICO/141 Rev. 01; 10026/PIMLICO/109 Rev. 01; Acoustic Louvre Model AL.3015; environlite 1.1.25AC T3-1750, , For Further Information Only;, 5924/PIMLICO/411 Rev. 04; 5924/PIMLICO/121 Rev. 06, ; Cole Jarman Memorandum 'External Noise Complaint' dated 9th August 2019 ref/ 14/0031/M2; Cole Jarman Plant Noise Assessment Report ref. 14/0031/R5 dated 12th December 2019

Case Officer: Jonathon Metcalfe **Direct Tel. No.** 020 7641 07866038118

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 , onot 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 (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)

- 4 The internal plant/machinery hereby permitted shall not be operated except between 07:00 hours and 23:00 hours daily. The exception to this is the single external condenser mounted within the Environ acoustic enclosure which may operate for 24 hour use.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R46CB)

- 5 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)

- 6 You must not operate the plant/ machinery 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 the plant/ machinery complies with the noise criteria set out in conditions 3 and 5 of this permission.

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. (R51AB)

- 7 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

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

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

Reason:

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

- 9 The plant equipment must be installed and operated in accordance with the noise mitigation and reduction measures as outlined within the Cole Jarman Plant Noise Assessment Report ref. 14/0031/R5 dated 12th December 2019.

Reason:

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

- 10 The works allowed by this permission shall be completed in their entirety within 3 month of the date of this decision notice.

Reason:

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

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 HIGHWAYS LICENSING:, Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures., , CONSIDERATE CONSTRUCTORS:, 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 or visit www.ccscheme.org.uk., , BUILDING REGULATIONS:, You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control
- 3 Under the Construction (Design and Management) Regulations 2015, 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., , 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.
- 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 (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

- 6 You are reminded that the recirculation plant and equipment must be operated and maintained in accordance with the Operational Management Plan dated 8 March 2018 approved under ref 17/03875/FULL.

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.