

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b>	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Vincent Square	
<b>Subject of Report</b>	<b>Westminster School Playing Fields, Vincent Square, London, SW1P 2PW</b>		
<b>Proposal</b>	Installation of drainage scheme and replacement irrigation equipment including water storage tank and pump house to school playing fields.		
<b>Agent</b>	Tony Gallagher (Quod)		
<b>On behalf of</b>	Westminster School		
<b>Registered Number</b>	21/03450/FULL	<b>Date amended/ completed</b>	24 May 2021
<b>Date Application Received</b>	24 May 2021		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Vincent Square		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The application relates to the open space in Vincent Square, located within the Vincent Square Conservation Area. The site consists of Westminster School's wider playing fields (four football pitches and two cricket squares) and an area within the groundkeeper's garden containing the existing irrigation tanks and pump house.

The applicant states that during periods of rainfall, the sports pitches become unplayable in the winter months and take several days to drain sufficiently. Due to waterlogging, the pitches are considered to be unplayable for 50 days out of the 180 day academic year. In summer months, the irrigation system is considered to be ineffective in terms of both coverage and water storage capacity. The purpose of the proposed drainage and irrigation works, including the installation of a new storage tank and pump house, is therefore to allow the pitches to be used year-round.

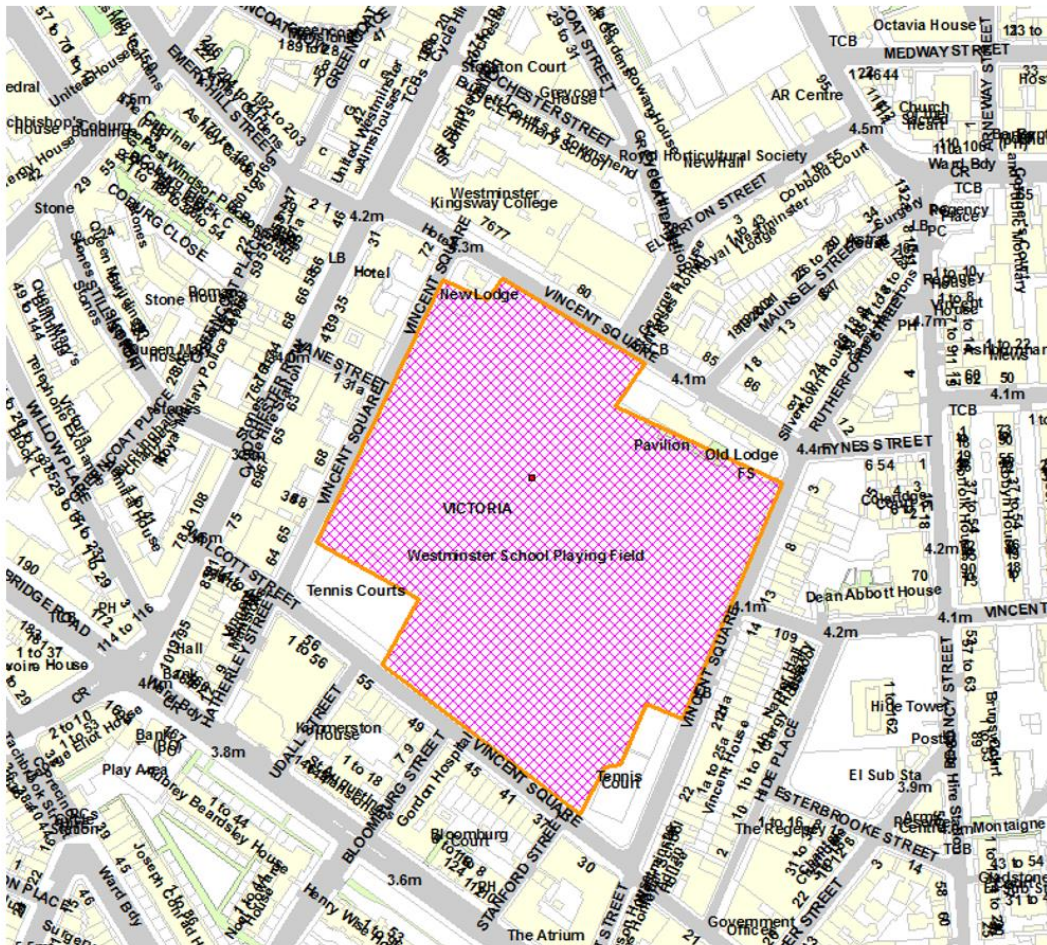
The key issues in this case are:

- The impact of the proposals on the character and appearance of Vincent Square and the conservation area;
- The impact of the proposal on the amenity of neighbouring residents;

- The impact of the proposals on nearby trees;
- The impact of the proposals on Flood Risk.

The proposed development is considered to be acceptable and would accord with policies within Westminster's City Plan 2019 – 2040 (April 2021).

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Playing Fields taken from NE corner of Vincent Square



Groundkeepers Lodge



Existing Irrigation Tanks and Pump House in Groundkeepers Lodge garden

## 5. CONSULTATIONS

### CLLR CHALKLEY

Requested that the application goes before the Planning Applications Sub-Committee.

### ENVIRONMENT AGENCY

No objection.

### HISTORIC ENGLAND (ARCHAEOLOGY)

No objection, subject to archaeology condition.

### WESTMINSTER SOCIETY

No objection to the works themselves, but would like to see a more comprehensive Construction Management Plan that sets out more clearly the impacts on highways to allay the fears of local residents.

The society notes that there has been no consultation with local residents or amenity groups. If this had taken place before submission of the application then a number of issues could have been addressed with residents.

Disappointed that there has been no consideration of the potential use of the space when not in use by the school. The applicant should investigate the possibility of public access to the play area on the West side of the square at weekends and school holidays for local families.

### HIGHWAYS PLANNING MANAGER:

No objection, subject to conditions.

### ENVIRONMENTAL HEALTH:

No objection, subject to conditions relating to noise, vibration, Code of Construction Practice (COCP) and Contaminated land.

### ARBORICULTURAL SECTION:

No objection, The submitted Arboricultural Impact Assessment and Arboricultural Method Statement are considered acceptable.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 520

Total No. of replies: 8

Eight letters have been received from surrounding residents on the following grounds:

#### Land use

- The proposals will not benefit the wider community or other schools. Public access when not in use by the school should be made available.

#### Amenity

- The proposals could lead to unacceptable noise and vibration from plant machinery, an acoustic report should be provided.

#### Environment/Trees

- More information is needed on the impact of the works to nearby trees (mature plane trees).
- The submission documents are unclear about the subterranean impacts of the proposals in terms of the impact of the drainage works on nearby residential properties, the destination of the drained water, whether the drained water will be recycled and what maintenance will be required.
- Question whether the applicant has sufficiently addressed the requirements of London Plan Policy SI13 (Sustainable Drainage) which requires drainage to be designed and implemented in ways that promote multiple benefits including increased water use efficiency, improved water quality and enhanced biodiversity, urban greening, amenity creation and in particular whether the benefits can be describes as “multiple” in this regard.
- Further archaeological investigation is required given the depths of the cellular soakaways shown on the drawings.

#### Other

- Due to the large amount of information provided, the submission documents are confusing.
- The applicant should conduct a public consultation or public meeting, to engage with the local community.
- The application does not include an insurance/liability study or an overall Risk Analysis.
- Question whether there is a real need for the proposals, and how many days of use per year are actually lost because of poor drainage.
- London’s future climate is uncertain due to global warming, this should be considered in the rainfall modelling.
- The construction works will lead to traffic and noise disruption in the Square, and additional emissions which will impact on air quality.

#### **RECONSULTATION DATED 13 August 2021**

Additional information provided: Additional drawings (Irrigation Tanks and Pump House) and Acoustic Report.

No. Consulted:525

Total No. of replies: 5

Five letters of objection received from nearby residential occupiers reiterating their original concerns and on the following additional grounds:

#### Other:

- The applicant’s consultation event is too late, rushed, poorly advertised and without a meaningful statement of what it is about or how it will be conducted.
- Alternative technology could be used to achieve the same drainage outcome, without having such a large impact on residents ie. drying machinery used in professional sport.
- A traffic study should be undertaken as the associated lorry traffic during construction works will lead to disruption in the area.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application relates to the open space in Vincent Square, located within the Vincent Square Conservation Area. The site consists of Westminster School Playing Fields (four football pitches and two cricket squares) and an area within the groundkeeper's garden containing the existing irrigation tank and pump house. The site does not include the tennis courts or children's play area, which also form part of the School's wider playing fields, and is bound by mature trees on all sides.

### **6.2 Recent Relevant History**

In 2011, planning permission was granted for the installation of a temporary classroom and associated storage unit on the existing car park until 10 January 2012 to provide accommodation during completion of construction works at 21 Douglas Street (in connection with Westminster Under School).

In 2018, planning permission was granted for the demolition of the existing extension to the cricket pavilion in Vincent Square and formation of two new flanking extensions, including minor external works to the pavilion area.

In 2021, planning permission was granted to vary condition 1 of the 2018 permission, to allow the substitution of the front first floor window with doors and balcony and other minor alterations.

## **7. THE PROPOSAL**

Permission is sought for a new drainage and irrigation scheme to the school playing fields. It will consist of improving the surface of the playing fields, with the introduction of topsoil ameliorated with fine sand. Below ground level, the proposed drainage arrangement consists of a network of perforated drainage pipes, lateral drains connect to larger carrier drains and secondary drainage in the form of slit drains and sand bands. The drainage system will be divided into three zones of varying size, with a cell soakaway installed for each drainage zone, to act as an overflow during periods of heavy rainfall. Retractable sprinklers are also proposed throughout the playing fields for water irrigation.

The three existing water storage tanks and pump house within the garden of the groundkeeper's Lodge are to be replaced with one larger water storage tank and pump house. This will be enclosed by the existing hedgerow and fencing.



## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The proposals will provide drainage and irrigation systems to the existing playing fields no change of use is proposed.

The Westminster Society and a number of local residents have expressed their disappointment that no provision is being made for public access to the playing fields when not in use by the school (at weekends and evenings).

Policy 17 (Community infrastructure) part B states that where new facilities are provided they should be designed to accommodate a range of community uses wherever possible. The Council will strongly encourage the co-location of facilities and access for appropriate organisations and the local community. Policy 18 (Education and skills) part C states that where new and additional educational facilities are provided, proposals for their use outside of core operation hour for community or recreational use will be supported in principle.

The applicant has stated that residents, the Lords and Commons Lawn Tennis Club and local businesses will continue to benefit from access to the tennis court area and that the pitches are used by other schools for their annual sports days, who will benefit from the proposed works (Burdett-Coutts, St. Matthews, Westminster Harris Academy and Millbank Academy). Whilst it is regrettable that wider use by the community is not being provided, given that it is an existing space and no new facilities are proposed, it is not considered that the application could reasonably be refused on this basis.

### 8.2 Townscape and Design

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

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *“In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Section 66 of the same Act requires that *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Section 72 of the same Act 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.”*

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.

For the most part, the proposals take place under the surface of the playing fields with the drainage and irrigation equipment remaining beneath a grassed surface area. Section drawings have been provided showing the typical depth of the drainage equipment (i.e. channels, pipes, sand layers) and the irrigation equipment (sprinkler heads) in both its retracted and operating mode. The irrigation sprinklers will be of a minimal size and colour and will therefore be indiscernible in higher level views across the playing fields, particularly when in their non operative mode.

The visual impact upon the playing fields themselves will be limited to those aspects of equipment required for irrigation purposes and will thereby preserve the green and open nature of the square.

To the north-west of Vincent Square an existing water tank and pump house is located adjacent to the grounds keeper's house, New Lodge, behind fencing, shrubs and trees. The proposals involve the replacement of this equipment with a new water tank to supply the irrigation system and a separate pump house structure. These elements will be coloured to blend in with the existing foliage and the tank will occupy the footprint of the existing water storage facilities whilst the separate pumphouse will sit outside of this, but will be largely screened from public view by virtue of its location behind the existing fencing, shrubs and trees.

Given their highly concealed nature, the works are not considered to cause harm to designated heritage assets and will preserve the appearance of the Vincent Square Conservation Area.

As such, the proposal is considered acceptable, mindful of policies 34, 38, 39, and 40 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."

### **8.3 Residential Amenity**

Policy 7 seeks to protect and where appropriate enhance amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

Due to the size, massing and position of the proposed pump house and water storage tank, the proposals will not give rise to any amenity issues with regards to light, privacy or enclosure.

Objectors have raised concern that the proposed plant could cause unacceptable noise and vibration to nearby properties.

Policy 33 (Local environmental impacts) part C states that development should prevent

adverse effects of noise and vibration and improve the noise environment in compliance with the council's Noise Thresholds.

The applicant has submitted an acoustic assessment which demonstrates that the proposed irrigation pumps, are capable of meeting the Council's policies for noise and vibration. Environmental Health raise no objection subject to the imposition of the Council's standard noise and vibration conditions.

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

The proposal will not impact on the local highway network (construction impact is addressed in Section 8.7 below).

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.6 Access**

No change to existing access arrangements proposed.

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

##### **Trees**

Objectors have been raised regarding the impact of the proposed works on nearby trees.

Policy 34 (Green infrastructure) part H states that trees of amenity, ecological and historic value and those which contribute to the character and appearance of the townscape will be protected.

All of the 67 trees surrounding the playing fields, which comprise 65 London Plane trees and 2 Sycamore trees, are protected by virtue of a Tree Preservation Order (TPO) and their location within the Vincent Square Conservation Area.

The applicant has provided an Arboricultural Impact Assessment and Arboricultural Method Statement in support of their application. No trees are required to be removed or pruned to facilitate the works.

The Council's Arboricultural officer raises no objection subject to a condition to ensure that the development is carried out in accordance with the Arboricultural Method Statement.

##### **Flood Risk and Sustainable Urban Drainage Systems (SuDS)**

The application site is located in Flood Zone 3 and partially within the Surface Water Flood Risk Hotspot.

Objections have been raised about the impact of the drainage works on nearby residential properties and the destination of the drained water.

The applicant's Surface Water Strategy sets out that through amelioration of the topsoil with sand, and the installation of primary and secondary drainage discharging into soakaways, the proposals will significantly enhance the current surface water drainage arrangements for the site, allowing water to be held within the pitch makeup before infiltration into the subsoil. The surface water network has been designed and modelled for 100 years plus a 40% allowance for climate change.

In accordance with Policy 35 (Flood Risk), the applicant has also provided a site-specific Flood Risk Assessment which demonstrates that the development is safe, does not increase flood risk and does not detrimentally affect third parties. The Environment Agency have reviewed the assessment and have raised no objection to the proposals.

Objectors also state that the proposals do not meet London Plan Policy 13 (Sustainable drainage) part D which states that drainage should be designed and implemented in ways that promote multiple benefits including increased water use efficiency, improved water quality, and enhanced biodiversity, urban greening, amenity and recreation.

Aside from the amenity and recreational benefits of making the playing fields usable all year round, the applicant states that the new drainage system will improve the aeration status of the topsoil. This will in turn result in the increased breakdown of soil organic matter, slowly realising natural soil based organic nutrients to the grass plants, reducing the need for artificial fertilisers and improving water quality. The drainage system will also result in higher wear tolerance of the grass sward, improving grass density/cover and urban greening, especially during the winter months.

A grey water harvesting solution was considered by the applicant and found to be unviable, as the water would drain into the permeable ground before being collected. If any water could be collected, it would likely be in the wetter months of the year when irrigation is not required. Storing water for a period of months would then increase the risk of spraying stagnant, contaminated water on the playing fields.

Overall, the proposals are considered to meet London Plan Policy 13 and City Plan Policy 35.

### **Archaeology**

The site is located in an Area of Special Archaeological Priority and the development could cause harm to archaeological remains. Historic England (Archaeology) have reviewed the applicants desk-based assessment report and an archaeology condition is recommended.

## **8.8 Westminster City Plan**

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in

accordance with paragraph 219 of the NPPF. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

### **8.9 Neighbourhood Plans**

Not applicable.

### **8.10 London Plan**

This application raises no strategic issues.

### **8.11 National Policy/Guidance Considerations**

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2019 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 pre-commencement conditions to secure the provision of investigation reports relating to contaminated land, a written scheme of investigation and the applicant's adherence to the Council's Code of Construction Practice. The applicant has agreed to the imposition of these condition.

### **8.12 Planning Obligations**

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

### **8.13 Environmental Impact Assessment**

Environmental Impact issues have been covered in section 8.7 above.

### **8.14 Other Issues**

#### **Construction Impact**

Objections have been raised regarding noise, disturbance, traffic and air pollution caused during construction works.

A condition is recommended to ensure that the development complies with the City Council's Code of Construction Practice (COCP) which requires the developer to provide a Site Environmental Management Plan (SEMP) and funding for the Environmental Inspectorate to monitor the demolition, excavation and construction phase of the development. The COCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within Westminster and relate to both demolition and construction works. The key issues to address in the COCP are liaison with the public; general requirements; SEMP; construction management plans; employment and skills; traffic and highways; noise and vibration; dust and air quality; waste management; waste pollution and flood control and any other issues.

The applicant has submitted a Site Waste Management Strategy for the proposals, which aims to reduce construction waste by encouraging reuse, recovery and best practice waste management practises to minimise waste going into landfill. The main waste stream will arise from the primary drainage installation and the removal of turf and topsoil from the sports pitches. Based on the applicants site investigation desk study, which identifies that the excavation arisings are likely to consist of inert and non-hazardous soils/materials, 100% is proposed to be reused. However, in the event that any hazardous arisings are found the waste will be removed by a licenced contractor.

The applicant has provided an Air Quality Assessment, which sets out that subject to mitigation measures (to control and reduce the generation of dust and construction traffic) the proposals would not have an unacceptable impact on local air quality in terms of dust generated during construction works, emissions from construction vehicles and onsite construction plant (Non-Road Mobile Machinery). Mitigation measures will be secured via the CoCP.

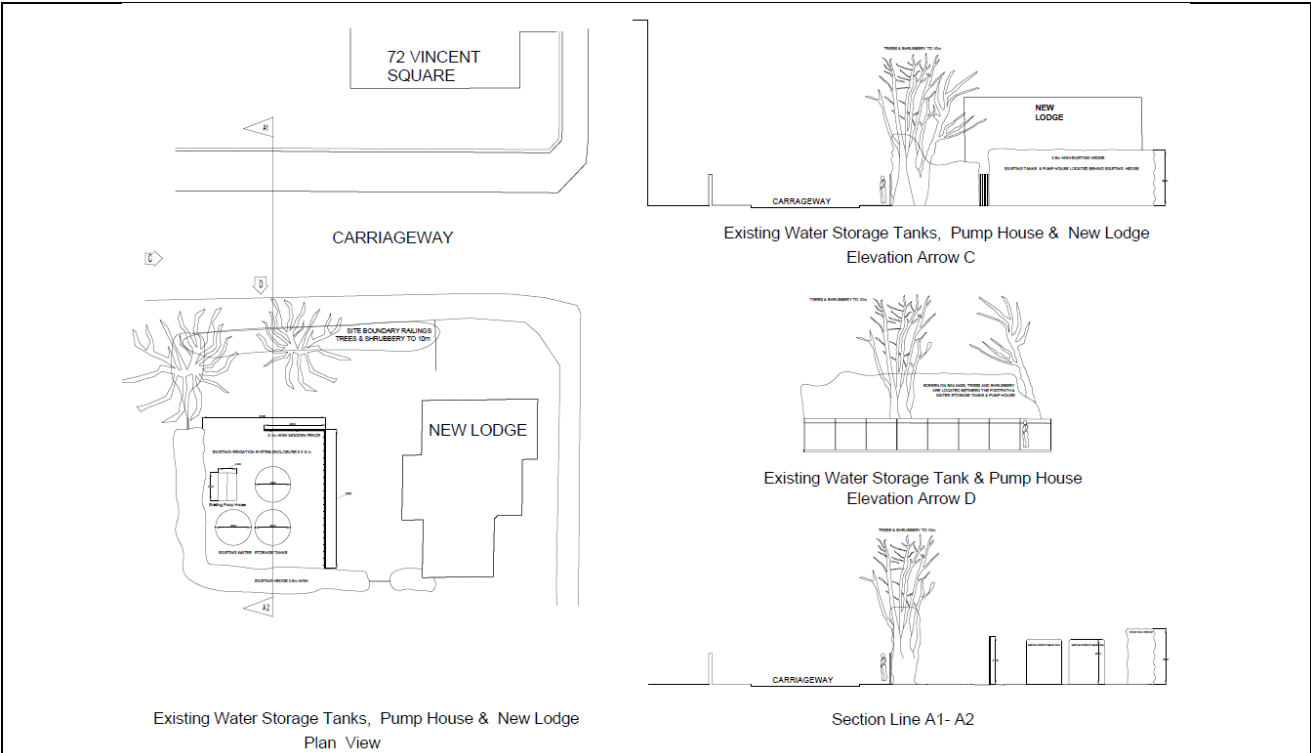
### **Lack of Public Consultation by Applicant**

Objectors have raised concern that the applicant did not consult with local residents before the application was submitted. In response to these objections, the applicant has since held a virtual public event on the evening of the 13 October 2022, to present the proposals. The event was attended by 13 residents and Councillor Short. A "pre-event" was also held with the Vincent Square Residents Association on 12 October 2021 to provide information on the purpose of the proposals, a summary of the technical information relating to the proposed drainage and irrigation and the construction mitigation measures.

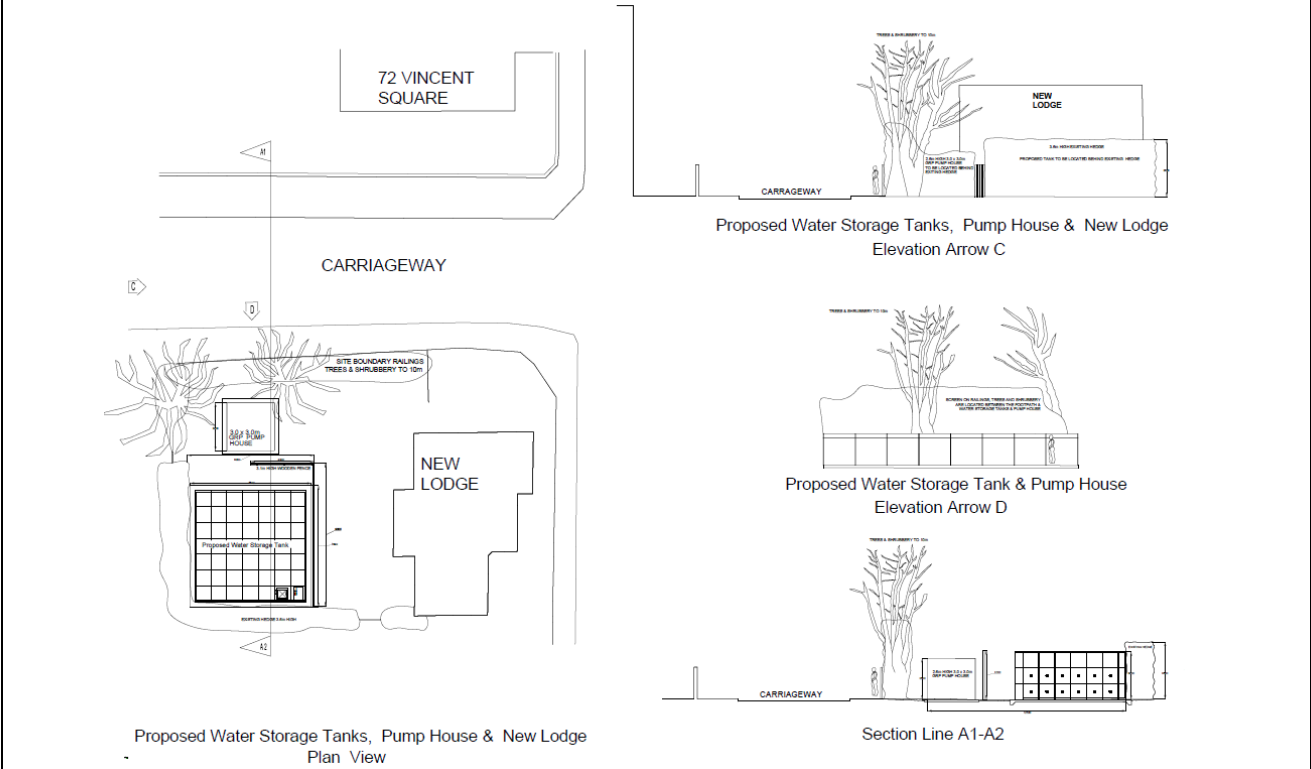
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

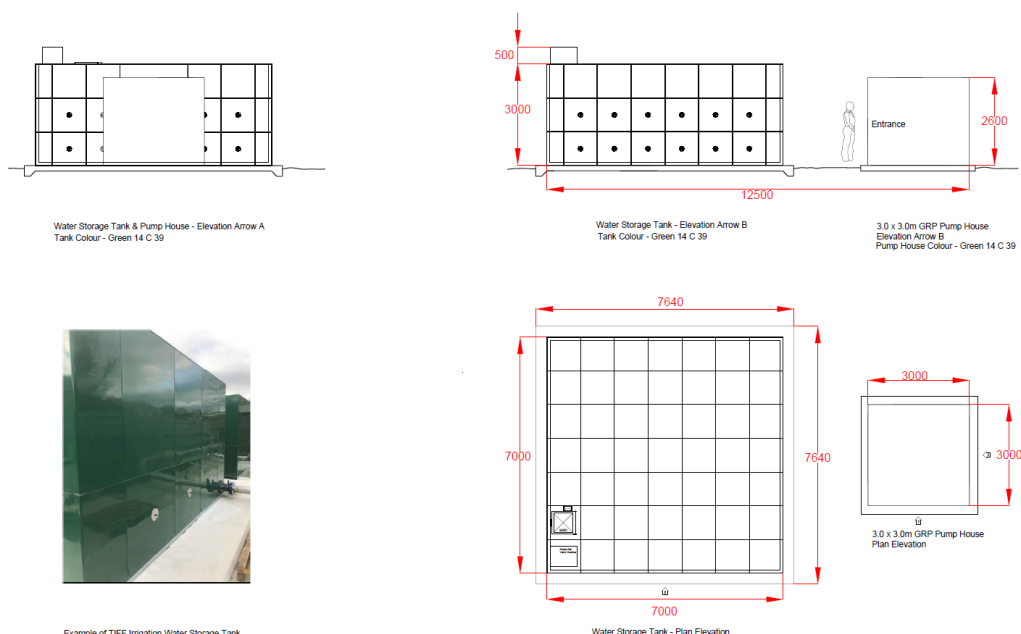
**KEY DRAWINGS**



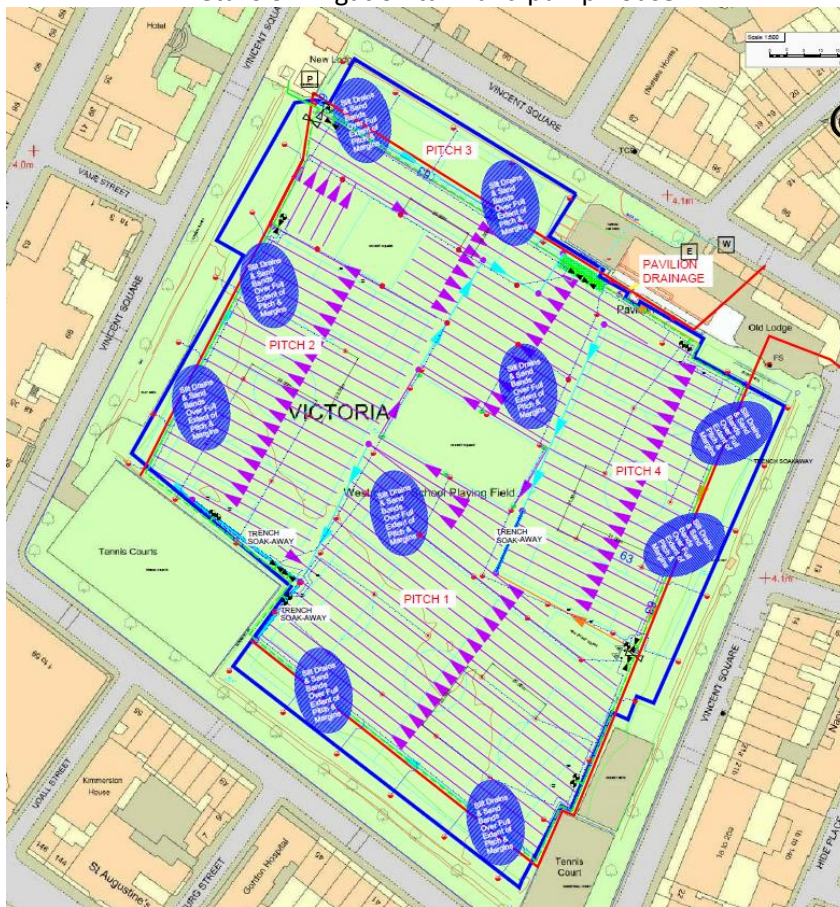
**Existing Irrigation Tanks and Pump House**



**Proposed Irrigation Tank and Pump House**



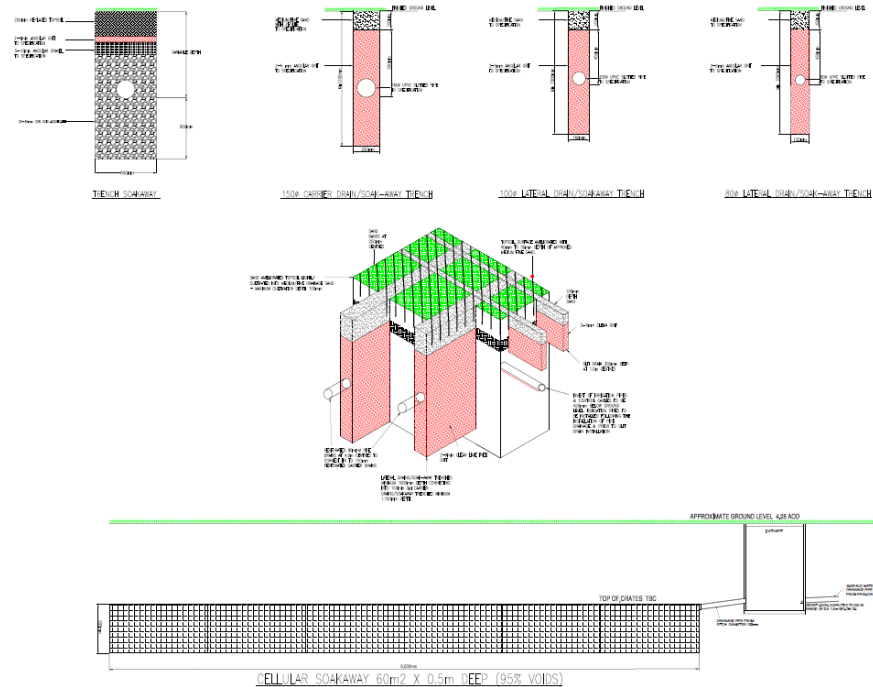
### Details of Irrigation tank and pump house



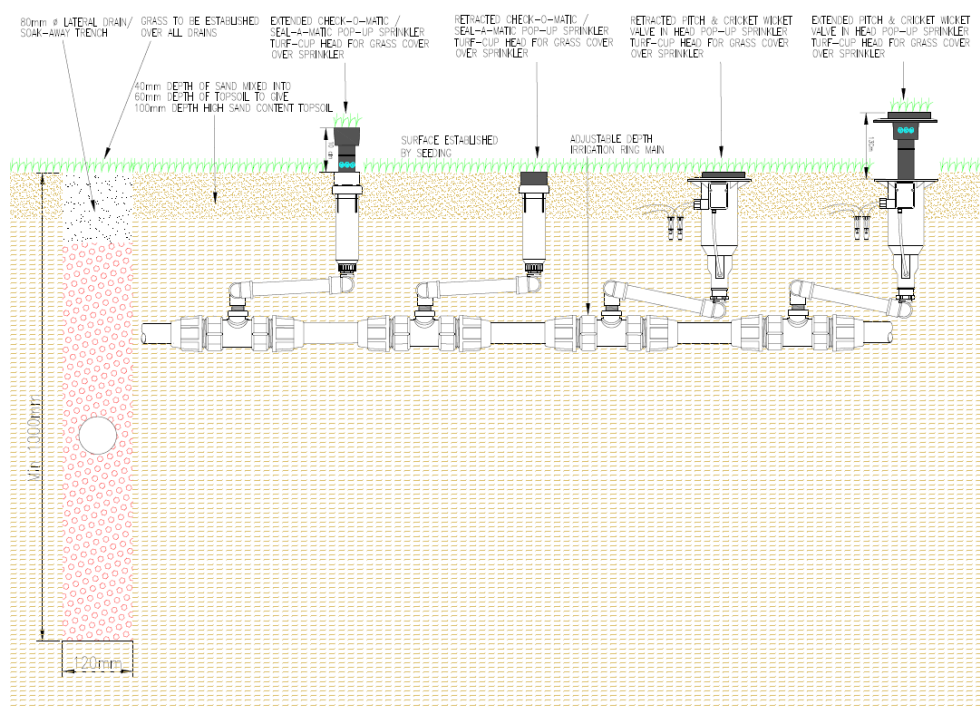
Drainage and Irrigation System Layout



PROPOSED DRAINAGE SYSTEM TYPICAL DETAILS



Proposed Drainage System Typical Details



Pitch Irrigation System Typical Details

**DRAFT DECISION LETTER**

**Address:** Westminster School Playing Fields, Vincent Square, London, SW1P 2PW

**Proposal:** Installation of drainage scheme and replacement irrigation equipment including water storage tank and pump house to school playing fields.

**Reference:** 21/03450/FULL

**Plan Nos:** GTC00658 SK08 Rev. B; GTC00658 SK11 Rev. A; GTC00658 SK03 Rev. I; GTC00658 SK03 + Zones Rev. I; GTC00717 DK09 Rev. B; GTC00658 SK010 Rev. E; GTC00658 SK09 Rev. B; GTC00658 SK07; GTC00658 SK 15 Rev E; GTC00658 SK14 Rev. E; GTC00658 SK16; GTC00658 SK17; GTC00658 SK18; GTC00658 SK19 Rev. A; GTC00658 SK13; Drainage Calculations and Surface Water Strategy Rev. C, dated April 2021; Irrigation Pumps Noise Assessment dated 30 July 2021; Air Quality Assessment Technical Statement, dated 2 December 2021; Arboricultural Impact Assessment Report (Ref: CCL/VNC/AIA/01c), dated 16 February 2022; Arboricultural Method Statement (Ref: CCL/VNC/AMS/01c) dated 16 February 2021; Site Waste Management Strategy; Flood Risk Assessment dated May 2021; CoCP Appendix A Checklist.

For information:

Westminster SUDS Proforma; Assessment of Soakaway Drainage Feasibility Rev. 1 dated May 2021; Construction Management Plan dated May 2021; Planning Statement dated May 2021; Risk Assessment dated 29 January 2021; Response to Comments November 2021.

**Case Officer:** Ian Corrie

**Direct Tel. No.** 07866038370

**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 people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

**3 Pre Commencement Condition.** Prior to the commencement of any:

- (a) demolition, and/or
- (b) earthworks/piling and/or
- (c) construction

on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

**4 Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 2 and 3 before any demolition or excavation work starts (phase 1 already provided), and for phase 4 when the development has been completed but before it is occupied.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate. (C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18AB)

- 5 (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 in writing 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 in writing 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 written approval by the City Council. Your submission of a noise report must include:;
- (a) A schedule of all plant and equipment that formed part of this application;; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;; (c) Manufacturer specifications of sound emissions in octave or third octave detail;; (d) The location of most affected noise sensitive receptor location and the most affected window of it;; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted

in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing LA90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 6 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R48AB)

- 7 You must install the acoustic attenuation measures detailed in the Irrigation Pumps Noise Assessment dated 30 July 2021 before you use the machinery. You must then maintain the attenuation measures for as long as the machinery remains in place. (C13DB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 8 The works must be carried out in accordance with the Arboricultural Method Statement, Ref: CCL/VNC/AMS/01c dated 16 February 2021.

Reason:

To protect the trees and the character and appearance of this part of the Vincent Square Conservation Area. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R31DD)

- 9 No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and,
- A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
- B. Where appropriate, details of a programme for delivering related positive benefits.
- C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason:

To protect the archaeological heritage of the City of Westminster as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32BD)

### **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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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](http://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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://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](http://www.westminster.gov.uk/contact-us-building-control)

- 3 With reference to condition 3 please refer to the Council's Code of Construction Practice at ([www.westminster.gov.uk/code-construction-practice](http://www.westminster.gov.uk/code-construction-practice)). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate ([cocp@westminster.gov.uk](mailto:cocp@westminster.gov.uk)) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase.

Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.

- 4 Conditions 5, 6 and 7 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)
- 5 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.

6 Some of the trees on the site are protected by a Tree Preservation Order. You must get our permission before you do anything to them. You can apply online at the following link: [www.westminster.gov.uk/trees-and-high-hedges](http://www.westminster.gov.uk/trees-and-high-hedges). You may want to discuss this first with our Tree Officers by emailing [privatelyownedtrees@westminster.gov.uk](mailto:privatelyownedtrees@westminster.gov.uk).

7 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You can apply online at the following link: [www.westminster.gov.uk/trees-and-high-hedges](http://www.westminster.gov.uk/trees-and-high-hedges). You may want to discuss this first with our Tree Officers by emailing [privatelyownedtrees@westminster.gov.uk](mailto:privatelyownedtrees@westminster.gov.uk).

8 In relation to Condition 9, the written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management procedure) (England) Order 2015.

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.