

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 1 November 2022	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Knightsbridge & Belgravia	
<b>Subject of Report</b>	<b>Upper Floor, 138 Ebury Street, London, SW1W 9QQ,</b>		
<b>Proposal</b>	Installation of air-conditioning unit in enclosure formed of a flat roof at the first-floor rear elevation.		
<b>Agent</b>	Mr Brian Thomas		
<b>On behalf of</b>	Gemma Dreelan		
<b>Registered Number</b>	21/00868/FULL	<b>Date amended/ completed</b>	28 July 2022
<b>Date Application Received</b>	13 February 2021		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Belgravia		
<b>Neighbourhood Plan</b>	Not applicable		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY & KEY CONSIDERATIONS

The application proposes to install air conditioning equipment on an external flat roof at first floor level and to the rear of 138 Ebury Street. It would be in connection with the upper floor flat and would assist in cooling the property. The unit would be located inside an enclosure.

The key considerations in this case are:

- The acceptability of the proposed enclosure in design terms;
- The impact of the proposed enclosure on the character and appearance of the Belgravia Conservation Area; and
- The impact on the amenity of neighbouring residential properties.

The proposal is considered acceptable in design and heritage terms because the equipment would be enclosed in a suitably designed and positioned enclosure. It would also be acceptable in amenity terms given the applicant has demonstrated that the equipment can operate without noise disturbance to neighbours. Overall, the development complies with Policy 7, 33, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021) and therefore is recommended for approval, subject to the conditions set out in the draft decision letter.

### 3. LOCATION PLAN



4. PHOTOGRAPHS



Photograph of first floor flat roof





**Photograph showing unauthorised unit (which has since been removed)**



Rear elevation

## 5. CONSULTATIONS

### 5.1 Application Consultations

#### First Consultation

BELGRAVIA RESIDENTS' ASSOCIATION:  
No response to date.

THE BELGRAVIA SOCIETY:  
No response to date.

BELGRAVIA NEIGHBOURHOOD FORUM:  
No response to date.

ENVIRONMENTAL HEALTH (PLANT AND EQUIPMENT):  
Further information required. The acoustic report contains inaccuracies and inconsistencies. The drawings in the acoustic report do not match the submitted drawings.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 25  
Total No. of replies: 3  
No. of objections: 3  
No. in support: 0

In summary three neighbours residents object for the following summarised reasons:

#### Residential Amenity:

- Noise disturbance from the equipment operating, which would harm the enjoyment of neighbouring residential properties;

#### Design:

- The equipment would harm the appearance of the building and the character and appearance of the conservation area;

#### Environment:

- Air conditioning equipment contributes to a harmful 'heat island effect' in central London;
- Should implement the City Council's guidance on means of efficiently ventilating a home

#### Other:

- There has been a history of refused applications relating to air conditioning equipment at this property, which neighbours have to object to;

#### Second Consultation



**ENVIRONMENTAL HEALTH (PLANT AND EQUIPMENT):**

Taking into consideration the proposed plant, distance attenuation, on site screening, the location of the plant and the proposed acoustic measures listed the noise level at the nearest receptors are predicted to comply with the Council's noise requirements.

No. Consulted: 25

Total No. of replies: 2

No. of objections: 2

No. in support: 0

In summary two neighbours residents object for the following summarised reasons:

**Residential Amenity:**

- Noise disturbance from the equipment operating, which would harm the enjoyment of neighbouring residential properties including external areas;
- The machinery would operate at a much louder level than the minimum background noise level;
- The applicant's acoustic report used an alternative criteria;
- The attenuation of the noise is not explained satisfactorily;
- Would impact on external spaces;

**Design:**

- The equipment would harm the appearance of the building and the character and appearance of the conservation area;

**Environment:**

- Air conditioning equipment contributes to a harmful 'heat island effect' in central London;
- Should implement the City Council's guidance on means of efficiently ventilating a home

**Other:**

- There has been a history of refused applications relating to air conditioning equipment at this property, which neighbours have to object to;
- Misleading that the applicant considers the front vault option for the air conditioning unit will not work; in fact the applicant does not want the front vault option because it would be loud for them because the front vault would a location where the fans have to work harder as it will produce more heat in this location – this means the current application is unreasonable as it means that instead the noise impacts would be to neighbours.
- The property is for sale, so the applicant does not require the air conditioning unit going forward; and
- Other properties in the area do not have air conditioning units in a similar location.

**PRESS NOTICE/ SITE NOTICE:**

Yes

**5.2 Applicant's Pre-Application Community Engagement**



The applicant has not carried out pre-application community engagement. However, the application was submitted prior to the Council's Early Community Engagement Guidance Note.

## **6. WESTMINSTER'S DEVELOPMENT PLAN**

### **6.1 City Plan 2019-2040 & London 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 Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 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.

### **6.2 Neighbourhood Planning**

The application site is not located within an area covered by a Neighbourhood Plan.

### **6.3 National Policy & Guidance**

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

## **7. BACKGROUND INFORMATION**

### **7.1 The Application Site**

138 Ebury Street is an unlisted property located within the Belgravia Conservation Area. It has been divided into two residential flats and the application relates to the upper floor flat.

### **7.2 Recent Relevant History**

#### **Planning Applications**

On 11 March 2021, the City Council issued a certificate to confirm it would be lawful to install an air conditioning unit inside the front vault to serve the upper floor maisonette. (RN: 20/07261/CLOPUD)

On 13 March 2018, the City Council refused permission to increase the height of the parapet wall to the rear closet wing (RN: 18/00339/FULL) and on 25 October 2018 the

subsequent appeal was dismissed (RN: APP/X5990/W/18/3202298). The application was refused because the increase in height of the closet wing parapet wall would have harmed the appearance of the building and the character and appearance of the conservation area.

On 16 January 2017, the City Council refused permission for the installation of plant equipment and acoustic enclosure to the rear roof terrace above the ground floor flat (RN: 16/09669/FULL) and on 7 August 2017 the subsequent appeal was dismissed (RN: APP/X5990/W/17/3175247). The application was refused because the enclosure would have harmed the appearance of the building and the character and appearance of the conservation area and because insufficient information was provided to demonstrate that the equipment would not harm to the amenity of neighbouring residential occupiers.

On 10 May 2016, the City Council refused permission for the retention of one air conditioning unit and acoustic enclosure to rear roof of upper floor apartment (RN: 16/02295/FULL) and on 21 September 2016 the subsequent appeal was dismissed (RN: APP/X5990/W/16/3151332). The application was refused because the enclosure would have harmed the appearance of the building and the character and appearance of the conservation area

### **Enforcement**

On 23 May 2022, the City Council wrote to the applicant warning them that they had installed an unauthorised air conditioning unit on rear first floor flat roof. The applicant subsequently removed the unit.

On 22 June 2017, the City Council wrote to the applicant warning them that they had installed an unauthorised air conditioning unit to the rear. The applicant subsequently removed the unit and screen.

## **8. THE PROPOSAL**

The application proposes the installation of an air-conditioning unit inside an enclosure. It would be located on top of the flat roof of at first floor level and at the rear of the building. It would be located underneath the window of the upper floor flat's kitchen area, adjacent to the closet wing.

## **9. DETAILED CONSIDERATIONS**

### **9.1 Land Use**

The development raises no land use implications.

### **9.2 Environment & Sustainability**

#### **Sustainable Design**

City Plan Policy 38 seeks to ensure development responds to the likely risks and consequences of climate change by incorporating principles of sustainable design, including providing flexible spaces, enabling incorporation of future services/ facilities,

optimising resource and water efficiency and minimising the need for plant and machinery.

The applicant explains high temperatures have been recorded within their property during the summer heatwaves (and continuing climate change will result in these heatwaves occurring even more frequently and severely). They report it prevents them and their family from enjoying their home. Because the property encompasses the top floors of the building only, which experience more heat than lower floors, the applicant reports they have been unable to reside in the property during the summer months due to heat and have had to move out the property for extended periods at a significant cost and inconvenience.

In counter to the applicant, an objector contends the applicant has put the property up for sale. Irrespective of the applicant's personal circumstances, extreme heat is (and will continue to be) one of the climate change consequences affecting Westminster. Policy 38 envisages addressing this in a way which means the need for plant and machinery is reduced, and the use of resources optimised, but the application seeks to address extreme temperatures through an air conditioning unit which requires the use of relatively large amounts of electricity – this type of equipment also expels warm air. Objectors have raised these issues as a concern.

Natural ventilation of housing should be the starting point to avoid the use of mechanical systems – however, in this case because the application relates to an upper floor flat to an existing historic building, there are more limited options to improve the internal temperatures the applicant has experienced. While the concerns regarding energy use and a heat island affect are understandable, a single unit as proposed here would not have a detrimental impact in these respects. Overall, while the position of the objectors are understood, it is not considered reasonable to refuse permission on sustainability grounds.

### **9.3 Biodiversity & Greening**

Given the nature of the application, there is limited scope to provide biodiversity or greening gains – although the submission indicates the top of the enclosure would be used for planting which would be welcomed.

### **9.4 Townscape, Design & Heritage Impact**

#### **Legislative & Policy Context**

The key legislative requirement in respect to conservation areas is as follows:

Section 72 of the LBCA 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.

The relevant policies relating to design, townscape and heritage in the City Plan are Policies 38, 39 and 40. These require developments to respond positively to Westminster's townscape, including the character and appearance of the existing area, adjacent building and heritage assets. Heritage assets and their settings will be conserved and enhanced, and this includes conservation areas. Unlisted buildings that make a positive contribution to a conservation area will be conserved.

### **Location, Detailed Design and Impact on Heritage Assets**

Westminster City Council have previously confirmed that it would be lawful to install an air conditioning unit within the front vault – these works would not require planning permission because they would not affect the external appearance of the building or the vault. In terms of impact upon the character and appearance of the Belgravia Conservation Area and the appearance of the building, this location would have no impact.

As set out above, in 2018, 2017 and 2016 the City Council refused permission for various proposals for an air conditioning unit and associated works solely or partly on the grounds of harm to the character and appearance of the conservation area and building – all of which were subsequently dismissed at appeal by the Planning Inspectorate. These proposals involved altering the closet wing by either extending it upwards to place new equipment inside, placing a large enclosure in front of the closet wing or on top of it. These would have all been more prominent than what is proposed under the current application.

The current application had proposed two options, and upon advice from officers the applicant has chosen to propose the option involving a smaller enclosure. It would be the width of the first floor rear window to the main building, and it would be on top of a flat roof. This location is more discreet than the location of the previously refused enclosures. The enclosure is also significantly smaller than the enclosures previously refused.

While this currently proposed enclosure would still be visible in some local private views, because of its discreet position, small size and suitable enclosure, it would not be harmful to character and appearance of the conservation area or building. Therefore, the application complies with City Plan Policies 38, 39 and 40.

## **9.5 Residential Amenity**

City Plan Policies 7 and 33 seek to protect residential amenity, including in terms of light, privacy, sense of enclosure, noise, vibration and encourage development which enhances the residential environment, quality of life, health and wellbeing and local environmental quality.

Neighbours have raised concern regarding the impact the air conditioning unit would have on the enjoyment of their homes, particularly in terms of noise and vibrations.



The applicant originally provided an acoustic assessment that related to equipment located in a position proposed under a previous planning application. During the course of this application, the applicant provided a new acoustic assessment to address the location relevant to the current application and they updated this assessment to take into account the proposed acoustic enclosure.

The assessment measures the existing background noise level and formulates a design criterion for the proposed equipment. It identifies the nearest residential window to be at 136 Ebury Street, although an objector notes this is in fact a glazed door to their roof terrace.

The assessment measures the existing minimum background noise level as 32 dB(A) during the day and 31 dB(A) at night. If the air conditioning unit were to operate without an acoustic enclosure, the acoustic assessment finds the noise outside the nearest residential window/door would be approximately 40 dB(A). An objector disputes this because the unit itself would produce 70 dB(A), however the acoustic report correctly considers attenuation provided by distance and building envelope etc. (which would reduce this). The distance considered in the report (approximately 3 metres) is correct.

The report does set out a method to produce a design criterion that the objector is correct to say departs from the requirements of the City Council's Environmental SPD. The SPD requires the sound emission level from plant equipment to not exceed 10 dB(A) below the minimum background noise level at the nearest noise sensitive receptor (i.e. a residential window or door). This means during the day the noise level should not exceed 22 dB(A) and the Environmental Health Officer confirms this should be the design criteria. The applicant's acoustic assessment demonstrates that without an acoustic enclosure this would not be achieved (because it would be 40 dB(A)).

However, the applicant does propose an acoustic enclosure. It would provide sound reduction of 28 dB(A) and the applicant updated their acoustic assessment to address this. This reduction means the noise outside the window/ door at the first floor of 136 Ebury Street would be 12dB(A) during the day. This would be significantly below the existing minimum background noise level – this would also be the case at night. For windows/ doors further away, the additional distance would further attenuate the noise.

Overall, the Environmental Health Officer has considered the applicant's acoustic assessment and advise it demonstrates that the proposed air conditioning equipment would not be harmful to neighbours in terms of noise and vibrations. This is subject to appropriate conditions which are recommended in the draft decision letters which will ensure that this equipment meets the City Council's noise standards. A condition is also recommended to ensure that the acoustic enclosure is installed prior to operation of the unit.

The objector raises concern regarding the impact on their roof terrace. Because this roof terrace is adjacent to the door which has been assessed in the report, this area too would not experience noise levels above 10 dB(A) below the existing minimum background noise level.

Because of the location of the enclosure relative to neighbouring properties, there would

be no harmful impact in terms of loss of light or increased enclosure.

#### **9.6 Transportation, Accessibility & Servicing**

The development would have no transportation, accessibility or servicing implications

#### **9.7 Economy including Employment & Skills**

The development would not result in any notable economic benefits.

#### **9.8 Other Considerations**

##### **Alternative Location for the Plant Equipment**

The City Council has previously confirmed it would be lawful to install an air conditioning unit within the front vault – these works would not require planning permission because they would not affect the external appearance of the building or the vault.

The applicant explains that the front vault location would in fact not work well. They contend it is difficult to run the required piping safely through the neighbouring property (i.e. the lower floor flat at 138 Ebury Street) and from a technical perspective the distance is too long and would cause a condenser pump to seize or overheat– the applicant explains the need for the current application is to ensure that the unit is closer to the flat.

An objector states it is misleading that the applicant considers the front vault option for the air conditioning unit will not work; they say in fact the applicant does not want the front vault option because it would be too loud for the applicant because the front vault is a location where the fans have to work harder as it will produce more heat in this location – the objector contends the current application is unreasonable as the currently proposed location would impact other neighbours in terms of the noise instead.

While the vault option would be preferable from a design and townscape perspective, the alternative option proposed by the applicant is not considered harmful to the conservation area or the building because while visible from some views in neighbouring buildings it would be discreet and enclosed (as set out in section 9.4). The applicant's acoustic assessment also demonstrates the equipment would not be harmful in terms of noise or vibrations (as set out in section 9.5). Overall, this report concludes that the proposed option on the rear roof at first floor is not harmful. Whether or not the vault option is a viable alternative, because the option proposed under this application is not harmful it accords with the City Plan – applications that accord with the development plan of an area should be approved.

#### **9.9 Environmental Impact Assessment**

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

#### **9.10 Planning Obligations & Pre-Commencement Conditions**

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

## 10. Conclusion

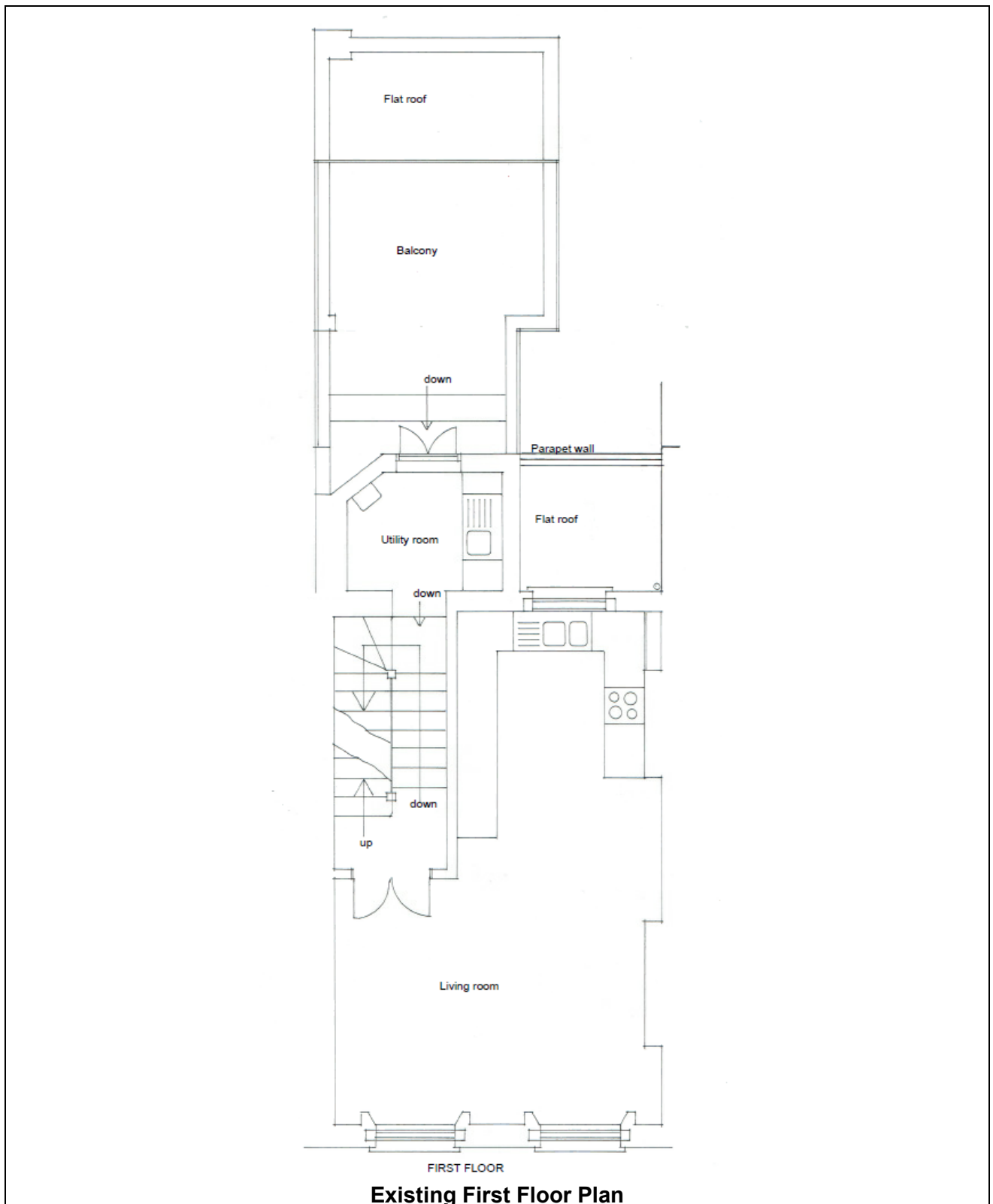
While the objector's concerns regarding the installation of air conditioning equipment are understandable, in this case the proposed equipment would not result in harmful disturbance to neighbours in terms of noise and vibrations because the applicant proposes to house it within an acoustic enclosure. Because of this enclosure, along with its position, the works would not be harmful to the overall character and appearance of the conservation area or building. While the concerns regarding the environmental impact of air conditioning units are understood, it is not considered the application could be refused on this basis.

As such, the proposal is considered acceptable, mindful of policies 7, 33, 38, 39 and 40 of the City Plan 2019-2040 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.

(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: JOSHUA HOWITT BY EMAIL AT [jhowitt@westminster.gov.uk](mailto:jhowitt@westminster.gov.uk)

11. KEY DRAWINGS





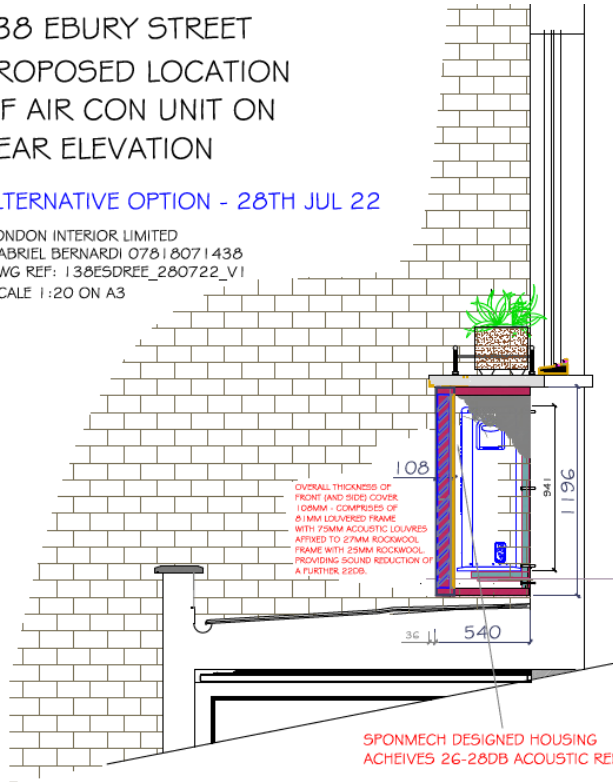


Existing Rear Elevation

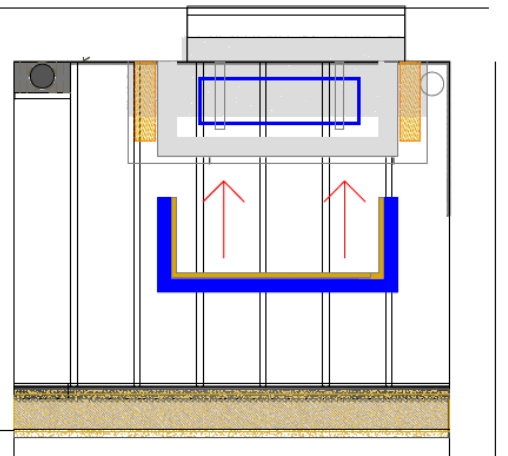
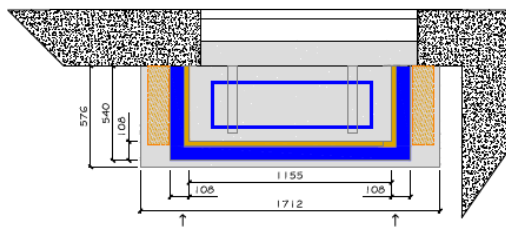
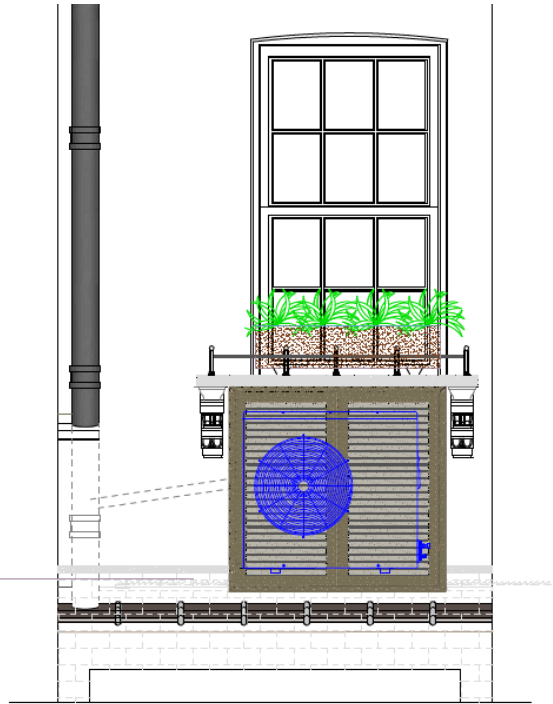
138 EBURY STREET  
 PROPOSED LOCATION  
 OF AIR CON UNIT ON  
 REAR ELEVATION

ALTERNATIVE OPTION - 28TH JUL 22

LONDON INTERIOR LIMITED  
 GABRIEL BERNARDI 0781 8071 438  
 DWG REF: 138ESDREE\_280722\_V1  
 SCALE 1:20 ON A3



SPONMECH DESIGNED HOUSING  
 ACHIEVES 26-28DB ACOUSTIC REDUCTION



Proposed Drawings



**Computer Generated Image of Proposed Unit**

**DRAFT DECISION LETTER**

- Address:** Upper Floor, 138 Ebury Street, London, SW1W 9QQ
- Proposal:** Installation of air-conditioning unit in enclosure formed of a flat roof at the first-floor rear elevation.
- Reference:** 21/00868/FULL
- Plan Nos:** Location Plan; Block Plan; 138ESDREE\_280722\_v1; 05-0221-01; 05-0221-04; Sponmech spec sheet; and Acoustic Report 24704.PCR.01 Rev B.

For Information:  
Images and Planning Statement.

**Case Officer:** Joshua Howitt

**Direct Tel. No.** 07866038007

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



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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Belgravia Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26DE)

- 4 You must install the acoustic attenuation measures shown on the approved drawings before you use the machinery. You must then maintain the attenuation measures in the form shown for as long as the machinery remains in place. (C13DB)

Reason:

To protect the environment of people in neighbouring properties and to ensure the appearance of the development is suitable and would not harm the appearance of this part of the city. This is in line with Policies 7, 33, 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R13CD)

- 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 0.2m/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 Environmental Supplementary Planning Document (February 2022). (R48AB)

- 6 (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 Environmental Supplementary Planning Document (February 2022), 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)

**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)

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.