

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 25 January 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	5-7 Carnaby Street, London, W1F 9PB		
Proposal	Alterations and extensions to the existing building comprising a rear extension at the third floor level and front and rear extensions at the fourth floor level, the erection of a single storey extension to create a new fifth floor level for additional commercial floorspace, including the creation of new living walls on the front façade of the building and to the upper floor extensions, the creation of new terrace spaces, new fire escape staircase, a new rooftop plant enclosure, green roofs and PV Panels, and other associated works.		
Agent	Rolfe Judd Planning		
On behalf of	Shaftesbury Carnaby PLC		
Registered Number	21/03569/FULL	Date amended/ completed	28 May 2021
Date Application Received	28 May 2021		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

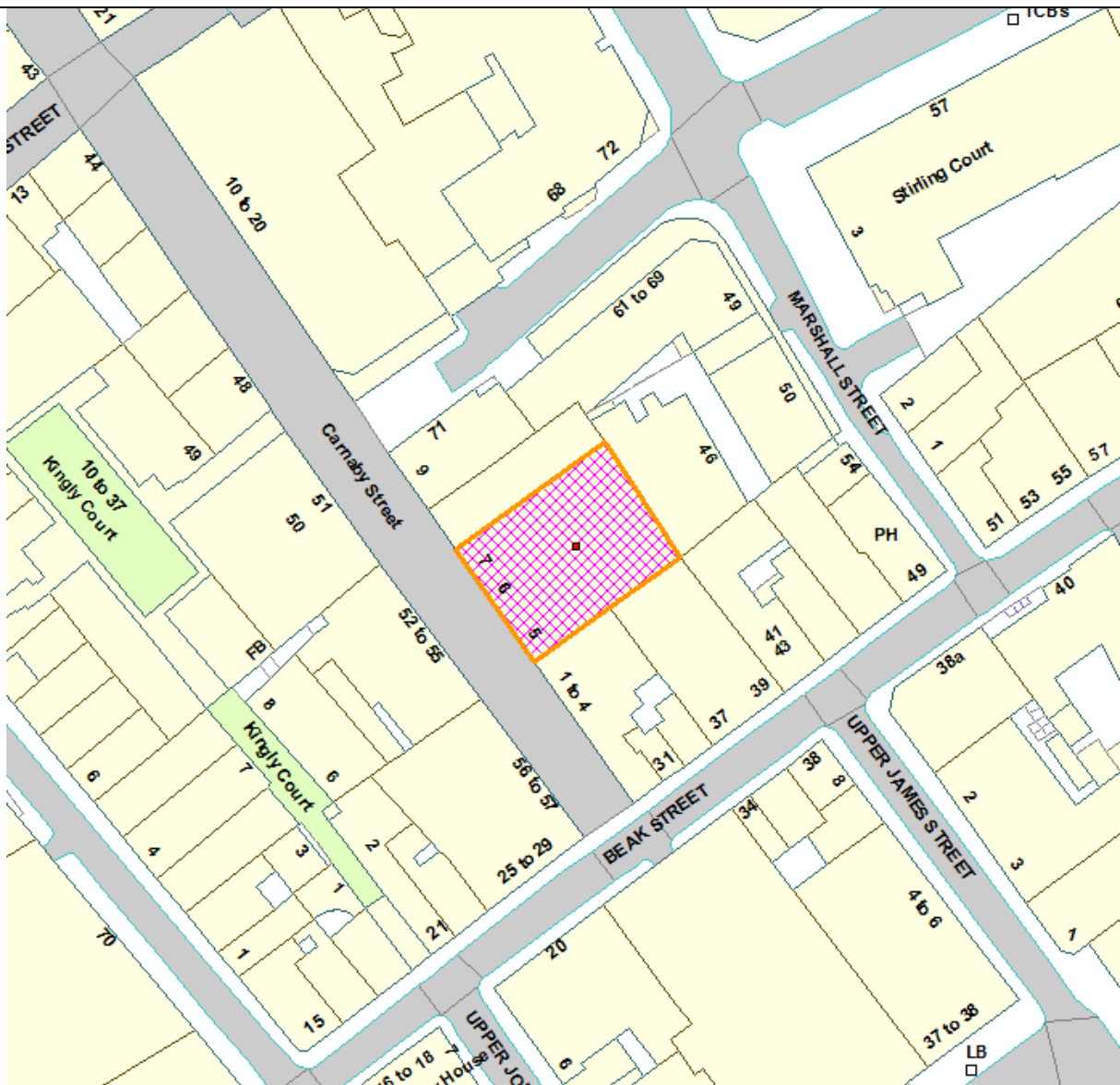
The application site comprises an unlisted building located within the Central Activities Zone (CAZ) and the Soho Conservation Area. Permission is sought to erect front, rear and roof extensions to create extended third and fourth floors and a new fifth floor with associated plant and terraces in order to enlarge this office building.

The main issues for consideration are:

- Whether the proposed development will preserve the character and appearance of the Soho Conservation Area
- Whether the proposed development will materially harm the amenity of neighbouring residents through noise, loss of daylight and sunlight, and overlooking.

The proposed increase in office floorspace is acceptable in this location and the impact upon the amenity of local residents is acceptable. Furthermore, the proposal will preserve the character and appearance of the Soho Conservation Area and for these reasons, it is recommended that conditional permission be granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

SOHO SOCIETY

Objects on the grounds that the proposal constitutes an over development of the site and has an adverse impact on the streetscape by aligning all building heights at the same level and a further 'canyon-isation' of the whole street.

THAMES WATER

No objections raised.

ENVIRONMENTAL SCIENCES

No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. consulted: 79

Total no. of replies: 2

No. of objections: 2 letters raising the following concerns:

- * loss of privacy
- * plant room is overly large and is unnecessary
- * the proposed colour scheme is dark and oppressive
- * the proposal, together with that at Eagle House, will create a dark tunnel blocking light and will be visually unappealing
- * overbearing
- * overdevelopment of the site, the height should exceed that of the existing plant room
- * increase in noise

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

Re-consultation following submission of revised plans

SOHO SOCIETY

No response to date

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. consulted: 79

Total no. of replies: 0

6. BACKGROUND INFORMATION

6.1 The Application Site

The site comprises a five-storey commercial building with a mansard roof, located on the eastern side of Carnaby Street within the Soho Conservation Area and Central Activities Zone (CAZ). The basement level is currently undergoing internal fitouts to accommodate

a communal bike store facility, following a permission granted in 2020. On the ground floor, the premises are currently being used for retail purposes, whilst the first, second, third and fourth floors are currently used as offices; all of which are now within Class E.

At roof level, there is an existing plant room and ad hoc plant equipment on other parts of the roof, alongside UKPN substation plant equipment. The roof level also has a part external fire escape stair which links to the existing building at 37 Beak Street. There is also an external escape stair linked to the neighbouring building at Silver House.

6.2 Recent Relevant History

Planning permission was granted in February 2001 for the 'erection of second floor rear extension with 2 No. plant enclosures above, alternative use of the first and second floors for either Class B1 (offices) or Class A1 (Retail) purposes' (00/04557/FULL).

Planning permission was granted in December 2008 for the 'Installation of three condensing units within an enclosure at roof level.' (08/08687/FULL)

Planning permission was granted in August 2018 for 'Alterations to second floor rear flat roof area including new side glazed doors, rear glazed sliding folding doors, planting, decking, seating and timber privacy screen to enable use as a terrace.' (18/05036/FULL)

Planning permission was granted in March 2019 for 'Alterations to the rear at first and second floor level including replacement of the existing rooflight with a new flat roof, new side glazed doors, rear glazed sliding folding doors, creation of a lightwell at first floor, all in connection with the creation of terraces at first and second floors.' (19/00323/FULL)

Planning permission was granted in January 2020 for the 'Dual/alternative use of the first floor for either retail (Class A1) or office (Class B1) use.' (19/09018/FULL)

Planning permission was granted in November 2020 for the 'Dual/alternative use of part of the basement at the rear of 5-7 Carnaby Street for either continued retail (Class A1) or as a communal bike storage facility (sui generis) for Carnaby Estate employees, including associated external works to the entrance.' (20/05231/FULL)

History of adjacent site (8 Carnaby Street)

Planning permission was granted in October 2004 for 'External alterations to 8 and 9 Carnaby Street including new plant at roof level, mansard extensions and new shopfronts, new extension for lift/stair core in Broadwick Street to the rear of 9 Carnaby Street, use of first floors of 8 and 9 for office (Class B1) and/or retail (Class A1) purposes. Modifications to permission dated 2 September 2003, including new entrance canopy, and fully glazed windows at first floor front, terrace at first floor level and new balconies at second and fourth floor level and conservatory extension at third floor to the rear of 8 Carnaby Street.'

7. THE PROPOSAL

The proposals involve rear extensions at the third and fourth floor, an extension at fourth floor to the front facade and the creation of a new fifth floor roof extension. Terraces are

proposed at rear third and fifth and at roof level, and a new acoustic-insulated plant enclosure is proposed at roof level.

The application has been amended since it was initially submitted to introduce a living wall to the front elevation and to the facades of the rear extensions. The plant room and roof extension have been stepped on the rear elevation to break down the massing and privacy screens are proposed to the rear terraces.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office	1,197	1,476	+279

8. DETAILED CONSIDERATIONS

8.1 Land Use

Given the site's location within a part of the CAZ with a mixed-use character, the proposed increase in office floorspace is acceptable in principle, as set out within Policy 13 of the City Plan.

The acceptability of other potential uses falling within Class E has not been assessed as part of this application, as the applicant has confirmed that the extension and terrace would be used in connection with the office use of these floors. Consequently, a condition is recommended to restrict the development to office use. The applicant has agreed to the imposition of this condition.

8.2 Townscape and Design

Introductory Text

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."*

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.

5-7 Carnaby Street is an unlisted building in the Soho Conservation Area to which it makes a neutral contribution. It stands on the east side of the street near its southern end and has a street façade of brick and render with its upper floors slightly set back from the building line. Since first it was submitted, the application has been comprehensively revised in line with officer advice and now incorporates a substantial living wall facing Carnaby Street along with other areas of living walls and roofs.

The proposed height and bulk of the building is the maximum possible on this site and makes the building a storey taller than its immediate surroundings. This will be most easily appreciated from the upper floors of surrounding properties, and the Soho Society objected to the application as first submitted on the basis that it would further canyonise the street. While the Soho Society has not commented on the revised design the harm caused by the increased height, in heritage asset terms, is less than substantial and the public benefits of the now greatly improved external appearance of the building, combined with its contribution to biodiversity, outweigh the harm to the appearance of the surrounding conservation area when seen from the upper floors of surrounding properties, and the visual interest of the Carnaby Street façade fully mitigates any sense of overbearing height.

At the rear, there will be some alterations and extensions which will improve the appearance of the building when seen from surrounding properties including nearby residential accommodation. Areas of living wall and roof will be created and PV panels installed at roof level. The revised proposal is considered to have addressed some of the design objections raised by neighbouring residents, however its height is not reduced.

Overall, the alterations will improve the appearance of the building and its contribution to biodiversity. As such, the proposal is considered acceptable, mindful of policies 34, 38, 39 and 40 of the City Plan 2019-2040 and the policies of the Soho Neighbourhood 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

The City Council places high priority on protecting residential amenity, with City Plan Policy 7(A) stating that development will be neighbourly by, 'protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking'.

The closest residential accommodation are the 24 flats within Marshall House at 49 Marshall Street, three flats at 37 Beak Street and eight flats within 41-45 Beak Street. Two letters of objection from residents within Marshall House have been received on the grounds of loss of privacy, loss of light, and the overbearing impact from the additional massing proposed.

Sunlight and Daylight

The commonly accepted methodology for assessing the impact of development proposals upon daylight and sunlight is the Building Research Establishment guidance entitled, 'Site layout planning for daylight and sunlight: a guide to good practice' (the BRE Guide).

Daylight

The most commonly used BRE method for assessing daylighting matters is the 'vertical sky component' (VSC), which measures the amount of sky that is visible from the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the

window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The BRE stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances. The BRE guidelines seek to protect daylighting to living rooms, kitchens and bedrooms.

Where the layout of affected room is known, the daylight distribution test can plot the 'no sky line' (NSL) which is a point on a working plane in a room between where the sky can and cannot be seen. Comparing the existing situation and proposed daylight distributions helps assess the likely impact a development will have. If, following construction of a new development, the no sky line moves so that the area of the existing room, which does not receive direct skylight, is reduced to less than 0.8 times its former value, this is likely to be noticeable to the occupants.

i. Marshall House

With regard to daylight, the analysis finds that, none of the windows to the flats within Marshall House would be adversely affected by the proposals in terms of daylight (VSC and NSL).

ii. 37 Beak Street

There would be some losses in terms of VSC to two windows within 37 Beak Street. One of these windows, at second floor, currently experiences a very low level of VSC of 5%. In situations such as this, small absolute changes equate to large and disproportionate percentage alterations. This window experiences a percentage change of 26% however, the absolute change in VSC is just 1.35%, which is unlikely to be noticeable to the occupant. The other window adversely affected serves a bedroom and experiences a change of 22%, however, this window also retains a VSC of 18%, which is a reasonable level of VSC in a very dense urban environment such as this.

All rooms within 37 Beak Street will adhere to the BRE Guidelines for NSL.

iii. Unimplemented residential consent (37 Beak Street)

There has been a recent consent to refurbish this property to provide either up to four residential flats or offices at the 1st to 3rd floors of the building (RN:19/09107/FULL). The planning permission has not been implemented to-date and does not expire until 5 February 2023. Whilst the layout of the unimplemented permission is not hugely different to the existing residential on site, the report has considered the impact of the proposal on the consented residential flats.

The BRE Guidelines state "there are some situations where meeting a set ADF target value with the new development in place could be appropriate as a criterion for loss of light", including "where the neighbouring building has received planning permission but not yet been constructed." The results show that of the four rooms, within the unimplemented permission that face the site, all of the rooms achieve the minimum ADF criteria for their relevant room use and will continue to do so following the implementation of the proposed development.

iv. 41-45 Beak Street

A first floor kitchen in 41 Beak Street would also see a 32% loss in NSL and a second

floor kitchen would experience a 26% loss in NSL. The second floor kitchen appears to be a dual aspect room with windows facing over Beak Street that are unaffected by the proposal. Neither of the rooms would be adversely affected in terms of VSC, and it is considered that the levels retained are acceptable and the impact is not considered sufficient to justify refusal.

Sunlight

With regard to sunlighting, the BRE guidelines state that where the amount of sunlight to an existing window is already limited and would be reduced by more than 20% as a result of a development, and has a 4% loss in total annual sunlight hours, the window is likely to be adversely affected. Only windows facing within 90 degrees of due south of the proposed development need to be tested.

The report demonstrates that only minor losses of sunlight would be experienced and all would be well within these parameters.

Overshadowing

There are the roof terraces serving both Marshall House and 37 Beak Street. The BRE recommends that at least 50% of the amenity area should achieve at least 2 hours of direct sunlight on 21st March or experience no greater than a 20% alteration.

The results of the sunlight/daylight analysis indicate that on the 21st of March, these areas included within our assessment will achieve 2 hours of direct sunlight to between 34% and 100% of the area and that these areas will not experience any change in sun hours on ground as a result of the proposals in accordance with the guidance.

Sense of Enclosure

The proposal involves a new fifth floor together with a new roof level plant room. The plant room sits partly above the existing roof plant room, and at this point the extended building is only 2.8m higher than the existing building and with the set-backs proposed at roof level, it is not considered that, despite the objections raised, that the proposals would result in any adverse sense of enclosure.

Privacy

Whilst there would be some oblique overlooking to the windows on the upper floor of Marshall House, the terraces at third and fifth floors are only some 1m in depth and a 1.8m privacy screen is proposed on either ends of the fifth floor terrace to restrict views towards both the rear of Marshall House and the properties on Beak Street.

Whilst the comments of the objectors are noted, given the oblique relationship with Marshall House (which is some 11m distant from the fifth floor windows and fifth floor terrace) it is not considered that the application could be refused on the grounds of overlooking.

There is also a terrace at first floor and balconies at second and fourth floors in the adjoining building at 8 Carnaby Street which are directly adjacent to Marshall House and are unrestricted in terms of their use.

With a condition limiting the use of the terrace from 08:30 to 20:30 Monday to Fridays only, it is considered that the use of the terraces would not have a harmful impact on

residential amenity.

8.4 **Transportation/Parking**

The modest increase in office floorspace is unlikely to generate any material transportation issues.

8.5 **Economic Considerations**

The economic benefits of the scheme are welcomed.

8.6 **Access**

The main access to the upper floors of the building is via a dedicated ground floor entrance door, located on the western side of the façade. The offices are served by the main stairwell and a lift, which provides level access to all upper floors.

8.7 **Other UDP/Westminster Policy Considerations**

Noise/plant

Plant is proposed at roof level within a new enclosure. Objections have been received on the grounds that the plant is unnecessary and will raise background noise levels to the detriment of nearby residents. Environmental Health however raise no objections in principle and consider that, subject to conditions, it is unlikely that plant associated with this development will result in noise/disturbance or vibration to nearby residents.

Refuse /Recycling

Satisfactory storage for refuse and waste is proposed at basement level.

Sustainability

Policy 36 of the City Plan relates to energy and states that the council will promote zero carbon development and expects all development to reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change. All development proposals should follow the principles of the Mayor of London's energy hierarchy.

Policy 20 of the Soho Neighbourhood Plans states that "All development proposals should incorporate measures designed to minimise and conserve heat and energy use, reduce urban heat island effects, and carbon emissions."

The building will incorporate a variety of energy efficiency measures within both the fabric envelope and the building services installation. These passive improvements are in line with London Plans 'Lean' principals. Examples of the energy efficiency measures that will be incorporated are as follows:

- Enhancements to the building fabric envelope thermal performance
- Providing new high performance glazing in order to reduce solar heat gains
- Selection of high efficiency plant and heat recovery plant
- Providing occupancy detection and automatic daylight dimming
- Using low energy high efficiency lamp sources

Biodiversity

Policy 34 of the City Plan states that developments should achieve biodiversity net gain, wherever feasible and appropriate. Policy 24 of the Soho Neighbourhood Plan also states that “where feasible, development proposals should provide greening to the building and its curtilage including green walls and roofs.”

The revised scheme incorporates a full living wall front facade, as well as wildflower green roofs and other living roofs at roof level. This offers an excellent opportunity to enhance the biodiversity value on-site and further improve the proposal’s sustainability credentials.

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

The Soho Neighbourhood Plan was adopted following the Neighbourhood Plan Referendum on Thursday 2 September 2021. It includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment. It has recently been adopted, and therefore now forms part of Westminster’s statutory development plan. It will be used alongside the council’s own planning documents and the Mayor’s London Plan in determining planning applications in the Soho Neighbourhood Area. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed elsewhere in this report.

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.

8.12 Planning Obligations

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

The estimated CIL payment is:

- Westminster CIL: £68,360.
- Mayoral CIL: £51,460.

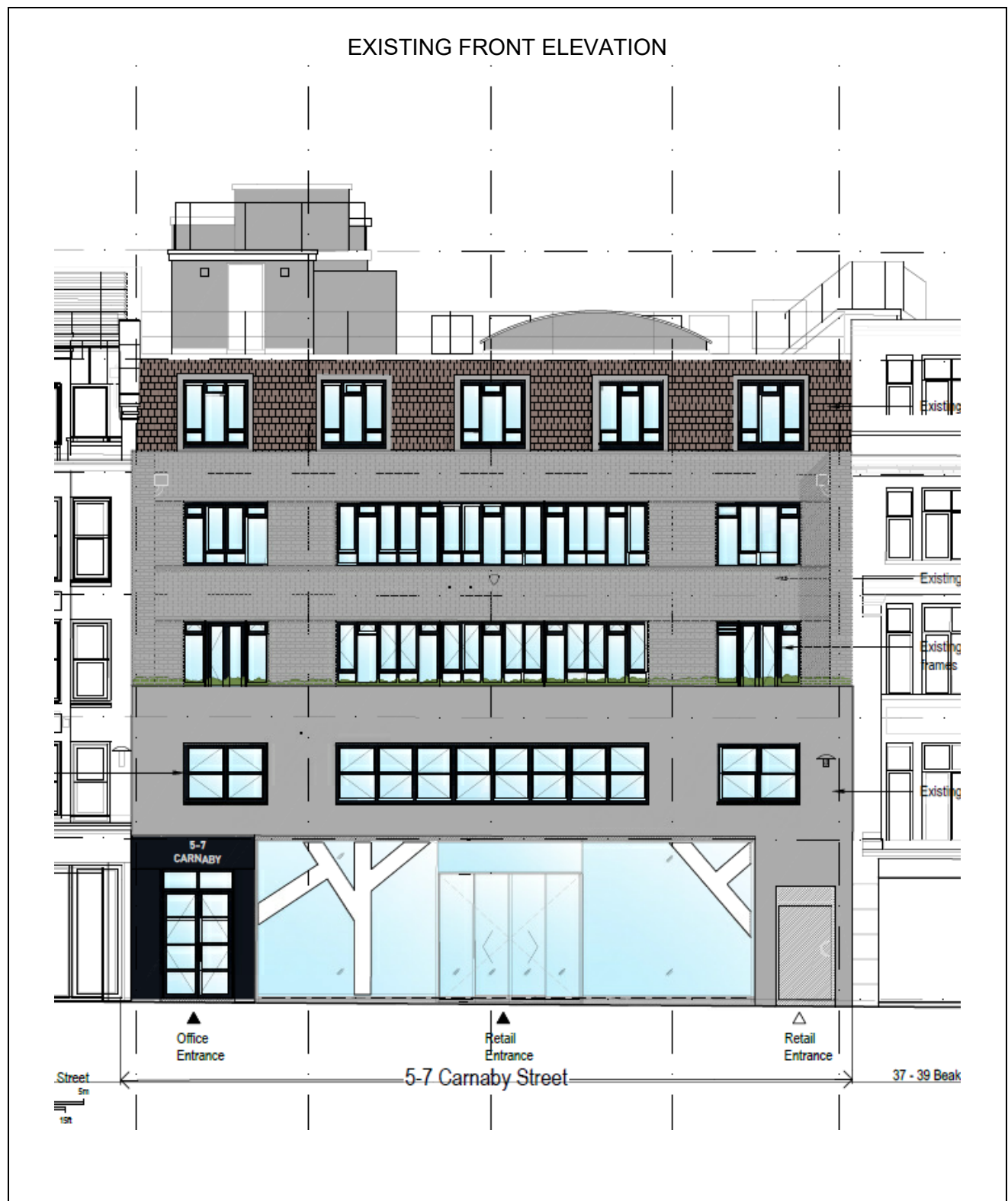
8.13 Environmental Impact Assessment

The development is of insufficient scale to require assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

(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: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

9. KEY DRAWINGS



PROPOSED FRONT ELEVATION



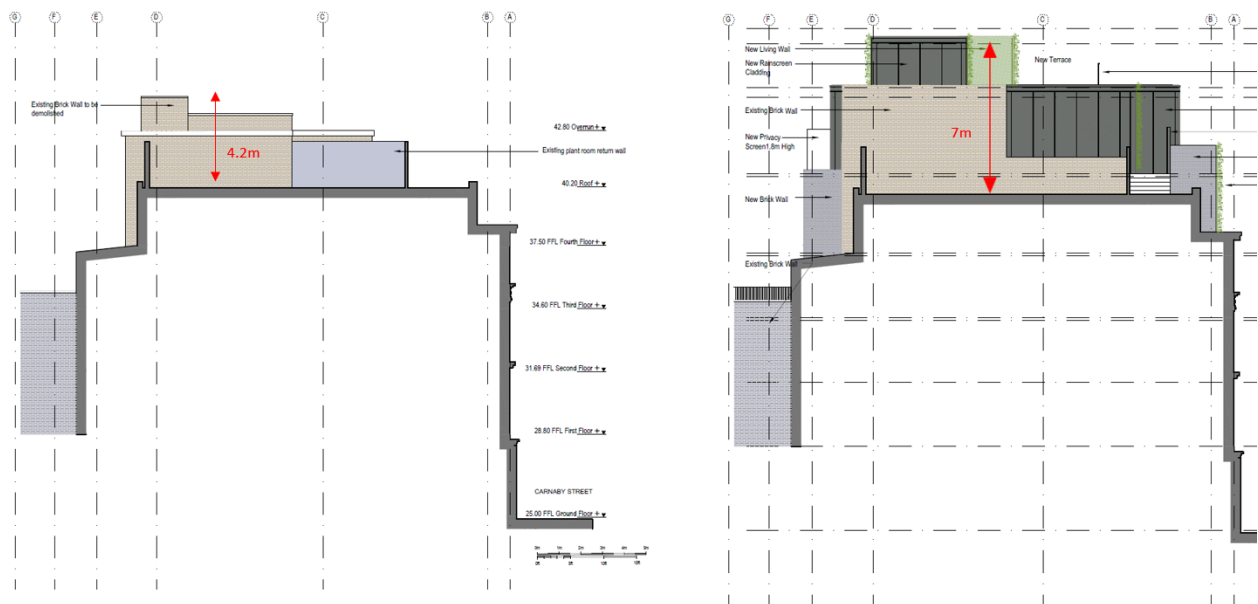
EXISTING REAR ELEVATION



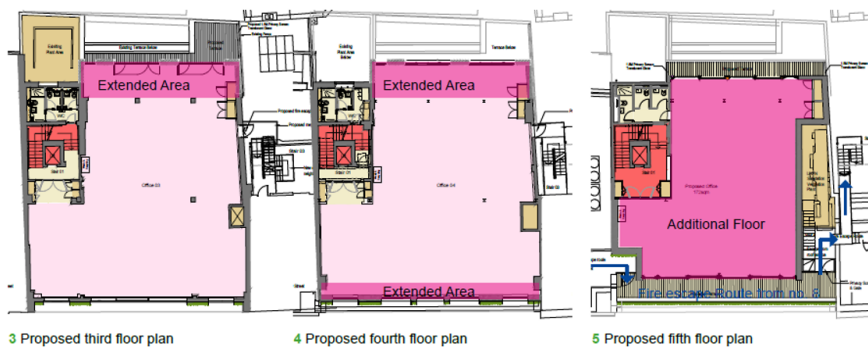
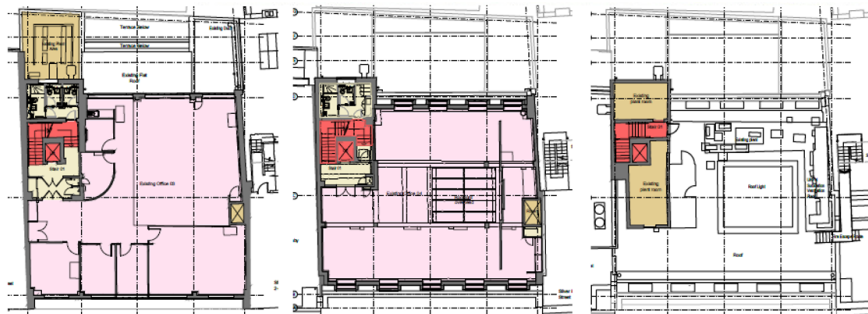
PROPOSED REAR ELEVATION



EXISTING/PROPOSED SIDE ELEVATIONS



EXISTING/PROPOSED FLOOR PLANS



DRAFT DECISION LETTER

Address: 5-7 Carnaby Street, London, W1F 9PB

Proposal: Alterations and extensions to the existing building comprising a rear extension at the third floor level and front and rear extensions at the fourth floor level, the erection of a single storey extension to create a new fifth floor level for additional commercial floorspace, including the creation of new living walls on the front façade of the building and to the upper floor extensions, the creation of new terrace spaces, new fire escape staircase, a new rooftop plant enclosure, green roofs and PV Panels, and other associated works.

Reference: 21/03569/FULL

Plan Nos: 1644-1150 Rev C, 1644-1151 Rev G, 1644-1162 Rev F, 1644-1163 Rev F, 1644-1164 Rev K, 1644-1165 Rev E, 1644-1166 Rev J, 1644-1167 Rev H, 1644-1168 Rev D, 1644-1250 Rev N, 1644-1261 Rev N, 1644-1300 Rev H, 1644-1302 Rev C, 1644-1303, 1644-1352 Rev H; Smartscape Carnaby Street Plant design development Rev. 3 dated 7 October 2021; Environmental Noise Survey and Plant Noise Assessment Report (28743/PNA1 Rev2) dated 18 May 2021

Case Officer: Jo Palmer

Direct Tel. No. 020 7641
07866040238

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 Soho Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 The living walls and roofs must be installed as set out on the drawings and 'Smartscape Carnaby Street Plant design development Rev. 3' document hereby approved, and be maintained in that form. You must not remove the living walls and roof.

Reason:

To ensure that the appearance of the development is suitable, to make sure that it contributes to the character and appearance of this part of the Soho Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021).

- 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 Between 23:00 and 07:00 hours the plant/machinery hereby permitted must run in the manufacturers 'low noise mode'.

Reason:

To safeguard the amenity of occupiers of noise sensitive receptors 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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) the draft Environmental Supplementary Planning Document (May 2021). (R46CC)

- 8 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)

- 9 The privacy screens at third and fifth floor levels shall be erected in full prior to the use of the terraces. The privacy screens shall be retained in full for the life of the development.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 10 The terraces shall not be used for any purpose except between the following hours: 08.30 - 20.30 (Monday to Fridays), not at all on Bank Holidays. You cannot use the terraces outside of these hours other than in the case of an emergency.

Reason:

To protect the environment of residents and the area generally as set out in Policies 7, 27 and 33 of the City Plan 2019 - 2040 (April 2021). (R22CD)

- 11 The third, fourth and fifth floors (and associated terraces) hereby approved shall be used only as offices [Class E(g)] and for no other purpose within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) (or any equivalent class in any order that may replace it).

Reason:

To ensure that the development is carried out in accordance with the use sought and assessed, to ensure that the parts of the building are not used for other uses within Class E that may have different or unacceptable waste storage, servicing, amenity or transportation requirements and / or impacts, in accordance with Policies 7, 14, 16, 29, 32, 33 and 37 of the City Plan 2019 - 2040 (April 2021).

- 12 The following shall not take place on the terraces hereby approved:
- The playing of live, amplified or recorded music.
 - Lighting of barbecues.

In addition, any lighting shall be switched off outside the operating hours set out in Condition 10 of this permission.

Reason:

To protect the environment of residents and the area generally as set out in Policies 7, 27 and 33 of the City Plan 2019 - 2040 (April 2021).

- 13 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

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 Conditions 5 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)
- 3 With regard to Condition 13 please note that piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read the guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near pipes or other structures.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your->

[development/Workingnear-or-diverting-our-pipes](#).

Should you require further information please contact Thames Water.

Email: developer.services@thameswater.co.uk

Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm)

Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

- 4 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer.

Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing: trade.effluent@thameswater.co.uk .

Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale Business customers; Groundwater discharges section.

- 5 Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to the website.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

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.