

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 16th January 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	Flat 6 , 15 Hyde Park Gardens, London, W2 2lu		
Proposal	Installation of 2 air conditioning units with an acoustic enclosure to front roof area at second floor level.		
Agent	Mr Graeme Martinow		
On behalf of	Mr David Elghanayan		
Registered Number	17/09788/FULL and 17/09789/LBC	Date amended/ completed	3 November 2017
Date Application Received	3 November 2017		
Historic Building Grade	II		
Conservation Area	Bayswater		

1. RECOMMENDATION

1. Grant conditional permission and conditional listed building consent.
2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letters.

2. SUMMARY

Planning permission and listed building consent are sought for the installation of 2no air condenser units within acoustic enclosures on the flat roof at second floor level on the north elevation.

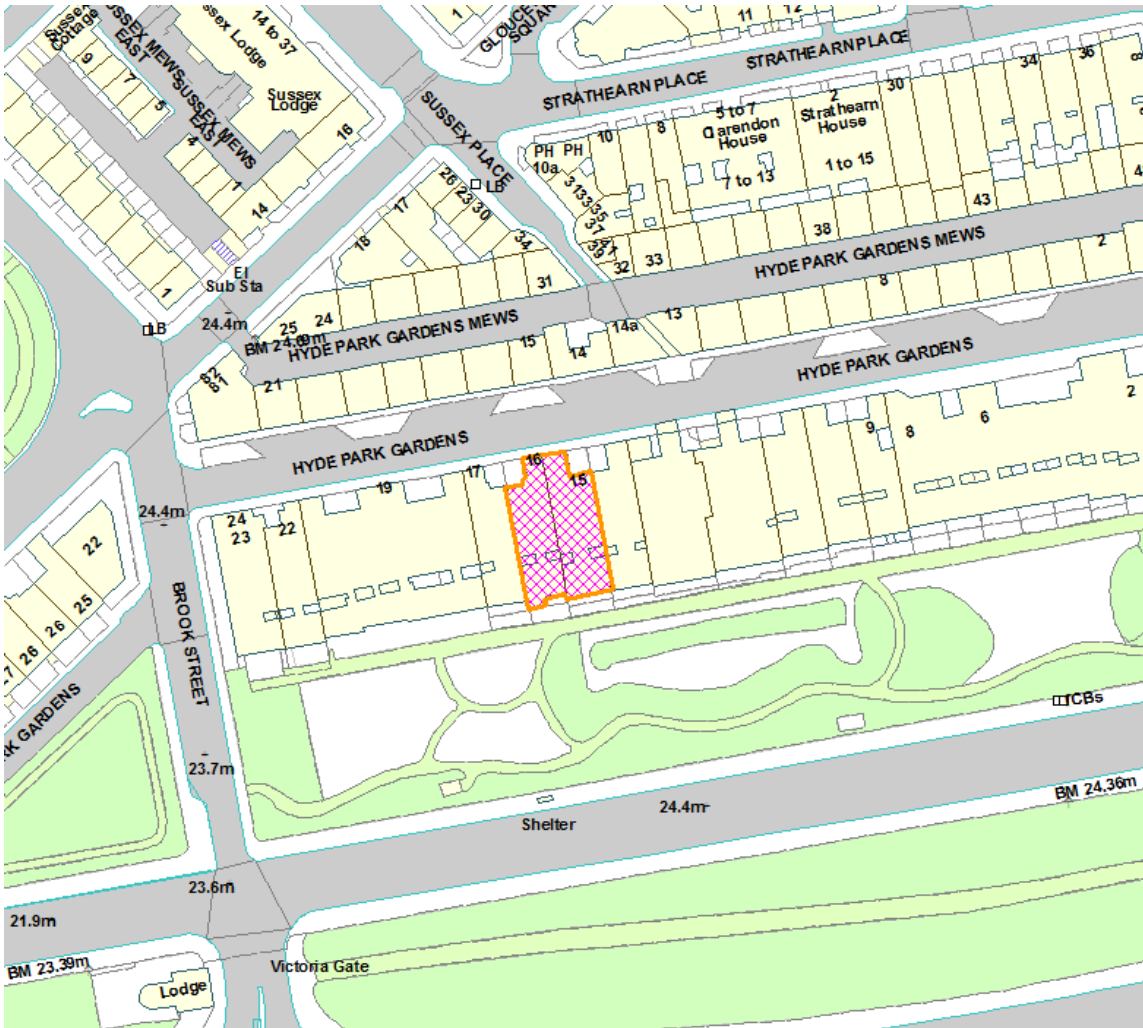
Objections have been from neighbours concerning the noise and vibration of the units, their visual impact and the impact on the designated heritage assets.

The key issues in this case are:

- The impact on the special interest of the Grade II listed building
- The impact of the proposal on the character and appearance of the Bayswater Conservation Area.
- The impact of the proposal on the amenity of neighbouring properties.

The proposed development is considered to comply with relevant policies in the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan adopted in November 2016 (the City Plan) and is therefore recommended favourably.

2. LOCATION PLAN



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3. PHOTOGRAPHS

Front Elevation of 15 Hyde Park Gardens



Existing Flat Roof

4. CONSULTATIONS

HYDE PARK ESTATE ASSOCIATION

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

Acceptable.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 19

No. Responses: 3 Objections

- o Create noise
- o Out of keeping with a heritage asset

- o Units will make disturbing noise
- o Impact on private views
- o There is no need for air conditioning in this location
- o Set a precedent

ADVERTISEMENT/SITE NOTICE: Yes

5. BACKGROUND INFORMATION

5.1 The Application Site

15 Hyde Park Gardens is a Grade II Listed building located within the Bayswater Conservation Area.

5.2 Recent Relevant History

On 11 August 2017 permission and consent (RN:17/05316/FULL and 17/05317/LBC) for the installation of an air conditioning unit on the flat roof to the closet wing was refused on the grounds that its size, design and location, the plant equipment including screening would harm the character and appearance of this Grade II listed building and the Bayswater Conservation Area.

17/05316/FULL

Installation of air conditioning unit within an enclosure on terrace to north elevation.
Application Refused 11 August 2017

17/05317/LBC

Installation of air conditioning unit within an enclosure on terrace to north elevation.
Associated internal alterations.
Application Refused 11 August 2017

6. THE PROPOSAL

The application is for the installation of two air conditioning units within enclosures to be sited on the flat roof to the closet wing on the north elevation, which is the front of the building.

7. DETAILED CONSIDERATIONS

7.1 Land Use

The application raises no land use issues.

7.2 Townscape and Design

This application seeks to address the reason for refusal from the August 2017 applications. It is now proposed to install air conditioning units in the same location as before, however the units will occupy the entire flat roof and not project above the parapet. They will be covered in lead with the vents located on the sides.

The proposed positioning and scale of the units below parapet level address the concern that the units will be visible from the public realm; appearing inappropriate on this prominent part of the heritage asset. The buildings were originally designed with flat roofs and with parapets and therefore having the units set within the envelop will ensure the architectural integrity of the buildings from the public realm is maintained. A number of comments have expressed concern that the units will be visible in private views. It is recognised that the units and enclosure will be appreciated in views from the surrounding private windows above the flat roof, however as the unit will be covered in lead, the appearance of the flat roof will be comparable to the existing arrangement, which is currently leaded and therefore the visual impact is considered to be limited.

The works are reversible and minimally invasive and as such will have a limited impact on historic fabric. In this context the works are considered to have a limited impact on the special interest of the heritage asset and the character and appearance of the conservation area. The proposal are considered to be in accordance with City Plan policies S25 and S28 as well as UDP policies DES 1, DES 5, DES 9 and DES 10.

No internal works have been proposed in association with the installation of the air condenser units and an informative has be added on the decision notice advising that any internal alterations with regards to the installation of air conditioning would require listed building consent.

7.3 Residential Amenity

The relevant policies are ENV 6 and ENV 7 of Westminster's Unitary Development Plan and S29 of Westminster's City Plan.

Objections have been received from neighbouring properties on the grounds of noise disturbance as a result of the installation of the units and that despite the assertions

within the acoustic report, claims that there are nearer residential windows that should have been assessed.

The applicant has submitted an acoustic report which demonstrates that the plant will comply with City Council's noise policies. In this instance, the proposal meets the design noise level criteria, 10dB below the lowest background noise level, and therefore complies with ENV 6 and ENV 7. Further clarification has also been sought with respect to the closest residential properties at 14, 15 (15-16) and 17 Hyde Park Gardens and 15 Hyde Park Garden Mews.

The Council's Environmental Health Officer has reviewed the acoustic consultant's assessment and further clarification and information that was submitted as part of the application and is content that that the plant can operate in accordance with our standard noise conditions.

7.4 Transportation/Parking

Not relevant

7.5 Economic Considerations

No economic considerations are applicable for a development of this size

7.6 Access

Not relevant

7.7 Other UDP/Westminster Policy Considerations

None

7.8 London Plan

This application raises no strategic issues.

7.9 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

7.10 Planning Obligations

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

7.11 Environmental Impact Assessment

Not applicable

7.12 Other Issues

Not applicable

8. BACKGROUND PAPERS

1. Application form
2. Response from Plant And Equipment, dated 6 December 2017
3. Letters (x2) from occupier of Flat 2, 14 Hyde Park Gardens, London, dated 16 November 2017 (received on the listed building consent application)
4. Letter from occupier of 14 Hyde Park Gardens, London, dated 16 November 2017
5. Letter from occupier of 15 Hyde Park Gardens, London, dated 20 November 2017
6. Letter from occupier of 15 Hyde Park Gardens, London, dated 27 November 2017

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

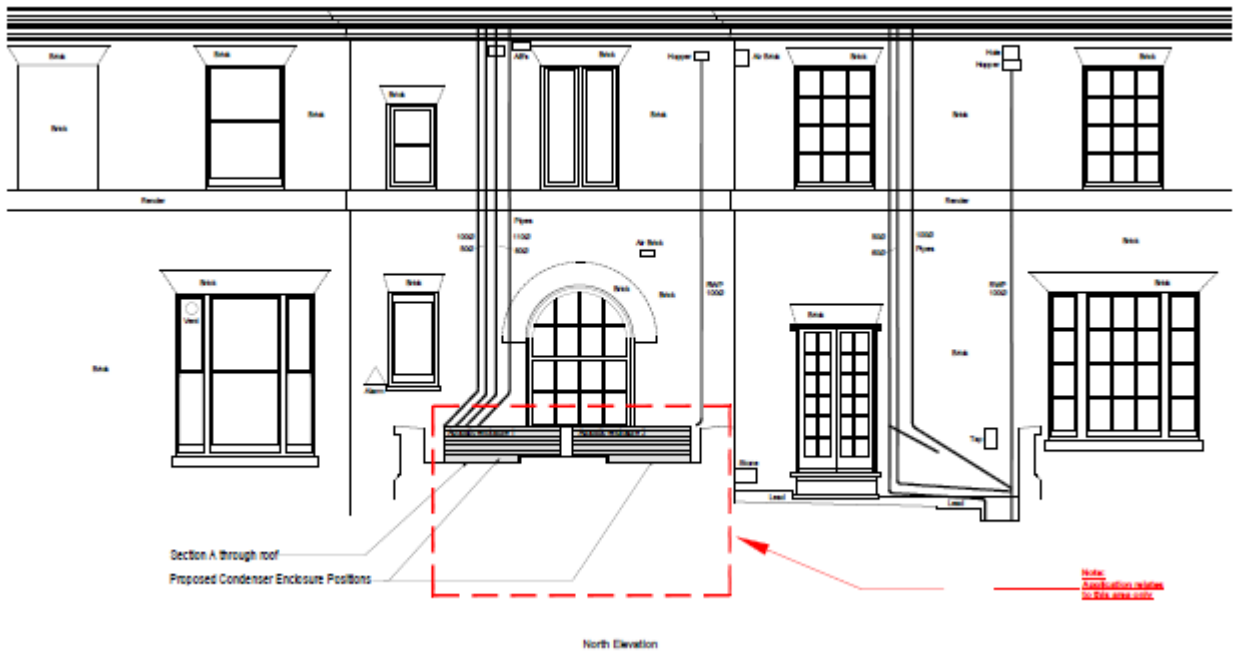
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk

9. KEY DRAWINGS

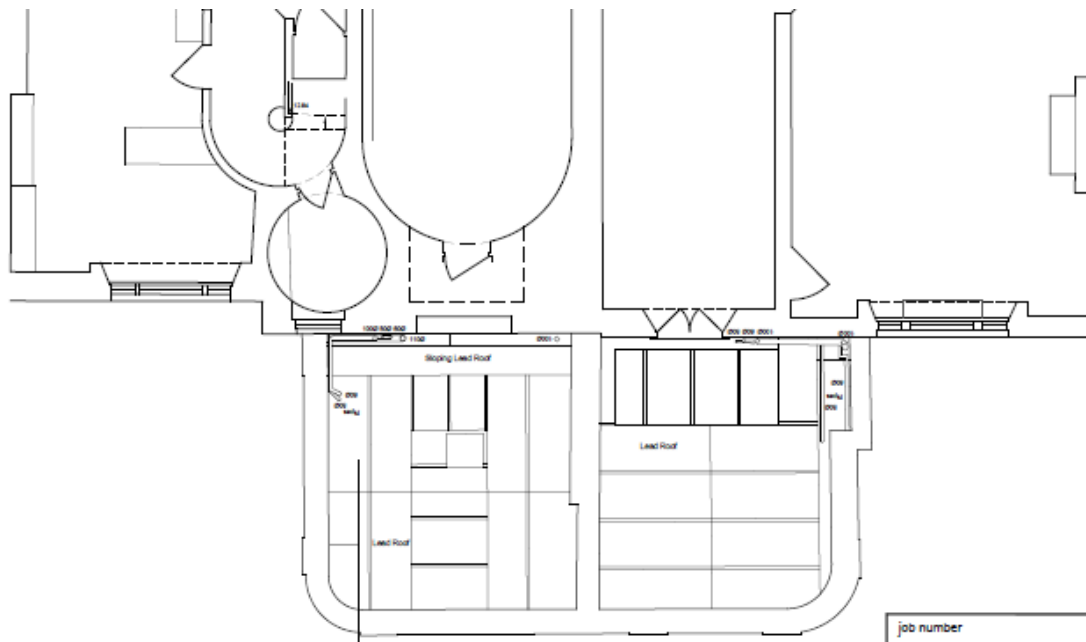
Existing North Elevation



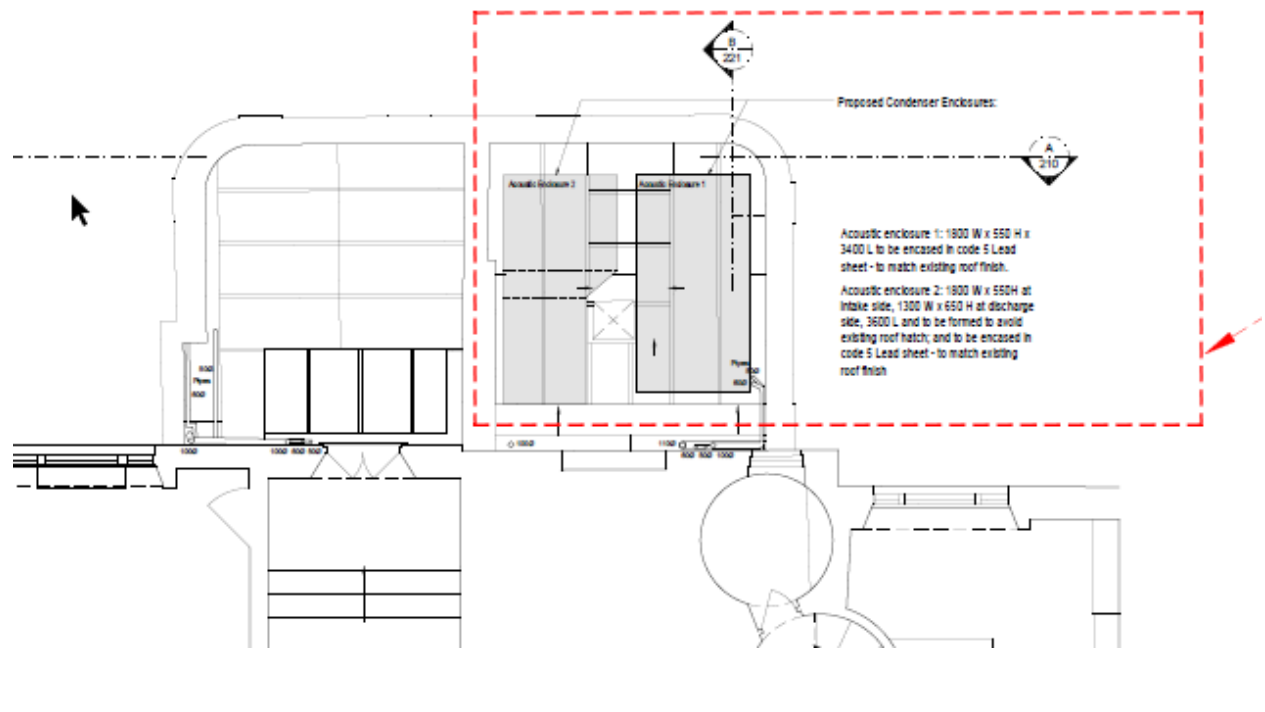
Proposed North Elevation



Existing Second Floor Plan



Proposed Second Floor Plan



DRAFT DECISION LETTER

Address: Flat 6 , 15 Hyde Park Gardens, London, W2 2LU

Proposal: Installation of 2 air conditioning units with an acoustic enclosure to a roof area at second floor level. (Linked with 17/09789/LBC)

Plan Nos: 002 P1; 003 P2; 005 P3; 007 P1; 200 P1; 202 P4; 210 P6; 221 P5; Email from Ashley Willis dated 5 January 2018.

Case Officer: Rebecca Mason

Direct Tel. No. 020 7641 7540

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

- 1 The development hereby permitted shall be carried out in accordance with the drawings and commitments listed on this decision letter, and any drawings approved subsequently by the local planning authority pursuant to any conditions on this decision letter.

Reason:

To avoid any 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 Sunday, 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 Saturday, Sunday, 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 permit 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 residents. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and NV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved. There are no conditions required by conditions to this permission. (C26AA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the

development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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

Reason:

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

- 6 Notwithstanding details shown on the approved drawings the acoustic lead enclosure shall be installed before the operation of the plant and maintained as such thereafter.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 7 Notwithstanding the details shown on the approved drawings, the top of the acoustic enclosure will be clad in lead and maintained as such thereafter.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an

application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

Item No.
9

DRAFT DECISION LETTER

Address: Flat 6 , 15 Hyde Park Gardens, London, W2 2LU

Proposal: Installation of 2 air conditioning unit with an acoustic enclosure to a rear roof area at second floor level.(Linked with 17/09788/FULL)

Plan Nos: 002 P1; 003 P2; 005 P3; 007 P1; 200 P1; 202 P4; 210 P6; 221 P5.

Case Officer: Rebecca Mason

Direct Tel. No. 020 7641 7540

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

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 Notwithstanding the details shown on the approved drawings, the top of the acoustic enclosure will be clad in lead and maintained as such hereafter.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You are advised that any internal alterations associated with the introduction of the air condenser units, such as new pipe work or vents, would require listed building consent.