

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 December 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Lancaster Gate	
Subject of Report	42 Queen's Gardens, Bayswater, London, W2 3AA		
Proposal	Internal and external refurbishment of the property including Installation of five air source heat pumps to be fixed to the walls of the internal courtyard. Installation of secondary glazing. New roof lights and external render repairs.		
Agent	Mr Luca Holden		
On behalf of	Ms Claire Nangle		
Registered Number	23/03813/COFUL & 23/03814/COLBC	Date amended/ completed	3 November 2023
Date Application Received	7 June 2023		
Historic Building Grade	Grade II		
Conservation Area	Bayswater		
Neighbourhood Plan	None		

1. RECOMMENDATION

Grant Conditional Permission under Regulation 3 of the Town and Country Planning General Regulations 1992 (Council's Own Development) and Conditional Listed Building Consent.

2. SUMMARY & KEY CONSIDERATIONS

42 Queens Gardens is a Grade II listed, terrace, five storey plus basement property located within the Bayswater Conservation Area. The property is currently vacant but was last lawfully used as accommodation for adults with mental health conditions and learning difficulties.

Planning permission and listed building consent are sought for the following works

- Installation of 5 air source heat pumps and associated acoustic enclosures within the internal courtyard towards the rear of the building

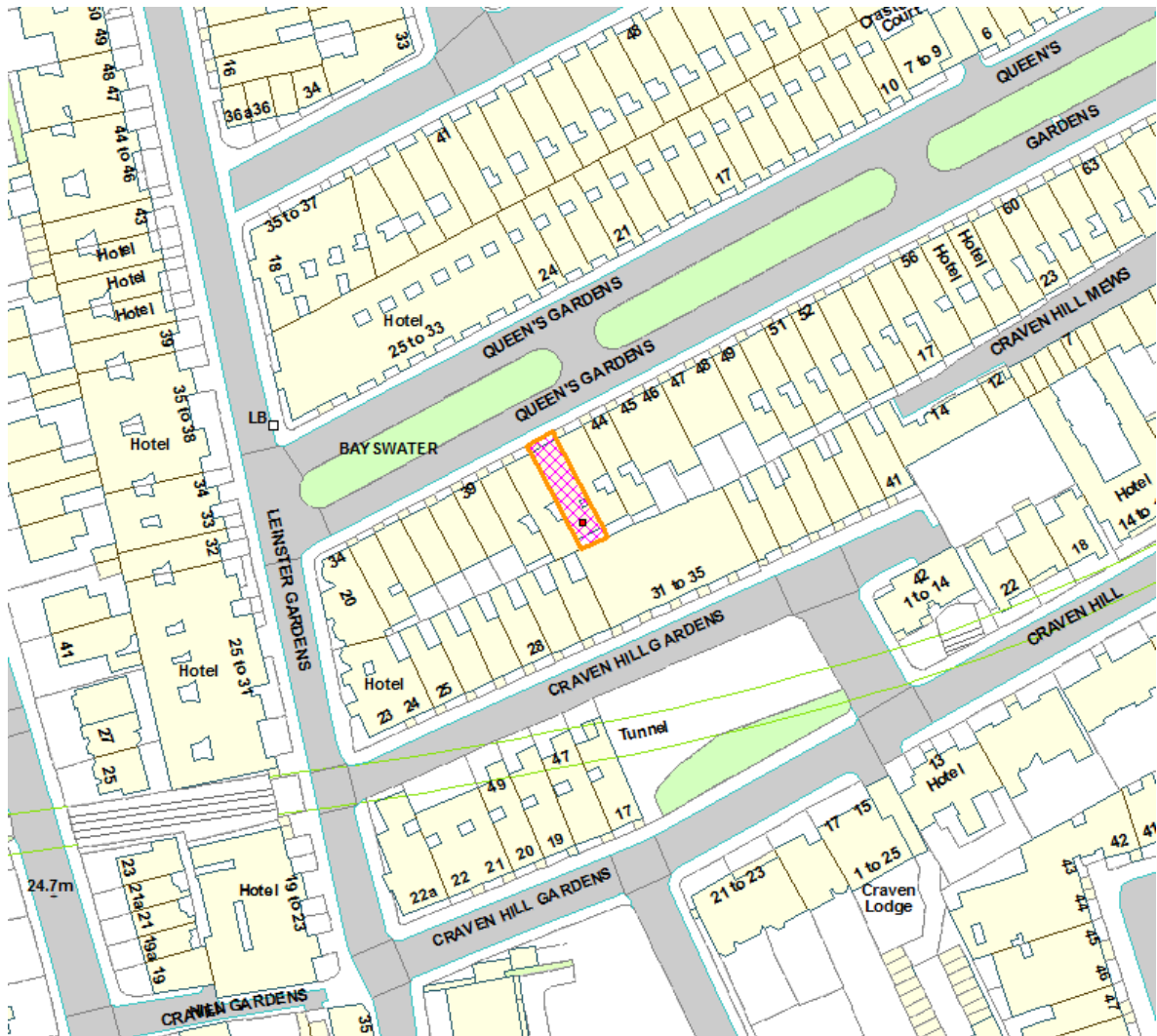
- External repairs and refurbishment including to portico, windows, render, lantern skylights and rooflights to the rear extension roof and main roof, new roof coverings and replacement doors to pavement vaults.
- Addition of new rooflight to main rear roofslope.
- Internal works including layout changes at basement level, installation of secondary glazing, structural repairs, new pipe runs and services, replacement kitchen and sanitaryware, new ceiling and floor coverings and insulation to roof.

The key considerations in this case are:

- The impact of the proposed works on the Grade II listed building and the character and appearance of the Bayswater Conservation Area.
- The impact on the amenity of neighbouring residential properties.

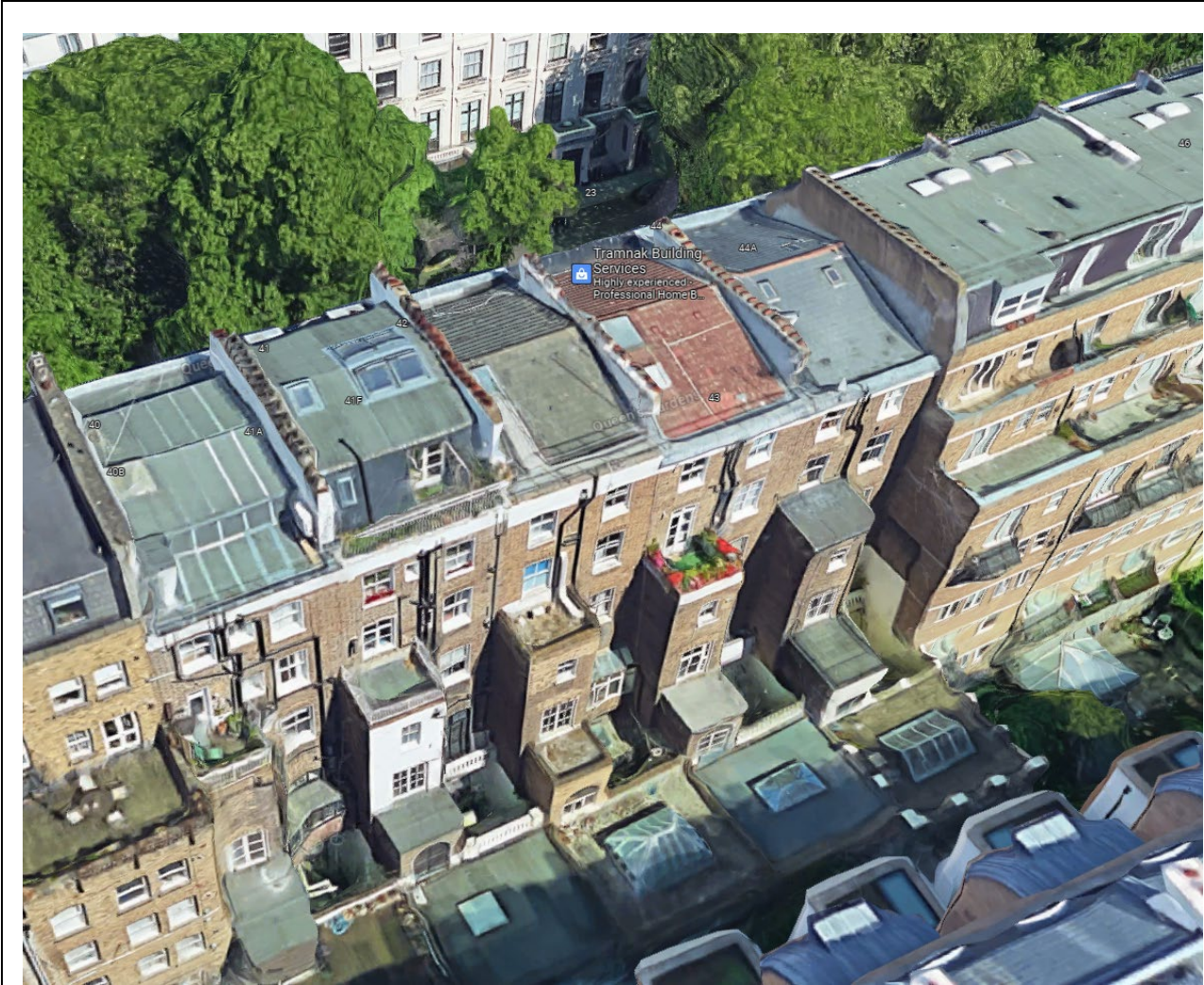
It is considered that the proposal is acceptable in design and amenity terms and complies with Policy 7, 33, 36, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021) and therefore is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Aerial photograph to rear of property



Photograph of front of the building



View within courtyard where the 5 air source heat pumps will be located

5. CONSULTATIONS

5.1 Application Consultations

ORIGINAL CONSULTATION

COUNCILLOR CUNNINGHAM

Objection on grounds of lack of soundproofing.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Objection on grounds of failing to preserve or enhance the Conservation Area, harm to the appearance of this listed building and to the setting of the other listed buildings adjacent to it.

Concern raised about noise impacts, and request for a condition to test that the calculations on attenuation, as estimated, are achieved in practice, for all receptors.
Objection on the grounds of light pollution.

ENVIRONMENTAL HEALTH

Objection on environmental noise grounds.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 44

Total No. of replies: 9 (received on behalf 7 properties) NB: some comments received to the 23/03813/COFUL and some received to the 23/03814/COLBC.

No. of objections: 9

No. in support: 0

9 objections including one from the Managing Agents of 40/41 Queens Gardens on behalf of the Trustees and Freeholders have been received raising some or all of the following concerns:

Design

- Unsightly plant visible from street not in keeping with listed building.

Amenity

- Noise and vibration from plant - should include enclosing the plant
- Noise will be amplified by proximity of buildings on Craven Gardens creating echo chamber
- Lights on roof will cause light pollution

Other

- Request soundproofing of party walls
- Noise Impact Assessment states ambient noise levels includes construction noise which is unreasonable as not permanent
- If approved should be conditional upon post commissioning noise levels being at lowest nighttime level before development

PRESS NOTICE/ SITE NOTICE:

Yes

SECOND CONSULTATION – following amendments involving all five air source heat pumps being within internal lightwell rather than two in internal lightwell and three in front lightwell as originally proposed. Amended drawings and Noise Impact Assessment to reflect these changes.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Support given to the objection made by the trustees of 40/41 Queens Gardens on 21 November 2023.

ENVIRONMENTAL HEALTH

No objection on environmental noise grounds subject to standard noise and vibration conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 44

Total No. of replies: 2

No. of objections: 2

No. in support: 0

2 objections from a respondent to the original consultation, including the trustees of 40/41 Queens Gardens on some or all of the following grounds

Amenity

- Remains concerned about noise levels from the heat pumps and that they are to operate 24hrs a day.
- Strong objection to rooflights

Other

- Questions why noise assessment did not involve measurements from their balcony, if it fully reflected the acoustic environment of its location and if it was carried out across all hours and all seasons. Offers sound recordings of ambient sound they have made.
- Party walls should be soundproofed as part of development because of continued use of property as accommodation for adults with mental health issues and no shower pumps or other equipment located near party wall.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

The Early Community Engagement Guidance encourages developers carrying out development to engage with those living adjacent or very close to the site at an early stage prior to the submission of a formal application. However, given the nature of the development, the applicant is not required to submit details of the engagement they have undertaken with their application. Therefore, whilst details of any pre-application engagement with neighbours that may have taken place has not been submitted, this is not contrary to the expectations of the guidance for development of this scale.

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) (September 2023) 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 (September 2023) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

42 Queens Gardens is a Grade II listed terrace property located within the Bayswater Conservation Area. The property has a basement, ground floor and four upper storeys.

The property is currently vacant but was last leased to St Mungos by Westminster City Council as accommodation for adults with mental health conditions and learning difficulties. This remains its lawful use.

7.2 Recent Relevant History

None relevant

8. THE PROPOSAL

Planning permission and listed building consent are sought for the following works

- Installation of 5 air source heat pumps and associated acoustic enclosures within the internal courtyard towards the rear of the building

- Refurbishment of existing timber sash windows and replacement of rotten timber casement windows
- Replacement of louvres in the top lights of the front first floor windows with plain glass
- Render repairs and redecoration of front façade
- Replacement lantern skylight and rooflight to rear extension rear main roof slope and additional rooflight to rear main roof slope.
- Installation of new roof coverings
- Repairs to Portico
- Installation of new doors to front pavement vaults.
- Internal works including layout changes at basement level, installation of secondary glazing, structural repairs, new pipe runs and services, replacement kitchen and sanitaryware, new ceiling and floor coverings and insulation to roof.

The proposal has been amended during the course of consideration. The amendments included all five air source heat pumps being located within the internal lightwell rather than two in internal lightwell and three in front lightwell as originally proposed. An updated Noise Impact Assessment to reflect these changes was produced. The amendments also include omitting any layout changes at ground floor level. The changes have been subject to further public consultation as set out in Section 5.1 of this report.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The property is currently vacant but has lawful use as accommodates for adults with mental health conditions and learning difficulties, providing adult social care supported living.

Objections have been received on the grounds of the antisocial behaviour caused by the use including noise at night and vermin issues and the way the use has been managed. The objections requests that as a result, any permission should include soundproofing of party walls. An objection from a Ward Councillor has also been made on the grounds of the lack of soundproofing proposed.

The proposal does not involve a change of use and therefore it would be unreasonable to require such general soundproofing as part of granting permission for the works under consideration. The proposal will have the benefit of upgrading and improving the quality of this specialist accommodation.

9.2 Environment & Sustainability

Energy Performance

A Sustainable Design Statement has been provided with the application which includes a full energy and Co2 emissions assessment. The hierarchal principles of the London Plan have been followed during the design process for the proposals. The passive and low energy design principles that have been adopted in the proposed design include, improved building fabric thermal insulation to the roofs, improved glazing performance, high efficiency air source heat pump system for heating and hot water, efficient lighting

system and natural ventilation and cross ventilation through openable windows.

This has demonstrated that the proposal would result in a 57% reduction in annual energy consumption and a 53% reduction in carbon emissions. It is considered that the proposal and the resulting reductions in energy use and carbon emissions meet Policy 36 of Westminster's City Plan for an application of this scale.

9.3 Biodiversity & Greening

It is recognised that the limited scale of the proposal and the listed building status means there is little opportunity to provide biodiversity and greening in this case.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

The key legislative requirements in respect to designated heritage assets are as follows: Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *"In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

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

Section 72 of the same Act requires that *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Regard has been had to City Plan's adopted heritage and design policies 38, 39 and 40, and the SPD in respect of repairs and alterations to listed buildings.

Design & Conservation Considerations

42 Queen's Gardens forms part of the grade II listed terrace 34-65 Queen's Gardens. The terrace dates from the mid-nineteenth century and is a grand terrace of stuccoed houses fronting onto Queen's Gardens.

Behind the principal building, rear extensions have infilled the plot apart from a small central lightwell and one at the rear. Whilst extensions in the same or similar locations

are shown in the 1860s OS map, it is evident on site that they have been altered since, particularly at basement level.

The building is currently empty and in need of repair following a period of disuse and water damage.

The original layout, typical in such buildings, remains appreciable in places, in particular the hallway and stairs. However, a number of alterations have been undertaken within rooms resulting in an erosion of the floor plan and building hierarchy. Notably, there has been subdivision of rooms at principal levels. In addition, the insertion of suspended ceilings and removal of decorative features, including all internal doors and fire surrounds, has reduced the interest of the interior of the building. The most prominent historic feature remaining internally are the stairs, which remains at all levels. There is some decorative plasterwork in the hallway/stairs at ground, first and second floors. The proposals include general internal and external repairs and refurbishment throughout the building, structural repairs and replacement services, which are each assessed in more detail below.

Air Source Heat Pumps (ASHP)

It is proposed to locate 5x ASHP units against the side wall at basement level within the lightwell to the rear of the principal building. This is a revision from the original proposal which included two of the units in the front basement lightwell.

Whilst the units are modern and utilitarian in appearance, the lightwell is enclosed on all sides and the location is therefore discrete with very limited, private views to the proposed ASHP location. In addition, the lightwell already has a utilitarian character and houses plant. The units will be housed in acoustic enclosures, and a condition is recommended to ensure these are coloured white to match the existing walls behind. Minor alterations are proposed to the basement plant room and kitchen adjacent to the lightwell to help accommodate the ASHPs. These alterations involve re-hanging a pair of doors and adjusting the position of an internal partition. These are ancillary, later additions to the principal building which have modern character.

Objections were received to the original proposals regarding the impact of the appearance of the external units on the listed building and wider area, in particular those in the front lightwell. In addition, a lack of drawings showing the scale and location of the all the units and associated servicing was highlighted in objections. The revised proposals show all units located in the rear lightwell and additional drawings have been provided to give detail of their location, size and associated servicing.

The proposed ASHPs are considered a small visual change to an ancillary area of the listed building. Whilst these are modern plant, they would provide heating and hot water to the building whilst reducing on-site carbon emissions. The revised location of the external units reduces their visual impact on the exterior of the building and the conservation area and is acceptable.

Roof

No historic roof coverings remain on the main building or rear extensions. Although the main roof was not accessed during the officers' site visit, aerial images indicate that the front slope has been recovered, apparently with concrete tiles, and the rear slope

appears to have a modern coating.

The flat roofs to the rear extensions would be recovered in a similar material to existing.

1x new skylight is proposed to the rear slope of the main roof, alongside an existing skylight. It is to include automatic opening to provide ventilation in the event of a fire. Two existing skylights will also be replaced, to include automatic opening. Details of the new skylights have not been submitted but it would be desirable if they were conservation-style and installed flush with the roof slope. A condition is recommended for details of the new skylights to be submitted prior to installation. If alterations to the main roof are required to accommodate the new skylight, it would be preferable for any new/replacement coverings to be in natural slate.

The modern lantern on a rear extension is proposed to be replaced with new aluminium framed lantern which will match the appearance of the existing.

Subject to the recommended conditions, the proposed roof level alterations are considered acceptable in design and conservation terms as they are small additions to modern fabric and are located on rear roofs thereby avoiding any impact on the principal elevation or wider streetscape.

Internal alterations and changes

Apart from the repositioning of the plantroom/kitchen partition at basement level to accommodate the ASHP, there are no layout changes proposed. The internal changes proposed include general refurbishment and upgrading of services throughout. The existing building has been much altered in the past and little decoration of historic interest remains. The proposals include renewal of modern floor coverings, replacement sanitaryware and redecoration, none of which raises heritage concerns. Service routes will follow the existing to avoid loss of additional fabric. The refurbishment approach is considered appropriate.

The proposals also include installation of replacement ceilings in modern boarding to some rooms, in some cases to address flood damage. Whilst this is acceptable where modern ceilings exist, where historic lath and plaster ceilings require repair, this should be undertaken in matching materials. No information on the existing ceilings has been provided with this application, although on site it was evident that lath and plaster remains in some rooms. A condition is recommended that where ceilings are proposed to be replaced, details of the existing material and condition, along with proposed method and material of repair/replacement, is submitted and approved in writing before commencement of this part of the works in order to retain and protect historic ceilings which remain.

Structural repairs

A number of structural repairs are proposed at each level and to the stairs. These primarily involve:

- Installation of floor and wall ties
 - Reinforcement of some internal partitions
 - Refurbish existing balustrade to the stairs at all levels, including some repairs.
- Conditions are recommended to ensure the repairs preserve the historic fabric and retain the character of the stairs.

As set out the submitted Schedule of Structural Works to Staircase, the “carcass” of the top flight of stairs is to be replaced to address structural and safety concerns. This is understood to mean the replacement of the stair treads, risers and soffit between third and fourth floor. The balusters and handrail will be retained and reinstated. The replacement stairs should match the materials and appearance of the existing stairs, which are timber with open string and moulded nosings. A condition is recommended for details of the replacement stairs, incorporating the historic balusters and handrail, to be approved by the council.

The proposed structural repairs will therefore result in the loss of some historic fabric, notably due to the partial loss of the top flight of stairs, and will result in a low level of less than substantial harm to the special interest of the listed building.

Paragraph 200 of the NPPF (2023) states that “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”. Paragraph 202 states: “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

The staircase which is to be partially replaced is at an ancillary level within the hierarchy of the building. Justification has been provided in the form of structural assessments, and the proposals will support the repair and ongoing use and maintenance of the listed building. The harm is considered to be at the lower end of less than substantial in terms of the NPPF. The recommended conditions serve to further mitigate the level of harm through ensuring the replacement elements are in keeping with the character of the listed building.

External works

The proposals include repair and refurbishment of the existing windows. There are a small number of windows which are considered necessary to replace with new to match the existing. This is considered acceptable.

At the front of the first floor, the modern louvres in the windows will be replaced with flat glass, which will enhance the appearance of the principal elevation of the listed building.

Internally, secondary glazing will be installed throughout, designed to reduce their visual prominence. In general, secondary glazing should match the opening mechanism of the existing windows and should avoid sub-dividing glazing bars. There are no historic shutters remaining within the building which would be impacted by the installation of the secondary glazing. This proposal is welcomed to support the reduction of carbon emissions on site.

The replacement of the (non-historic) doors to the vaults in front lightwell with new plain timber doors with vents is acceptable.

Repairs are proposed to the stucco to the front elevation, using traditional lime mortar mix. Repairs are also proposed to the portico and are also acceptable.

Summary

The works are considered to preserve the character and appearance of the Bayswater Conservation Area. Whilst it is regrettable there is little restoration of historic features or materials in the listed building, the environmental benefits of the ASHPs and secondary glazing are welcomed as are the repairs to enable the continued residential use of the listed building.

In considering the overall planning balance, the works cause a less than substantial degree of harm to the special interest of the listed building as a result of the loss of a small amount of historic fabric internally. This harm is to be weighed against the benefits of the scheme, which include the restoration of the first floor front windows and the reduction of on-site carbon emissions.

Overall, the proposed repair, refurbishment and re-servicing of the property, subject to conditions, are considered acceptable in design and conservation terms. This approach is in accordance with section 16 of the NPPF and policies 36, 38, 39 and 40 of the City Plan. Regard has also been had to Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9.5 Residential Amenity

Policy 7 of the City Plan seeks to protect surrounding residences from unacceptable loss of daylight/ sunlight, sense of enclosure, loss of privacy and noise. Policy 33 aims to minimise local environmental impacts of development. Policy 38C of the City Plan requires that all development, introduces measures that reduce the opportunity for crime and anti-social behaviour, promoting health, well-being and active lifestyles through design and ensuring a good standard of amenity for new and existing occupiers.

The proposed works are within an existing lightwell, at basement level which only serves the building itself. There is likely to be some impact, in terms of daylight, to the rooms of the application site, served by windows to the courtyard at basement level however, these rooms are non-habitable uses in the cases of a laundry and WC and in the case of the activity room because of the position and orientation of the window/doors would not have a significant impact.

Objections have been received from the South East Bayswater Residents Association and neighbours on the grounds of potential noise disturbance from the proposed plant. Specifically, concern has been raised that the Noise Impact Assessment background noise level includes construction noise, if it fully reflected the acoustic environment of its location and if it was carried out across all hours and all seasons. Concerns were also raised about any noise would be amplified by surrounding tall buildings, and that noise mitigation such as enclosing the plant should be implemented. The revised acoustic report has been assessed by a City Council Environmental Health Officer considers the applicants assessment to be sound. The Noise Assessment acknowledged construction noise was audible during the noise survey however explained that an inspection of the time histories of the monitoring positions indicated that the construction noise did not have any significant effect on the noise survey measurements. Environmental Health have raised no objections to the submitted survey methodology or results.

Further, Environmental Health officers have no objection to the proposal on noise nuisance grounds and subject to standard noise conditions being applied to any permission. The proposal does include acoustic enclosures to the proposed plant and the installation of these enclosures will be conditioned as part of any planning permission.

Objections have been received from the South East Bayswater Residents Association and neighbours on the grounds of light pollution caused by the proposed rooflights. The application only includes the addition of one additional rooflight (with the other rooflights being repaired/replaced), The additional rooflight is on the main roof of the building at is not considered this would result in any significant light pollution to neighbouring properties.

Accordingly, it is considered that there would be no significant loss of amenity to neighbouring properties as a result of the proposals.

9.6 Transportation, Accessibility & Servicing

The proposal has no transportation implications.

9.7 Economy including Employment & Skills

Not relevant in the determination of this application.

9.8 Other Considerations

An objection has been received to the way the building has been managed by Westminster Council during the time it has been vacant. This objection is not relevant to the proposals under consideration. The proposals are intended to bring the building back into a condition where it can be reoccupied and bring the period of vacancy to an end

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. No pre-commencement conditions are recommended.

9.11 Assessment of Planning Balance

As set out within Section 9.4 of this report, the proposal is considered to cause less than substantial harm to the listed building. The harm would be caused by the partial demolition of an upper staircase. The level of harm caused would be at the lower end of less than substantial.

Paragraph 202 of the NPPF states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm

should be weighed against the 'public benefits' of the proposal, including optimising its optimum viable use. 'Public benefits' could be anything that delivers economic, social or environmental progress as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public to be genuine public benefits.

When undertaking this weighing exercise, the Sub-Committee must fulfil its statutory duties within Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as set out within Section 9.4 of this report) and give great weight to the conservation of heritage assets, irrespective of the degree of harm. Any harm needs to be clearly and convincingly justified.

Although a development of this scale generates a number of public benefits, the following are considered to be the most significant:

- On-site carbon emissions reductions
- Repairs and refurbishments to facilitate the ongoing specialist residential use of the building

The public benefits identified in Sections 9.1, 9.2 and 9.4 and summarised above would be significant. Consequently, they are considered to be sufficient to outweigh the less than substantial heritage harm, in compliance with paragraph 202 in the NPPF. Furthermore, the heritage harm has been kept to the minimum necessary to deliver the proposed development and the public benefits that flow from it. For these reasons, clear and convincing justification has been demonstrated for the harm caused to the designated heritage assets, in compliance with paragraph 200 of the NPPF.

10. Conclusion

This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy, and has also considered the weight to be attributed to the public benefits and harm that would arise from the scheme. Having regard to this assessment, it has found that the proposed development is acceptable.

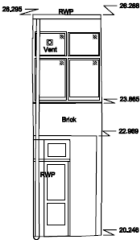
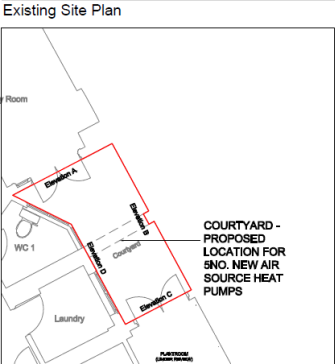
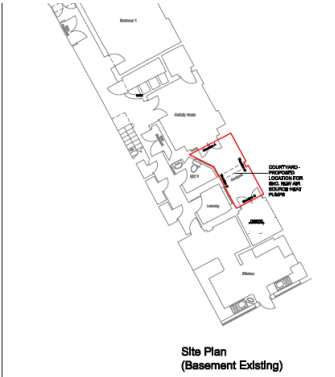
Accordingly, the proposed development would be consistent with the relevant policies in the City Plan 2019-2040, the London Plan 2021, the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is recommended that planning permission and listed building consent are granted, subject the conditions listed at the end of this report which are necessary to make the development acceptable.

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

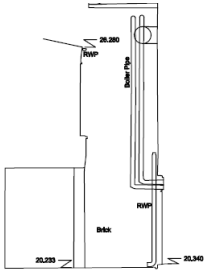
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT Kd Davies1@westminster.gov.uk

11. KEY DRAWINGS

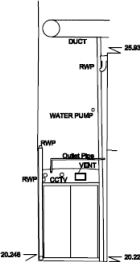
The following drawings relate to the elements of the proposals attracting objection – the ASHP’s and rooflights. The remainder of the drawings are all internal drawings.



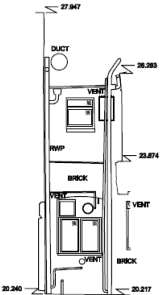
Courtyard Elev A



Courtyard Elev B

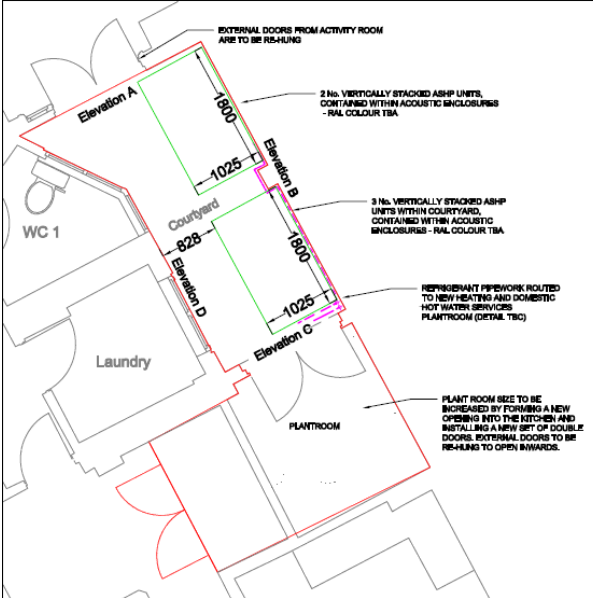


Courtyard Elev C



Courtyard Elev D

Existing courtyard plans and elevations showing where proposed ASHP’s are to be located.



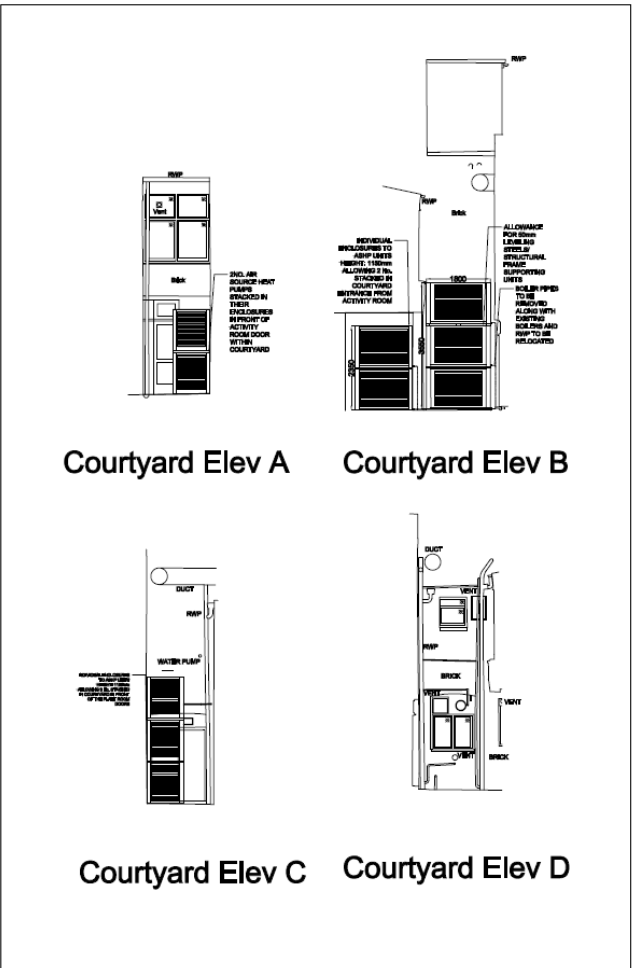
Proposed Courtyard Layout
(scale 1:50 @ A3)



Courtyard elevation B



Courtyard elevation C



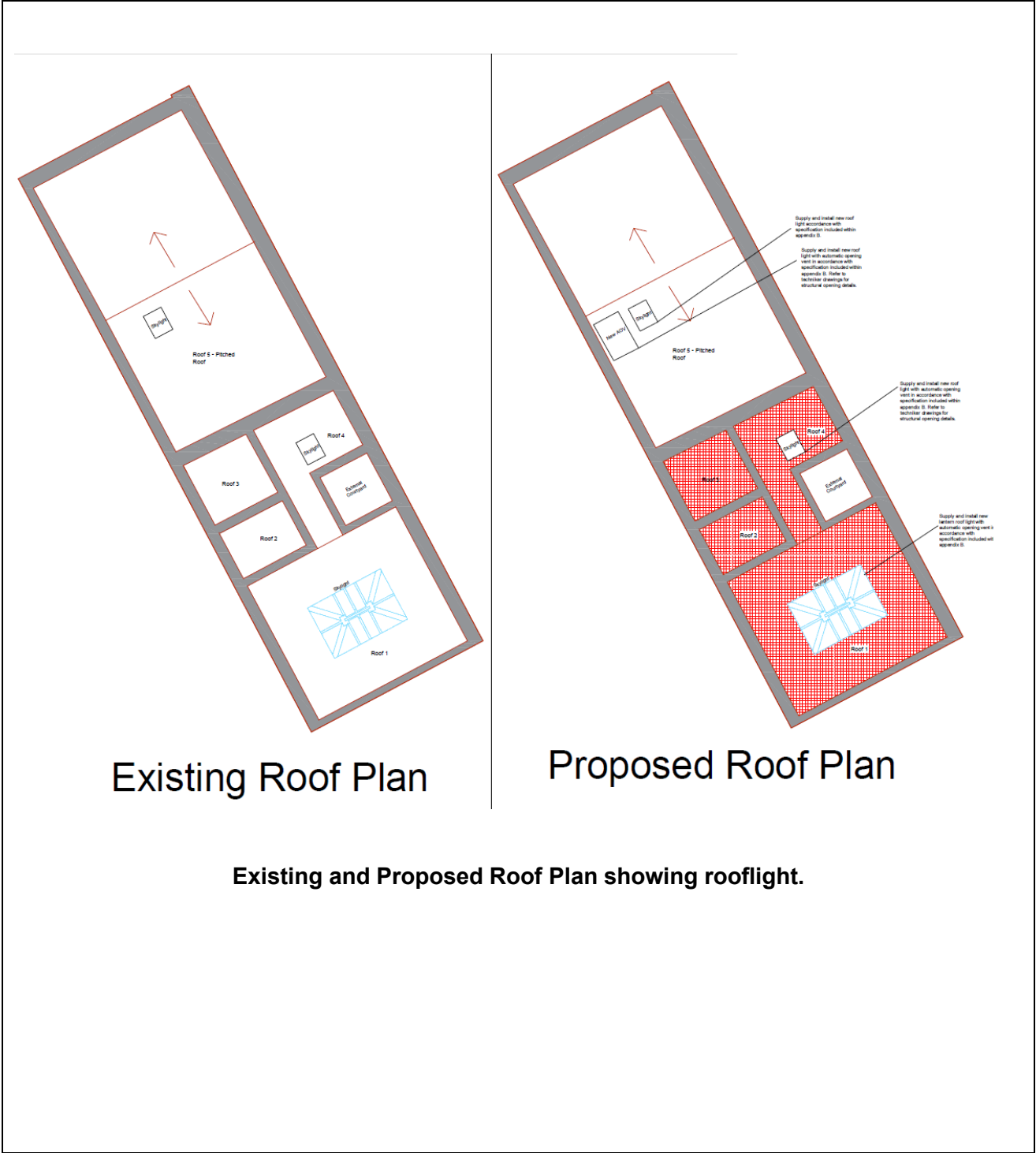
Courtyard Elev A

Courtyard Elev B

Courtyard Elev C

Courtyard Elev D

Proposed Courtyard plans and elevations showing location of ASHP



DRAFT DECISION LETTER – 23/03813/COFUL

Address: 42 Queen's Gardens, Bayswater, London, W2 3AA

Proposal: Internal and external refurbishment of the property including Installation of five air source heat pumps to be fixed to the walls of the internal courtyard. Installation of secondary glazing. New roof lights and external render repairs. (Linked with 23/03814/COLBC)

Plan Nos: Site Location Plan; 001 rev2; 5216524-QG-002 rev1; 5216524-QG-003 rev 1; 004 rev1; 100 rev1; 101 rev1; 102 rev1; 200 rev3; 201 rev1; 202 rev1; 300 rev2; 301 rev1; 302 rev2; 400 rev2; 401 rev1; 402 rev 1; E-620-B1-100 T03; E-620-00-100 T02; E-620-02-100 T02; E-620-03-100 T02; E-620-04-100 T02; E-630-B1-100 T03; E-630-00-100 T03; E-630-01-100 T01; E-630-02-100 T02; E-630-03-100 T02; E-630-04-100 T02; M-560-XX-001 T02; M-560-XX-002 T02; M-560-XX-003 T02; M-560-XX-100 T03; M-560-XX-101 T02; M-560-XX-102 T02 P-520-XX-001 T02; P-520-XX-100 T03; P-520-XX-101 T02; P-520-XX-102 T02; P-530-XX-001 T02; P-530-XX-100 T03; P-530-XX-101 T02; P-530-XX-102 T02; 1000 P1; 1001 P1; 1002 P1; 1003 P1; 1100 P3; 1101 P3; 1102 P3; 1103 P2; 6000 P1; Detailed drawing of acoustic enclosure; Design and Access Statement; Schedule of Structural Works to Staircase; Structural Survey; Noise Impact Assessment dated 30 October 2023; Heritage Statement; Heritage Memo dated 1/11/23; Sustainable design Statement

Case Officer: Richard Langston

Direct Tel. No. 07866036470

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 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:
between 08.00 and 18.00 Monday to Friday;
between 08.00 and 13.00 on Saturday; and
not at all on Sundays, bank holidays and public holidays.

must carry out piling, excavation and demolition work only:

between 08.00 and 18.00 Monday to Friday; and

not at all on Saturdays, Sundays, bank holidays and public holidays.

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 The acoustic enclosures around the air source heat pumps in the rear lightwell are to be coloured white and maintained as such.

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 Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 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 5 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 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.

(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 minutes) 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. (C46BC)

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)

- 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 You must install the acoustic enclosures to the heat pump units as detailed in Section 4.2 of the Noise Impact Assessment dated 30 October 2023 before the units are operated. They must then be retained and maintained for as long as the units are in situ.

Reason:

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 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. (R46BC)

- 7 You must apply to us for approval of details of the new skylights and alterations to the roofs required to accommodate them. You must not start any work to these parts of the development until we have approved what you have sent us.

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 Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

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 4,5 and 6 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. (182AA)
- 3 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

DRAFT DECISION LETTER -23/03814/COLBC

- Address:** 42 Queen's Gardens, Bayswater, London, W2 3AA
- Proposal:** Internal and external refurbishment of the property including Installation of five air source heat pumps to be fixed to the walls of the internal courtyard. Installation of secondary glazing. New roof lights and external render repairs. (Linked with 23/03813/COFUL)
- Reference:** 23/03814/COLBC
- Plan Nos:** Site Location Plan; 001 rev2; 5216524-QG-002 rev1; 5216524-QG-003 rev 1; 004 rev1; 100 rev1; 101 rev1; 102 rev1; 200 rev3; 201 rev1; 202 rev1; 300 rev2; 301 rev1; 302 rev2; 400 rev2; 401 rev1; 402 rev 1; E-620-B1-100 T03; E-620-00-100 T02; E-620-02-100 T02; E-620-03-100 T02; E-620-04-100 T02; E-630-B1-100 T03; E-630-00-100 T03; E-630-01-100 T01; E-630-02-100 T02; E-630-03-100 T02; E-630-04-100 T02; M-560-XX-001 T02; M-560-XX-002 T02; M-560-XX-003 T02; M-560-XX-100 T03; M-560-XX-101 T02; M-560-XX-102 T02 P-520-XX-001 T02; P-520-XX-100 T03; P-520-XX-101 T02; P-520-XX-102 T02; P-530-XX-001 T02; P-530-XX-100 T03; P-530-XX-101 T02; P-530-XX-102 T02; 1000 P1; 1001 P1; 1002 P1; 1003 P1; 1100 P3; 1101 P3; 1102 P3; 1103 P2; 6000 P1; Detailed drawing of acoustic enclosure; Design and Access Statement; Schedule of Structural Works to Staircase; Structural Survey; Noise Impact Assessment dated 30 October 2023; Heritage Statement; Heritage Memo dated 1/11/23; Sustainable design Statement

Case Officer: Richard Langston

Direct Tel. No. 020 7641
07866036470

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 The acoustic enclosures around the air source heat pumps in the rear lightwell are to be coloured white and maintained as such.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our

Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
(R27BE)

- 3 You must apply to us for approval of a schedule of proposed works to the ceilings. The schedule should include all ceilings which are to be replaced and should set out the existing materials and condition as well as the proposed materials and method for repair or replacement. You must not start any work to these parts of the development until we have approved what you have sent us.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
(R27BE)

- 4 Where additional safety rails or stanchions are proposed to the stairs, these should be reversible additions to the historic balustrade.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
(R27BE)

- 5 Damaged balusters should be repaired and retained *situ*. Any balusters which are damaged beyond repair should be replicated in terms of size, materials and detailed design.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
(R27BE)

- 6 You must apply to us for approval of details of the new skylights and alterations to the roofs required to accommodate them. You must not start any work to these parts of the development until we have approved what you have sent us.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
(R27BE)

- 7 You must apply to us for approval of details of the materials and design of the replacement staircase between third and fourth floors, including 1:10 drawings. This

should include the incorporation of the existing, historic balusters and handrail. You must not start any work on these parts of the development until we have approved what you have sent us.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

Informative(s):

- 1 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, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF., , In reaching this decision the following were of particular relevance:, Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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.