

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 16 th April 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved Bayswater	
Subject of Report	Arthur Court, Queensway, London, W2 5HP		
Proposal	Replacement communal heating and hot/cold water systems including new external pipework from basement to roof at rear of property, alterations to existing main roof tank room including new flues and louvres, new guardrails and pipework step-over installations at main roof level, and associated works.		
Agent	KFH Ltd Chartered Surveyors		
On behalf of	Arthur Court Freehold Limited		
Registered Number	18/09442/FULL	Date completed	5 November 2018
Date Application Received	5 November 2018		
Historic Building Grade	Unlisted		
Conservation Area	Queensway		

1. RECOMMENDATION

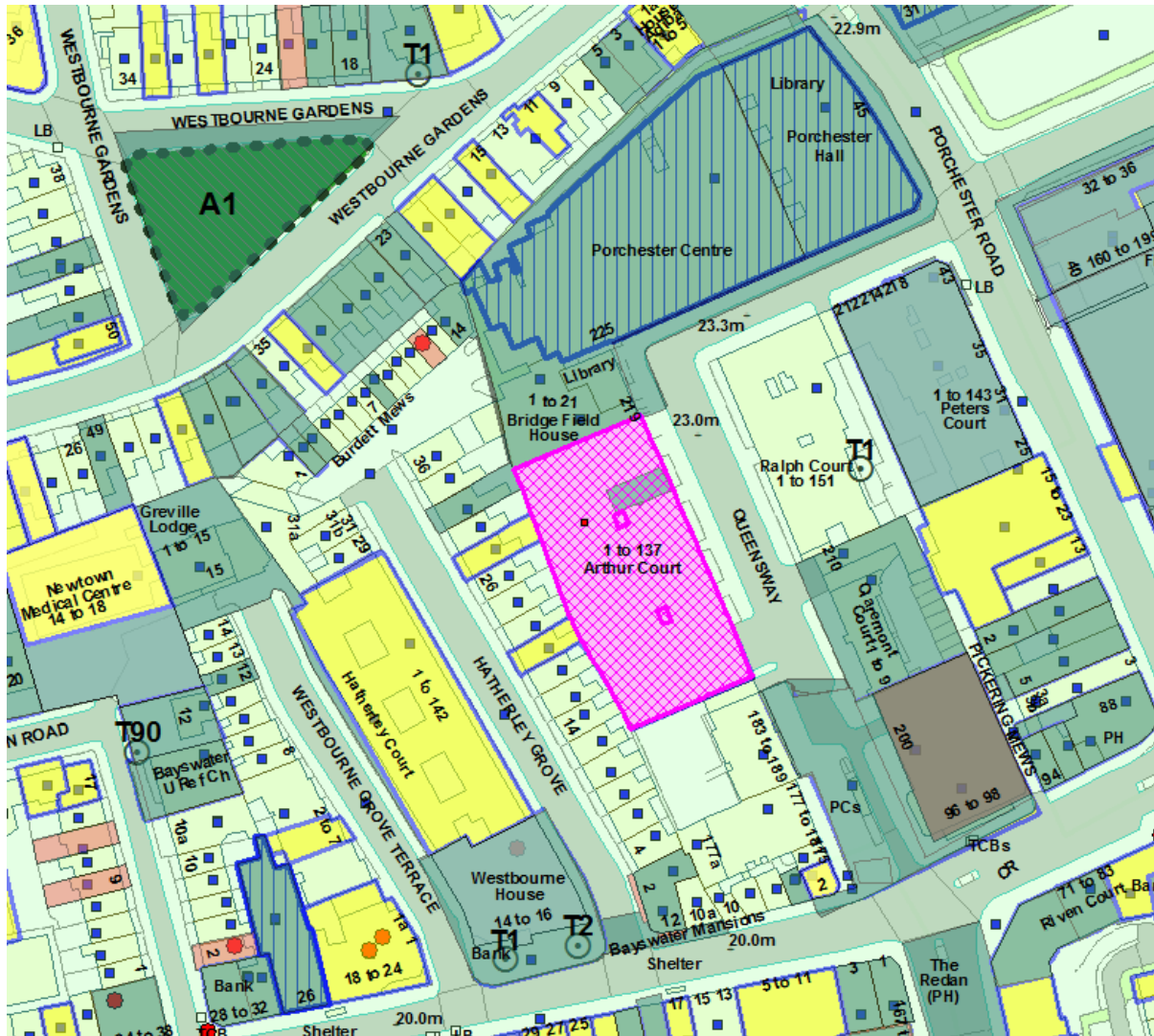
Grant conditional permission.

2. SUMMARY

This application to replace the communal heating and water system involving works to the rear and at roof level to this residential block of flats has brought about representations of objection from various parties with an interest in flats within the building (occupiers/leaseholders/ freeholders) predominantly with respect to private freeholder/leaseholder issues and a pending tribunal, but also on noise grounds. Representations of support have also been received, citing the need for a fully functioning heating and water system.

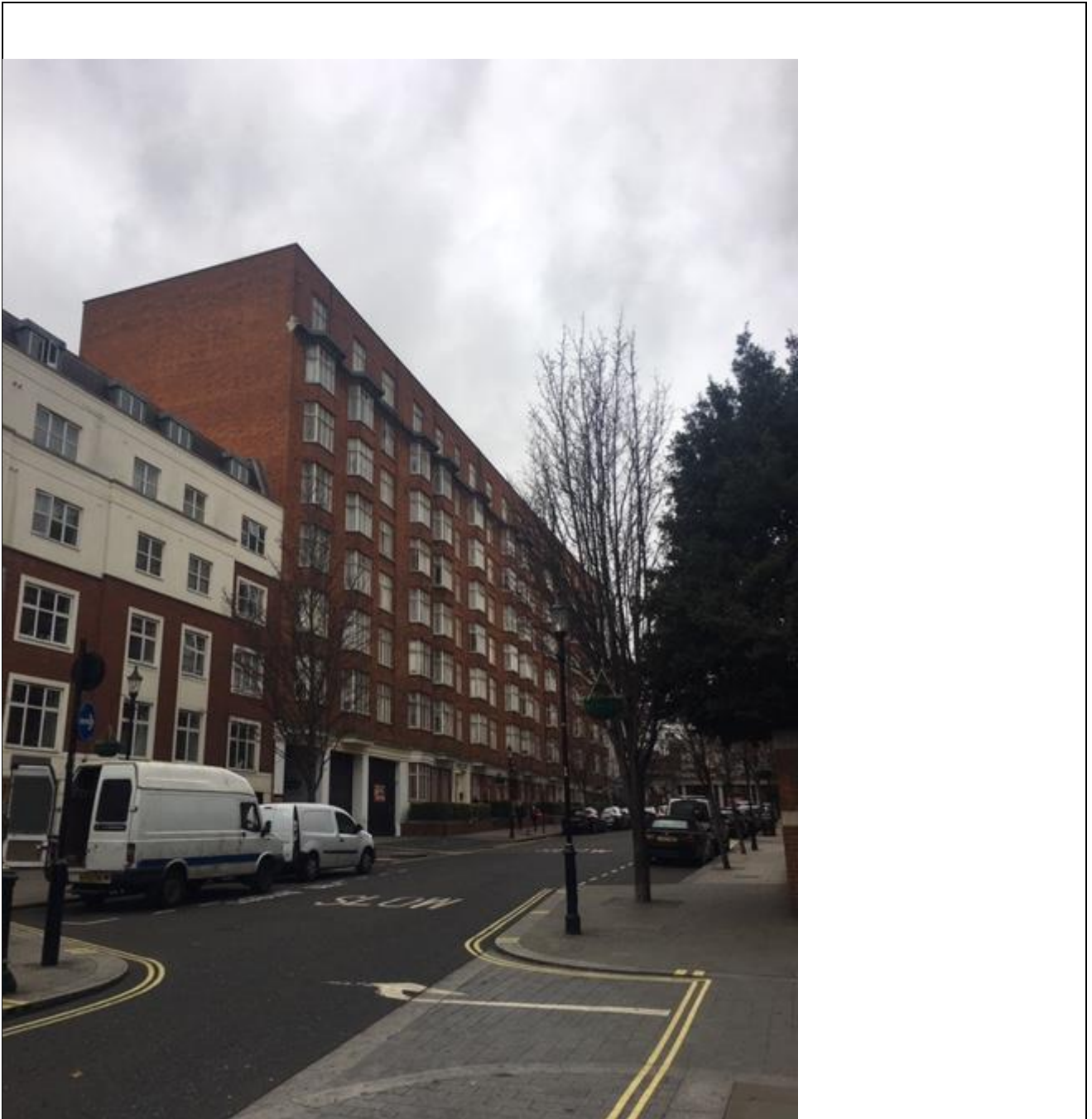
In assessing the application on its planning merits, the proposal meets with the relevant development plan policies and is acceptable in design and townscape and amenity terms. As such, notwithstanding the objections raised, including a request to delay the determination of the application until after the tribunal, the application is recommended favourably.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation – looking north along Queensway



Rear elevations



One of the two external Access stairs which lead to roof level



Roof level and existing plant

5. CONSULTATIONS

COUNCILLOR CARMAN

Enclosed objection from a resident in Hatherley Grove in respect of any new plant on the roof of Arthur Court which may cause noise.

THAMES WATER

General comments made, informatives recommended.

ENVIRONMENTAL HEALTH

No objection, subject to conditions.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

No response.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No .Consulted; 208

Total No. of Replies: see below

Representations of objection: -2 on behalf of a 46 flats within Arthur Court, 1 other in Arthur Court and 1 other in the vicinity.

- Proposed works unnecessary, a simpler solution for the efficient provision of hot water and central heating would be to replace old boilers like for like instead of installing a new boiler on the roof and extensive new pipe work on the exterior walls at the back of Arthur Court.
- The Board of Directors and the Managing Agents accepted the recommendations of only one invited consultant.
- The Heat Network Regulation 2014, is only applicable to new build and not buildings such as Arthur Court.
- Envisaged that owners will be required to connect the newly installed HIU to their own flat internal pipe work, 6 new pipes to new internal pipe work laid with new radiators, in short to re-plumb and re-decorate his own flat whether he likes it or not and irrelevant as to whether he can afford it in this.
- Nearby blocks of flats such as Queen's Court, Princess Court, Ralph Court and Peter's Court [all built by the same developer] have not installed new boilers on their roofs and none imposed or installed individual Heat interface units to their flats. All have communal hot water and central heating provided from their communal boilers located in their respective basements. There is no reason why Arthur Court should not do the same.
- Disturbance during works.
- Disruption the tenant's peaceful enjoyment of their home.
- Proposed works will create a very disruptive situation at best as Arthur Court will be teeming with various workers. Their comings and goings as they are undertaking their various jobs will create so much noise and it will also undermine the internal security and safety of the residents as we have just recently experienced 3 break ins in the building.

- Noise disturbance to Hathaway Grove properties from constant low frequency noise coming from the roof of Arthur Court. Object to any new noise producing equipment on the roof.
- Comments made by the applicant which are alleged to be false which are affecting the credibility and accountability of the planning process.
-

Representations of support: - 21 from 13 properties, 10 properties within Arthur Court and 3 others.

- Works vital to restoring heat ahead of the winter - due to the age and nature of the building, it is often colder inside than out and difficult to endure during the winter months.
- This work is essential given no heating for 2 years and hot water has been failing as well.
- The research has been so thorough and well-presented satisfied that the solution proposed is the best way forward.
- Believe that this development will enhance the area through a reduction on pollution because of more efficient boilers and individual control of flats that will reward careful owners with lower bills.
- Unfortunately, the building is split in pro & con. Not only on this project but on the whole renewal of the heating system. However, there is a campaign to obstruct any improvement. The pro group is mainly people that live in the building and therefore suffer though the cold & sometimes the lack of hot water. The objectors are owners of which the vast majority live abroad. They either rent out their flats all year round either Air B&B or other forms of short leases or leave the flats empty. Their main scope is to invest as little as possible to make the most gain.

NB/ It should be noted that in addition to the above, the applicant provided as part of their submission letters of support from four flats within Arthur Court (62,63,134 and 135)

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Arthur Court is a substantial eight storey residential mansion block of 93 and NCP car park. It is located on the west side of Queensway, north of the junction with Westbourne Grove. The 1930's building is in the Queensway Conservation Area and is identified in the Queensway Conservation Area Audit (2008) as an unlisted building of merit. The block is formed in red brick with a flat roof and projecting bay windows in the front elevation. A string course spans the width of the building at penultimate storey level which reflects the form of the bays below, with a simpler terminating storey above. To the rear the building is served by two external full height metal fire escape staircases and a flat roof to the rear provides the roof to the internal car park. At main roof level there is an existing large plant/boiler room building and two internal staircase access buildings together with various plant and pipework. There are also communal boilers within the basement

6.2 Recent Relevant History

18/06409/FULL

Replacement communal heating and hot and cold-water systems serving the existing residential flats in Arthur Court. Alterations to existing main roof tank room to accommodate new boilers, including replacement of existing double doors to south elevation, formation of new double doors to north elevation, infill of west elevation window, insertion of louvre within existing window opening to east elevation, and provision of new flue to north elevation.

Application Refused on 9 October 2018 on grounds that insufficient information had been submitted in respect of the proposed plant.

7.0 THE PROPOSAL

This application follows the submission of an application last year, which was submitted without an associated acoustic report. This fresh application seeks to address the 2018 reason for refusal and a detailed acoustic report has been submitted.

Planning permission is sought for works in connection with upgrading of the communal heating system of the building. This includes the running of enclosed pipework (painted black) from the basement plant room through the centre of the existing rear external staircase to roof level providing links to all flats. Additional pipework is to run along the floor of the main roof, with the installation of short sections of guard railings and some small ladder/stepover installations for safe maintenance. Furthermore, the existing plant/boiler room on the roof is to undergo some minor changes to its elevation and fenestration including the bricking up of an existing window and the installation of louvres and new and replacement doors. Finally, some vertical pipework is proposed to be attached to the plant/boiler room, rising to 1.6m.

7. DETAILED CONSIDERATIONS

7.1 Land Use

The proposal relates to the communal heating system of this residential building and does not raise land use issues.

7.2 Townscape and Design

The existing buildings at roof level are later additions which provide a function to the working of the building. The set-back location of the existing roof level plant/boiler room from the roof edge, is such that it is not visible from street level. Given the scale and nature of the works proposed at roof level and to this plant/boiler room building they will also not be readily visible from the public domain. The proposed works are modest and would have no discernible impact on the character and appearance of this unlisted building of merit or the Queensway Conservation Area in which it is located. Subject to conditions to ensure the use of appropriate materials, the proposal is acceptable in design and conservation grounds and satisfies policies DES1, DES5, DES6, DES9 of our Unitary Development Plan (UDP) and S25 and S28 of our City Plan: Strategic Policies 2016.

Objection has been raised on grounds that other nearby buildings of similar age and architecture have undergone similar works to replace heating and hot water systems without the need for works such as proposed for this site. However, this is not relevant to the determination of this application. The proposal has been assessed on its own merits in light of adopted planning policy and is acceptable. The objections on this ground are therefore not justified.

7.3 Residential Amenity including noise

The proposal for plant is supported by the submission of an acoustic report which has been assessed by the City Council's Environmental Sciences (Noise) Team. They have confirmed that they have no objection to the application on environmental noise or nuisance grounds provided the recommended conditions and informatives are included on the planning decision to ensure continued compliance including a supplementary acoustic report. As such the concern raised by residents on noise grounds associated with the equipment at roof level and from pipework which serves the heating system throughout the building is not supported. The proposal has addressed the reason for refusal of the previous application and is considered to satisfy policies ENV6 and ENV7 of our UDP and S32 of our City Plan.

Given the nature and location of the proposed works and the relationship with surrounding properties, the proposal is not considered to give rise to any loss of amenity to surrounding residents in accordance with policy ENV13 of our UDP and S29 of our City Plan.

The objection raised by a resident in Hatherley Grove to existing noise, cannot be supported. The complaint regarding noise from existing equipment on the roof has been investigated by the noise team and no statutory nuisance found.

7.4 Transportation/Parking

Not applicable.

7.5 Economic Considerations

Refer to section 7.14 and other issues.

7.6 Access

Not applicable.

7.7 Other UDP/Westminster Policy Considerations

None relevant

7.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between

Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

7.9 Neighbourhood Plans

Not applicable, as there are no neighbourhood plans covering this part of the City.

7.10 London Plan

This application raises no strategic issues.

7.11 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.

7.12 Planning Obligations

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

7.13 Environmental Impact Assessment

None relevant

7.14 Other Issues

Representations of support have been received in respect of the proposal from owners/occupiers of flats within Arthur Court and some other local residents. The support is on grounds that this proposal for replacement communal heating and water system would overcome a number of years of neglect and solve ongoing heating and hot water failings and bring the system it up-to-date and functional.

However, representations of objection from owner/occupiers within Arthur Court have also been received on grounds that the proposed replacement communal heating and water system is unnecessary or that a simpler solution to the needs of the building could be achieved with reduced cost and upheaval. In addition, objections are raised as to the need or otherwise for individual flats to carry out associated internal works to their flat within this unlisted building.

The difference of opinion of freeholders and leaseholders of Arthur Court to this application is acknowledged as is the pending tribunal and the nature of the objections

as set out are well understood, these are not valid planning grounds in which to delay or withhold permission. The ongoing tribunal is a private matter between a number of lessees and the Arthur Court Freehold Management Company Ltd and Arthur Court Management Ltd. To delay this planning application until the outcome of case would be unreasonable and the applicant has the right to appeal against non-determination of a planning application.

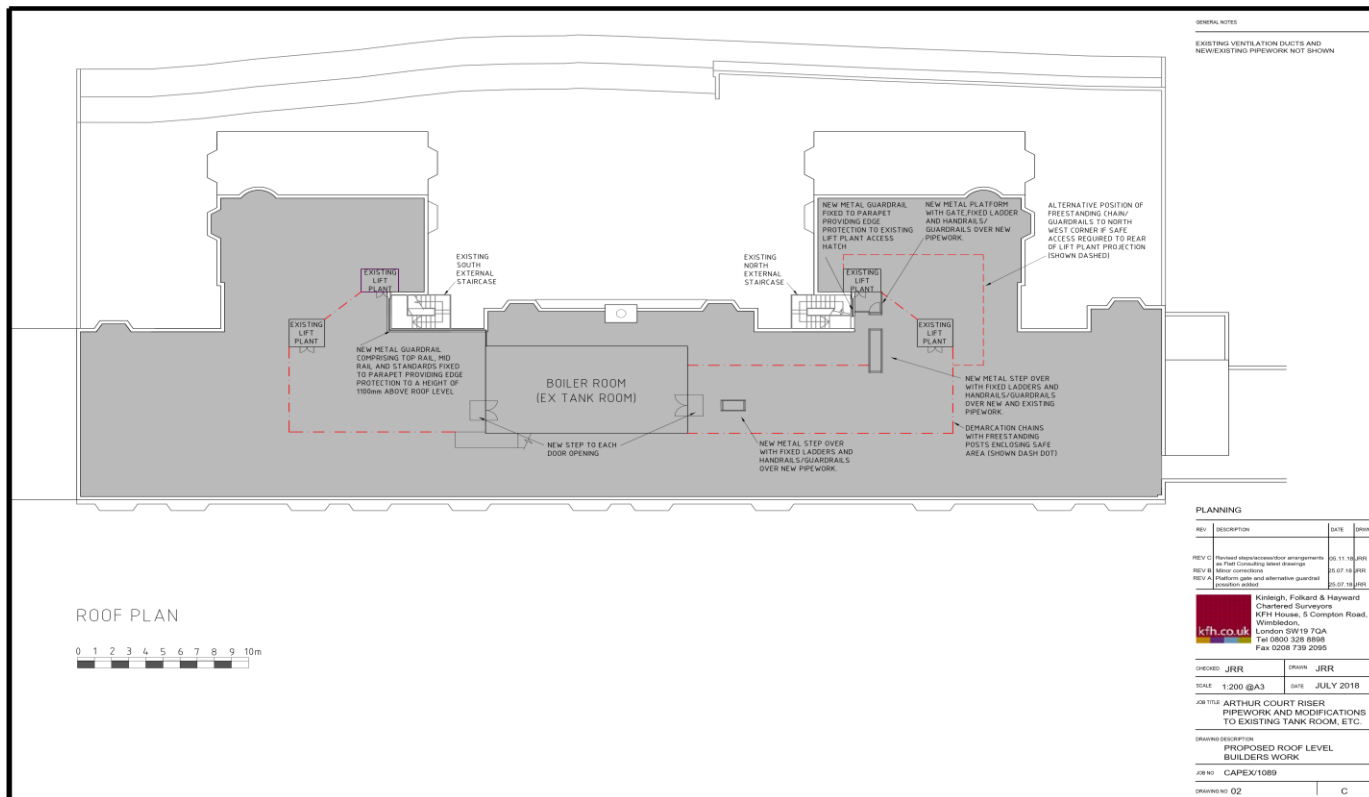
Whilst objection has been raised as to the lack of authority of the applicant to make this planning application, planning legislation allows anyone to make a planning application and is not restricted to those with an interest in the application site, thus this is not relevant to the determination of this application.

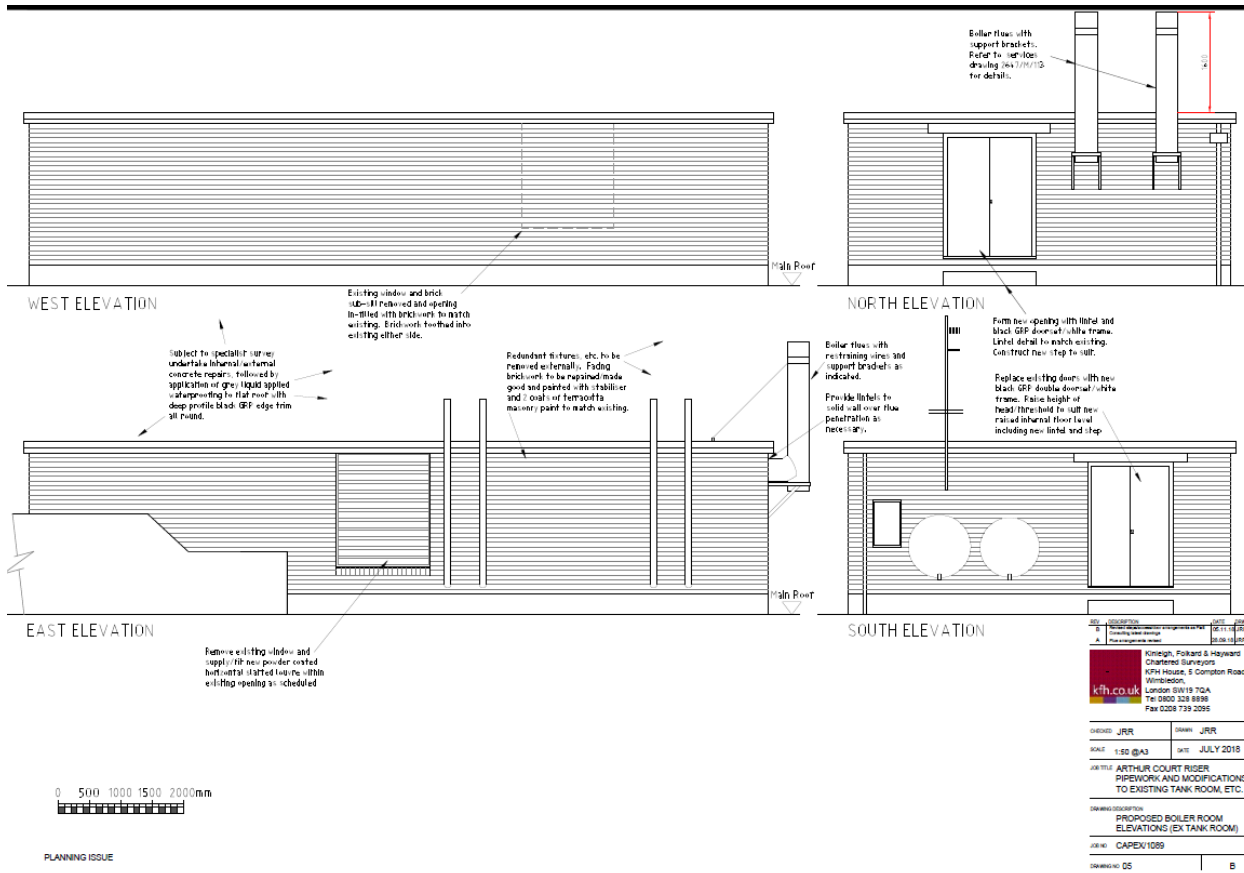
It is recognised that the replacement of the existing heating system will be disruptive to existing residents in the block and the impact of building work on residents is well understood. However, it is not a reason to withhold permission. Our standard condition to control hours of noisy building work at the boundary of the site is recommended. However, the organisation and management of internal works to minimise disruption and ensure safety and security is a private matter associated with the management of the building and those carrying out the works.

(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

8. KEY DRAWINGS





DRAFT DECISION LETTER

Address: Arthur Court Queensway, London, W2 5HP

Proposal: Replacement communal heating and hot/cold water systems including new external pipework from basement to roof at rear of property, alterations to existing main roof tank room including new flues and louvres, new guardrails and pipework step-over installations at main roof level, and associated works.

Reference: 18/09442/FULL

Plan Nos: 1089/01 (A) - Location Plan, 1089/02 (C) - Proposed Roof Level Builders Work, 1089/03 (B) - Proposed Boiler Room Builders Work, 1089/04 - Existing Tank, Room Elevations, 1089/05 (B) - Proposed Boiler Room Elevations, 1089/06 Existing Roof Plan, 1089/07 - Existing Tank Room Plan, 2647/M/109 - Roof Level, Mechanical Services, 2647/M/113 (T3) - Roof Boiler Room Mechanical Services, 2647/M/114 (T3) - Riser Pipework & Modifications To Existing Tank Room,, 2647/M/SK03 - Riser Pipework & Modifications To Existing Tank Room (Riser Elevations), 180482-S-SK001-003 - Riser Frame, Structural Details, 20181011_4260_Environmental noise assessment - noise to atmosphere, 20181011_4260_Plantroom noise transmission, and Letters of, support from flats below proposed boiler room and plan.

Case Officer: Sarah Whitnall

Direct Tel. No. 020 7641 2929

Recommended Condition(s) and Reason(s)

- 1 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:

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

- 2 (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. (R46AB)

- 3 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. (R48AA)

- 4 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 2 and 3 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

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. (R51AB)

- 5 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 Queensway Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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, neighbourhood plan (where relevant), 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 **ADVICE FROM THAMES WATER**, With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. 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 our website.
<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>, , Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public sewer. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed

illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would 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 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality, , Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided., , WATER COMMENTS:, There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>, , On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.,

- 3 Conditions 2,3 and 4 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)

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.