

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 27 September 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	65 Marlborough Place, London, NW8 0PT,		
Proposal	Retention of children's swing, slide structure and play structures in rear garden of property and erection of timber storage shed and attenuated plant enclosure with surrounding timber screening		
Agent	Mr Phil Miller		
On behalf of	Mr Ross Turner		
Registered Number	16/02209/FULL, and 16/02210/LBC	Date amended/ completed	15 April 2016
Date Application Received	11 March 2016		
Historic Building Grade	Grade II		
Conservation Area	St John's Wood		

1. RECOMMENDATION

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

2. SUMMARY

No. 65 Marlborough Place a single dwelling house located on the south side of the street. The property is a Grade II listed building and is located within the St John's Wood Conservation Area.

Without permission, children's play equipment was installed to the south-east corner of the rear garden of the property adjacent to the boundary wall with no. 63 Marlborough Place, and a shed and air conditioning equipment were installed to the rear south-west corner of the garden. These applications propose the retention of the children's play equipment following removal of a raised climbing platform and retention of a shed. These applications also propose the installation of air conditioning equipment with an enclosure and include timber screening around both the shed and enclosure.

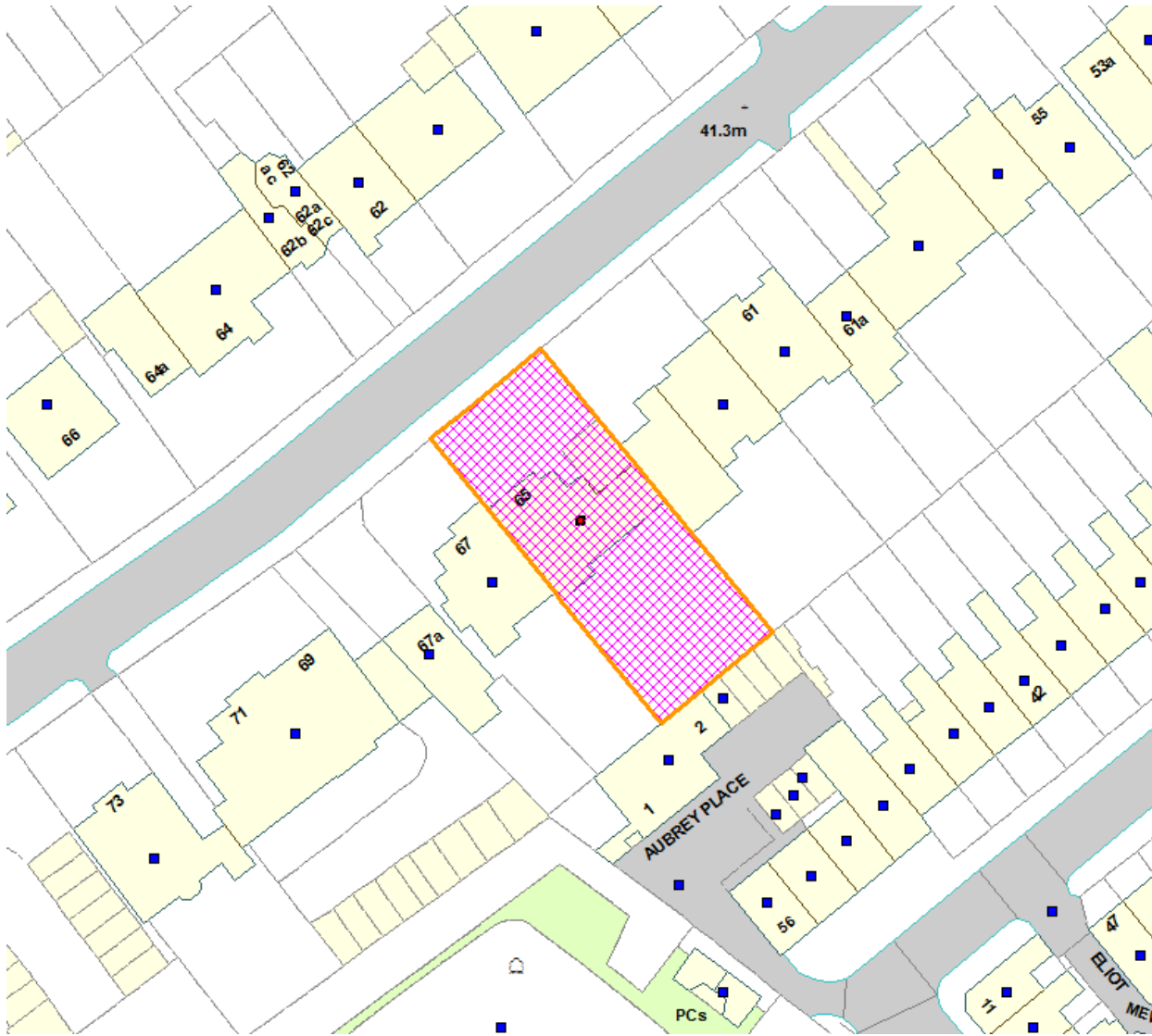
The key issues for consideration are:

- The impact on the character and appearance of the St John's Wood Conservation Area.

- The impact on the amenity of neighbouring residents.

The proposals are considered to comply with the Council's policies in relation to design, conservation and amenity as set out in Westminster's City Plan: Strategic Policies (the City Plan) and the Unitary Development Plan (UDP) and the applications for planning permission and listed building consent are recommended for approval subject to the conditions set out in the draft decision letters appended to this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS









5. CONSULTATIONS

ST JOHN'S WOOD SOCIETY

Object to the location of the proposed plant enclosure and to the children's play equipment. State that the unneighbourly location of the plant along the rear boundary is likely to cause a significant loss of amenity to neighbours through environmental noise. Express concern that the neighbours will be impacted by a loss of privacy.

ENVIRONMENTAL HEALTH

No objection to the application on environmental noise or nuisance grounds.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 10

Total No. of replies: 7

No. of objections: 7

No. in support: 0

7 objections received from 3 surrounding residents. In summary, objections have been raised on all or some of the following grounds:

- Concern expressed about noise from plant and request that a post-installation noise compliance survey is required by condition.
- Request that plant equipment is located away from the boundary with no. 1 Aubrey Place.
- Statement made that noise reports should be treated with caution.
- Concern expressed about overlooking from children's play equipment, and that the equipment violates the 2008 planning regulations.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a single dwelling house located on the south side of the street. The property is a Grade II listed building dating from the 1850's and is located within the St John's Wood Conservation Area. The building comprises a lower ground, ground, and first floor level, and contains generous front and rear gardens.

6.2 Recent Relevant History

No relevant history.

7. THE PROPOSAL

The applications propose the creation of an enclosure to the rear of the garden to contain air conditioning equipment, a timber shed adjacent and the retention of children's play equipment to the rear garden though in a relocated position away from its current position on the side boundary with no. 67 Marlborough Place.

8. DETAILED CONSIDERATIONS

8.1 Land Use

No. 65 Marlborough Place is in use as a single dwellinghouse and there are no proposals to alter this use and as such the application does not raise any land use issues.

8.2 Townscape and Design

The building is grade 2 listed and is located within the St John's Wood Conservation Area. All the works proposed in this application are contained within the rear garden to the property.

The shed and the air conditioning would be enclosed behind a timber screen to the south-west corner of the rear garden, with the screen being 2.1m in height, and the shed and acoustic enclosure not rising higher than this timber screen. These structures are seen in context with the three storey height of the adjoining building to Aubrey Place and would not be higher than the adjoining garden wall between the application property and 67 Marlborough Place. The timber screening and the timber shed are features which will integrate appropriately into this garden setting, and together they successfully screen the louvred enclosure within which is the proposed air conditioning units. The pipework connecting the air conditioning units back to the main house will run through an underground conduit adjacent to the western side boundary wall within the rear garden which is considered a suitably discreet manner of incorporating the pipework.

In their amended form, the children's play equipment is a relatively discreet installation formed in timber and it does not appear out of character in this large rear garden setting.

The proposals are therefore considered acceptable in townscape and design terms and would accord with policies S25 and S28 in the City Plan; and DES 1, DES 5, DES 9 and DES 10 in the UDP.

8.3 Residential Amenity

Privacy

As currently installed, the children's play equipment comprises a slide, a raised platform with ladder access with a separate section incorporating swings, and an enclosed play house with round window, and this equipment is located in the south-east corner of the rear garden. The raised platform is sited immediately adjacent to the side boundary wall with 63 Marlborough Hill. The application when initially submitted proposed the retention of the equipment installed, though with a lowering of the height of the raised platform. Objections were received on grounds that the amended raised platform structure would still allow overlooking into the adjoining rear garden of 63 Marlborough Hill.

The application has been revised during the course of the process and the raised platform structure has been removed from the application proposals. The raised platform structure was the only piece of equipment which by its height and proximity to the boundary wall raised overlooking issues of any significance, and its removal from the scheme is

considered to address this issue and to address the concerns raised by the neighbouring residents.

Given the above, the proposals are therefore considered acceptable in amenity terms and in line with policy S29 in the City Plan and policy ENV 13 in the UDP.

8.4 Transportation/Parking

There are no transportation issues which arise from the proposal.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The scheme does not alter the existing means of access to this grade II listed private dwelling house.

8.7 Other UDP/Westminster Policy Considerations

Noise

As set out above, without permission one air conditioning unit has already been installed to the rear garden of this property, in a location at the south-west corner adjacent to the rear elevation of no. 1 Aubrey Place and the garden wall with no. 67 Marlborough Place. The application seeks permission for two units within this location, and for these units to be set within an aluminium louvred enclosure, and for this enclosure to be visually screened off from the main rear garden of the application property by a timber screen.

Surrounding residents have raised concerns about the implications of the air conditioning equipment in terms of noise disturbance. Specific concerns have been raised regarding the implications for noise impact to 1 Aubrey Place which is immediately adjacent to the proposed plant equipment.

When initially submitted, the application was accompanied by an acoustic report which did not adequately consider the impact upon no. 1 Aubrey Place. This adjoining building has a brickwork wall facing onto the rear garden of no. 65 Marlborough Place. However, this wall contains several air bricks which lead through into rooms within the house, and there are also windows on east and west facing elevations of the adjacent Aubrey Place buildings. A revised acoustic report has been submitted giving due consideration to the anticipated impact upon the nearest affected property in Aubrey Place, which has been assessed by Environmental Health officers, who conclude that the proposed mechanical plant is capable of according with Policies ENV6 and ENV7 in the UDP and Policy S32 in the City Plan.

Notwithstanding this, given the somewhat unorthodox relationship between the plant proposed and the adjoining building represented by the air bricks, and given the strong concerns raised by the objector at no. 1 Aubrey Place, it is considered appropriate in this instance to impose a condition requiring a post commissioning acoustic report to be

submitted. This would have to demonstrate that the plant/ machinery installed complies with the noise criteria set out in the other standard noise condition recommended on the draft decision letter. Subject to these conditions, the proposed plant would not be considered to result in any adverse impact upon the amenity of neighbouring residents, and the objections raised on this ground are not considered sustainable in this context.

It is noted that in the objection letters received, concerns are also raised about the noise emitted from plant equipment to the front of the property. However, this does not form part of this current application submission, and the concerns are not considered sustainable with regards to the current application submission. The Planning Enforcement Team are aware of the issue raised related to the plant equipment to the front garden.

Trees

The equipment proposed is not in directly proximity with any trees, and as such would not adversely affect the tree cover of the site or surroundings.

8.8 London Plan

This application raises no strategic issues.

8.9 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.

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

The proposals are of insufficient scale to require an Environmental Impact Assessment.

8.12 Other Issues

None applicable.

9. BACKGROUND PAPERS

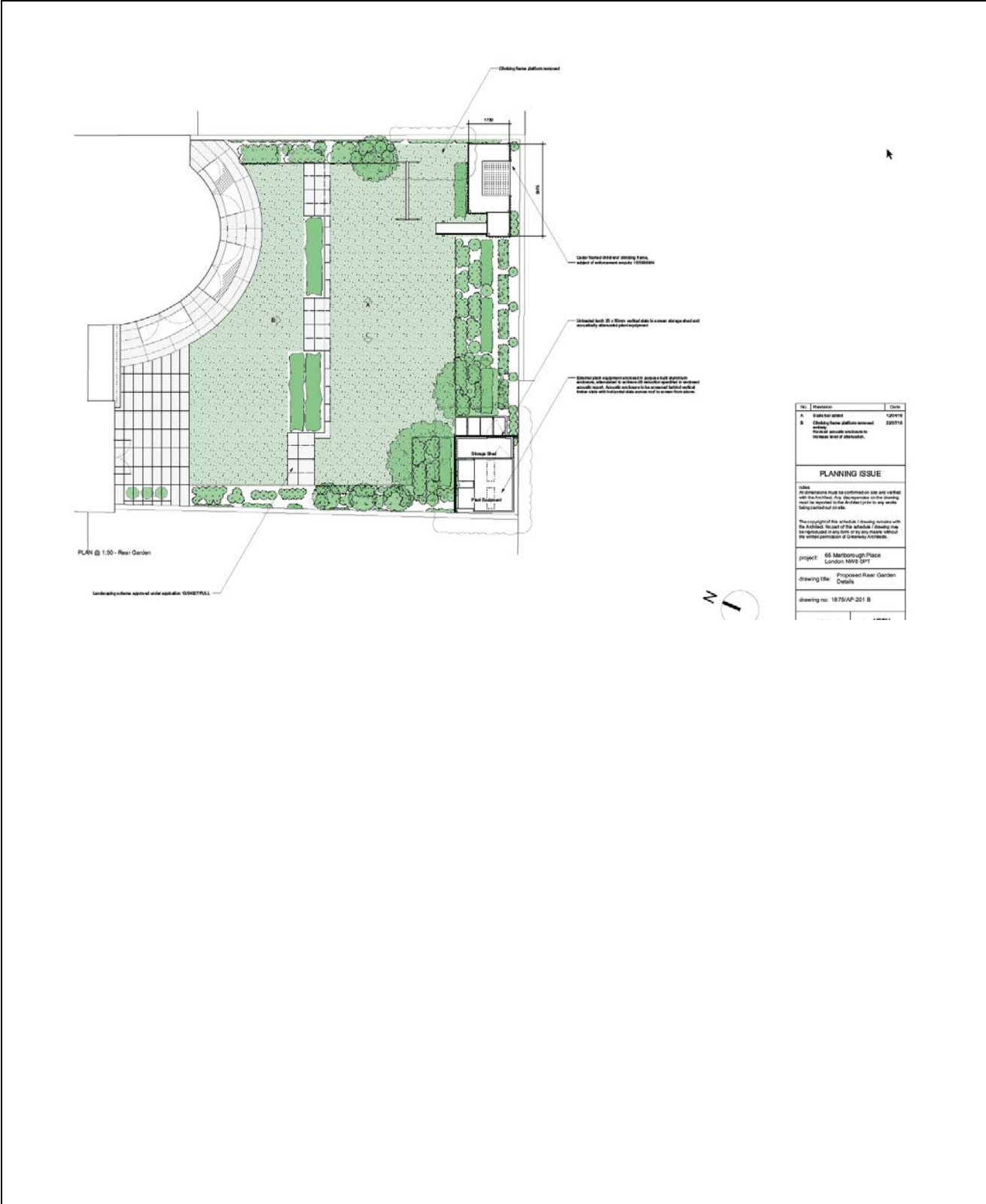
1. Application form
2. Responses from St John's Wood Society, dated 27 May 2016 and 8 August 2016.
3. Response from Environmental Health Officer, dated 1 August 2016.
4. Letter from occupier of Garden Flat, 67 Marlborough Flat, dated 22 May 2016.
5. Letter from occupier of 63a Marlborough Place, London, dated 11 May 2016.
6. Letters from occupier of 1 Aubrey Place, London, dated 24 May 2016, 21 June 2016, 27 June 2016, 31 July 2016 and 4 September 2016

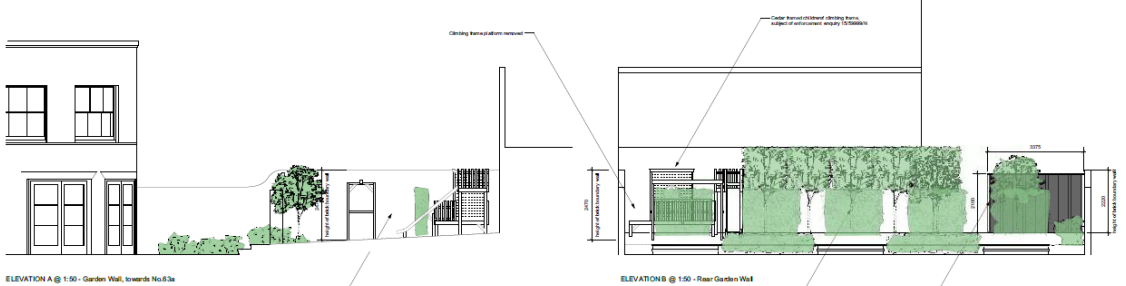
Selected relevant drawings

(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: NATHAN BARRETT BY EMAIL AT NBARRETT@WESTMINSTER.GOV.UK.

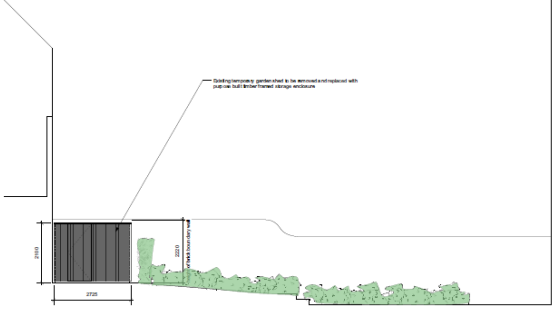
10. KEY DRAWINGS





ELEVATION A @ 1:50 - Garden Wall, towards No.83a

ELEVATION B @ 1:50 - Rear Garden Wall



ELEVATION C @ 1:50 - Garden Wall, towards No.87

Landscaping scheme approved under application 1504527/16/1

Unexcavated with 150mm aggregate base, 150mm concrete and 150mm gravel



No.	Revision	Scale
A	Scale for initial	1:50 (1:1)
B	Clearing base platform removed	2:50 (1:1)
C	Existing concrete garden shed to be removed and replaced with built-in 200 litre storage containers	2:50 (1:1)

PLANNING ISSUE

NOTE: This drawing is to be used in conjunction with the approved planning application and the approved planning conditions. Any discrepancies or the drawing shall be reported to the Architect prior to any work being carried out on site.

The copyright of this architectural drawing remains with the Architect. No part of this drawing, including any computerized or electronic data, may be reproduced or transmitted in any form or by any means without the written permission of Greenway Architects.

Project: 65 Marlborough Place
London NW8 5PT

Drawing No: Proposed Rear Garden Elevations

Drawing no: 1575/AE-202 B

Date: 07.03.16 Scale: 1:50 (1:1)
2:50 (1:1)

greenway architects
Rosalind Green, London NW8 5PT
Tel: 020 7461 1000

DRAFT DECISION LETTER

Address: 65 Marlborough Place, London, NW8 0PT,

Proposal: Retention and re-location, with proposed alterations, to childrens' climbing frame, slide and play structures in rear garden of property and erection of timber storage shed and attenuated plant enclosure

Reference: 16/02209/FULL

Plan Nos: Location plan, 1875/EE/02A, 1875/EP-01A, 1875/AE-202B, 1875/AP-201B, Acoustic Report from EMTEC dated 21st July 2016

Case Officer: Alistair Taylor **Direct Tel. No.** 020 7641 2979

Recommended Condition(s) and Reason(s):

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 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 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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 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)

- 4 You must put up the screen surrounding the air conditioning/plant equipment to the rear garden shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 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)

- 5 The aluminium enclosure surrounding the air conditioning/plant equipment shall be finished to a dark grey colour, and shall be maintained in that colour chosen thereafter

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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 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)

- 6 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 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 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 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:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), 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 (July 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.

- 7 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.

- 8 You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out

in condition 6 of this permission.

Reason:

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 (UDP), 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 (July 2016), by contributing to reducing excessive ambient noise levels.

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 (July 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.

DRAFT DECISION LETTER

Address: 65 Marlborough Place, London, NW8 0PT,

Proposal: Erection of plant to rear garden within acoustic enclosure

Plan Nos: Location plan, 1875/EE/02A, 1875/EP-01A, 1875/AE-202B, 1875/AP-201B, Acoustic Report from EMTEC dated 21st July 2016, email from Greenway Architects dated 8th September 2016, annotated rear garden plan dated 8th September 2016

Reference: ~~16602209/BCLL~~

Case Officer: Alistair Taylor **Direct Tel. No.** 020 7641 2979

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 listed building. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 3 You must put up the screen surrounding the air conditioning/plant equipment to the rear garden shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 The timber screen surrounding the air conditioning/plant equipment shall be stained a dark brown or painted a dark green colour, and shall be maintained in that colour chosen thereafter

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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 March 2012, the London Plan July 2011, Westminster's City Plan (July 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 character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and 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.