

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 4 April 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	16 Rutland Gate, London, SW7 1BB		
Proposal	Installation of three air conditioning units on rear terrace and erection of a new purpose built acoustic enclosure including 3 storage units.		
Agent	Mr Michael Maan		
On behalf of	Mr Kevin Bowen		
Registered Number	16/12176/FULL	Date amended/ completed	23 January 2017
Date Application Received	22 December 2016		
Historic Building Grade	Grade II		
Conservation Area	Knightsbridge		

1. RECOMMENDATION

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

2. SUMMARY

16 Rutland Gate is a Grade II listed building within the Knightsbridge Conservation Area. The building comprises lower ground, ground and four upper storeys and is divided into flats. This application relates to Flat 1 occupying lower ground and ground floor levels.

Planning permission and listed building consent are sought for the installation of three air conditioning units on a rear terrace and for the erection of a purpose built acoustic enclosure. The proposal also includes 3 storage units.

The key considerations in assessing the proposal are design, conservation and listed building and amenity matters and relevant policies of Council's Unitary Development Plan (UDP) and Westminster City Plan: Strategic Policies (City Plan).

It is considered that this proposal would preserve the special interest of the listed building and its contribution to the conservation area. Although the acoustic enclosure and storage units are long, they would be low and shallow and would therefore fit comfortably into the position shown. The proposal is therefore considered acceptable on design and heritage grounds as it complies with policies S25 and S28 of our City Plan and DES 1, DES 5 and DES 6 of our Unitary Development Plan that we adopted in

January 2007. (R26BE).

The air conditioning units are small and will be positioned below the height of the existing boundary treatment between the application site and the next door property at 14 Rutland Gate. The key amenity consideration therefore is noise and vibration.

Two letters of objection have been received from the occupier of No. 14 Rutland Gate objecting to the proposal on noise grounds. The objector is concerned that the air conditioning units are too close to his property and specifically to his bedroom and that there are other approved air conditioning units at 12 Rutland Gate, on the other boundary wall to his property. Similar concerns are also raised by the Knightsbridge Association.

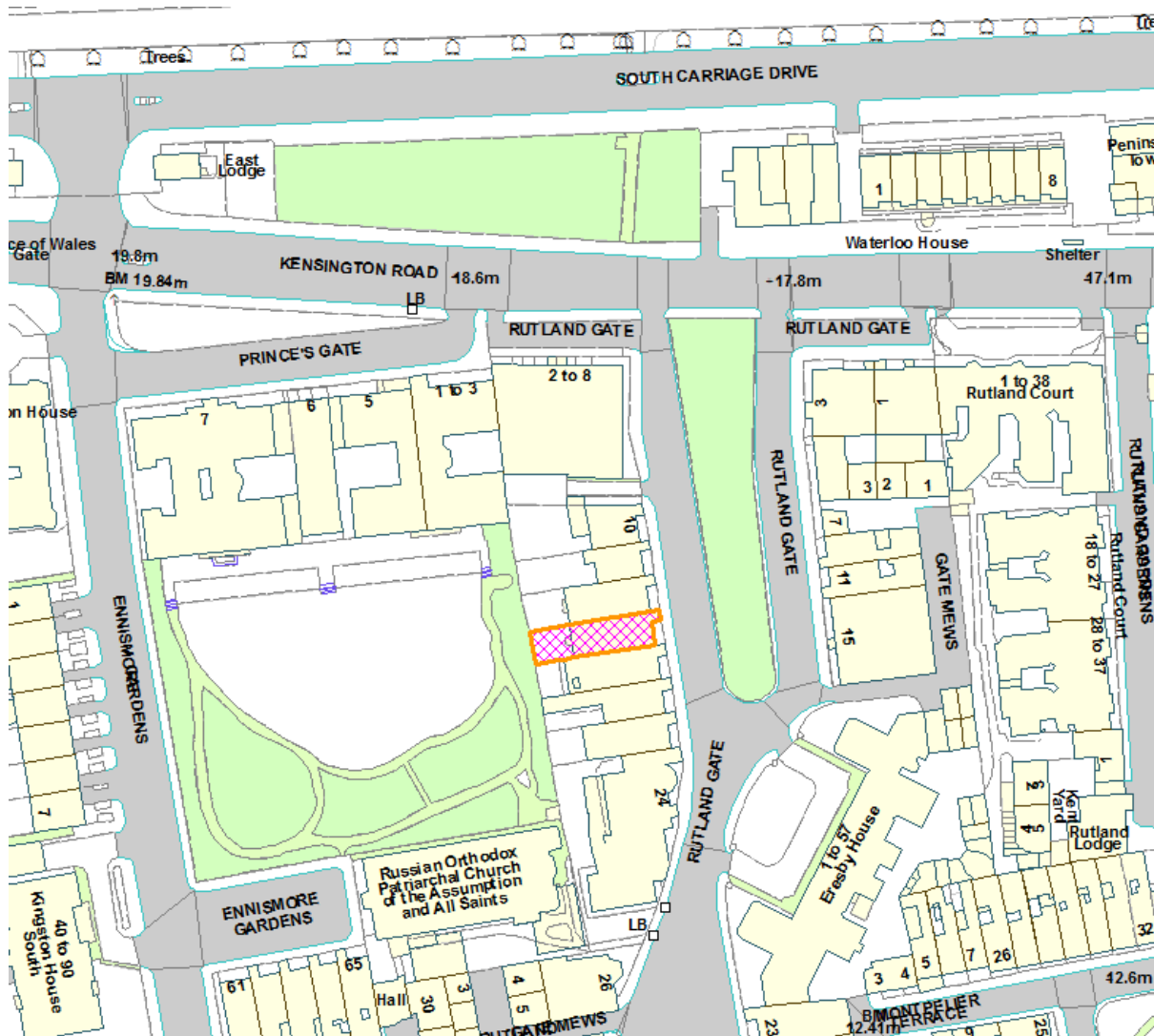
Whilst officers are sympathetic to the concerns of the objector the fact that there would be air conditioning units on either side of his boundary walls is not in itself a justifiable reason to refuse the application.

In terms of noise and vibration, Environmental Health Officers have assessed the acoustic report submitted with the application and consider that the proposed plant is likely to comply with the City Council's noise policy ENV 7 of the UDP. On this basis there will be no material harm to residential amenity. Conditions are recommended to ensure that the air conditioning units operate within the noise and vibration limits set out in the acoustic report. The observations from Environmental Health are based on the assumption that it will be the mechanical plant and acoustic enclosure specified in the acoustic report will actually be installed. An informative will be added to advise the applicant of this. Subject to appropriate noise conditions, the proposal will not harm the amenity of neighbouring residential occupiers and is considered acceptable in amenity terms.

The concerns regarding the barbeque are noted. The plans have since been revised and the barbeque unit has been omitted from the proposal.

The comment about the site notice is also noted. However it is considered that the consultation process has been carried out properly as the planning and listed building consent applications were also advertised in a local newspaper and neighbours who are most affected were sent a letter.

3. LOCATION PLAN



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5. CONSULTATIONS

KNIGHTSBRIDGE ASSOCIATION:

Object. The barbeque and three air conditioning units are situated too close to No. 14 Rutland Gate.

ENVIRONMENTAL HEALTH:

No objection, subject to standard conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 18

Total No. of replies: 2 (from the same property)

No. of objections: 1

No. in support: 0

Two letters have been received from 14 Rutland Gate objecting on the grounds that the proposed air conditioning units would be 10m from his bedroom window and that there are air conditioning units at No. 12 Rutland Gate also against the boundary wall. Concern also raised about a barbeque, the removal of the site notice after a short period of time and that there is no similar free standing plant equipment in the rear gardens of any other houses in the block 10-12 Rutland Gate.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 Recent Relevant History

Amalgamation of flat two at basement level and flat four at ground floor level to form one single flat. Installation of French doors at rear ground floor level, infilling of lightwells in rear garden, removal of existing metal railings and installation of walk on glass roof. Demolition of two outbuildings in courtyard area at basement level. Replacement of existing windows at basement level with glazed openable doors and side glass screens.

Application Permitted 03.10.2012

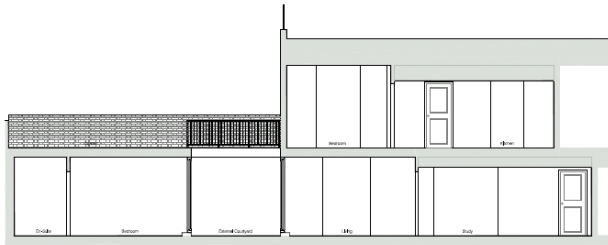
7. BACKGROUND PAPERS

1. Application form.
2. Response from Environmental Health dated 3 February 2017.
3. Response from Knightsbridge Association, dated 13 February 2017.
4. Letters from occupier of 14 Rutland Gate dated 2 March 2017 and 13 March 2017.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk.

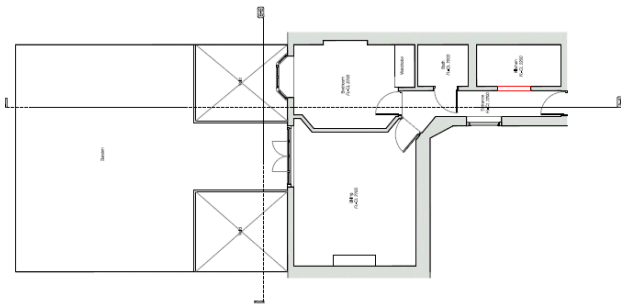
8. KEY DRAWINGS



EXISTING SECTION A-A



EXISTING SECTION B-B



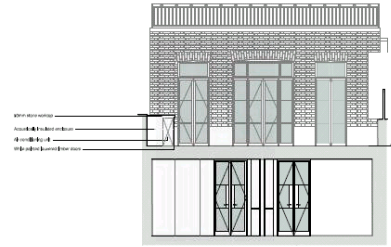
GROUND FLOOR PLAN
(FLAT 4)

16a, 16b RUTLAND GATE,		PLANNING	kyson
Scale:	1:100	0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 m	
Client:	16 Rutland Gate		
Location:	16 Rutland Gate, London		
Project No.:	16a, 16b		
Client Ref. No. / Planning Number:	16a, 16b		
Project Name:	16a, 16b		
Scale:	1:100		
Author:	16a, 16b		
Check:	16a, 16b		
Drawn:	16a, 16b		
Checked:	16a, 16b		
Project No.:	16a, 16b		
Client Ref. No.:	16a, 16b		
Scale:	1:100		
Date:	16 JUN 16		
Sheet No.:	16a, 16b		
Total Sheets:	16a, 16b		
Project No.:	16a, 16b		
Client Ref. No.:	16a, 16b		
Scale:	1:100		
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Total Sheets:	16a, 16b		

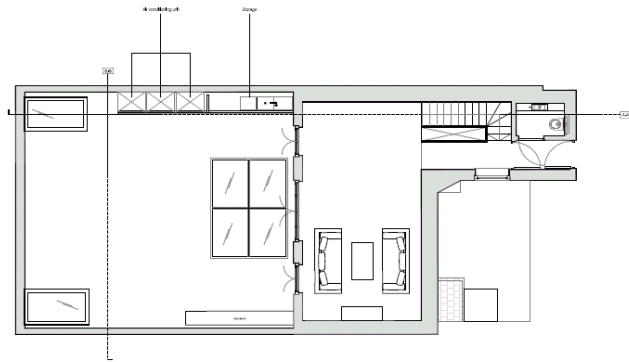
Existing Plans



PROPOSED SECTION A-A



PROPOSED SECTION B-B



No.16 RUTLAND GATE, PLANNING		kyson																		
SCALE: 1:50		<table border="0"> <tr> <td>Drawn by</td> <td>TS Brandon Brown</td> </tr> <tr> <td>Checked by</td> <td>TS Brandon Brown</td> </tr> <tr> <td>Project No.</td> <td>2204-0</td> </tr> <tr> <td>Client</td> <td>TS Brandon Brown</td> </tr> <tr> <td>Project Name</td> <td>No.16 Rutland Gate</td> </tr> <tr> <td>Project Location</td> <td>2204-0</td> </tr> <tr> <td>Project Date</td> <td>2024-0</td> </tr> <tr> <td>Project Status</td> <td>001</td> </tr> <tr> <td>Project Phase</td> <td>B</td> </tr> </table>	Drawn by	TS Brandon Brown	Checked by	TS Brandon Brown	Project No.	2204-0	Client	TS Brandon Brown	Project Name	No.16 Rutland Gate	Project Location	2204-0	Project Date	2024-0	Project Status	001	Project Phase	B
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Proposed Plans

DRAFT DECISION LETTER

Address: 16 Rutland Gate, London, SW7 1BB

Proposal: Installation of three air conditioning units on rear terrace and erection of a new purpose built acoustic enclosure including BBQ and storage units.

Reference: 16/12176/FULL

Plan Nos: Site location plan; Design & Access Statement; 500 Rev A; 501 Rev B; Photo Sheet Rutland Gate; Acoustic report dated 7th November 2016.

Case Officer: Seana McCaffrey

Direct Tel. No. 020 7641 1091

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 (November 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 Knightsbridge 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)

- 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 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 LA90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

- 6 You must put up the acoustic enclosure, shown on the approved drawings and specified within the Acoustic Report dated 7th November 2016, 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 neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are advised that this application has been assessed on the basis that the mechanical plant to be installed are 3 no. Toshiba RAV SM1404ATP-E air conditioning units as listed in the submitted acoustic report.
- 3 Compliance with conditions 4 and 5 of this decision requires the 3 no. Toshiba RAV SM1404ATP-E air conditioning units to be fitted within an enclosure namely Environ ELV1.1.25AC.

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.

DRAFT DECISION LETTER

Address: 16 Rutland Gate, London, SW7 1BB

Proposal: Installation of three air conditioning units on rear terrace and erection of a new purpose built acoustic enclosure including BBQ and storage units.

Reference: 16/12177/LBC

Plan Nos: Site location plan; Design & Access Statement; 500 Rev A; 501 Rev A; Photo Sheet Rutland Gate.

Case Officer: Seana McCaffrey

Direct Tel. No. 020 7641 1091

Recommended Condition(s) and Reason(s)

- 1 The works 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 (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3-2.4 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 March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the 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 paragraph 2.3-2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:, , * any extra work which is necessary after further assessments of the building's condition;, * stripping out or structural investigations; and, * any work needed to meet the building regulations or other forms of statutory control., , Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents., , It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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.