

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 19 June 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bayswater	
Subject of Report	18-24 Westbourne Grove, London, W2 5RH,		
Proposal	Installation of two air conditioning units and acoustic screen on first floor flat roof to rear of Tennyson House.		
Agent	Mr Alistair Hood		
On behalf of	Mr Jamie Byrom		
Registered Number	18/02288/FULL	Date amended/ completed	23 March 2018
Date Application Received	20 March 2018		
Historic Building Grade	Unlisted		
Conservation Area	Westbourne		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

This application relates to an unlisted building located within the Westbourne Conservation Area. Works are nearing completion on site for the conversion of an office building to residential. Permission is sought to relocate two units which are currently located within what will become an internal entrance to the residential block. The units are proposed to be located on a flat roof at first floor level to the rear of both 18-24 Westbourne Grove and the adjacent residential building, Tennyson house, 1A Westbourne Grove Terrace.

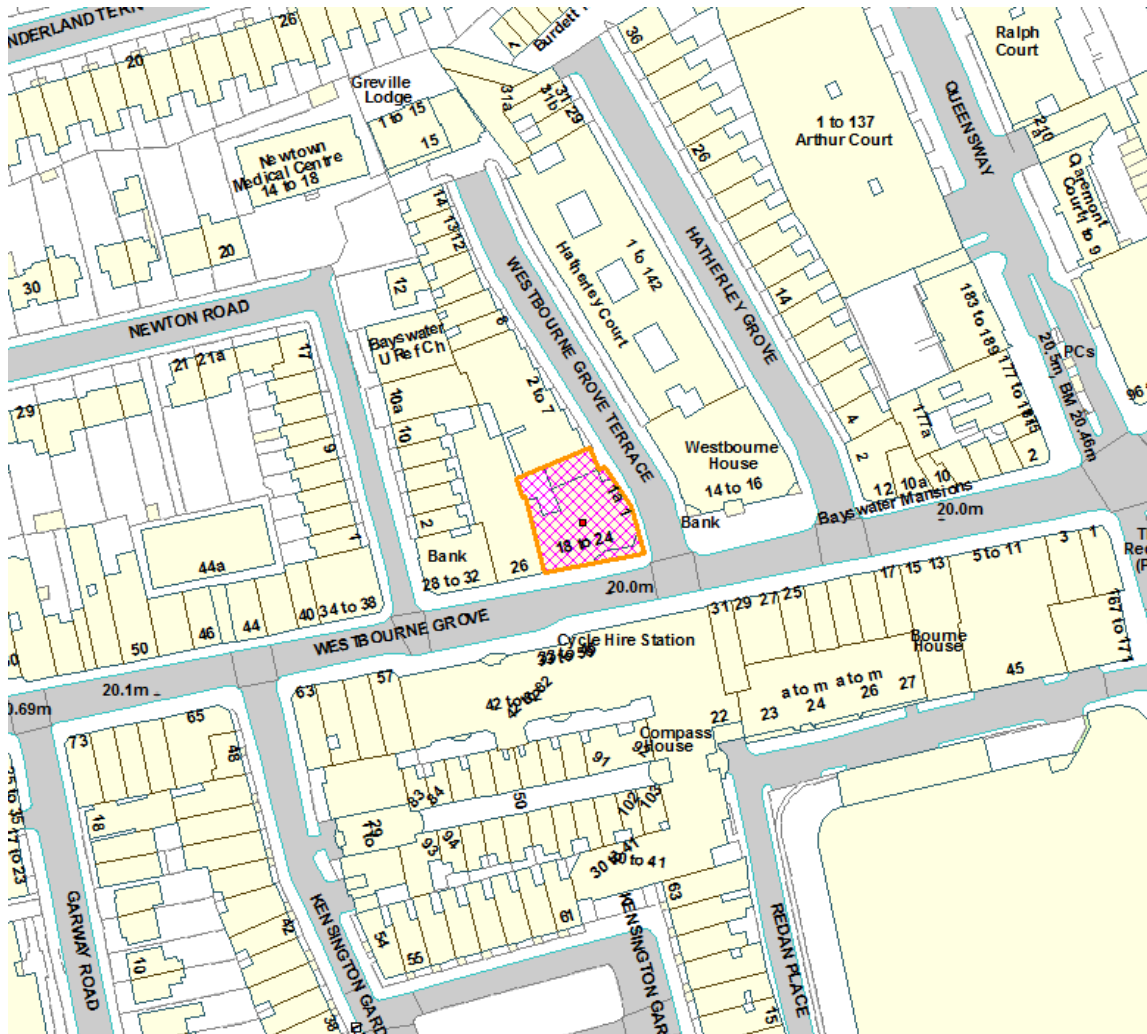
Objections have been received from the adjacent residents on various grounds, but mainly in relation to noise disturbance from the proposed relocated units.

The main points of consideration are:

- The impact of the proposals on the amenity of adjacent occupiers;
- The impact of the proposals on the character and appearance of the Westbourne Conservation Area.

Subject to the conditions as set out on the draft decision letter, it is considered that the proposed alterations are acceptable in design, conservation area and amenity terms and in accordance with policies in the City Councils adopted Unitary Development Plan and City Plan. The application is therefore recommended for approval.

### 3. LOCATION PLAN



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Item No.
<b>12</b>

## 4. PHOTOGRAPHS

Westbourne Grove Terrace frontage



View from above of where units are to be sited (box outlined)



Area where units to be installed (box outlined)





## 5. CONSULTATIONS

### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Any response to be reported verbally.

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Any response to be reported verbally.

### ENVIRONMENTAL HEALTH:

No objection subject to Westminster standard noise conditions and a condition to limit the hours of operation of the plant equipment.

### ADJOINING OWNERS/OCCUPIERS:

No. Consulted: 60

Total No. of replies: 4 objections raising some or all of the following concerns:

#### Amenity:

- Noise disturbance, particularly as bedroom windows are adjacent.

#### Design:

- Visual pollution to adjoining flats.

#### Other:

- As the units serve a commercial occupier, there should be no impact on the residential occupiers.
- Building works have already caused considerable disturbance to residents.
- No justification for the relocation of the units.
- Increased stress due to psychological impact of units due to lack of space and resultant impact on the NHS.
- Request for Westminster residents to be represented and protected and for the correct decision to be made to refuse the application.

### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application relates to a flat roof at first floor level to the rear of both 18-24 Westbourne Grove, which sits on the corner of Westbourne Grove and Westbourne Grove Terrace and Tennyson House, which fronts Westbourne Grove Terrace (No 1a). The adjacent building at 26 Westbourne Grove is listed grade 2. The site is within the Bayswater Stress Area and the Westbourne Grove Conservation Area.

The flat roof is bounded to the south by a stair core which serves 18-24 Westbourne Grove, west facing bedroom windows to the rear of Tennyson House, the flank wall of the residential terraced properties to the north (1 Westbourne Grove Terrace) and the barrelled roof to the rear of 26 Westbourne Grove.

## 6.2 Recent Relevant History

### 10/00731/FULL

Installation of two air conditioning condenser units on main flat roof of office block.

Application Permitted 23 June 2010

### 11/01547/FULL

Installation of three air conditioning condenser units on main flat roof of office block.

Application Permitted 12 April 2011

### 13/01498/FULL

Remodelled fourth floor and the erection of an additional fifth floor level, recladding of elevations and alterations to fenestration, reconfiguration of existing rear access core extension and associated alterations including roof terraces, mechanical plant and pv panels; all in connection with the use of the first to fifth floor levels as 5x3 bed residential flats accessed from Westbourne Grove Terrace, continued use of part ground floor and part basement as Class A1 and the creation of a new unit fronting Westbourne Grove Terrace as either shop (Class A1) or financial and professional services (Class A2).

Application Permitted 17 June 2014

### 15/06292/FULL

Variation of Conditions 1 and 18 of planning permission dated 17 June 2014 (RN: 13/01498) "Remodelled fourth floor and the erection of an additional fifth floor level, recladding of elevations and alterations to fenestration, reconfiguration of existing rear access core extension and associated alterations including roof terraces, mechanical plant and pv panels; all in connection with the use of the first to fifth floor levels as 5x3 bed residential flats accessed from Westbourne Grove Terrace, continued use of part ground floor and part basement as Class A1 and the creation of a new unit fronting Westbourne Grove Terrace as either shop (Class A1) or financial and professional services (Class A2)." namely; alterations to internal layout, reduction in size of retail unit, replacement energy strategy, reduction in PV panels on roof.

Application Permitted 29 December 2015

### 15/10735/FULL

Relocation of two existing external air-conditioning units from roof level to ground floor ramp access; installation of 5 new air-conditioning units at roof level; associated external changes, including installation of aesthetic acoustic screens at both ground and roof levels, and treatment of brickwork to match approved facade treatment.

Application Permitted 1 February 2016

### 16/02107/FULL

Erection of single storey roof extension, creation of a landscaped roof terrace and external works associated with external air-conditioning units.

Application Refused 21 June 2016

### 18/00791/FULL

Installation of telecommunications equipment on the roof of the building comprising a 6 metre high flagpole antenna, a 300mm transmission dish, 4 no. radio equipment cabinets and ancillary equipment. (Retrospective application).

Currently Pending Determination

## **7. THE PROPOSAL**

Permission is sought to install two air conditioning units behind an acoustic screen on a flat roof at rear first floor level. The units are to serve the ground floor commercial property facing Westbourne Grove (Bo Concept store).

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

No change to existing.

### **8.2 Townscape and Design**

An objection has been received that the proposed units would have a negative impact on the visual amenity of flats within Tennyson House.

The units and screen are proposed to be located on a flat roof which is currently relatively uncluttered, having only recently been completed as part of the redevelopment of the adjacent building. There is a 1m high parapet wall which runs along the western boundary, which sits in front of a large barrelled roof of the adjacent property at No.26. The proposed screen which surrounds the units is approximately 1.9m high and therefore rises 0.9m above the level of the existing parapet. While the proposed screen does increase the bulk of the units, it is required in order to mitigate against the sound of the units.

The units and screen have been located in a slightly set back area of the roof, and while they will project above the level of the existing parapet, it is not considered that they will have a significant negative impact on the character or appearance of the conservation area, given their location to the rear of the buildings and in the context of the barrelled roof which raises up behind. A condition is recommended for the screen to be coloured grey to match the roof to ensure that its impact is reduced.

The proposals are therefore considered to be acceptable in design and conservation area terms.

### **8.3 Residential Amenity**

Due to the location of the proposed units and screen, set back from windows and in front of the adjacent parapet wall and barrelled roof, it is not considered that they would give rise to a significant loss of amenity through loss of light or increased sense of enclosure to adjacent residential occupiers.

Considerable concern has been raised in relation to noise and general disturbance from a number of the residents within Tennyson House, whose bedrooms overlook the area where the proposed air conditioning units are proposed.



The applicant has submitted a noise survey as part of the application. The air conditioning units are proposed to operate during store opening times, namely Monday to Saturday 10:00 to 18:00 and Sunday 12:00 to 18:00. The noise report indicates that the units are likely to be inaudible at the nearest residential premises over the proposed operational period.

Environmental Health Officers have scrutinised the report and note the close proximity of neighbouring bedroom windows of Tennyson House and the adjacent building 1 Westbourne Grove Terrace. They conclude that with the installation of the acoustic screen, that the proposals are considered acceptable, subject to standard City Council conditions in relation to noise, vibration and to control the hours of operation to daytime hours in line with the opening times for the retail unit. A further condition is recommended to ensure that the units do not operate until the screen has been installed. Subject to these conditions it is considered the units will not result in a loss of residential amenity.

#### **8.4 Transportation/Parking**

No change to existing arrangements.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size.

#### **8.6 Access**

The units can be accessed via the adjacent flat roof. The roof can only be accessed for maintenance purposes (as existing).

#### **8.7 Other UDP/Westminster Policy Considerations**

None.

#### **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. The proposals would not trigger the requirement for a CIL payment.

#### **8.11 Environmental Impact Assessment (EIA)**

The development is of insufficient scale to trigger the requirement for the submission of an EIA.

### 8.12 Other Issues

Residents have raised objection in relation to the lack of justification for the proposed works and that they do not consider that as the units should be allowed as they are required in association with a commercial use. They note that the proposals should not be allowed to the detriment of residential occupiers who should be suitably protected by the council. They further comment that such proposals may increase stress and result in increased strain on the NHS.

While these points are noted, they are not a valid planning ground for refusal. As noted within this report, it is considered that the applicant has demonstrated that with suitable conditions to limit the units, they will not cause harm in relation to noise. It is also not considered that they have a significant negative impact in relation to their appearance.

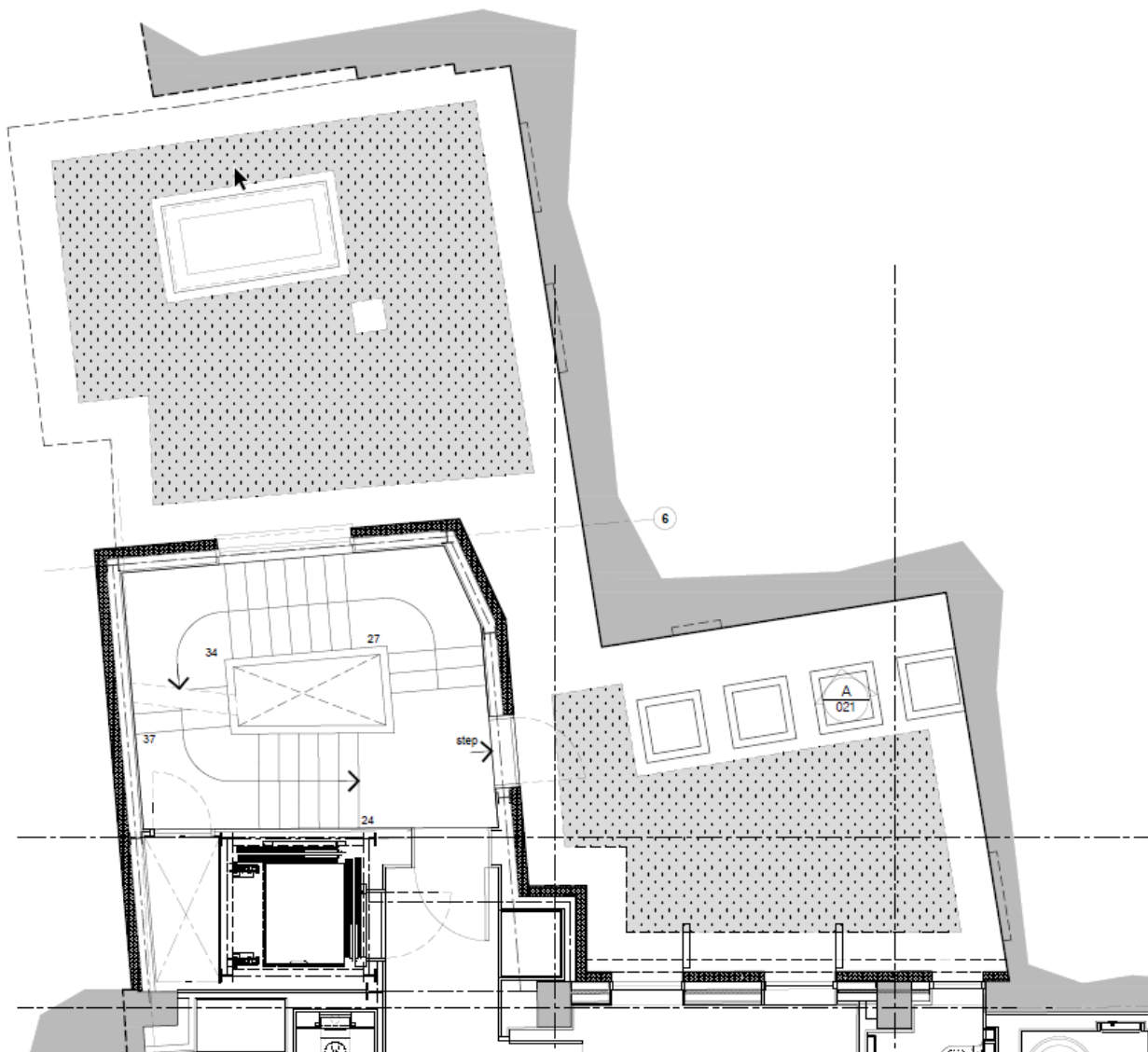
Concerns have also been raised in relation to ongoing disturbance from building works. While officers have sympathy with residents in relation to ongoing disruption from building works, this is not a reason to refuse permission for the works currently proposed, with each application being assessed on its merits.

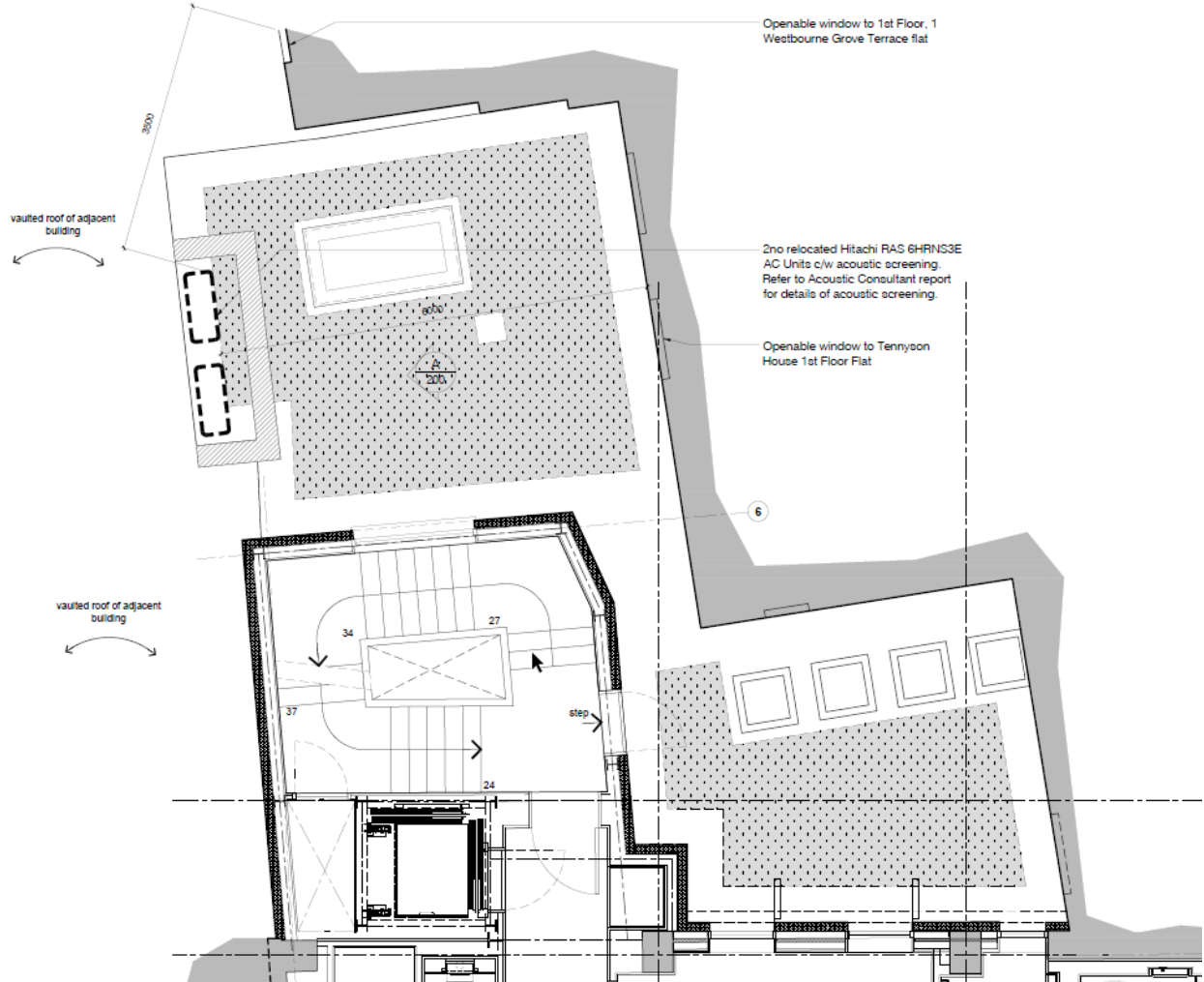
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

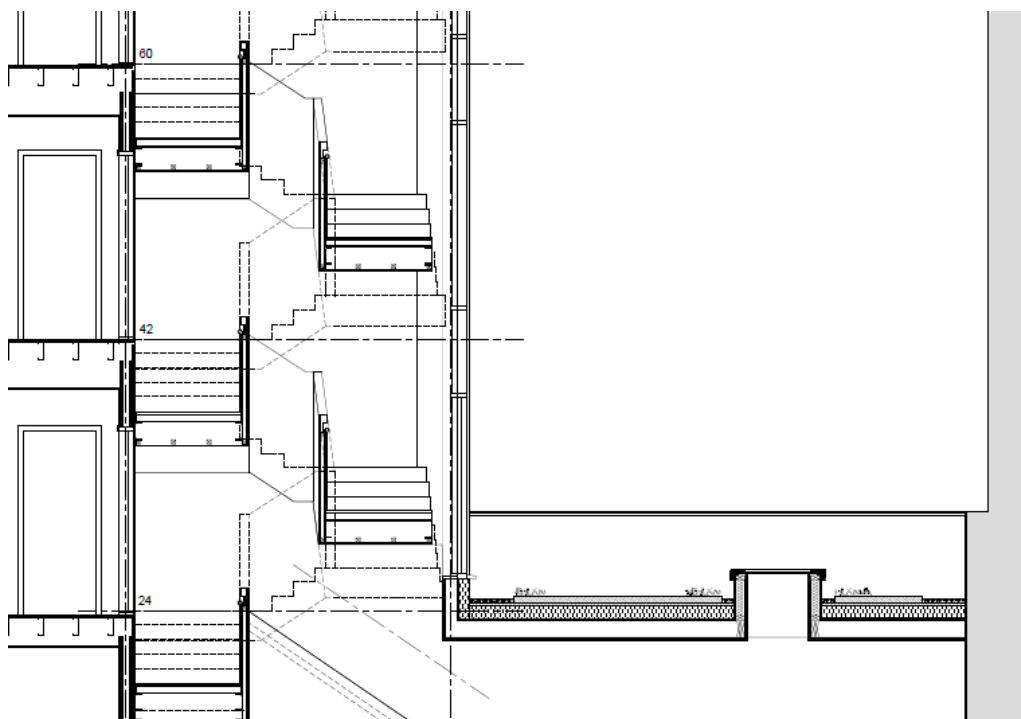
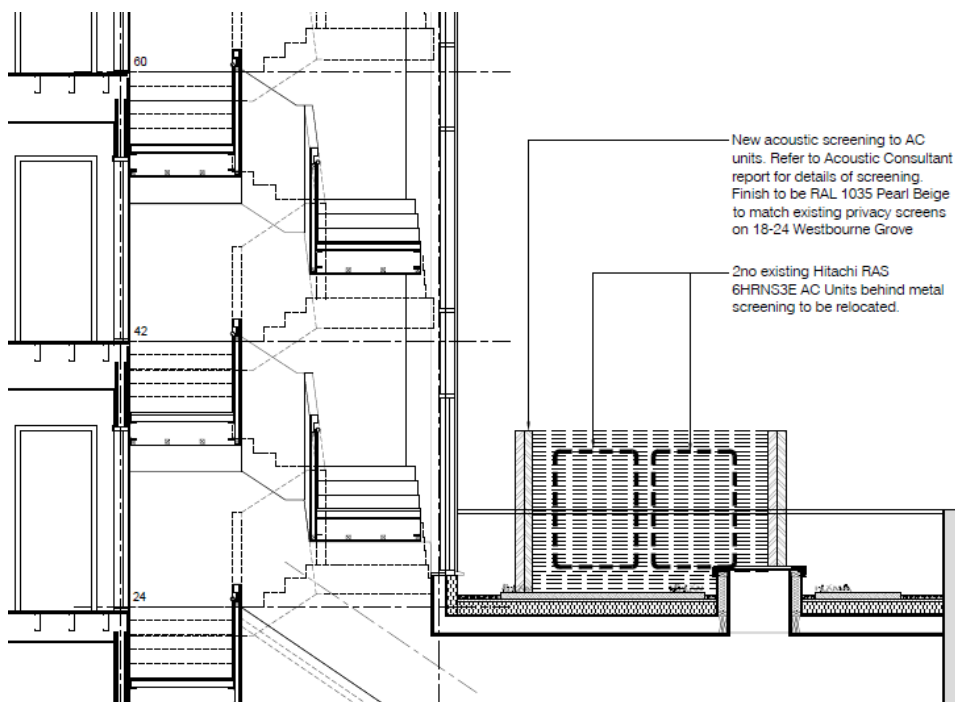
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT [kdavies1@westminster.gov.uk](mailto:kdavies1@westminster.gov.uk).

## 9. KEY DRAWINGS

Existing plan



**Proposed plan**

**Existing elevation****Proposed Elevation**

**DRAFT DECISION LETTER**

**Address:** 18-24 Westbourne Grove, London, W2 5RH,

**Proposal:** Installation of two air conditioning units and acoustic screen on first floor flat roof to rear of Tennyson House.

**Plan Nos:** 14023 PL-5-001; 14023 PL-5-010; 14023 PL-5-011; 14023 PL-5-020; 14023 PL-5-021; 14023 PL-5-101; 14023 PL-5-200; Acoustic Assessment Report by PC Environmental dated 14 March 2018.

**Case Officer:** Rupert Handley

**Direct Tel. No.** 020 7641 2497

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

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

Reason:

In 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 Sunday, bank holidays and public holidays.

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

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

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

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and NV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 (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:**

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 (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.

- 4 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.

- 5 The plant/machinery hereby permitted shall not be operated except between 10:00 to 18:00 hours Monday to Saturday and 12:00 to 18:00 hours on Sundays and Bank Holiday Mondays.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 6 The air conditioning units must not operate until the mitigation measures specified in Part 3 of the Acoustic Assessment dated 14 March 2018 by PC Environmental have been installed and shall be retained for as long as the air conditioning units remains in use.

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 (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.

- 7 Notwithstanding the annotations on the drawings, the acoustic screen shall be coloured grey to match the colour of the roof and maintained as such.

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 Westbourne 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)

- 8 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 Westbourne 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, 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 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 4 Conditions 3, 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. (I82AA)
- 5 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.