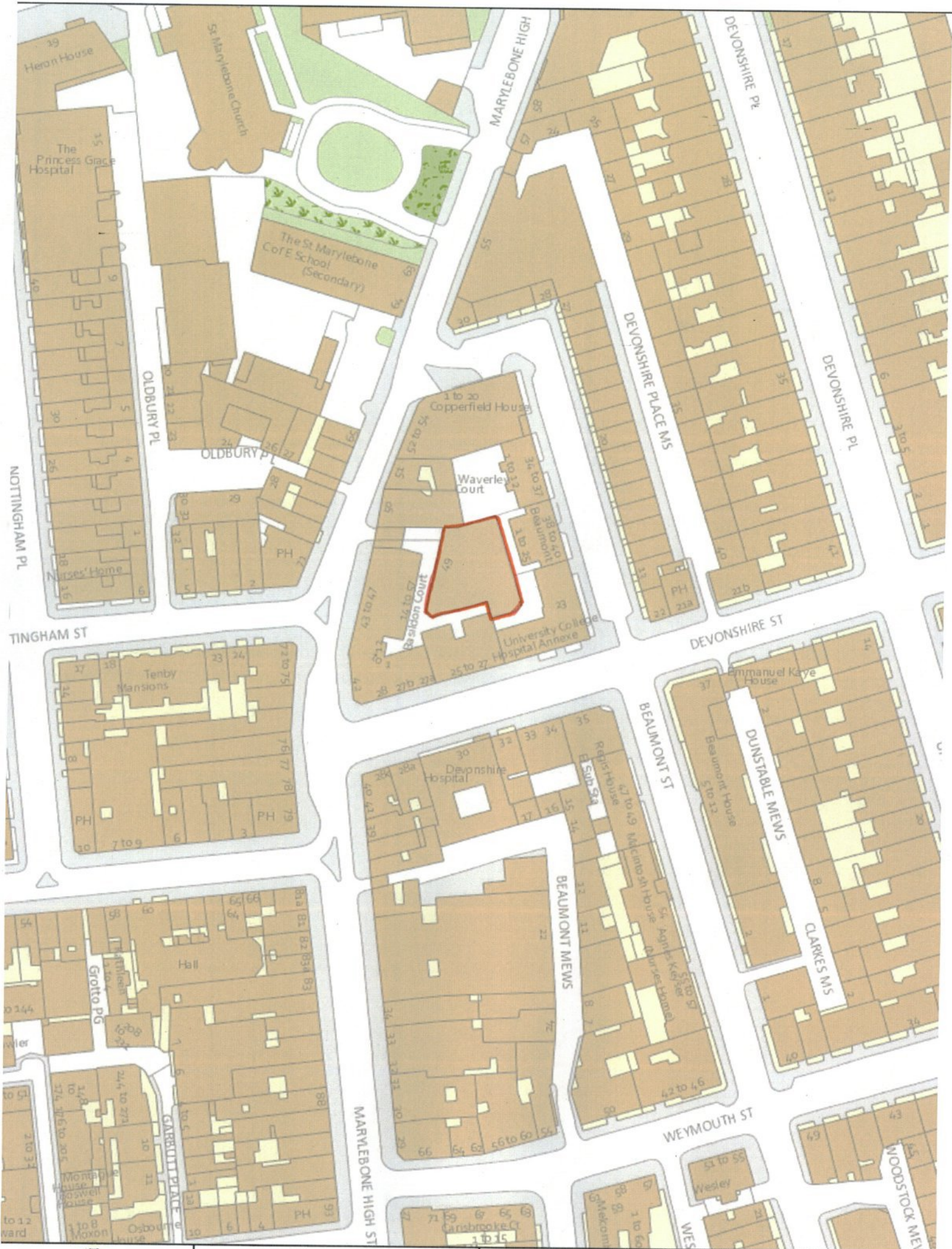


CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 24 November 2015	Classification For General Release	
Report of Director of Planning		Wards involved Marylebone High Street	
Subject of Report	49 Marylebone High Street, London, W1U 5ED		
Proposal	Installation of four new recessed vent louvres and one replacement louvre on the southern elevation at lower ground floor level to serve a new internal ventilation system.		
Agent	Nicholas Taylor + Associates		
On behalf of	X Barre London Ltd		
Registered Number	15/08304/FULL	TP / PP No	TP/10767
Date of Application	07.09.2015	Date amended/ completed	07.09.2015
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Outside Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.





49 MARYLEBONE HIGH STREET, W1

2. SUMMARY

The application site comprises a three storey building on a backland site comprising basement, ground and first floor levels. The building, which is unlisted and located within the Harley Street Conservation Area, is predominately utilised as a medical facility. The property is surrounded by other buildings which are primarily in commercial use on the lower floors, fronting Marylebone High Street and Devonshire Street, with residential flats on the upper floors. The lawful use of the upper floors of the building is a dual/alternative use as either/or office (Class B1) or non-residential institution (Class D1).

In July 2015 permission was granted for the temporary use (until January 2024) of part of the lower ground floor of the property as an exercise/dance studio (Class D2). In order to protect the amenity of neighbouring residents, conditions were imposed to prevent disturbance from noise within the premises and requiring all windows and lower ground floor levels to be fixed shut and fitted with secondary glazing. This permission has not yet been implemented.

The current scheme is for the installation of four new louvres and the replacement of an existing vent opening above an emergency door on the southern boundary wall to serve an upgraded internal ventilation system for the dance studio. The ventilation system is proposed to be fitted within silencers to ensure that sound from the fitness studio does not break out of the building. Furthermore, Condition 2 of the July 2015 permission prevents amplified sound from the gym from being audible outside the premises.

Objections have been received both to the principle of the use, including disturbance from internal activity, and to potential noise disturbance from the operation of the new ventilation system. The application is supported by an acoustic report. This has been assessed by the Environmental Health officer who has raised no objection subject to conditions.

In these circumstances, subject to controls over the level of noise emissions and the hours of plant operation, it is not considered the objections can be supported.

3. CONSULTATIONS

MARYLEBONE ASSOCIATION

No comments received.

ENVIRONMENTAL HEALTH

No objection subject to condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 83; Total No. of Replies: 4.

Four objections to the proposal on the following grounds:

- Existing noise levels are excessive.
- Concerns that additional plant louvres will exacerbate noise levels.
- Concerns over ongoing maintenance of plant.

ADVERTISEMENT/SITE NOTICE: Yes

4. HISTORY

In July 2015 permission was granted subject to condition (ref: 15/03629/FULL) for the temporary use of part of the lower ground floor of the property as an exercise/dance studio (Class D2). In order to protect the amenity of neighbours in proximity to the site the following conditions were imposed:

- No amplified sound from the gym hereby permitted shall be audible from outside the premises.
- All windows at lower ground floor level will be fixed shut and retained in this manner permanently.
- You must implement all of the acoustic mitigation measures as detailed in Section 5 of the Noise Impact Assessment (12483.NIA.01 RevB) before the use hereby approved can operate. You must thereafter maintain these measures to the specified standard for as long as the use is in operation.
- You must install secondary glazing to all the windows at lower ground floor level as shown on drawing 101 and to the specification detailed in the Noise Impact Assessment (12483.NIA.01 RevB) before the use hereby approved can operate. You must thereafter maintain the secondary glazing in this form for as long as the use is in operation.
- Customers shall not be permitted within the exercise/dance studios premises before 06:00 or after 22:00 on Monday to Saturday (not including bank holidays and public holidays) and before 09:00 or after 18:00 on Sundays, bank holidays and public holidays.

Compliance with the above conditions is required for the lifetime of the development thus all equipment shall be maintained as necessary to ensure compliance.

BACKGROUND PAPERS

1. Application form.
2. Memorandum from Environmental Health dated 1 October 2015.
3. Letter from the occupier of Flat 09, 28 Devonshire Street dated 18 October 2015.
4. Letter from the occupier of Flat 24, 28 Devonshire Street dated 19 October 2015.
5. Letter from the occupier of Flat 42, 28 Devonshire Street dated 20 October 2015
6. Letter from the occupier of Flat 45, 28 Devonshire Street dated 28 October 2015

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT LOISE FRANCIS ON 020 7641 2488 OR BY E-MAIL – lfrancis@westminster.gov.uk

DRAFT DECISION LETTER

Address: 49 Marylebone High Street, London, W1U 5ED

Proposal: Installation of four new recessed vent louvres and one replacement louvre on the southern elevation at lower ground floor level to serve a new internal ventilation system.

Plan Nos: Drawings: 103, 102 RevA, 100.

Case Officer: Damian Lavelle

Direct Tel. No. 020 7641 5974

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 You must carry out any building work which can be heard at the boundary of the site only:

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

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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 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 (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 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: Strategic Policies adopted November 2013, 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.

- 6 The plant/machinery hereby permitted shall not be operated except between 06:00 hours and 23:00 hours daily.

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: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

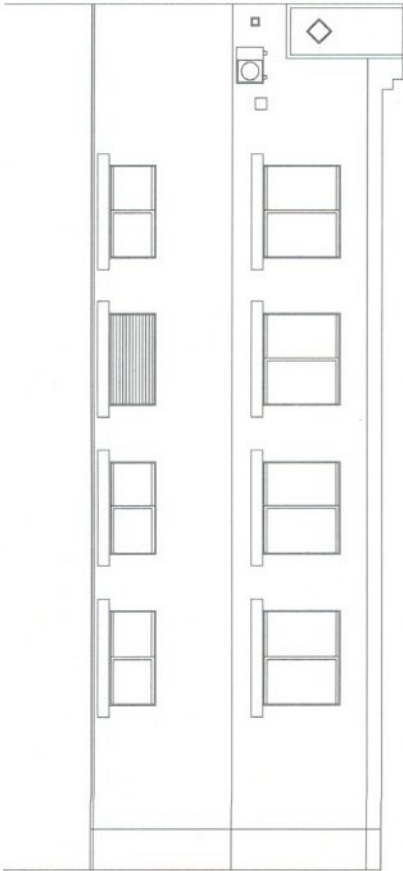
- 7 Each of the louvres hereby approved shall be fitted with a Vent Industrial Attenuators (250mm x 1200mm) and this equipment shall be retained for as long as the louvres are in situ.

Reason:

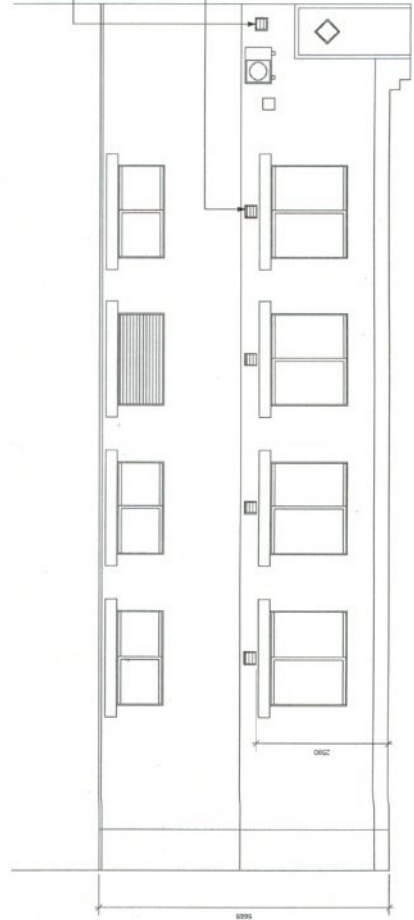
To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

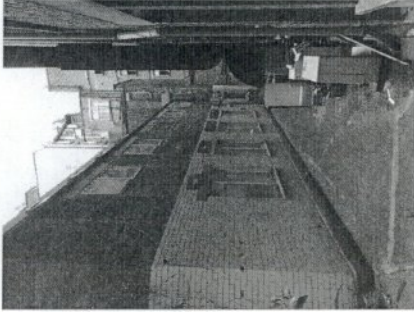
- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, 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 Conditions 4, 5, 6 and 7 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (182AA)



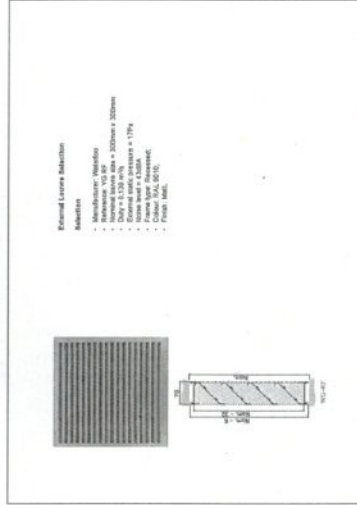
1 Existing South Elevation
Scale: 1:50



2 Proposed South Elevation
Scale: 1:50



3 View of External Elevation
Fitness Suite Intake and Discharge Louvers



Proposals for the Ventilation of the Changing Rooms

We are proposing to replace the current mechanical ventilation system with a new extract system. This is to be installed in the changing rooms and stores. The new system will be a mechanical extract system with a supply of fresh air to the rooms from the outside. The system will be installed in the ceiling of the existing ventilation ductwork.

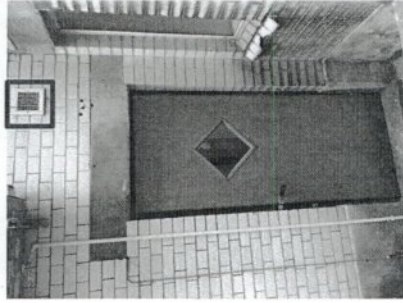
Fitness Suite Intake and Discharge Louvers

The fitness suite intake and discharge louvers are to be installed in the existing ventilation ductwork. The louvers are to be made of aluminium and are to be finished in RAL. The louvers are to be installed in the ceiling of the existing ventilation ductwork. The louvers are to be installed in the ceiling of the existing ventilation ductwork.

NOTE:
FOR FULL DSBING AND SPECIFICATIONS PLEASE REFER TO IABE PROPOSALS



4 View of External Elevation
Fitness Suite Intake and Discharge Louvers



5 View of External Elevation
Ventilation of the Changing Rooms

Agree Colchester
Saxton House
LONDON
T: 02030077960
E: info@agreed.co.uk
www.agreed.co.uk

Project
Xtend Bare London

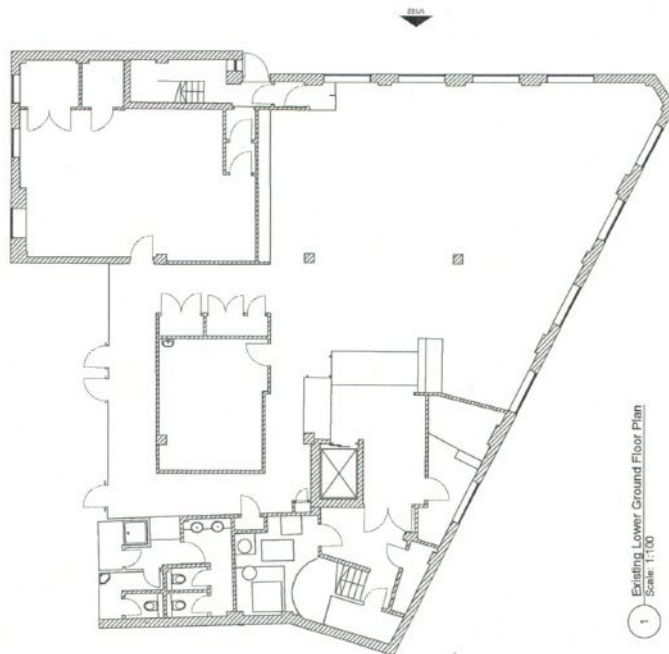
Existing and Proposed
External Elevation

DATE	SCALE	NO.	DESCRIPTION
August 2015	1:50	075	Planning Application
PROJECT NUMBER		102	
			A

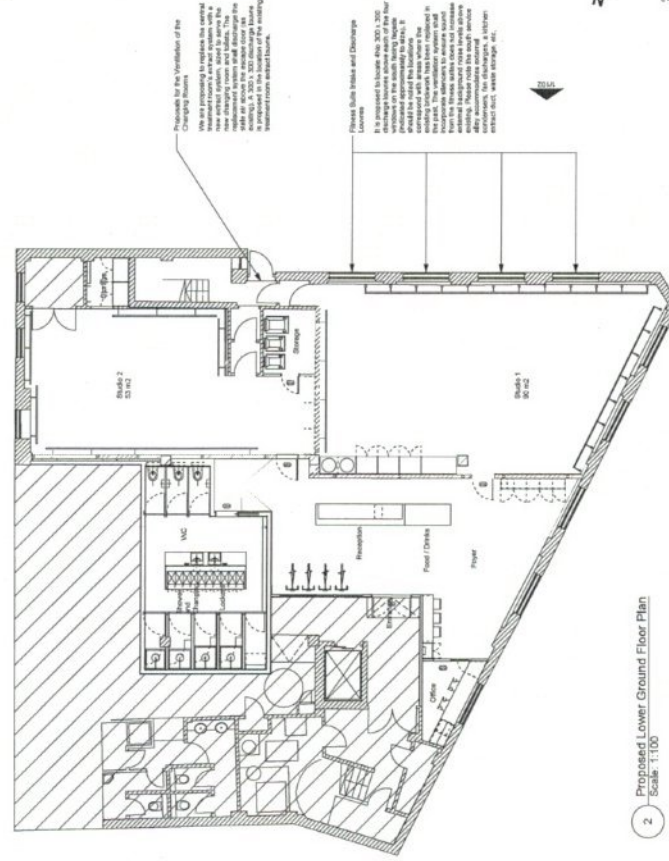
Key



Not part of the demise



1 Existing Lower Ground Floor Plan
Scale: 1:100



2 Proposed Lower Ground Floor Plan
Scale: 1:100

Proposed for the Verification of the Changing Rooms
 The proposed changing rooms are located in the existing store area and are separated from the existing store area by a new changing room and store. The new changing room and store are located at the end of the existing store area and are separated from the existing store area by a new wall. The new changing room and store are located at the end of the existing store area and are separated from the existing store area by a new wall.

Floored Bulk Tanks and Discharge
 The proposed bulk tanks and discharge are located in the existing store area and are separated from the existing store area by a new wall. The new bulk tanks and discharge are located in the existing store area and are separated from the existing store area by a new wall.



10000

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project
 Xtend Bare London

Existing and Proposed
 Lower Ground Floor Plan

Drawn	AG	Scale	A3	Discharge Conditions
Date	April 2015	1:50		
Project Number	075	Sheet Number	103	