

Item No.
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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 5 January 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	22 Mount Street, London, W1K 2RW,		
Proposal	Retention of an air conditioning unit on the rear roof within an associated enclosure.		
Agent	Savills		
On behalf of	Mount Property Investments Ltd		
Registered Number	15/06621/FULL – 15/06622/LBC	Date amended/ completed	20 July 2015
Date Application Received	20 July 2015		
Historic Building Grade	Grade II listed		
Conservation Area	Mayfair		

1. RECOMMENDATION

1. Grant conditional permission and conditional 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

Planning permission and listed building consent are sought for the retention of an air conditioning unit within an enclosure at roof level. Planning permission and listed building consent were granted in 2012 for two air conditioning units and an associated enclosure in this same location. Enforcement action was initiated when the current unit was installed as this was considered to be materially different to the 2012 permission. This application now seeks consent to retain the single unit within the enclosure.

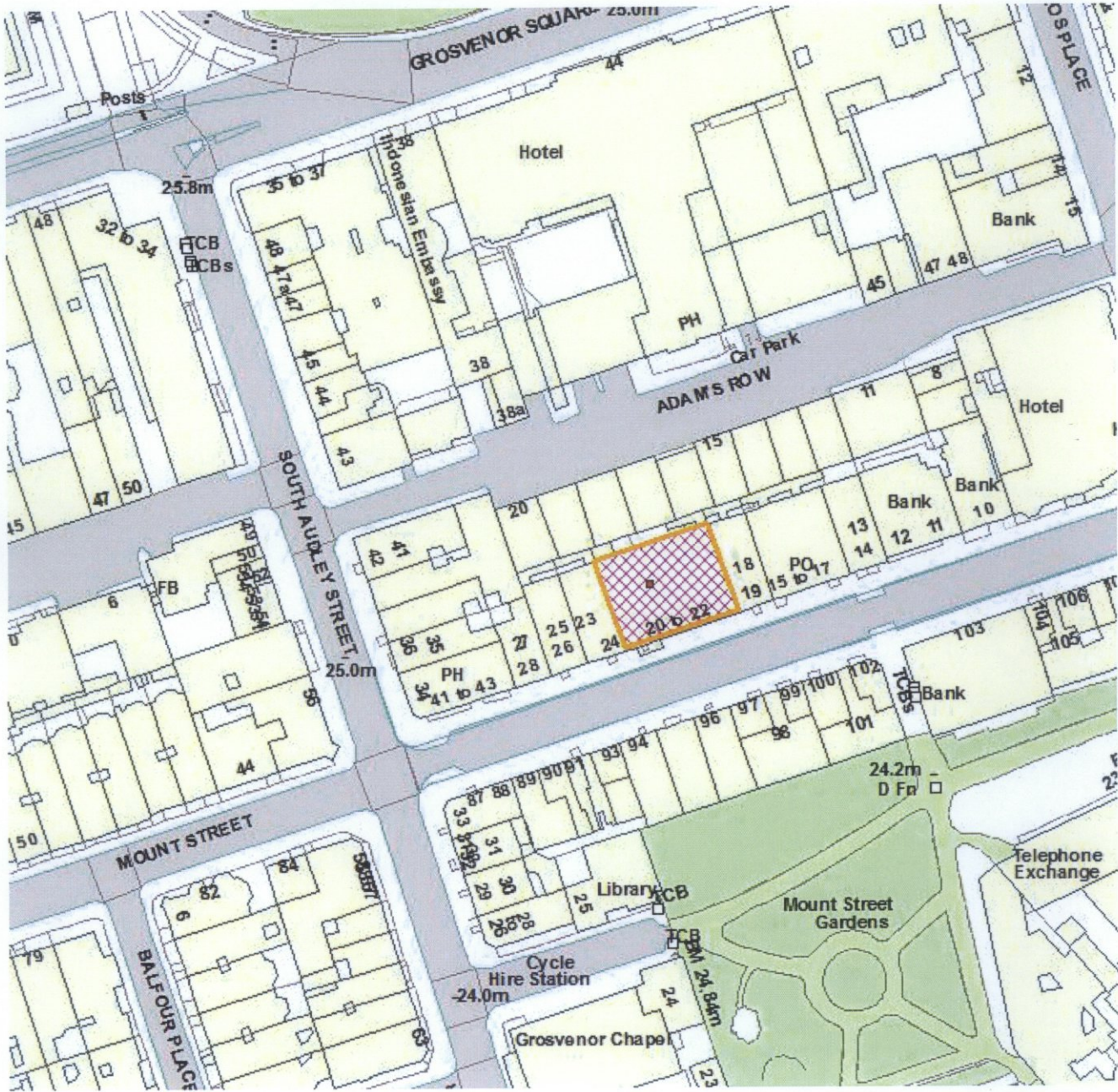
The key issues in this case are:

- * The impact of the proposed works on the character and appearance of this part of the Mayfair Conservation Area and upon the special interest of this listed building.
- * The impact of the plant operation upon the amenity of neighbouring residents.

Subject to appropriate conditions, the proposals are considered acceptable in design and amenity terms. The applications are therefore recommended for conditional approval being in compliance with the relevant Unitary Development Plan (UDP) and City Plan policies.

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3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

No objections raised.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 33; Total No. of replies: 5 (from one respondent)

Councillor Roberts (ward councillor, occupier of 18 Mount Street and director of the management company of the neighbouring building) raises objections on the following grounds:

- Detrimental impact upon the listed building and wider conservation area.
- Air conditioning is not necessary on this property.
- Environmental impacts of the air conditioning unit.
- Structural implications of the large plant item on the roof.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

22 Mount Street is a Grade II listed building located within the Mayfair Conservation Area. The ground floor of the property is occupied by a restaurant whilst the first to third floor levels are residential flats.

6.2 Recent Relevant History

11/11639/FULL - Installation of two air conditioning units with associated screening at roof level. Application approved on the 06.02.2012.

11/11640/LBC - Installation of two air conditioning units with associated screening at roof level. Application approved on the 06.02.2012.

In May 2014 one air conditioning unit was installed and enforcement action initiated, as the unit was considered to be materially different to the 2012 permission. Action is being held in abeyance whilst the current applications are being determined.

7. THE PROPOSAL

Planning permission and listed building consent are sought for the retention of a single air conditioning unit within an enclosure at main roof level.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal does not raise any land use issues.

8.2 Townscape and Design

Two air conditioning units were approved in this location in 2012. The installation of external plant in this location has therefore been considered acceptable in principle. The current proposal is for one unit which is approximately 150 mm higher than the previously consented units within its acoustic enclosure. The plant will be hidden behind the pitches of the roof which project above the height of the proposed air conditioning plant.

Mechanical plant within an enclosure has been dismissed at appeal on a nearby property (08/08051/FULL). This was on the basis it would harm the appearance of the building in views from neighbouring properties. The current case differs from that dismissed on appeal as the appeal site did not have a rear pitched roof screening the proposed plant from neighbouring views to the rear. 22 Mount Street has a rear pitched roof, so the plant would only be visible by people accessing the roof for maintenance purposes. As such it is not considered sufficiently harmful to merit a refusal in design terms. The installation of external plant is considered acceptable in design terms and is considered to comply with policies DES 1, DES 6, DES 9 and DES 10.

An objection has been received from Councillor Roberts to the height, bulk and location of the proposed equipment, however the unit is in the same location as the consented scheme, the bulk is less than the previous approval and the height difference is minimal and not enough to materially influence its visibility. The objection on these grounds is therefore not supported and the application is deemed acceptable on design grounds.

8.3 Residential Amenity

The application has been considered in the context of policies ENV6 and ENV7 of the Unitary Development Plan 2007 and S29 and S32 of the adopted City Plan. These policies seek to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance.

The area has been identified in the Acoustic Report as having background noise levels which are below WHO guideline levels during the daytime and night-time. To accord with policy ENV7 of the UDP the noise levels emitted by the plant have to be 5dB below background at the nearest noise sensitive windows. The nearest noise sensitive window has been identified as being a residential window within a lightwell serving the building itself which is 7m from the proposed plant. Environmental Health have considered the submitted acoustic information and conclude that the installation of the plant will be acceptable on amenity grounds, being 9dB below the stipulated noise criteria, and would therefore be compliant with the City Council noise criteria subject to the retention of the acoustic enclosure. A condition has been attached to ensure this is the case.

8.4 Transportation/Parking

The proposal does not raise any transportation or parking issues.

8.5 Economic Considerations

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

8.6 Access

Not applicable.

8.7 Other UDP/Westminster Policy Considerations

An objection has been received to the application from Councillor Roberts, who raises concerns about the energy usage of the unit and on the grounds that it is unnecessary to provide air conditioning for residential buildings as they can be naturally ventilated. Whilst these concerns are noted, the City Council does not have any policies to enable the application to be refused on these grounds.

Councillor Roberts has also objected as she is concerned with the structural ability of the roof to support the weight of the unit. These concerns are a matter for the Building Regulations. However, it is noted the plant and acoustic enclosure have already been installed and the roof is currently supporting the weight.

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

An Environmental Impact Assessment is not required for a scheme of this size.

9. BACKGROUND PAPERS

1. Application form
2. Emails from Councillor Roberts (occupier of 18 Mount Street), dated 26 October 2015, 27 October 2015, 31 October 2015, 9 November 2015, 18 November 2015 and 8 December 2015.
3. Memorandum from the Residents Society of Mayfair and St. James's dated 28 August 2015.

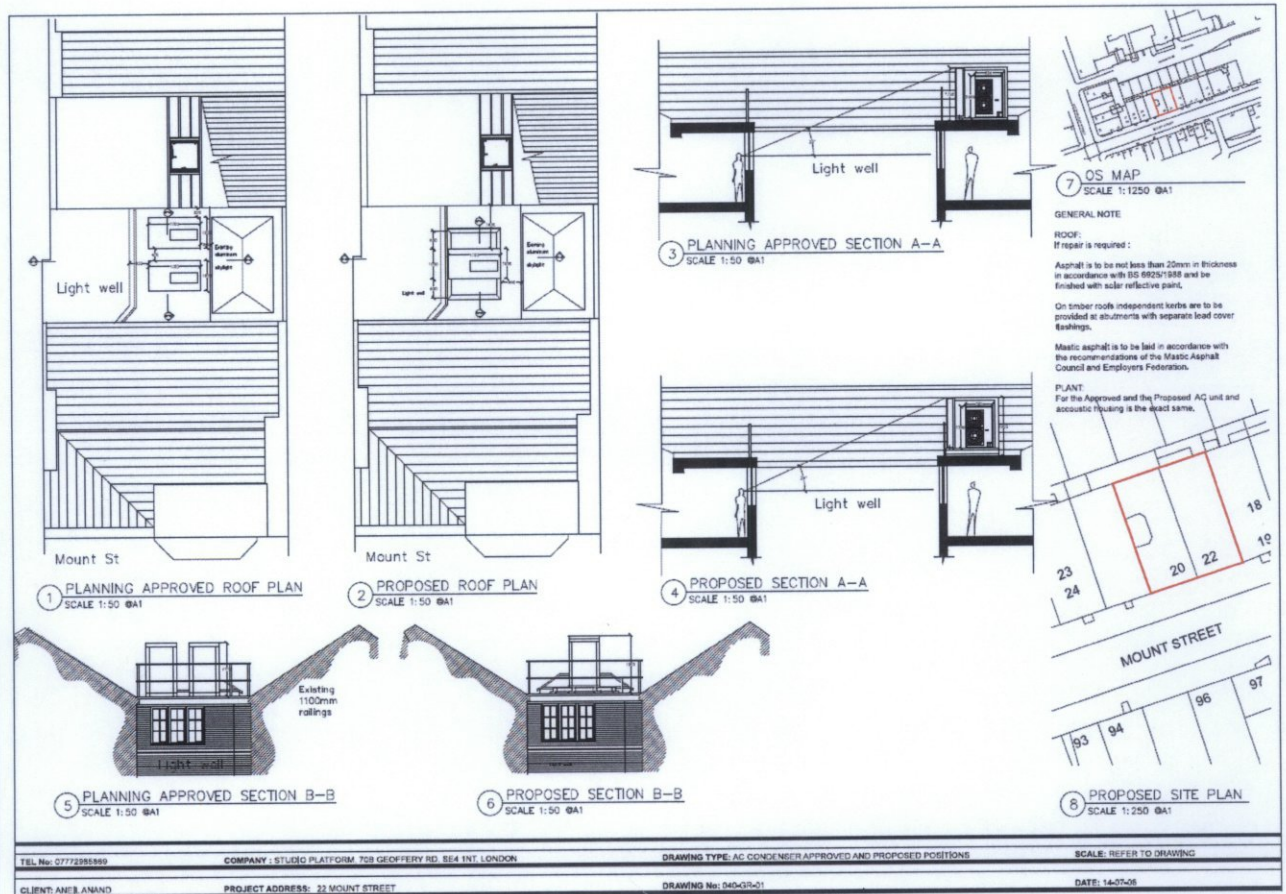
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4. Response from Environmental Sciences, dated 24 August 2015.

(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 JO PALMER BY EMAIL AT jpalm@westminster.gov.uk

10. KEY DRAWINGS



TEL No: 0772895989

COMPANY: STUDES PLATFORM 708 GEOFFERY RD. SE4 INT. LONDON

DRAWING TYPE: AC CONDENSER APPROVED AND PROPOSED POSITIONS

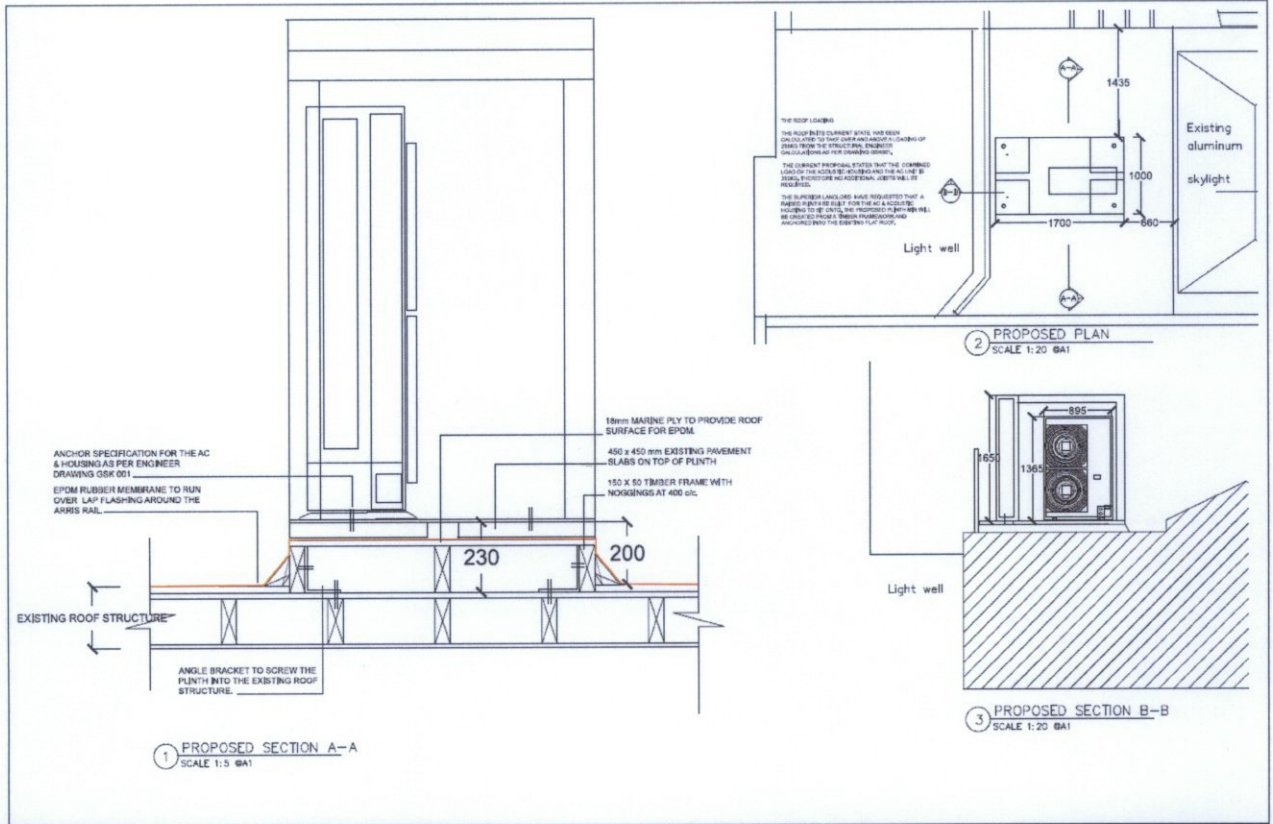
SCALE: REFER TO DRAWING

CLIENT: AMI B. ANAND

PROJECT ADDRESS: 23 MOUNT STREET

DRAWING No: 040-G3-01

DATE: 14-07-08



TEL No: 07772385889	COMPANY : STUDIO PLATFORM, 705 GEOFFERY RD, SE4 INT, LONDON	DRAWING TYPE: AC CONDENSER	SCALE: REFER TO DRAWING
CLIENT ANEJ ANAND	PROJECT ADDRESS: 22 MOUNT STREET	DRAWING No: 022-05-02	DATE: 14-07-08

DRAFT DECISION LETTER

Address: 22 Mount Street, London, W1K 2RW,
Proposal: Installation of an air conditioning unit on the rear roof within an associated enclosure.
Plan Nos: Site Location Plan, Technical Specification of Plant, Acoustic Addendum dated 14th July 2015, Drawings: 022-GR-02, 040-GR-01.

Case Officer: Susanna Miller

Direct Tel. No. 020 7641 2459

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 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.

- 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 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: 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.

- 5 You must retain the enclosure as shown on the approved drawings for as long as the plant

remains in place.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22CC)

- 6 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 7 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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.

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- 2 Conditions 3 and 4 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (182AA)

DRAFT DECISION LETTER

Address: 22 Mount Street, London, W1K 2RW,

Proposal: Installation of an air conditioning unit on the rear roof within an associated enclosure.

Plan Nos: Site Location Plan, Technical Specification of Plant, Acoustic Addendum dated 14th July 2015, Drawings: 022-GR-02, 040-GR-01.

Case Officer: Susanna Miller

Direct Tel. No. 020 7641 2459

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

- 1 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 building and to make sure the development contributes to the character and appearance of the Mayfair 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 paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 2 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair 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 paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 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.

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: Strategic Policies adopted November 2013, 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 2.4 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. (159AA)