

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 31 May 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Knightsbridge And Belgravia	
<b>Subject of Report</b>	<b>12 Rutland Gate, London, SW7 1BB,</b>		
<b>Proposal</b>	Installation of air conditioning condenser units within acoustic enclosure to rear garden.		
<b>Agent</b>	Mr Ross Lambie		
<b>On behalf of</b>	Mr Tunku Naquiyuddin		
<b>Registered Number</b>	15/11528/FULL & 15/11529/LBC	<b>Date amended/ completed</b>	10 December 2015
<b>Date Application Received</b>	10 December 2015		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Knightsbridge		

## 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

No. 12 Rutland Gate is a Grade II listed mid-terrace house 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 air conditioning condenser units within a louvered acoustic enclosure measuring approximately 3150mm long x 970mm deep x 1320mm high, which would be sited in the rear garden.

Planning permission and listed building consent were granted in October 2015 for the removal of ground floor extension and construction of replacement extension to serve Flat 1, alterations to the lower ground floor extension and lightwell and minor internal alterations.

It is proposed to locate external air conditioning units within an acoustic enclosure within the rear garden area adjacent to the side (south) and rear (west) garden boundary walls. An objection has been raised on the grounds that there is no similar free-standing plant equipment in the rear gardens of any other houses in the block 10-12 Rutland Gate. Concealed within a louvered metal enclosure the units will be surrounded by landscaping making them visually discreet to avoid harming the appearance of

the building, terrace or conservation area.

In design and listed building terms the proposed location of the air conditioning unit and enclosure are considered acceptable. Details of the pipe runs and internal installation of equipment are required as a condition on the listed building consent. The colour of the enclosure has been conditioned to be grey, as shown on the proposed drawings. It is considered that this colour will assist in lessening the visibility of the enclosure.

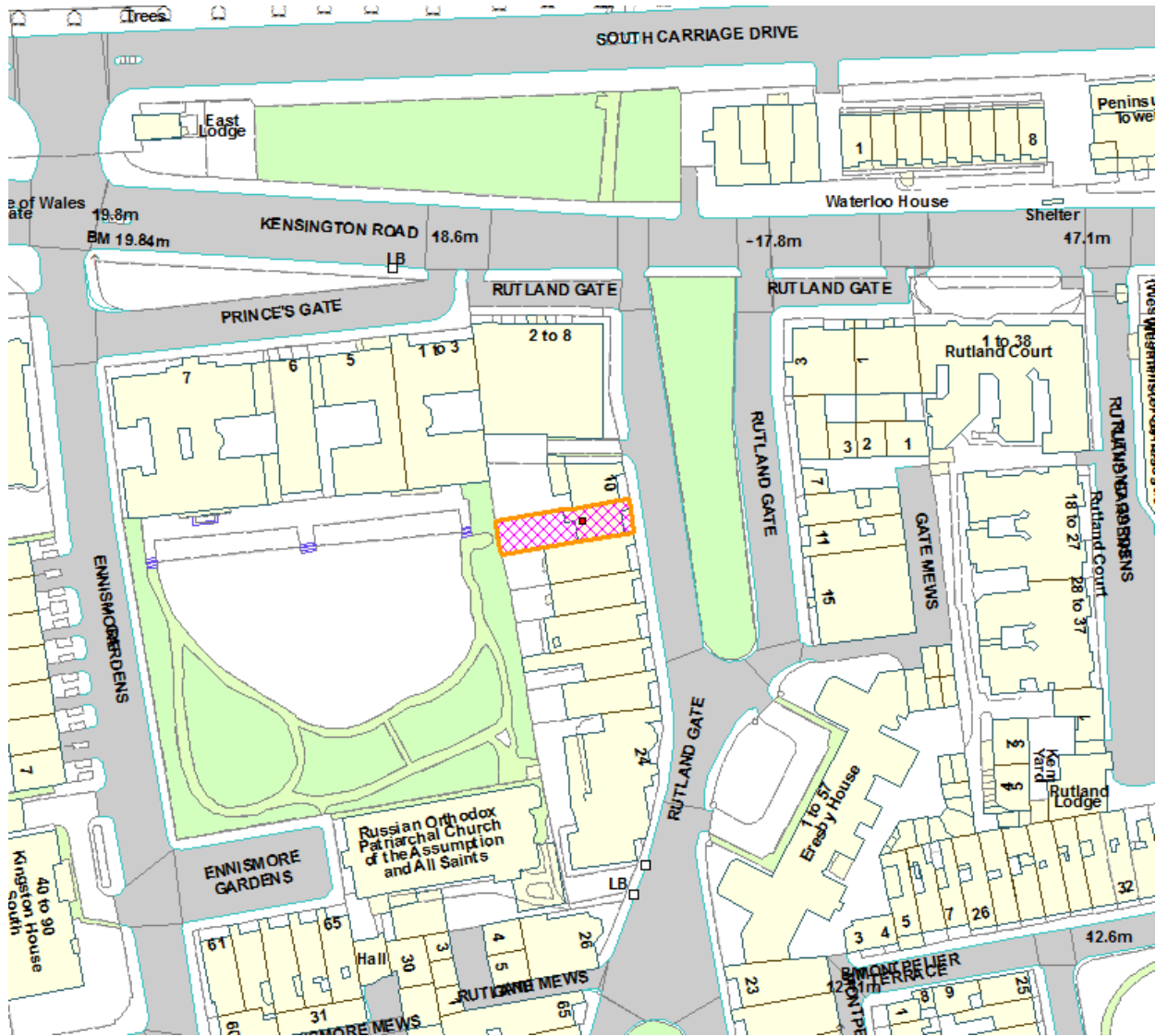
The proposals comply with policies DES1, DES 9 and DES10 and the guidance contained with the City Council's Supplementary Planning Guidance: Repairs and Alterations to Listed Building and are recommended for approval on design and listed building grounds.

In terms of amenity, one letter has been received raising an objection on the grounds that the proposed plant would be approximately 10m from a bedroom window of No. 14 and cites significant disturbance from No. 6 Kensington Gore in suggesting that the proposed units are also likely to create disturbance.

Notwithstanding the adjoining owner's concerns, an acoustic report was submitted with the proposal which has been assessed by Environmental Health officers who raise no objection, subject to standard conditions. The proposals are therefore in accordance with policies S29 and ENV13 which seek to protect residential amenity.

Accordingly, it is recommended that planning permission and listed building consent are granted subject to conditions.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### KNIGHTSBRIDGE ASSOCIATION:

No objection, as long as no impact on residential amenity.

### ENVIRONMENTAL HEALTH:

No objection, subject to standard conditions.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 9

Total No. of replies: 4

No. of objections: 1

No. in support: 0

Four letters received from three neighbouring residents. Two residents raise no objection. Two letters from one resident raising an objection as the proposed plant would be 10m from a bedroom window of No. 14 and given the significant disturbance from No. 6 Kensington Gore 63m away is also considered likely to create disturbance. Also on the grounds 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. RELEVANT HISTORY

Planning and listed building consent granted for removal of ground floor extension and construction of replacement extension and alterations and extensions at lower ground floor level including new lightwell (Flat 1).(Our refs 15/03092/FULL and 15/03093/LBC)

## 7. BACKGROUND PAPERS

1. Application form
2. Response from Knightsbridge Association, dated 25 January 2016
3. Response from Environment Health – Plant and Equipment, dated 29 January 2016
4. Letter from occupier of 12 Rutland Gate, London dated 26 January 2016
5. Letters from occupier of 14 Rutland Gate, London, dated 4 February 2016 and 5 February 2016.
6. Letter from occupier of 12 Rutland Gate, London, dated 10 February 2016

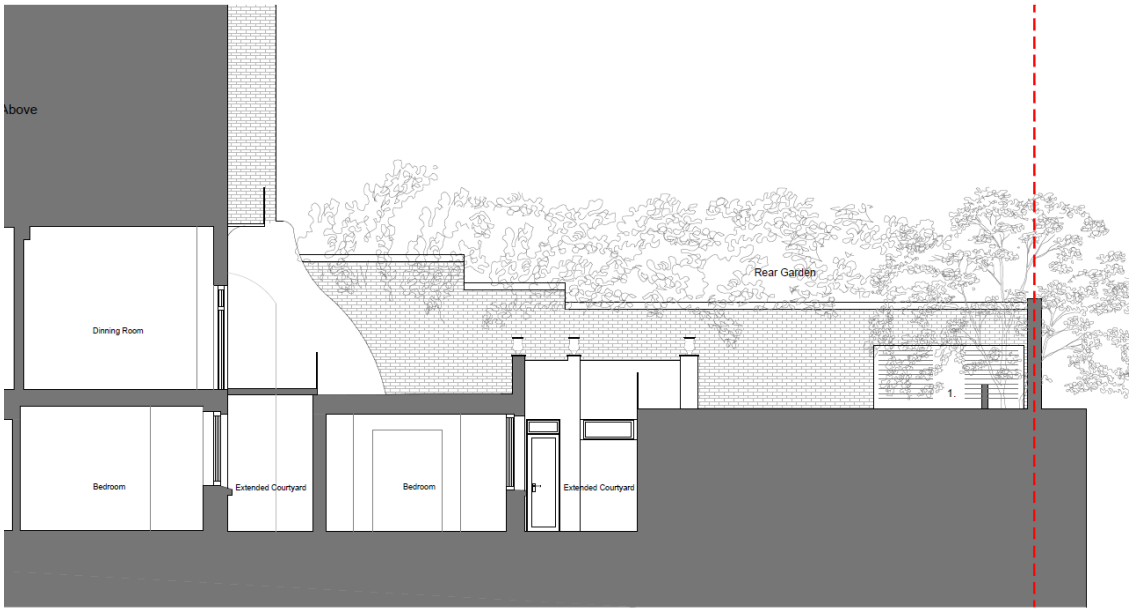
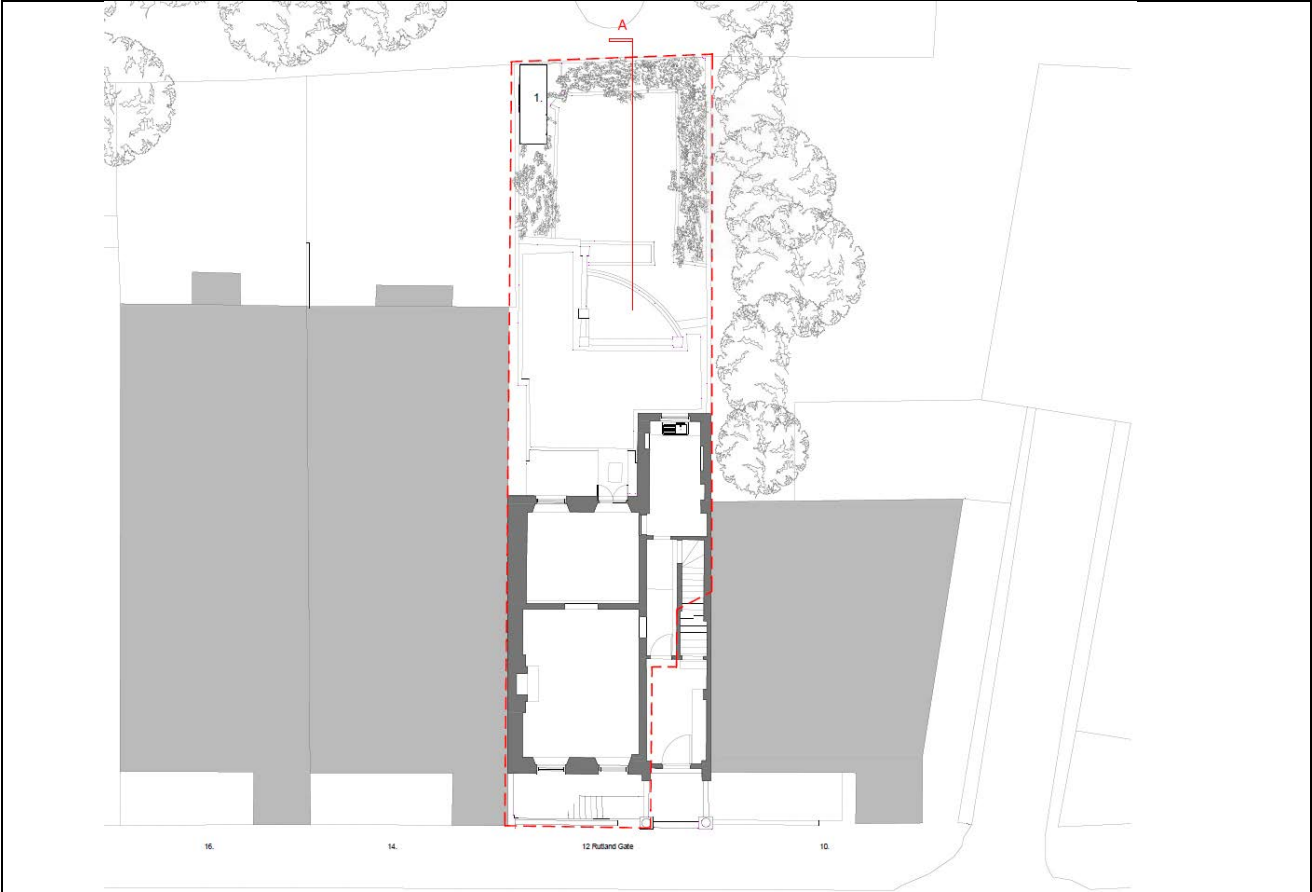
### Selected relevant drawings

(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 MATTHEW MASON ON 020 7641 2926 OR BY EMAIL AT [SouthPlanningTeam@westminster.gov.uk](mailto:SouthPlanningTeam@westminster.gov.uk)

8. KEY DRAWINGS





**DRAFT DECISION LETTER**

**Address:** 12 Rutland Gate, London, SW7 1BB,

**Proposal:** Installation of air conditioning condenser units within acoustic enclosure to rear garden.

**Reference:** 15/11528/FULL

**Plan Nos:** 01 Rev P0; 02 Rev P0; 03 Rev P0; 04 Rev P0; 10 Rev P0; 11 Rev P0; 12 Rev P0; EEC Acoustic Louvres specification sheet; Planning Compliance Report dated 28 August 2015, prepared by Clarke Saunders.

**Case Officer:** Sebastian Knox

**Direct Tel. No.** 020 7641 4208

**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:**

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.

- 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 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 Knightsbridge 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)

- 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:

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 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 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 environment of people in neighbouring properties and the appearance of the site. This is in line with S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, DES 5 and DES 6 of our Unitary Development Plan that we adopted in January 2007. (R13CC)

- 7 The acoustic enclosure hereby approved must be painted grey to match the specification shown on drawing 12 Rev P0 and must be maintained this colour thereafter.

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 Knightsbridge 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.
- 2 Conditions 4 and 5 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)
- 3 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.

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:** 12 Rutland Gate, London, SW7 1BB,

**Proposal:** Installation of air conditioning condenser units within acoustic enclosure to rear garden.

**Reference:** 15/11529/LBC

**Plan Nos:** 01 Rev P0; 02 Rev P0; 03 Rev P0; 04 Rev P0; 10 Rev P0; 11 Rev P0; 12 Rev P0; EEC Acoustic Louvres specification sheet.

**Case Officer:** Sebastian Knox

**Direct Tel. No.** 020 7641 4208

**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 and to make sure the development contributes to the character and appearance of the Knightsbridge 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)

- 3 You must submit detailed drawings of the associated internal works relating to the air conditioning units, including new pipe runs and the installation of cassettes, vents or similar equipment. You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these approved details.,

**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: Strategic Policies adopted November 2013 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)

- 4 The acoustic enclosure hereby approved must be painted grey to match the specification shown on drawing 12 Rev P0 and must be maintained this colour thereafter.

**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 Knightsbridge 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 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 2.3-2.4 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. (159AA)

Item No.
<b>6</b>

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