

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 20 December 2016	Classification For General Release	
Addendum Report of Director of Planning		Ward(s) involved Maida Vale	
Subject of Report	97 Randolph Avenue, London, W9 1DL		
Proposal	Installation of one external air conditioning unit, shed and enclosure at ground floor level at rear of site.		
Agent	d u s t design Ltd		
On behalf of	Mrs Marie-Claire Pereira		
Registered Number	16/07619/FULL	Date amended/ completed	9 August 2016
Date Application Received	9 August 2016		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

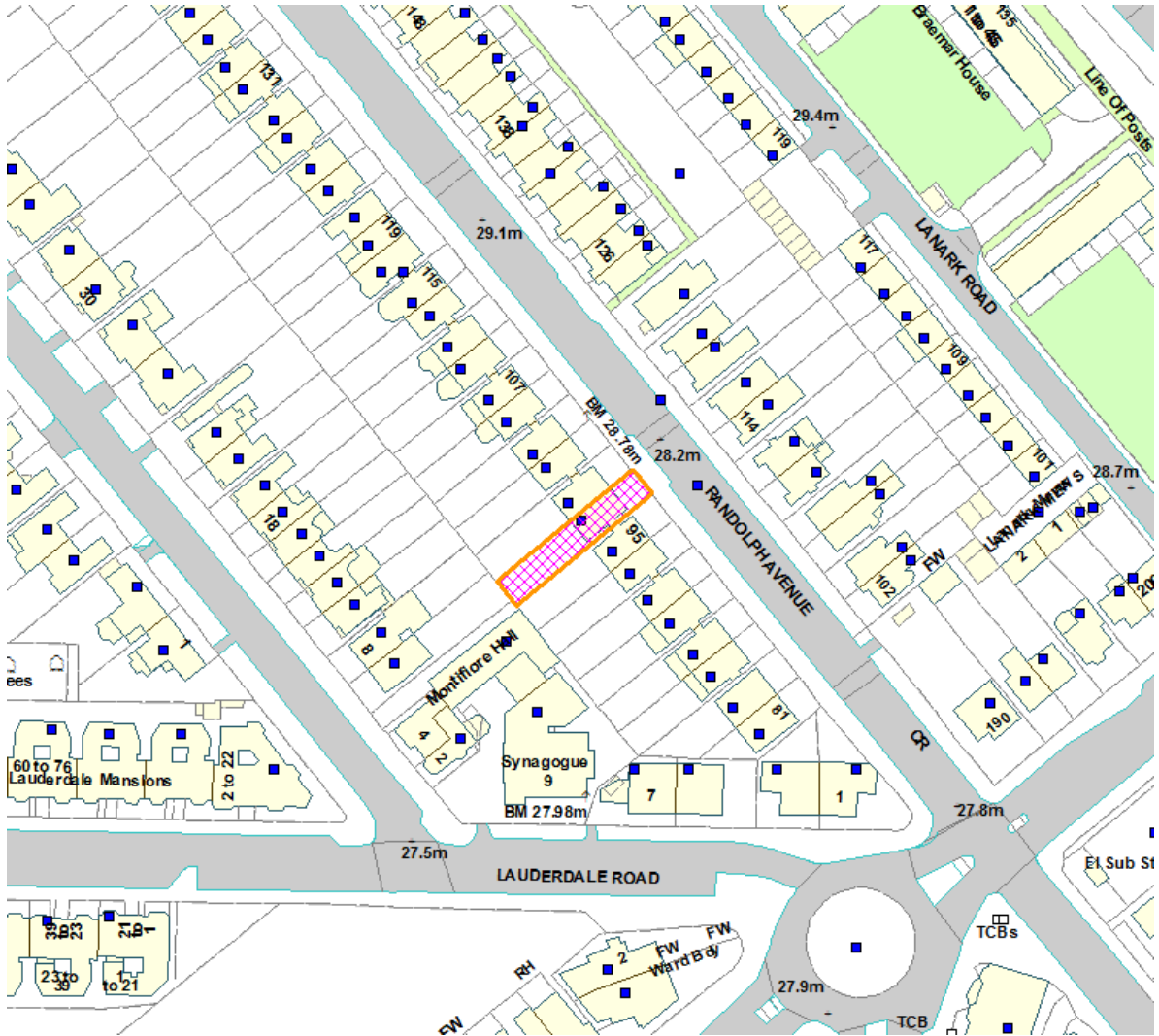
This application was reported to the Planning Applications Committee on 8 November 2017, when committee resolved to grant conditional permission. However, following the committee meeting, and prior to the expiry of the consultation period at midnight on 8 November 2016, an additional consultation response was received raising objection on noise disturbance and design grounds. This representation must be taken in to consideration in the determination of the application and therefore the application is reported back to committee for its further consideration.

As set out in the committee report dated 8 November 2016, which is appended to this report, Environmental Health advise that, subject to the recommended conditions, the operational noise level of the proposed mechanical plant would be sufficiently below the existing background noise level at the nearest noise sensitive (residential) window so as not to cause noise disturbance to neighbouring properties. This would accord with Policies ENV6 and ENV7 in the UDP and Policy S32 in the City Plan. These policies do not afford the same level of protection to external amenity spaces and therefore the concerns raised that the mechanical plant would be audible within neighbouring gardens is not a ground on which permission could reasonably be withheld.

In design terms, as per the previous committee report, the proposed garden structure would be substantially enclosed by existing boundary walls and is considered to be appropriate in terms of its footprint, scale and height. The cladding of the proposed building in redwood cladding would result in an appropriately designed garden building which would preserve the character and appearance of this part of the Maida Vale Conservation Area. Accordingly the proposed structure accords with Policies DES 1 and DES9 in the UDP and Policies S25 and S28 of the City Plan.

For the reasons set out in the preceding paragraphs, despite the objection received since the previous Planning Applications Committee meeting, the proposed development is considered to be acceptable and in accordance with relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan). As such, it is recommended that conditional permission is granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS

View from 97 Randolph Avenue towards the proposed location of mechanical plant.

5. CONSULTATIONS

Original representations as reported to the Planning Applications Committee on 8 November 2016.

Additional Representations Received after the Planning Application Committee on 8 November 2016

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 0; No. of Responses: 1.

One letter of objection from the occupier of 6 Ashworth Road raising objection on the following grounds:

- Increase in noise disturbance to neighbouring gardens due to the proposed air conditioning unit.
- Plant and size of shed structure proposed are disproportionate.

6. BACKGROUND PAPERS

1. Application form.
2. Representations as reported to the Planning Applications Committee on 8 November 2016.
3. Email from the occupier of 6 Ashworth Road dated

Selected relevant drawings

Existing plan and proposed plan, elevations and section.

(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: OLIVER GIBSON BY EMAIL AT northplanningteam@westminster.gov.uk

7. KEY DRAWINGS

Existing and Proposed Rear Garden Plan

Proposed AC Enclosure Plan, Section Through Proposed AC Enclosure and Proposed AC Enclosure Elevation

dust 010

Project: [illegible]
 Date: [illegible]
 Scale: [illegible]

040

Project: [illegible]
 Date: [illegible]
 Scale: [illegible]

Planning Applications Committee (5) Decisions – Tuesday 8th November 2015

8 97 RANDOLPH AVENUE, LONDON, W9 1DL

Installation of one external air conditioning unit, shed and enclosure at ground floor level at rear of site.

RESOLVED:

That conditional permission be granted.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 8 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Maida Vale	
Subject of Report	97 Randolph Avenue, London, W9 1DL		
Proposal	Installation of one external air conditioning unit, shed and enclosure at ground floor level at rear of site.		
Agent	Mr Anthony Ambrose		
On behalf of	Mrs Marie-Claire Pereira		
Registered Number	16/07619/FULL	Date amended/ completed	9 August 2016
Date Application Received	9 August 2016		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Permission is sought for the installation of an external air conditioning unit, and the erection of a shed and enclosure on ground floor level at the rear of the application site.

A local resident has raised an objection on a number of grounds with respect to the impact on residential amenity and design.

The key issues are:

- Impact on the conservation area.
- Impact on the amenity of neighbouring residents.

The proposed development accords with relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan) and is therefore acceptable in land use design and amenity terms. As such, the application is recommended for approval subject to the conditions set out in the draft decision letter.

3. CONSULTATIONS

COUNCILLOR PRENDERGAST

Shocked at the size and scale of the proposed shed and enclosure this will impact the neighbouring residents further.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

ARBORICULTURAL OFFICER

Noted that the tree protection approved pursuant to the basement permission is not currently being implemented to protect the mature silver birch, planning enforcement have been advised of this; these protection measures could not be carried out due to the proposed works being located in the area which is supposed to be fenced off. Conditions recommended to overcome concerns over the tree protection methods and informatives added to advise applicant of how to proceed.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 13

Total No. of replies: 1

No. of objections: 1

No. in support: 0

In summary, the following issues were raised:

Amenity (noise):

- Noise to garden should be taken into account and not just to bedroom windows
- More detailed noise assessment is required

Design:

- Size and bulk of the shed and housing unit is considerable.
- Views that gardens should not be bulked up with development.

Other:

- Sufficient drainage or soak away system is needed. Already a problem has been identified with pooling of water during excavations at No.97 and a possible contributing cause to the serious subsidence/movement of neighbours house

PRESS ADVERTISEMENT / SITE NOTICE: Yes.

4. BACKGROUND INFORMATION

4.1 The Application Site

No.97 Randolph Avenue is an unlisted four storey semi-detached property located within the Maida Vale Conservation Area with a front and rear garden. The building is in use as a single family dwelling house.

4.2 Recent Relevant History

Conditional permission was granted in 2014 for the excavation of a basement extension under the house and garden, together with a lower ground floor rear and side extension, and conversion of roof space to provide habitable accommodation with 4no. rooflights. (14/04980/FULL). This is currently under construction; having undertaken the excavation works, works have ceased due to some concerns over drainage and structure.

5. THE PROPOSAL

Planning permission is sought for the installation of one external air conditioning unit and the erection of a shed and enclosure at ground floor level within the rear garden. The air conditioning unit will be housed within the enclosure on the left hand side and the shed situated on the right, one concealed single leaf door to access both will be situated off centre. The proposed shed and enclosure for the air conditioning unit will be the full width of the garden (approximately 7 metres) and project from the furthest point from the rear boundary wall by approximately 2.5metres. It will be 2 metres in height with a flat roof. It is proposed to have western red cedar timber slat cladding and a Glass Reinforced Plastic (GRP) flat roof hidden behind the parapet.

6. DETAILED CONSIDERATIONS

6.1 Land Use

In terms of land use, the proposed shed and air conditioning enclosure will be used ancillary to the existing dwelling house. The principle of ancillary floor space to an existing dwelling house is acceptable in land use terms. As part of the requirements of Schedule 2, Part 1, Class E of the General Permitted Development Order, it is considered that the proposed shed and enclosure is likely to fall within the tolerances and therefore would be seen as permitted development. Notwithstanding this the a planning application has been submitted and must be determined under planning policy.

6.2 Townscape and Design

The proposed garden structure is single storey with a flat roof and located to the very end of the rear garden of the property, enclosed on three sides by garden boundaries. It is considered to be appropriate in terms of its footprint, scale and height, and also in the context of the neighbouring properties and gardens. The detailed design of the building and the use of redwood cladding is considered to result in an appropriately designed garden building which preserves the character and appearance of this part of the Maida Vale Conservation Area.

The proposal is considered to be acceptable in design terms and complies with policies DES 1 and DES9 of the UDP and S25 and S28 of the City Plan.

6.3 Residential Amenity

The proposed enclosure and shed is located to the rear of the garden adjacent to the rear boundary and is 2m in height. The surrounding boundaries are 1.5m in height and the rear boundary benefits from a number of trees.

The proposal is adjacent to the boundaries of 95 and 99 Randolph Avenue; no representation has been received from the owners of 95 Randolph Avenue. An objection has been received from the owners of 99 Randolph Avenue raising amenity and design concerns. The neighbours to the rear of the application site are 6 and 8 Ashworth Road both these residential properties are set towards the front of their boundary and due to the existing foliage and the proposed 0.5m increase in height above the boundary wall the proposed works would not result in an unacceptable impact to the amenity. Montifiore Hall is situated to the rear of the application site this is linked with the Synagogue and is not a residential property.

Given the location of the garden building at the end of the rear garden, its size, height and relationship with adjacent properties and their gardens (95 and 99 Randolph Avenue) it is not considered to result in any significant impact on amenity through sense of enclosure, daylight and sunlight or privacy. Neither does it raise amenity issues within respect to its use, given the domestic ancillary nature of the use. Environmental Health Officers have assessed the acoustic report that was submitted with the application and consider that the proposed plant is likely to comply with the City Council's noise policy ENV 6 of the UDP, subject to the unit being installed within an acoustic enclosure. Subject to standard Westminster noise conditions and a condition to ensure that the acoustic enclosure is installed before use it is not considered that the proposals will harm the amenity of neighbouring properties.

The proposal is considered acceptable in terms of residential amenity as it complies with policies, ENV6, ENV 13 of our UDP and S29 and S32 of our City Plan.

6.4 Transportation/Parking

Not applicable.

6.5 Economic Considerations

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

6.6 Access

The proposal does not have any adverse access implications.

6.7 Other UDP/Westminster Policy Considerations

None

6.8 London Plan

This application raises no strategic issues.

6.9 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.

6.10 Planning Obligations

Not applicable.

6.11 Environmental Impact Assessment

An Environmental Impact Assessment was not required for a development of this scale.

6.12 Other Issues

Not applicable.

7. BACKGROUND PAPERS

1. Application form
2. Response from Plant And Equipment, dated 23 August 2016
3. Response from Arboricultural Officer dated 25 October 2016
4. Letter from occupier of 99 Randolph Ave, London W9 IDL, dated 28 September 2016
5. Email from Councillor Prendergast dated 22 September 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 OLIVER GIBSON ON 020 7641 7641 OR BY EMAIL AT northplanningteam@westminster.gov.uk

DRAFT DECISION LETTER

Address: 97 Randolph Avenue, London, W9 1DL

Proposal: Installation of one external air conditioning unit, shed and enclosure at ground floor level at rear of site.

Reference: 16/07619/FULL

Plan Nos: Location Plan A-127-RAN-PRO-000-PL Rev P, A-127-RAN-PRO-010-PL Rev P, A-127-RAN-PRO-030-SE Rev P, A-127-RAN-PRO-040-AS Rev P, Design and Access Statement, Acoustic Assessment of Proposed Mechanical Equipment dated August 2016 and Air Conditioning Product Information.

Case Officer: Frederica Cooney

Direct Tel. No. 020 7641 7802

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 (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 The air conditioning unit hereby approved shall not be used until the acoustic enclosure and timber enclosure shown on the plans have been provided. The enclosures must then be maintained in perpetuity.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (July 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22CC)

- 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 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 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:

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 (July 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 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (July 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

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 (July 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 Conditions 3, 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.

- 4 Condition 6 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:
- * the order of work on the site, including demolition, site clearance and building work;
 - * who will be responsible for protecting the trees on the site;
 - * plans for inspecting and supervising the tree protection, and how you will report and solve problems;
 - * how you will deal with accidents and emergencies involving trees;,,
 - * planned tree surgery;
 - * how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
 - * how you will remove existing surfacing, and how any soil stripping will be carried out;
 - * how any temporary surfaces will be laid and removed;
 - * the surfacing of any temporary access for construction traffic;
 - * the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
 - * site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
 - * how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
 - * the place for any bonfires (if necessary);
 - * any planned raising or lowering of existing ground levels; and
 - * how any roots cut during the work will be treated.
- 5 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
- 6 It has come to our attention that the tree protection measures approved pursuant to Condition 8 of the basement permission (14/04980/FULL) are not currently being implemented. Furthermore, they could not be carried out properly if this planning permission is implemented, as the shed and air conditioning unit and enclosure are within the area which is to be fenced off and from which all construction activity should be excluded (see approval of details application RN: 14/11361/ADFULL). Therefore when you apply to us for our approval of details pursuant to Condition 6 you should also submit an application to approve alternative tree protection measures pursuant to Condition 8 of the planning permission dated 7 October 2014 (14/04980/FULL).

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.