

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 7 February 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	35-37 Weymouth Street, London,		
Proposal	Alterations including construction of external plant deck above rear second floor roof to accommodate new air handling unit and installation of associated ductwork to rear elevation, alteration to ground level louvre.		
Agent	Rolfe Judd Planning Ltd		
On behalf of	Mr M Jagger		
Registered Number	16/11755/FULL	Date amended/ completed	14 December 2016
Date Application Received	12 December 2016		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

35-37 Weymouth Street is an unlisted building at the junction of Weymouth Street and Wimpole Mews within the Harley Street Conservation Area. The main building, on basement to fourth floors, steps down at the rear, rising to first floor level on Wimpole Mews, with a roof level plant enclosure. The building is currently occupied by the Harley Street Clinic.

Planning permission is sought for the construction of a raised gantry plant deck above second floor roof to accommodate a new air handling unit, and plant screen, and for the installation of associated ducting to the main rear elevation, rising from second to fourth floor levels. It is also proposed to enlarge a ground level ventilation louvre on Wimpole Mews. The application has been revised to delete proposals for additional plant on the rear roof.

The key issues in this case are:

- The impact of the proposed works on the character and appearance of this part of the Harley Street Conservation Area.
- The impact of the plant operation upon the amenity of neighbouring residential properties.

There is already a large amount of plant on the roof and at the rear of the building. The proposed plant screen is of a neutral colour and the plant would be against an existing rear extension. While the plant would be seen from upper floors of some adjacent buildings, it will not be readily visible from street level. The new ducting would sit behind the existing external escape stair. The enlargement of the ground floor louvre on Wimpole Mews would have limited impact on the buildings frontage. Consequently, it is not considered that the proposal would have an adverse impact on the appearance of the existing building or the character and appearance of this part of the Harley Street Conservation Area.

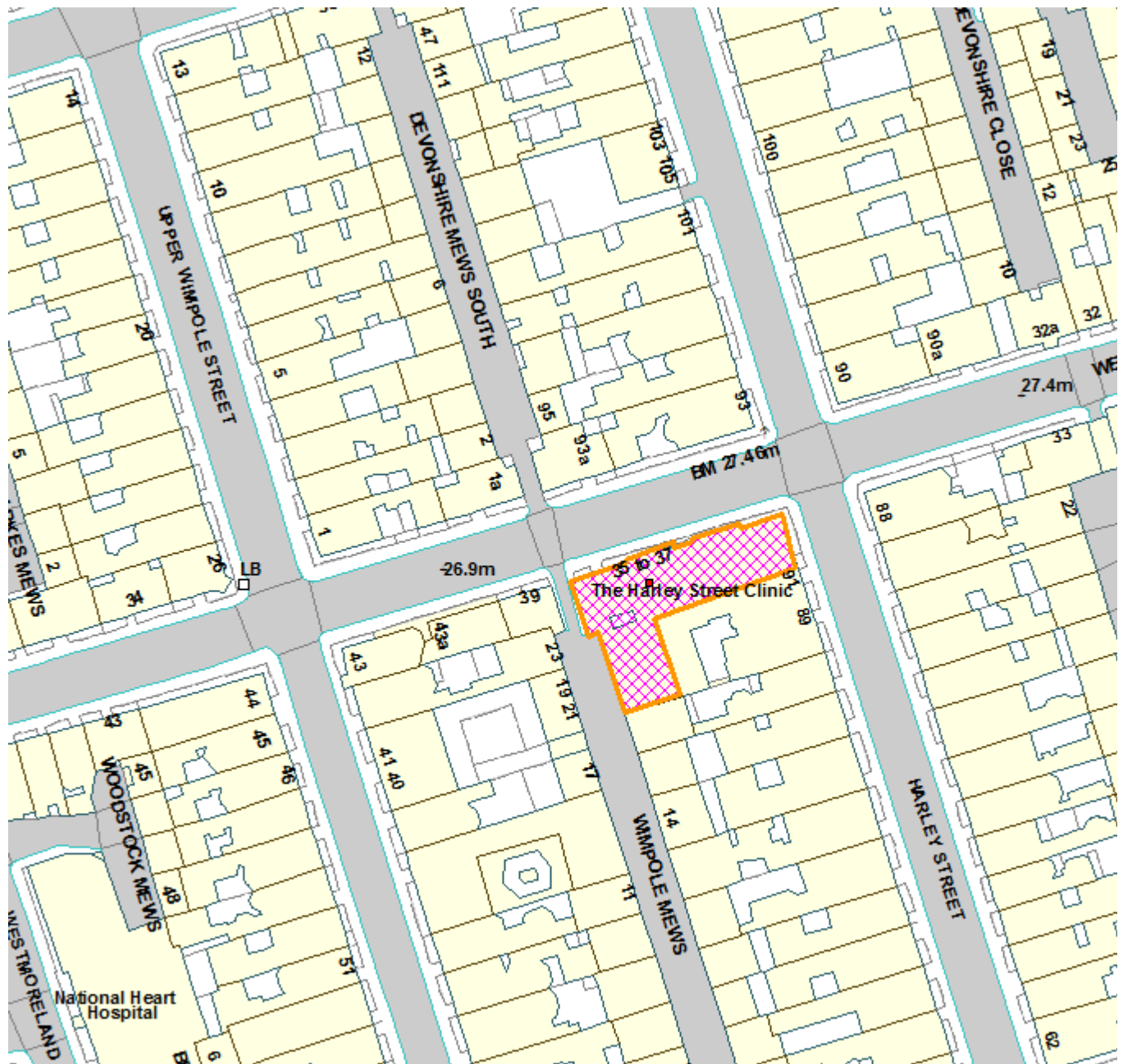
Objections have been received from local residents on the grounds that on the grounds that the plant operation will result in unacceptable noise disturbance, exacerbating existing noise nuisance in Wimpole mews caused by existing plant noise and other sources. Objectors have also expressed concern that the submitted acoustic report measures existing background noise levels from a location adjacent to existing plant. The acoustic report has been assessed by the Council's Environmental Health Officer who has based his assessment upon background noise readings taken in relation to a neighbouring development in Wimpole Mews, which is considered to address objectors' concerns about the accuracy of the submitted background noise readings. On this basis, the Environmental Health Officer has confirmed that the proposed plant operation is likely to comply with the Council's noise standards, operating below background noise levels.

Given the location of the proposed plant enclosure, it is not considered that there would be any material impact on the level of light received to neighbouring properties.

One objector considers that the application is misleading and suggest that the plant is located Weymouth street rather than in Wimpole Mews. However, this is the correct postal address and the submitted drawings clearly show the location of the plant.

The application is considered acceptable on design and amenity grounds and is therefore recommended for approval, subject to conditions.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

MARYLEBONE ASSOCIATION

No objection subject to compliance with Councils noise criteria

ENVIRONMENTAL HEALTH

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 8

No. in support: 0

Total No. of replies: 5

No. of objections: 5

Objections received on the following grounds:

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- noise nuisance

- inaccurate background noise survey.

- unclear from site address that plant is located in Wimpole Mews

ADVERTISED / SITE NOTICE:

Yes

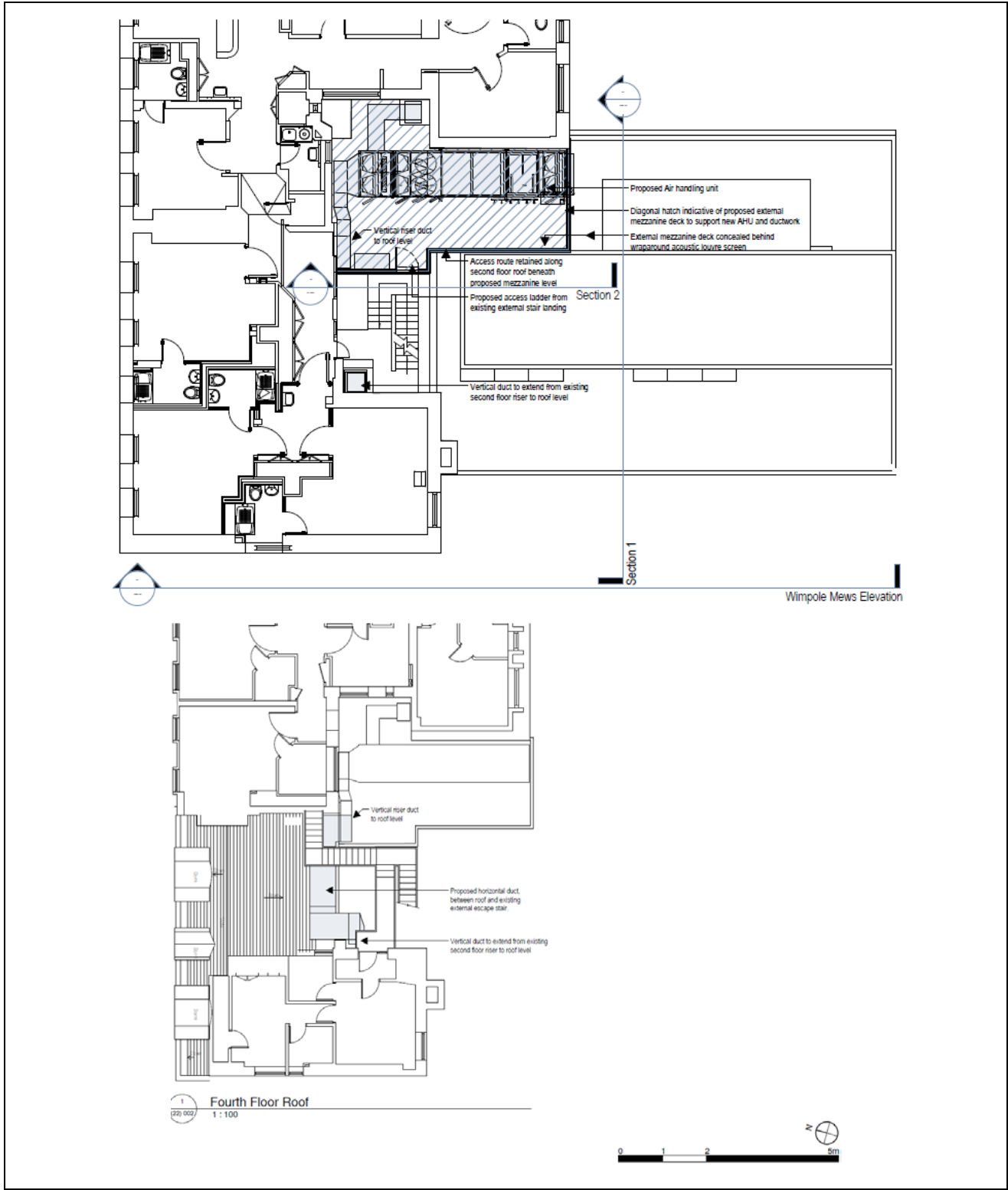
6. BACKGROUND PAPERS

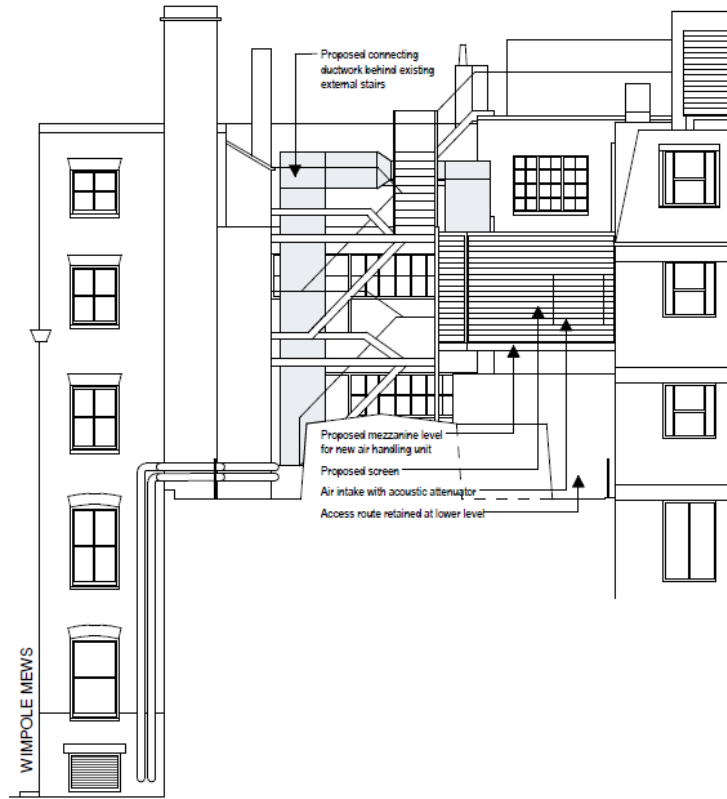
1. Application form and letter from Rolfe Judd Planning, dated 25 January 2017
2. Response from Marylebone Association, dated 11 January 2017
3. Response from Environmental Health, dated 4 January 2017
4. Letter from occupier of 14, Wimpole Mews, dated 3 January 2017
5. Letter from occupier of 14 Wimpole Mews, London, dated 4 January 2017
6. Letter from occupier of Flat 4, 19-21 Wimpole Mews, dated 5 January 2017
7. Letter from occupier of 19-21 Wimpole Mews, London, dated 4 January 2017
8. Letter from occupier of 39 Weymouth Street, London, dated 2 January 2017

(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: SARA SPURRIER BY EMAIL AT SSPURRIER@WESTMINSTER.GOV.UK.

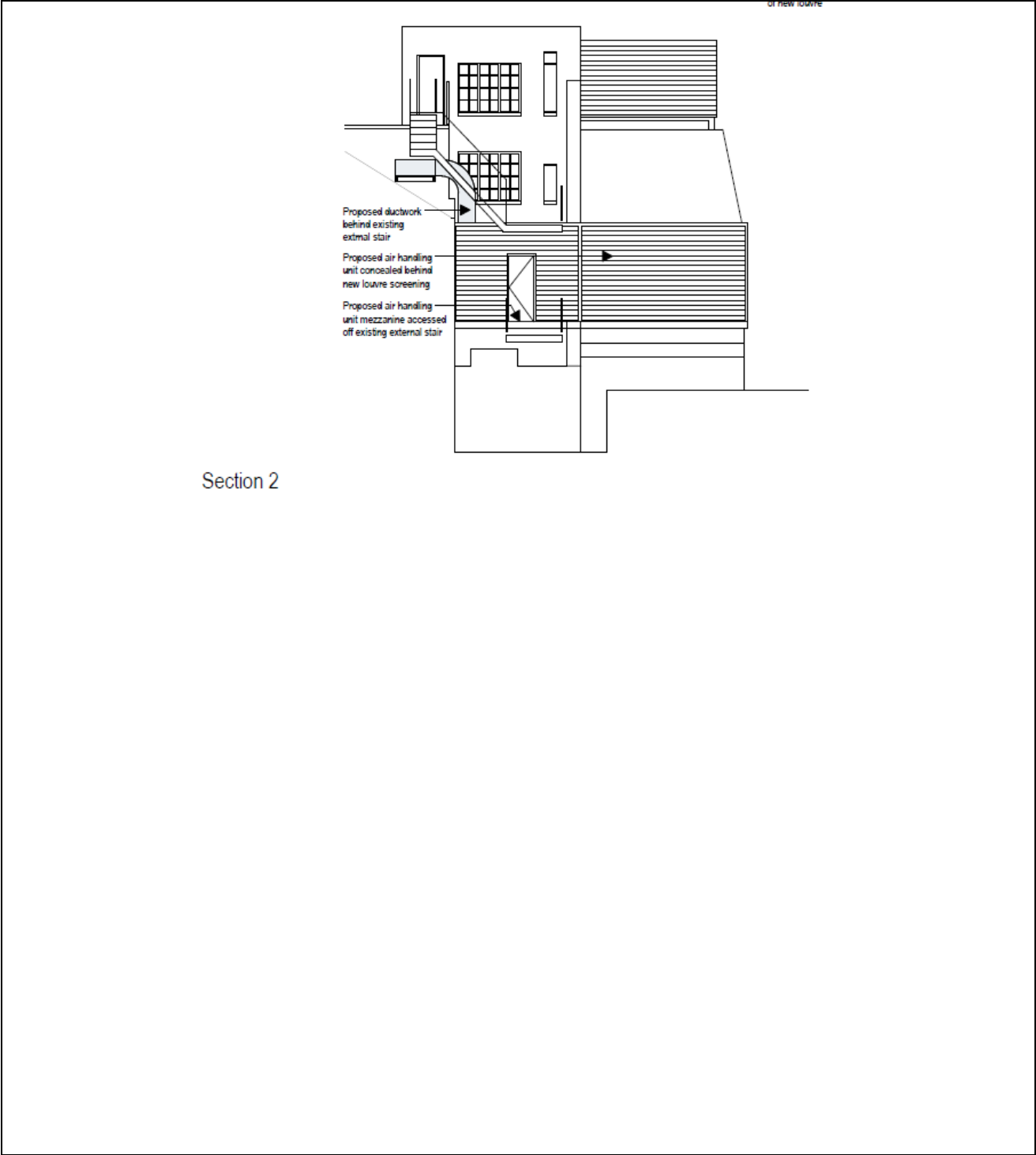
7. KEY DRAWINGS





Section 1





DRAFT DECISION LETTER

Address: 35-37 Weymouth Street, London, ,

Proposal: Alterations including construction of external plant deck above rear second floor roof to accommodate new air handling unit and installation of associated ductwork to rear elevation, alteration to ground level louvre.

Reference: 16/11755/FULL

Plan Nos: 1650 (32) 001 P5, 1650 (22) 002 P4, 1650 (22) 001 P5

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 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:

between 08.00 and 18.00 Monday to Friday; and
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 (November 2016) 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 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 (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.

- 5 You must put up the plant screen 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 neighbouring residents from noise and vibration nuisance, as set out in S29 and 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. (R13AC)

- 6 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 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 (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)

- 7 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 (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.

Item No.
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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.