

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 th April 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Marylebone High Street	
Subject of Report	12 Marylebone Mews, London, W1G 8PX		
Proposal	Installation of air source heat pump within acoustic enclosure to rear flat roof at second floor level; provision of new planter at second floor level; and associated works		
Agent	Patalab Architecture		
On behalf of	McCormick		
Registered Number	21/07283/FULL	Date amended/ completed	5 November 2021
Date Application Received	22 October 2021		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site is an unlisted mid Victorian mews house located towards the south-eastern end of Marylebone Mews within the Harley Street Conservation Area. The property is a three-storey single family dwelling that backs onto 66 Wimpole Street. It has a traditional mansard roof, and at the rear this is set back from the rear wall by an area of flat roof.

Permission is sought for the installation of an air source heat pump within an acoustic enclosure together with a planter at rear second floor level. Whilst permission has been refused, in both April 2020 and January 2021, for an acoustic enclosure at this level, this proposal differs from the refused schemes in that the enclosure is now smaller and is proposed in materials which match the existing roof covering.

The Marylebone Association and objectors raise objections on the grounds that the air source heat pump would result in an obtrusive addition to the detriment of the character of the conservation area. They also do believe that the planter will not adequately conceal the plant equipment, would not be frequently maintained, and would therefore deteriorate rapidly and not serve its purpose.

The principle of an enclosure in this location is considered to be acceptable in design terms given that the enclosure is considered to read as an addition to the flat roof, rather than an extension to the roof form. The current proposals are considered to be an improvement on the previously refused applications. Its bulk is not so great as to warrant a refusal on the basis of the City Councils roof extension policies. The reduced size of the enclosure, along with the change in materials is considered to overcome the objections raised. It is therefore considered acceptable in design terms subject to the submission of samples of the cladding material for the enclosure and planter. The planter is proposed in a dark material to match the existing roof level materials and is uncontentious. The comments regarding maintenance of the plants are noted, and a condition is proposed requiring the planting to be maintained.

The closest residential to the application site are the adjoining properties at 11 and 14 Marylebone Mews and 66 Wimpole Street to the rear. One comment and six objections have been received from neighbouring residents, who raise concerns regarding noise and vibration and loss of daylight. The Marylebone Association also state that the plant must comply with the City Councils noise and vibration policies.

Objectors also raise concern regarding the accuracy of the noise report, particularly the distances referred to in the noise report and the noise levels generated by the proposed plant. Whilst the submitted acoustic report does state that the plant will be between 4 to 6 metres to the nearest affected terraces, the objector believes the distance to be 2.6m-2.9m. There is a terrace within the adjoining roof space at 14 Marylebone Mews which has not been referred to in the report which is approximately 2m from the proposed unit. However, the City Council's requirements are to noise sensitive windows and the closest residential window referred to in the report is stated as being 5 metres away from the unit (a window in the rear face of the adjoining property). Whilst there is a window within the roofspace that serves the adjoining roof terrace that is closer than the 5 metres referred to in the report, it is a storey lower than the proposed unit and is also screened by the existing building. Environmental Health concur with this assessment and accept that the window within the report is the most sensitive one. Objectors are also concerned that the plant will run intermittently and will generate additional noise and that the plant would need to demonstrate a maximum noise emission level at least 10dB below background, not 5dB. Additional information from the acoustic engineer also confirms that once the unit is running, it will run continuously and not cut in and out and therefore the relevant noise criteria is 5dB. On this basis Environmental Health consider that the proposed plant is likely to comply with Policy 33 of the City Plan. The proposals will not therefore harm the amenity of neighbouring properties.

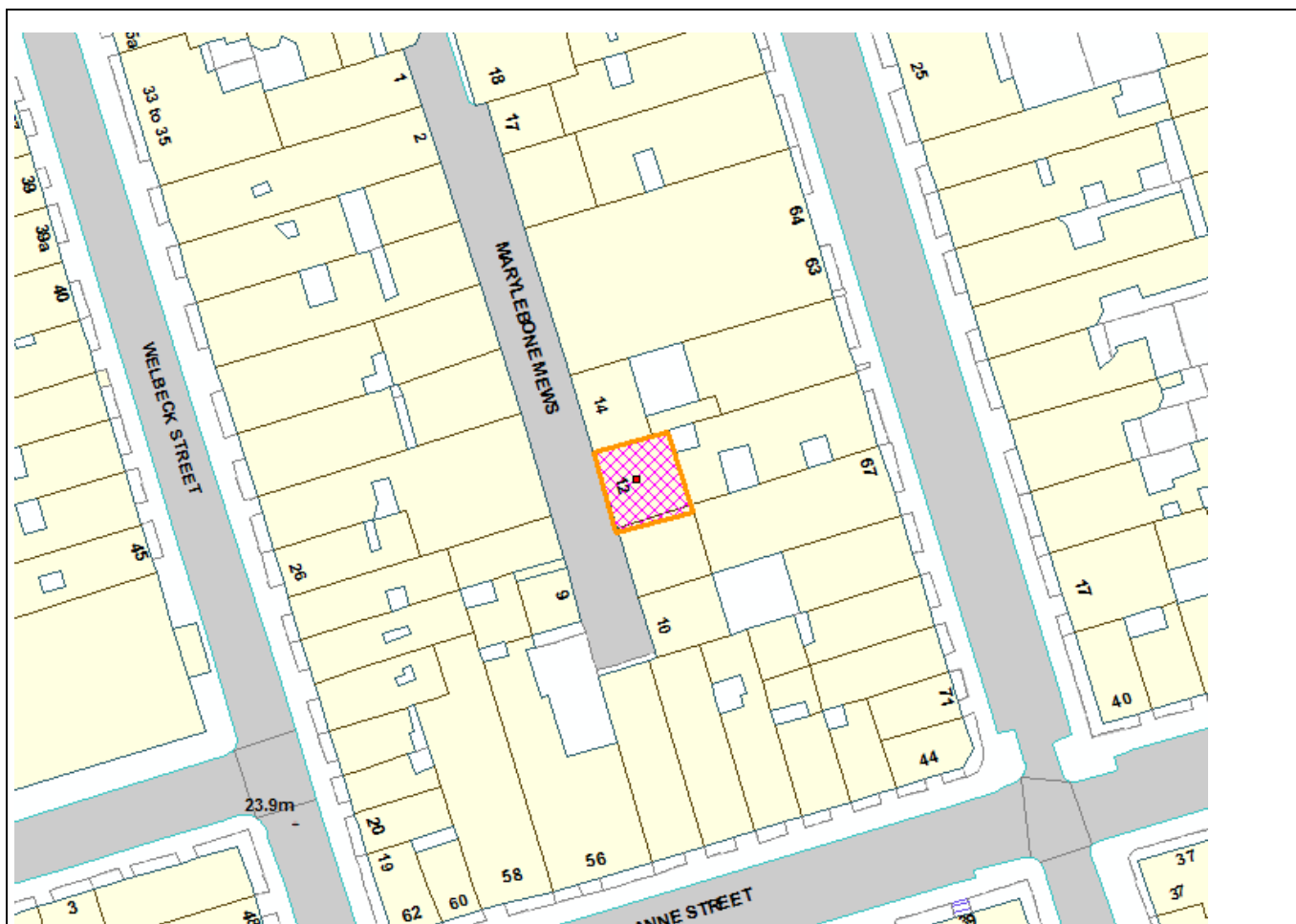
Following receipt of the objections relating to loss of light, the applicant submitted a daylight sunlight report that assesses the impact of the proposal on neighbouring residents, particularly those to the rear of the application site at 66 Wimpole Street. Following a query raised by a resident at 65 Wimpole Street, the applicant provided an amended report to include this neighbouring property. The sunlight/daylight assessment submitted with the application shows that the greatest loss of VSC in this case is 10.87 % to a lightwell window within 66 Wimpole Street. This same window would experience a 3% loss in annual sunlight hours. The advice of the Building Research Establishment (BRE) suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. This window and all of the other windows within the adjacent residential properties facing towards the application site will therefore comfortably meet the BRE Guidelines in relation to BRE tests.

Objectors also raise concerns regarding the sustainability credentials of the unit, that the unit does not comply with permitted development rights, and the fact that an alternative position within the

lightwell of the site should be investigated. Nevertheless, air source heat pumps are a renewable form of energy and the applicant has confirmed that the pump will be used for both heating and cooling. The unit does not fall within permitted development rights, and this is why an application has been submitted, and as part of this submission the applicant has also provided a detailed plan to clarify that the proposed acoustic enclosure is too large to fit within the lightwell.

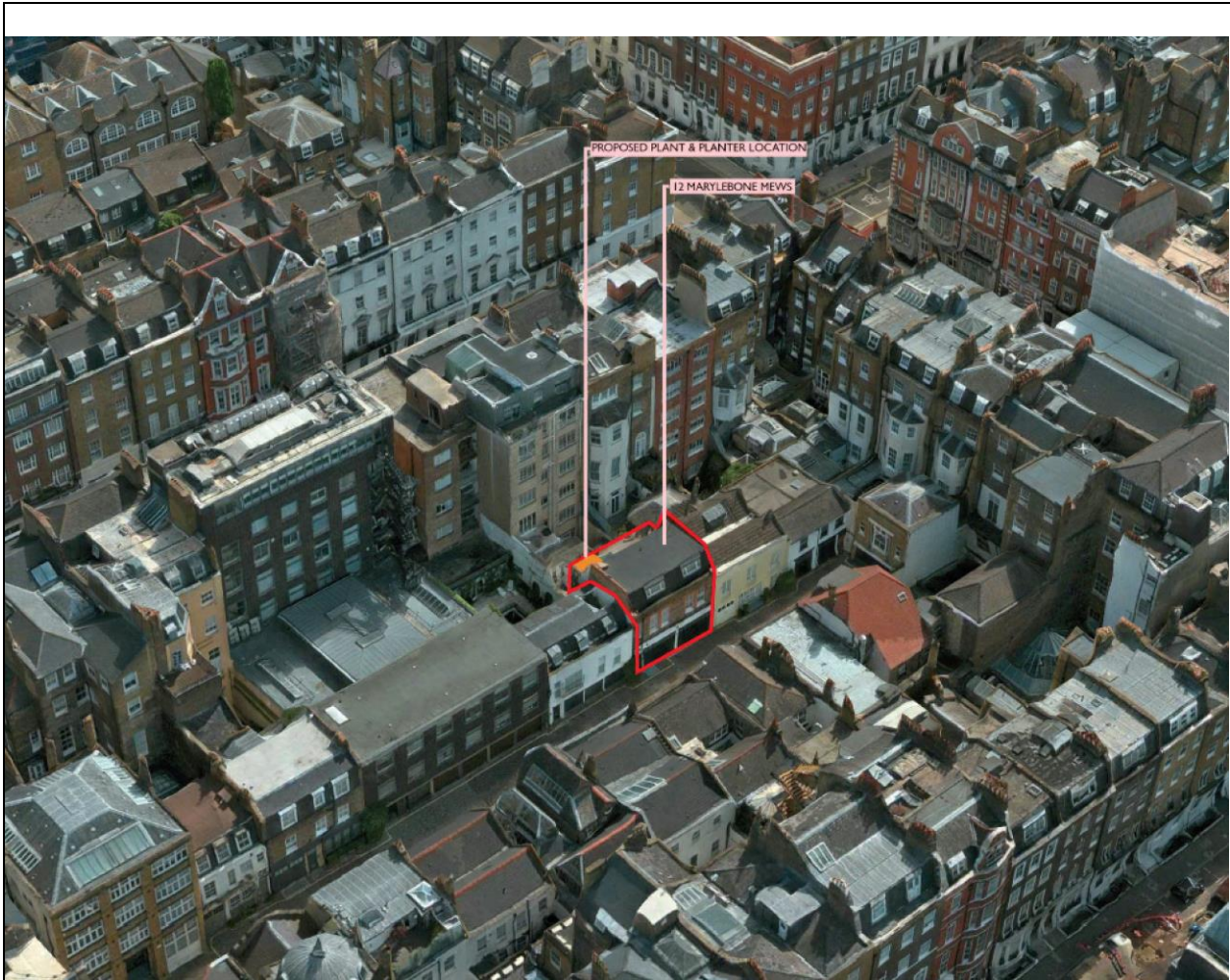
The application is considered to accord with adopted policies in the Westminster City Plan (2019-2040), and accordingly the application is recommended for approval.

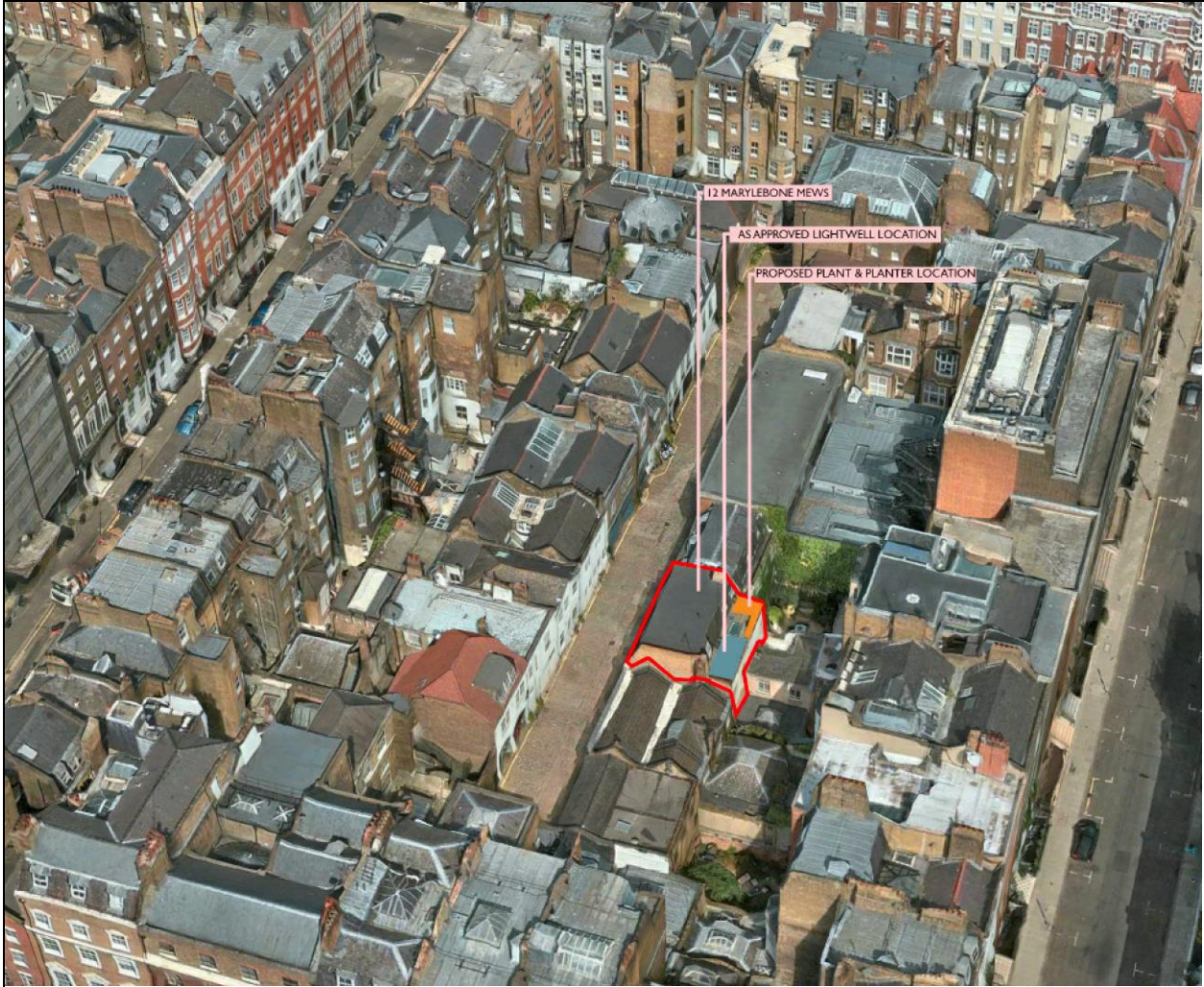
3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

MARYLEBONE ASSOCIATION

Consider the air source heat pump would result in an obtrusive addition to the rear of the property, and to the detriment of the character of the conservation area.

ENVIRONMENTAL HEALTH:

No objection subject to standard conditions

ADJOINING OWNERS / OCCUPIERS

No. of original consultees: 35

No. Replies: 1 letter of comment (asking for the make and model of the proposed unit) and six letters of objections raising the following issues:

- Concerns regarding noise and vibration;
- Concerns regarding loss of daylight;
- Planter maintenance concerns
- Harm to the appearance of the building and the conservation area

SITE & PRESS NOTICE

Yes

6. BACKGROUND INFORMATION

6.1 Recent Relevant History

In January 2020 an application was granted for alterations to front facade at ground level including replacement of existing garage door with a window and new recessed window openings, creation of a new rear lightwell to create terraces at ground and first floor level, removal of windows at rear first floor level and installation of balustrade, all for use in connection with the single family dwelling (Class C3).

An application was refused, on design grounds, in April 2020 for the installation of a roof light and two air conditioning condensing units, at mansard level within acoustic enclosures, and extension of existing rendered rear wall.

An application was also refused on design grounds in January 2021 for the installation of an acoustic enclosure containing two air conditioning condensers to rear of existing modern mansard roof and replacement window at rear roof level. An informative was included on this decision to recommend the applicant seek to house the plant within the previously consented lightwell.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

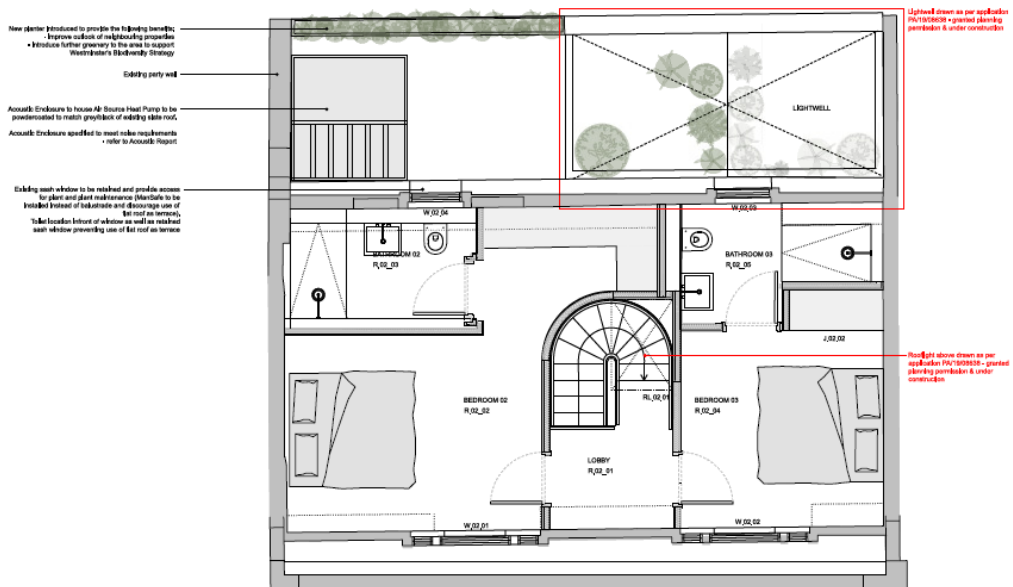
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

7. KEY DRAWINGS

Proposed rear elevation



Second Floor Proposed plan



DRAFT DECISION LETTER

Address: 12 Marylebone Mews, London, W1G 8PX

Proposal: Installation of air source heat pump within acoustic enclosure to rear flat roof at second floor level; provision of new planter at second floor level; and associated works

Reference: 21/07283/FULL

Plan Nos: PA3201 REV 05, PA3200 REV 05, PA3101 REV 05, PA3015 REV 05, PA3012 REV 07

Case Officer: Shaun Retzback

Direct Tel. No. 07866 039589

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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 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 the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 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 in writing 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 in writing 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 written 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 minutes) 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.
(C46BC)

Reason:

As set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46BC)

- 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.
(C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R48AB)

- 6 You must install the acoustic attenuation measures shown on the approved drawings before you use the machinery. You must then maintain the attenuation measures in the form shown for as long as the machinery remains in place. (C13DB)

Reason:

To protect the environment of people in neighbouring properties and to ensure the appearance of the development is suitable and would not harm the appearance of this part of the city. This is in line with Policies 7, 33, 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R13CD)

- 7 Before you operate the heat pump hereby approved, you must install the planter and plants, as shown on the approved drawings. The planters and plants must thereafter be maintained for as long as the machinery remains in place.

Reason:

To protect the environment of people in neighbouring properties and to ensure the appearance of the development is suitable and would not harm the appearance of this part of the city. This is in line with Policies 7, 33, 38 and 40 of the City Plan 2019 - 2040 (April 2021) and to reduce the effect the development has on the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 Under the Construction (Design and Management) Regulations 2015, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
 - , * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
 - , * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant., , * Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm, It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 3 Working at height remains one of the biggest causes of fatalities and major injuries. You should carefully consider the following.
 - * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
 - * Lighting - ensure luminaires can be safely accessed for replacement.
 - * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/toolbox/height.htm

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 4 Conditions 4 & 6 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)
- 5 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference 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.