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| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS SUB COMMITTEE | Date 23 January 2023 | Classification For General Release | |
| Report of Director of Town Planning & Building Control | | Ward(s) involved Vincent Square | |
| Subject of Report | 17 - 19 Rochester Row, London, SW1P 1JB | | |
| Proposal | Refurbishment, alteration and extension of the existing Class E building to include erection of a rear infill, replacement of fourth floor and erection of new roof pavilion, provision of external roof terraces, provision of plant equipment, altered façade and other associated external works. | | |
| Agent | DP9 | | |
| On behalf of | Rochester Row Limited | | |
| Registered Number | 23/05475/FULL | Date amended/ completed | 13 November 2023 |
| Date Application Received | 7 August 2023 | | |
| Historic Building Grade | Unlisted | | |
| Conservation Area | Outside of a conservation area, adjacent to the Vincent Square Conservation Area | | |
| Neighbourhood Plan | None relevant | | |

1. RECOMMENDATION

1. Grant conditional permission, subject to completion of a S106 legal agreement to secure the following obligations:

- a) Undertaking of all highway works immediately surrounding the site required for the development to occur prior to occupation of the extensions, including the relocation of the existing on-street Electric Vehicle Charing Unit outside the building on Rochester Row and the provision of a minimum of 4 on-street cycle parking stands in the vicinity of the development. All of the above to the Council's specification and at full cost (administrative, legal and physical) of the developer.
- b) Dedication as highway of the area where the building line is set back from the existing line prior to occupation of the extensions, and subject to a detailed plan of the area and any minor alterations, all as agreed with the Council and at full cost of the developer.
- c) The costs of monitoring the S106 agreement.

2. If the S106 legal agreement has not been completed within 3 months from the date of the Committee's resolution then:

- a) The Director of Town Planning & Building Control shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Town Planning & Building Control is authorised to determine and issue such a decision under Delegated Powers; however, if not
- b) The Director of Town Planning & Building Control shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Town Planning & Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY & KEY CONSIDERATIONS

17-19 Rochester Row is an unlisted 1980s building with elevations to Rochester Row, Rochester Street and Greycoat Street. It is within the setting of the Vincent Square Conservation Area (the boundary runs down the centreline of Rochester Street to approximately half the depth of the site) and the Church of St. Stephen and the Royal Horticultural Society New Hall, which are both listed Grade II*. The application building is used for offices (Class E). The site is within the Central Activities Zone.

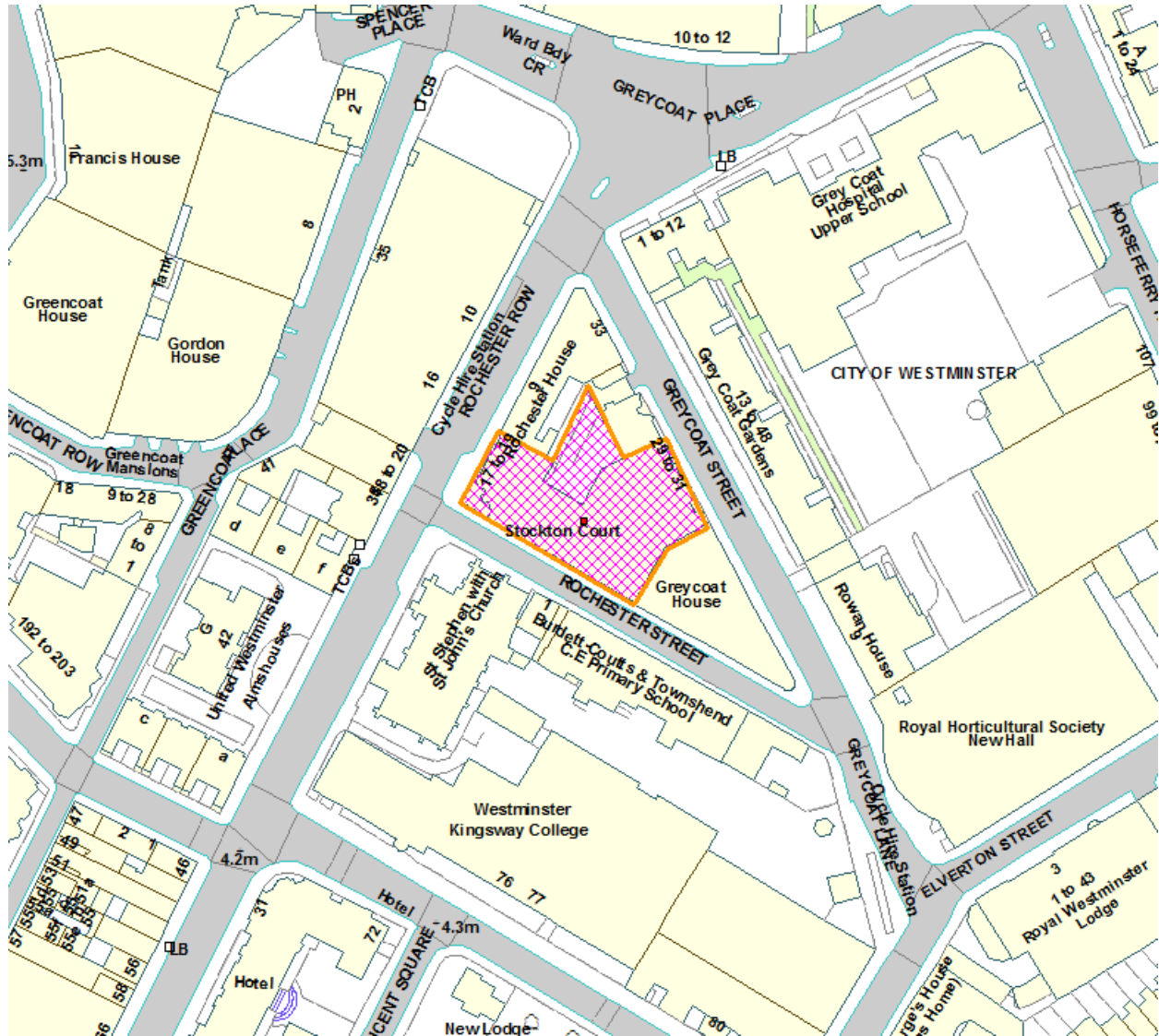
The application proposes the refurbishment, alteration and extension of the existing office (Class E) building. This includes the erection of a rear infill extension, the replacement of the fourth floor and erection of new roof pavilion on top, provision of external terraces, provision of new plant equipment, altered façades and other associated external works.

The key considerations in this case are:

- The acceptability of the proposal in land use terms.
- The acceptability of the energy performance of the proposed building.
- Whether the development has delivered sufficient greening/ biodiversity net gain.
- The acceptability of the proposed building in design terms.
- The impact of the proposed building setting of the Vincent Square Conservation Area and the setting of nearby listed buildings;
- The impact on the amenity of adjacent occupiers.
- The acceptability of the development in highways and access terms.

This report explains the proposed development is overall consistent with Westminster's City Plan 2019-2040 (April 2021) and the London Plan (March 2021). As such, the proposals are considered acceptable in land use, sustainability/ energy, heritage, townscape, design, amenity and highway terms and the application is recommended for approval subject to the completion of a S106 legal agreement and the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View from Rochester Row (above) and Rochester Street (below)





View on Rochester Row



View on Greycoat Street



View of building from rear courtyard



Aerial photograph

5. CONSULTATIONS

5.1 Application Consultations

THORNEY ISLAND SOCIETY:

Were consulted in advance of the application, and agree the external changes are an improvement. Concern is raised regarding the roof terraces: part of the space could be used for photovoltaic panels and social activity on them could generate harmful noise. Suggests reducing the size of the roof terraces and limiting their use from 8am to 8pm, and not at all on the weekends.

WESTMINSTER SOCIETY:

Had the benefit of being consulted in advance of the application, and are supportive of the design. Support the reuse of the building and retention of office use. The increased massing is slight and acceptable. The external appearance of the building will be improved as will its environmental performance. The removal of the undercroft will reduce anti-social behaviour. The applicant has taken steps to minimise overlooking from roof terraces, although the planting proposals and the screening they provide should be reconsidered and the use of timber screens considered.

HISTORIC ENGLAND (GREATER LONDON ARCHAEOLOGICAL ADVISORY SERVICE):

The site is within a tier III Archaeological Priority Area and the proposal comprises only relatively minor groundworks, and therefore is not of an archaeological concern.

LEAD LOCAL FLOOD AUTHORITY:

No objection, subject to conditions being attached to ensure acceptable drainage strategy is implemented and flood mitigation measures are carried out.

ENVIRONMENTAL HEALTH:

No objection to the plant proposal on noise nuisance grounds. Subject to conditions, the proposed equipment could operate without harm to neighbouring residents. The revised operations for the roof terrace will mean neighbouring residents are not unduly harmed in terms of noise.

HIGHWAY PLANNING:

Supported issues include waste management, trip generation and loss of car parking. Cycle parking arrangement could be improved if fewer lockers for folding bicycles are provided in favour of more standard cycle parking spaces, although the scheme is policy compliant in terms of long stay provision. Short stay provision is proposed on-street, unclear why it could not be on-site. Servicing would be maintained on-street which is undesirable. Alterations to the facades and entrance require a legal agreement to cover the relocation of an electric vehicle charging point on the highway and dedication of areas as highway.

ARBORICULTURAL OFFICER:

No objection, subject to ensuring details and a suitable plan for the planting is submitted to and approved by the Council.

WASTE PROJECT OFFICER:

The waste bins within the waste storage area should be labelled on the drawings to ensure compliance with Council waste and recycling guidance.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 277

Total No. of replies: 4 (from 3 parties)

No. of objections: 2

No. neither objecting nor supporting: 2 (from 1 party)

In summary, the two neighbouring residents object on the following summarised grounds:

Amenity

- Overlooking from the roof terraces (to those opposing on Greycoat Street and Rochester Row)
- Noise disturbance from the roof terraces (proposed hours of 07:00 to 23:00 are excessive, and will impact on neighbours – should be managed appropriately).

Other

- Uncertainty regarding the height of the proposed building and whether photovoltaic panels are included.
- Timescales for comment on the planning application are too short.
- The public consultation (the applicant carried out) did not sufficiently detail the proposals on Greycoat Street

In summary, a representative of six neighbouring flats has made two comments on the proposal neither objecting nor supporting but raising the following points:

- Stockton Court would be left unchanged and, in that context, the new alterations proposed would be incongruous, and consideration should be given to also updating the Stockton Court frontage so that it would match the proposal.
- Insufficient justification and discussion in the Daylight and Sunlight report is given to the impact on the occupiers of Stockton Court.
- Access to and from the residents car parking must be maintained.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application in accordance with the principles set out in the Early Community Engagement guidance. The engagement activities undertaken by the applicant (as listed in the submitted Statement of Community Involvement) are summarised in the table below:

| Engagement Method/Event/Activity | Date | Attendance |
|----------------------------------|----------|--|
| Letter to neighbouring | Feb 2023 | To 56 neighbours, informing of strip out |

| | | |
|--------------------------------------|------------|--|
| occupiers | | works |
| Meeting | April 2023 | Westminster Society |
| Meeting | April 2023 | Greycoat School |
| Meeting | May 2023 | Ward Cllrs Harvey and Short |
| Meeting | May 2023 | Church of St Stephens |
| Meeting | May 2023 | Burdett Coutts school |
| Meeting | June 2023 | Thorney Island Society |
| Newsletter to neighbouring occupiers | June 2023 | To 394 addresses to provide overview of proposals to neighbours directing people to various ways to engage |
| Meeting | June 2023 | Five neighbouring residents |
| Consultation website | June 2023 | 258 unique visits, 7 people provided feedback |
| Social media adverts | June 2023 | 1,276 clicks, one comment received |
| Webinars | June 2023 | Five neighbouring residents attended |
| Public exhibitions | June 2023 | 12 people attended, 3 feedback forms given back |

In summary, the applicant's survey of those who engaged with them found:

- Of those who expressed a view, commenters agree the building is in need of refurbishment.
- Most agree the proposals are in-keeping with a surrounding area, a minority disagreed.
- Most agree the development will help contribute to the economy of the area, a minority disagreed.
- All agreed keeping most of the building's structure, alongside other sustainability enhancements, are welcomed.
- Most agree the enhancement to the office reception and removal of the undercroft will help design out anti-social behaviour, a minority disagreed.

Other issues raised include:

- There is also anti-social behaviour occurring around the Greycoat Street entrance.
- The building could be converted to residential use, and/ or other uses introduced which serve the public.
- Some find the design generic and underwhelming.
- The replacement of the mansards makes the building more prominent.
- Concern about overlooking from rear extension.
- Concern about overlooking and noise from roof terrace.
- More photovoltaic panels could be put on the roof if less of it was used as a roof terrace.

The applicant's Statement of Community Involvement and other application documents identify that the scheme has been revised in the following ways in response to views and representations expressed during pre-application community engagement:

- Revision to the Greycoat Street façade to address anti-social behaviour there.

- Revision to the upper levels to reduce their prominence.
- Revision to the privacy treatment to the rear windows to help further mitigate overlooking.
- Proposes set back for terraces, management of areas and planting for screening.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (September 2023) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (September 2023) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

17-19 Rochester Row is an unlisted building with elevations to Rochester Row, Rochester Street and Greycoat Street. It is within the setting of the Vincent Square Conservation Area (the boundary runs down the centreline of Rochester Street to approximately half the depth of the site) and the Church of St. Stephen and the Royal Horticultural Society New Hall, which are both listed Grade II*, and other nearby listed buildings.

The application building is used for offices (class E). While separate for the purposes of these proposals, the building is part of a wider development that also contains six residential flats at 31 Greycoat Street, which is a building known as Stockton Court. This residential building and 17-19 Rochester Row share the same design. While these different buildings have separate pedestrian entrances, they share a vehicular entrance

and a car parking area located within a courtyard. Another residential property, 33 Greycoat Street (at the corner of Rochester Row and Greycoat Street), has windows which looks into this courtyard area.

The site is located within an area defined by the following constraints:

- Within the setting of heritage assets (listed buildings and the Vincent Square Conservation Area)
- Within the Central Activities Zone (CAZ)
- Within Flood Zone 3 and the Elverton Street Surface Water Flood Risk Hotspot
- Within a Tier III Archaeological Priority Zone
- Within an area identified as Open Space deficient

7.2 Recent Relevant History

None relevant.

8. THE PROPOSAL

The application proposes the refurbishment and extension of the building. This includes:

- Alteration to the facades.
- Erection of a rear infill extension.
- Replacement of fourth floor and erection of new roof pavilion on top.
- Provision of external roof terraces.
- Provision of green roofs and other areas of planting.
- Provision of plant equipment, including Air Source Heat Pumps.
- Provision of Photovoltaic Panels.
- Alterations to access arrangements, including the courtyard.
- Upgrade of internal areas and facilities, including cycle and waste stores.

These proposals aim to achieve a comprehensive refurbishment and extension of the site to provide an enlarged and upgraded office building. The proposals retain much of the existing building, including the frame, floors and parts of the facades, but with the proposed new extensions and alterations the building will have a new character.

Table: Existing and proposed land uses.

| Land Use | Existing GIA (sqm) | Proposed GIA (sqm) | +/- |
|------------------|--------------------|--------------------|-----|
| Office (class E) | 5,253 | 6,132 | 879 |

During the course of the application, and following office advice, the applicant revised the proposal in the following summarised ways:

- Updated roof terrace management plan changing the proposed management of the roof terraces, including reducing hours of use to between 08:00 and 20:00 Monday to Friday and 08:00 and 18:00 on Saturday
- Updated sections to show distances to adjacent occupiers, and
- Updated acoustic information to assess noise.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The proposals involve increasing office floorspace, as set out in the table above. City Plan Policies 1, 13 and 14 support office growth and modernisation to provide at least 63,000 new office-based jobs in the city, alongside other forms of commercial growth. Policy 13 explains this new and improved office floorspace is supported in principle within parts of the CAZ with a commercial or mixed-used character.

London Plan Policies SD1, SD4 and E1 support growth of office floorspace in the CAZ and opportunity areas and the provision of new and refurbished office space which will improve the quality, flexibility, and adaptability of London's office stock.

The new office floorspace proposed in this location is welcomed in respect to the above policies. Rochester Row has a mixed-use character area. 17- 19 Rochester Row is at the northern end of the street, where there are a mix of residential, commercial and other uses. While 17- 19 Rochester Row is outside of the Victoria Opportunity Area (a predominately commercial area), it opposes the properties from 10 to 38 Rochester Row (evens) which are within it. Also, the site is close to the Victoria Street CAZ Retail Cluster (which extends down Artillery Row) and the Strutton Ground Local Centre.

The uplift in floorspace will contribute toward the office-based jobs growth target and the proposal also represents an improvement in terms of quality over the existing office floorspace, which is currently below modern standards. The proposals include providing new outdoor space for office occupiers, new landscaping and new facilities, including for cycle parking. The building will also be more energy efficient. Overall, the proposals will create a higher quality office environment and thereby will improve the office offer in the area, and this is welcomed.

9.2 Environment & Sustainability

Energy Performance and Sustainable Design

City Plan Policy 36 requires development to follow the energy hierarchy, as set out in the London Plan. The energy hierarchy includes:

1. be lean: use less energy and manage demand during operation
2. be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
3. be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
4. be seen: monitor, verify and report on energy performance.

While all development must follow the energy hierarchy and reduce carbon emissions, neither the City Plan nor the London Plan require non-major development to achieve net-zero regulated carbon emissions, nor do they set a minimum on-site reduction beyond Building Regulations, and Westminster's validation requirements do not require an Energy Strategy be submitted to support developments of this scale. Nonetheless,

the applicant has provided an Energy Strategy, and it has set out the carbon savings beyond Building Regulations that they can achieve, as explained in the below table.

Table: Regulated carbon dioxide savings from each stage of the energy hierarchy.

| | Regulated Carbon Dioxide Savings | |
|--|----------------------------------|------|
| | Tonnes CO ₂ per Annum | % |
| Be Lean: Savings from energy demand reduction | 10.8 | 29.1 |
| Be Clean: Savings from heat network | 0.0 | 0 |
| Be Green: Savings from renewable energy | 2.7 | 7.3 |
| Cumulative on-site savings | 13.4 | 36.4 |

The overall target of achieving an on-site regulated carbon emissions reductions for major development is 35% beyond Building Regulations. Therefore, were this application a major development, it would have achieved that target given it will provide 36.4% savings in regulated carbon emissions. This is challenging to achieve, as acknowledged in the Greater London Authority's energy guidance. However, the applicant has made significant efforts to reduce emissions through the energy hierarchy, as set out below, and is targeting a BREEAM rating of 'outstanding'.

Be Lean:

In the 'Be Lean' stage, the applicant has integrated passive design principles to enable the building to be less reliant on heating, cooling, ventilation and air conditioning systems and minimise dependence on artificial lighting.

The design of the façades will maximise passive solar gains in wintertime, whilst minimising excessive solar gains in summertime. The amount of glazing as well as the shading of neighbouring building has been considered and informed the glazing to wall ratio to limit excessive solar gain through the windows. The applicant has also considered the building fabric – the altered facades and new extensions provide an opportunity to have a highly insulated structure to help passively regulate internal temperatures. Similarly, given the existing structure is concrete, thermal mass has been considered and the proposal is to expose the concrete soffits to activate the thermal mass and dampen the daily cooling peaks.

In relation to active design measures, the applicant proposes energy efficient lighting, ventilation and heat recovery as well as heat pumps. These energy efficient systems will help reduce energy demand, providing low energy usage lighting with effective lighting controls, efficient ventilation systems which will include a system to ensure energy can be extracted from the exhaust air to help heat the supply air (thereby reducing additional heating need) and heat pumps will be used for water demand.

Be Clean:

In the 'Be Clean' stage, there is no existing district heating network in close proximity to the site. The site is approximately 400m away from existing Pimlico District Heating Undertaking (PDHU). However, there is a proposed district heating network which would be in close proximity to the site and the applicant notes that they could potentially connect to it in the future.

Be Green:

In the 'Be Green' stage, the applicant proposes to use Photovoltaic Panels and Heat Pumps (although Heat Pumps are not a wholly renewable energy source as electricity is required to run them, the renewable component is recognised in heating mode as ambient heat energy is extracted and rejected to the air). Heat pump technologies will be used to meet 100% thermal loads, using roof mounted air source heat pumps and a dedicated high efficiency water source heat pump. The applicant has also carried out studies on the potential of photovoltaic technologies integration into various parts of the roofs and conclude the proposed panels are the maximum that is feasible. However subject to further study, Westminster's Sustainability Officer considers there could be the potential for additional panels above the plant area. While these areas can be more challenging to locate panels (because they would be above plant equipment) this can sometimes be done. Therefore, a condition is recommended to ensure the applicant further studies whether it will be possible to install additional panels in this case (and to install them if it is possible and are acceptable in other respects).

Circular Economy and Whole-Life Cycle Carbon Emissions

London Plan Policy D3 and SI 7 promotes circular economy outcomes and states developments should aim to be net zero-waste and promotes a more circular economy that improves resource efficiency and innovation to keep products and materials at their highest use for as long as possible. City Plan Policy 37 states the council will promote the Circular Economy and contribute to the London Plan targets for recycling and for London's net self-sufficiency by 2026.

The justification for City Plan Policy 38 explains the possibility of sensitively refurbishing or retrofitting buildings should also be considered prior to demolition and proposals. This is also echoed in the Council's Environmental SPD.

The applicant proposes a deep retrofit and extension of the building. Some demolition is proposed, but this will allow improvements to the energy performance of the building, an upgrade its exterior and interiors, will allow the extension of the building, will allow improvements in terms of biodiversity, and will provide commercial benefits including additional jobs. In accordance with the aforementioned policies, the upgrade and reuse of existing buildings is a sustainable approach and can help meet carbon reduction targets by avoiding the higher carbon footprint associated with constructing entirely new buildings. Therefore, the applicants approach to redeveloping this site is supported.

While not a validation requirement for development of this scale, the applicant has provided a Circular Economy Strategy and this is welcomed. The key targets of the Circular Economy Strategy include the substantial structure retention and the

implementation of Waste Management Plans during demolition, construction, and operation. This includes waste diversion rate of 95% for non hazardous demolition, construction and excavation waste and a 65% of municipal waste recycling rate – in line with Greater London Authority targets. It also explains that the development is balancing material efficiency with long-term flexibility and adaptability, giving preference to sustainably manufactured materials and products with high recycled and/or highly recyclable content, and promoting material information transparency through preference of products with Environmental Product Declarations (EPDs).

The applicant's Circular Economy Strategy also considers the Whole Life-cycle Carbon (WLC) emission impact of the development (again, this is not a validation requirement and the applicant was not required to have provided this). WLC emissions are the carbon emissions resulting from the materials, construction and the use of a building over its entire life. A WLC assessment provides a true picture of a building's carbon impact on the environment.

The analysis shows that the proposed design can achieve a WLC emission [A-C (exc.B6-B7)] performance of 5,362 tonnes of CO₂e or 876 kgCO₂e/m² GIA. In terms of upfront embodied carbon [A1-A5], the performance will be 2,968 tonnes of CO₂e or 485 kgCO₂e/m² GIA. This represents a LETI band C for both WLC and upfront figures (and is very close to band B for the upfront figure). Compared to the GLA benchmark for office developments, the figures represent a significant improvement.

Flood Risk & Sustainable Drainage

The site is inside Flood Risk Zone 3 and is within the Elverton Street Surface a Surface Water Flooding Hotspot. Flood Risk Zone 3 indicates a risk of tidal flooding from the Thames, although this part of London is protected to a very high standard by the Thames tidal flood defences such that there is up to a 1 in 1000 (0.1%) chance in any year flood event.

In accordance with City Plan Policy 35, the applicant has provided a Flood Risk Assessment. The applicant has also provided a Drainage Strategy.

In terms of flood risk from the Thames, this has been assessed as low given the flood defences. The applicant has also assessed modelling in the event of a breach of the flood defences. In relation to present-day modelling the site would not be breached, but in the 2100 epoch it would be flooded. The assessment also identifies a medium risk of sewer flooding and a low risk of surface water flooding and other flooding sources. The assessment outlines various measures proposed to manage this flood risk. This includes ensuring floor levels are above the modelled breach level, ensuring safe access and egress, having a flood warning and evacuation plan, including non-return valves amongst other measures.

Surface Water Flood Risk Hotspots are areas where parts of it are susceptible to surface water flooding and/ or where new developments can lead to increased risks of flooding in the vicinity through water run-off. Therefore, City Plan Policy 35 also encourages new development to incorporate Sustainable Drainage Systems (SuDS) to help alleviate the risk of flooding and reduce water run-off, and the applicant has submitted a drainage strategy. The main objectives of the strategy is to demonstrate that the development will

not increase the risk of flooding on or off the site, that the drainage system will be sustainable and resilient, and that the water quality and amenity value of the receiving watercourses will be protected or enhanced. The proposed drainage system will principally consist of the following elements:

- A rainwater harvesting system, which will collect and store rainwater from the roof for non-potable uses such as irrigation.
- Green roof/ planting to provide rainwater attenuation.

The Lead Local Flood Authority have assessed this strategy along with the Flood Risk Assessment, and following clarifications from the applicant, raise no objection to it subject to the inclusion of conditions relating to the drainage scheme and to ensure that development is carried out as set out in the Flood Risk Assessment.

Environment & Sustainability Summary

Overall, the applicant has provided more detail regarding the environmental impact of their development than is strictly required of them, which is welcomed. The submission demonstrates the development will result in an acceptable environmental impact. The developer has chosen to minimise demolition and propose an altered and extended building whose carbon emissions through its operations will be notably improved over Building Regulation requirements, which is welcomed. The applicant is targeting a BREEAM 'Outstanding' score, which indicates higher than required sustainability ambitions, which again is welcomed. The submission has also assessed WLC emissions which shows these emissions will be significantly below the GLA baseline benchmark over its lifetime and the applicant has demonstrated that their proposals will follow circular economy principles. The proposal will also not result in an increased flood risk and will provide a suitable drainage strategy. Given this, the proposal adheres to the aforementioned City Plan and London Plan policies which relate to the environment and sustainability.

9.3 Biodiversity & Greening

City Plan Policy 34 states that, wherever possible, developments will contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme. Developments should also achieve a biodiversity net gain, wherever feasible and appropriate. London Plan Policy G5 also requires development to contribute to the greening of London and sets an 'Urban Greening Factor' target score of 0.3 for commercial developments.

The applicant proposes numerous new green elements within the site, including a courtyard level planting and roof level green roofs, hedges, perennial planting and climbing plants. The applicant calculates this would result in an Urban Greening Factor of 0.3 – achieving the London Plan target. This is a very significant improvement where there is no planting on site currently. In central London where sites are largely built over, achieving a high score is more difficult – particularly given that a balance must be struck between the competing elements located at roof level, including on-site renewables and amenity areas. In these circumstances, the increased greening is welcomed. While the planting is welcomed, and the applicant has provided details of which plants they are considering, a condition is recommended to ensure details the planting and its

maintenance is provided for in a biodiversity plan is provided.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

The key legislative requirements in respect to designated heritage assets are as follows:

Section 66 of the LBCA Act requires that *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 states that features that contribute positively to the significance of the setting of a conservation area will be conserved and opportunities will be taken to enhance conservation area settings, wherever possible.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should be clearly and convincingly justified and should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, including where appropriate securing the optimum viable use of the heritage asset, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The most relevant City Plan policies in terms of design, townscape and heritage are 38, 39, 40 and 43. These seek to ensure high quality, sustainable and inclusive urban design that responds to Westminster's context by positively contributing to Westminster's townscape and streetscape. These seek to protect or improve heritage assets, including their setting. And these seek to ensure new buildings are sensitively designed, having regard to the prevailing scale, heights, character, building lines and plot widths, materials, architectural quality, and degree of uniformity in the surrounding townscape.

Design, Townscape and Setting of Heritage Assets

The existing building is a late 1980s building. It comprises a basement, ground and four upper levels plus plant rooms on top. The building's facades are brick with regular bays. The fourth and part of the third floors are mansards, and the roof top plant areas are also concealed by mansards.

The site is adjacent to the Vincent Square Conservation Area. It is also adjacent to a prominent building within that conservation area, the grade II* listed Church of St Stephen on Rochester Row. The site is also within the setting of the Royal Horticultural Society New Hall which is also grade II* listed and is on Greycoat Street, and to a lesser extent is within the setting of other listed buildings in the area.

The proposals involve the replacement of the bay windows; the retention and extension of the existing brick pillars between the bays; new tint applied to the existing brickwork; a new replacement fourth floor with a straighten façade but with a set back from the main building line; a new pavilion on top, which would be similar in height to the existing plant rooms; new plant and lift core structures also on the roof; a rear infill extension; a new entrance to replace the existing set back entrance on the corner of Rochester Row and Rochester Street and other ground level alterations to the facades.

As the applicant set out in their submission, pre-planning application discussions were held between the applicant and officers. These discussions resulted in improvements to the design of the bays and a reduction in the scale of the extensions.

While not significantly higher, the proposed building will be bulkier than existing because of the straightened facades and extensions. Although, the fourth floor and pavilion on top would be set back. The result is that the massing of the extended building will appear comfortable when viewed from surrounding public vantage points in the area, and therefore the massing will not negatively affect the setting of the Church of St Stephen, the adjacent conservation area or the other listed buildings.

The brick pillars are retained and bays will be located in the same positions (albeit extended in parts). The windows will be larger but the building will not appear overly glazed. The brick will be tinted giving it a lighter appearance which will not be harmful to the appearance of the building. The proposals include larger windows also at the ground floor where this will result in the frontage being better activated. The roof top pavilion will be distinct from the other parts of the building, exhibiting part glazed and part timber clad elevations – timber cladding will also be used for the plant screen at this level. Given the significant setbacks, these elements will be largely screened from public vantage points and therefore will not impact upon the setting of nearby heritage assets. To the rear, the extensions largely comprise louvred glazing and metal panels – and given its location, this would have no effect of heritage assets and will be appropriate to the design of the building.

A commenter on the application notes that the proposals will leave the residential element of the wider development (31 Greycoat Street, Stockton Court), and therefore there could be an impact on the appearance of the Greycoat Street as there will be reduced consistency between the buildings there. While the comment is understood, the context on the relevant side of Greycoat Street is already mixed and therefore adding a new building design will not be unduly harmful.

For the reasons above, and subject to details of the fall protection atop the roof enclosures and material samples of the exterior materials, the proposals are considered acceptable in design, townscape and heritage terms and will comply with the legislation and policies listed above.

Archaeology

City Plan Policy 39 requires applicants to assess the archaeological potential/ implications of developments and propose the conservation of deposits wherever possible. The site is within the Tier III Pimlico Archaeological Priority Area and the applicant has provided a desk-based archaeological assessment.

The Pimlico Archaeological Priority Area covers a former wetland and whilst most of this landscape was probably not favoured for settlement, small settlements probably existed on 'gravel islands' above the marsh. From the 1720s the Chelsea Water Company built a complex network of canals and channels eventually covering 100 acres from which water was pumped by windmills, horse mills and later steam engines to create Pimlico.

Historic England's Greater London Archaeological Advisory Service (GLAAS) explains that a tier III Archaeological Priority Area indicates a lower likelihood of remains of significance (as compared to tier I and II), and given the proposals involve only relatively minor groundworks, the development will not be of concern in terms of archaeology in this case.

9.5 Residential Amenity

City Plan Policies 7 and 33 seek to protect residential amenity, including in terms of light, privacy and sense of enclosure and encourage development which enhances the residential environment, quality of life and health and wellbeing.

Some of the buildings within the immediate vicinity of the site are non-residential. Residents do reside within the following nearby buildings however:

- 13-48 Greycoat Street (Greycoat Gardens)
- 31 Greycoat Street (Stockton Court)
- 33 Greycoat Street
- 27 Greycoat Street (Greycoat House)
- 16-20 Rochester Row (Emanuel House)
- 38 Rochester Row

The non-residential buildings nearby the site include:

- Burdett Coutts School, Rochester Street
- Church of St Stephen, Rochester Row



Plan showing location of neighbouring properties (blue residential, orange non-residential)

Sunlight and Daylight

The applicant has carried out an assessment on the neighbouring properties based on the various numerical tests laid down in the Building Research Establishment (BRE) guide "Site Layout Planning for Daylight and Sunlight: a guide to good practice". The BRE guide stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in a dense urban environment, more obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings. The BRE explains their guidelines are intended for use for rooms in adjoining dwellings where light is required, and principally seeks to protect light to main habitable rooms (i.e. living rooms) in residential dwellings, and it accepts that bedrooms are of less importance. The BRE also confirms that the guidelines may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of natural light. In this case, that could include the nearby school and church, although they will have a lower expectation of natural light when compared to permanent dwellings. Offices and retail shops are normally artificially lit spaces and would therefore have a little expectation of natural light.

A commenter on the application has considered the applicant's Daylight and Sunlight report does not provide sufficient commentary regarding the lighting impact. However, what is required in the applicant's assessment are the figures which set out the impact in accordance with BRE guidelines, which the applicant has done. The below considers whether those impacts are acceptable.

Daylight

The BRE methodologies for the assessment of daylight values is the 'vertical sky component' (VSC) and 'no sky line' (NSL).

VSC measures the amount of light reaching the outside face of a window. Under this method, a window achieving a VSC value of 27% is well lit. If, because of the development, light received to an affected window is below 27%, and would be reduced by 20% or more, the loss could be noticeable.

NSL measures the proportion of a room that will receive light. If, because of the development, the proportion of the room that receives light reduces by 20% or more, the loss could be noticeable.

33 Greycoat Street

33 Greycoat Street is the residential block of flats on the corner of Rochester Row and Greycoat Street. Its rear windows look into the rear courtyard area. The applicant's analysis indicates there will be seven breaches of the VSC measure and six breaches of the NSL measure, as set out in the tables below.

Table: VSC Breaches at 33 Greycoat Street

| Floor | Window/ Room | Room Use | Existing VSC | Proposed VSC | Loss | % Loss |
|-------|-----------------|-----------------|-----------------|-----------------|------|--------|
| G | W1 / R1 | Bedroom | 9 | 6.4 | 2.6 | 29 |
| G | W4 / R3 | Hallway | 6.7 | 5.2 | 1.5 | 23 |
| G | W5 / R3 | Hallway | 5.7 | 4.6 | 1.1 | 21 |
| 1 | W1 / R1 | Bedroom | 12.4 | 9 | 3.4 | 28 |
| 2 | W1 / R1 | Bedroom | 16.5 | 12.1 | 4.4 | 27 |
| 2 | W2 / R2 | Living/ Kitchen | 17.6 | 13.6 | 4 | 23 |
| 3 | W1 / R1 | Bedroom | 22 | 16.7 | 5.3 | 24 |

Table: NSL Breaches at 33 Greycoat Street

| Floor | Room | Room Use | Existing NSL (sqm) | Proposed NSL (sqm) | Loss (sqm) | %Loss |
|-------|------|-----------------|-----------------------|-----------------------|---------------|-------|
| G | R1 | Bedroom | 7 | 5.5 | 1.5 | 21 |
| G | R2 | Living/ Kitchen | 3.1 | 2.4 | 0.7 | 22 |
| 1 | R1 | Bedroom | 9.5 | 5.2 | 4.3 | 46 |
| 1 | R3 | Hallway | 3 | 0.2 | 2.8 | 92 |
| 2 | R1 | Bedroom | 7.2 | 3.1 | 4.1 | 57 |
| 2 | R2 | Living/ Kitchen | 33.9 | 25.8 | 8.1 | 24 |

The above VSC table omits the results for the windows to the first floor communal hallway because both the existing and proposed VSC levels are either 0 or within 0.2 of 0, which indicates that in both the existing and proposed situation there would be no (or effectively no) daylight received. In addition, given these windows are to a communal hallway, they serve a non-habitable space.

The VSC table shows that seven windows at ground, first and second floors will have a VSC decrease of between 21% to 29%. This indicates that the daylight in these rooms will be noticeably less, but because these decreases are close to 20%, the potential impact will be minor (given these losses are only just over the 20% threshold that the BRE guide indicates could be noticeable). In terms of NSL, there will be instances of larger losses, indicating a more significant impact to the proportion of the room where daylight will penetrate. However, to fully understand the daylighting impact, we need to look at both the NSL and VSC measures together. In this case, four of the rooms affected by NSL breaches contain windows which will also suffer a VSC breach.

Two of the VSC breaches and one of the NSL breaches are to the communal hallway at ground and first floor which are non-habitable spaces and therefore not of significant importance to the internal lighting environment of the flats. Four of the windows are to bedrooms and three of these rooms will also suffer NSL losses. Taken together, this indicates there is likely to be a noticeable loss to these three bedrooms. Although considering the severity of the VSC losses, these losses will be relatively minor. In addition, the BRE guide acknowledges bedrooms are of lesser importance when compared to the main habitable space of a flat.

There is a second floor living room that breaches the BRE guide both in terms VSC and NSL. The window to that living room that breaches the VSC measure is not the sole window to that room, planning records indicate that it is the smallest of four windows to that room. The other windows will not suffer losses in excess of 20%, even though they all do face toward the proposed development. The affected window will have a VSC decrease of 23% and the room will have a NSL decrease of 24%. While these breaches indicate a noticeable daylight loss, it will only be slightly noticeable given the losses are only slightly above the 20% threshold. This affected flat also contains rooms which look toward the Rochester Row which will not be impacted by the development.

Overall, it is likely that some of the windows/ room within 33 Greycoat Street will experience a minor degree of noticeable daylight loss, but given the circumstances described above, it is not considered that this impact will be detrimental to the relevant flats.

31 Greycoat Street (Stockton Court)

31 Greycoat Street is the residential block of flats built as part of the development that constructed the application building and is known as Stockton Court. Its rear windows look into the rear courtyard area. The applicant's analysis indicates there will be five breaches of the VSC measure and 10 breaches of the NSL measure, as set out in the tables below.

Table: VSC Breaches at 31 Greycoat Street

| Floor | Window/ Room | Room Use | Existing VSC | Proposed VSC | Loss | % Loss |
|-------|-----------------|----------|-----------------|-----------------|------|--------|
| G | W1 / R1 | Unknown | 9.8 | 7.7 | 2.1 | 22 |
| G | W2 / R2 | Unknown | 8.2 | 6.3 | 1.9 | 24 |
| 1 | W4 / R4 | Unknown | 11.3 | 8.8 | 2.5 | 22 |
| 2 | W4 / R4 | Unknown | 15.8 | 12.3 | 3.5 | 22 |
| 3 | W4 / R4 | Bedroom | 22.3 | 17.2 | 5.1 | 23 |

Table: NSL Breaches at 31 Greycoat Street

| Floor | Room | Room Use | Existing NSL (sqm) | Proposed NSL (sqm) | Loss (sqm) | %Loss |
|-------|------|----------|-----------------------|-----------------------|---------------|-------|
| G | R1 | Unknown | 3 | 2.2 | 0.8 | 26 |
| G | R2 | Unknown | 4.5 | 2.1 | 2.4 | 52 |
| 1 | R1 | Unknown | 4.8 | 3.5 | 1.3 | 27 |
| 1 | R3 | Unknown | 5.1 | 3.7 | 1.4 | 27 |
| 1 | R4 | Unknown | 6.7 | 2.8 | 3.9 | 58 |
| 2 | R1 | Unknown | 8.1 | 6.2 | 1.9 | 24 |
| 2 | R3 | Unknown | 9 | 6.3 | 2.7 | 30 |
| 2 | R4 | Unknown | 9.7 | 3.8 | 5.9 | 61 |
| 3 | R3 | Unknown | 16.5 | 12.1 | 4.4 | 27 |
| 3 | R4 | Bedroom | 10.2 | 5.3 | 4.9 | 49 |

In terms of VSC, the table shows five losses between 22% and 24%. While above the 20% threshold, and so the BRE guide indicates these losses could be noticeable, they are only slightly above this threshold and so this indicates a relatively minor impact. There is a greater impact in terms of the NSL measure as 10 rooms will breach the BRE guidelines and four of those will be involve losses greater than 30%.

The layout of this building is not known fully. An officer has visited a third floor flat in this building. In that flat, the living room enjoyed the larger rear window (W1), and it was dual aspect - so enjoyed light and outlook from the Greycoat Street. It is unclear if the other flats are laid out in the same way. Nonetheless, it is known that the rear windows include windows to the communal staircase which will reduce the number of habitable rooms affected.

Taking VSC and NSL together, the windows/ rooms suffering a breach in both is limited to ground floor W1/R1 and W2/R2, first floor W4/R4, second floor W4/R4 and third floor W4 / R4. At ground floor, if laid out similarly to the upper floor flat, W1/R1 may be a living room window, ground floor W2/R2 is may be a hallway and W4/R4 on first, second and third floor may be bedrooms. These are also the rooms with the largest NSL losses.

While it is unfortunate that the room uses and layouts are not known for certain, it is likely that much (if not most) of the rooms affected will be bedrooms and/ or living rooms. Although it is understood that the flats are dual aspect and if laid out like the upper floor flat, the living rooms will enjoy another daylight source. If that is not the case for some of the rooms experiencing losses, taking the VSC and NSL together indicates a minor to moderate impact in terms of daylight loss. In context where the proposed development does not propose a significantly taller building than the existing and where it will be

comparable to the height of other development within the area, and given the BRE guidelines stresses figures should be interpreted flexibly if new buildings are to match the scale of existing buildings, it is not considered that these losses are so significant that they justify withholding planning consent on these grounds.

13-48 Greycoat Street (Greycoat Gardens)

13-48 Greycoat Street is a mansion block called Greycoat Gardens, located to the east of the site on the opposing side of Greycoat Street. The applicant's analysis shows there will be no breaches of the VSC measure but indicates there will be 10 breaches of the NSL measure, as outlined in the table below.

Table: NSL Breaches at 13-48 Greycoat Street

| Floor | Room | Room Use | Existing NSL (sqm) | Proposed NSL (sqm) | Loss (sqm) | %Loss |
|-------|------|-------------|--------------------|--------------------|------------|-------|
| LG | R15 | Kitchen | 4.8 | 3.6 | 1.2 | 26 |
| LG | R16 | Living Room | 6.8 | 5 | 1.8 | 26 |
| LG | R18 | Bedroom | 4.4 | 3.4 | 1 | 23 |
| G | R15 | Unknown | 11.1 | 8.1 | 3 | 27 |
| G | R17 | Kitchen | 5.4 | 4.1 | 1.3 | 23 |
| G | R18 | Living Room | 7.8 | 5.9 | 1.9 | 25 |
| G | R20 | Bedroom | 5.8 | 4.5 | 1.3 | 22 |
| 1 | R16 | Unknown | 3.4 | 2.6 | 0.8 | 23 |
| 1 | R19 | Living Room | 11.5 | 9.1 | 2.4 | 21 |
| 2 | R16 | Unknown | 10.3 | 7.3 | 3 | 29 |

The table shows that 10 rooms at lower ground, ground, first and second floors will have a NSL decrease of between 20% to 29.9%. This could mean that the daylight in these rooms is noticeably less, but because these decreases are under 30%, the potential impact will be minor (given these losses are only just over the 20% threshold that the BRE guide indicates could be noticeable). In this case, the windows that serve these affected rooms will not have a VSC decrease more than BRE guidelines. Overall, and taking the VSC and NSL results together, the daylighting impact on these rooms will not be detrimental to the occupiers of these flats.

27 Greycoat Street (Greycoat House)

27 Greycoat Street is a residential block of flats and adjoins the southern part of the site. The applicant's analysis shows there will be no breaches of the VSC measure or the NSL measure – which indicates there will be no noticeable daylight impact to the flats within this building.

16-20 Rochester Row (Emanuel House)

16-20 Rochester Row is residential block of flats, with commercial units on the ground floor, and it opposes the site on Rochester Row. The applicant's analysis shows there will be no breaches of the VSC measure or the NSL measure – which indicates there will be no noticeable daylight impact to the flats within this building.

38 Rochester Row

38 Rochester Row is understood to contain residential flats and it opposes the site on Rochester Row. The applicant’s analysis shows there will be no breaches of the VSC measure or the NSL measure – which indicates there will be no noticeable daylight impact to the flats within this building.

Sunlight

The BRE methodology for the assessment of sunlight is Annual Probable Sunlight Hours (APSH). It is a measure of sunlight that a given window may expect over a year period. The BRE guidance recognises that sunlight is less important than daylight in the amenity of a room. Sunlight is influenced by orientation (north facing windows will rarely receive sunlight) and so only windows with an orientation within 90 degrees of south are assessed. BRE guidance recommends that the APSH received at a given window in the proposed case should be at least 25% of the total available, including at least 5% in winter. Where the proposed values fall short of these, and the loss is greater than 4%, then the proposed values should not be reduced by 20% or more of their previous value in each period.

The applicant’s assessment found no breaches of the sunlight criteria for the residential flats at 13-48 Greycoat Street, 16-20 Rochester Row, 38 Rochester Row and Greycoat House. There will be losses of sunlight more than the BRE guidelines at 33 Greycoat Street and 31 Greycoat Street, and these losses are summarised below:

Table: Summary of sunlight breaches at 33 Greycoat

| Building | No. rooms BRE complaint | No. BRE breaches |
|-------------------------------------|-------------------------|------------------|
| 31 Greycoat Street (Stockton Court) | 6 | 8 |
| 33 Greycoat Street | 21 | 6 |

Given the daylighting results for 31 and 33 Greycoat Street (as outlined above) and their orientation, it is to be expected that there will be breaches of the APSH measure of sunlight. These will happen to the same rooms experiencing daylight losses, except in 3 circumstances.

The total and winter APSH results vary, although the existing winter sunlight is already less than 5% in all the non-complaint rooms, except for one, meaning the breaches are primarily a result of a loss in total APSH. Some rooms on the lower floors already have low total APSH, particularly within 33 Greycoat. Because of the circumstances set out in the daylight section, it is not considered that the impact will be detrimental to the residents occupying the affected rooms, however.

Sense of Enclosure

An unacceptable increase in a sense of enclosure occurs where development will have an adverse overbearing effect that will result in an unduly oppressive living environment.

The proposed building is bulkier than the existing building on the site. Although comparable in height to the existing highest parts of the building, the removal of the mansards and straightening of the facades, together with the replacement massing at

roof level and to new extension to the rear, parts of the building will be closer to neighbouring residents. The main impact could be to those within 31 and 33 Greycoat Street as these buildings are closest and have rear windows which look into the rear courtyard. To a lesser extent residents opposing the site on the opposite side of Greycoat Street and Rochester Row will also appreciate the increased massing.

For the residents within 31 and 33 Greycoat Street, the main enclosure impact will be from the rear extension which will reduce the openness of the courtyard area. The rear elevation will be extended approximately 5.5 metres toward 31 Greycoat Street. The rear windows of 31 Greycoat Street look directly toward this extension. A gap of between 10 and 18 metres will be retained, the closest windows at 31 Greycoat Street to the proposed extension could serve living rooms – although, as described above, those could living rooms also benefit from outlook on the other side over the street. In any case, these windows already look into an enclosed courtyard, and the extension 5.5 metres toward them, plus the relatively modest increase in height of the building, will not result in a detrimental increase in enclosure to those rooms. The other windows a likely serve either bedrooms or non-habitable spaces, but are further away, and therefore the impact on these spaces will also not be detrimental. For those within 33 Greycoat Street, the rear extension will be adjacent to its windows (rather than in front of them), which will mean that massing will be seen at more oblique angles in the rooms there. Further, most rear windows at 33 Greycoat Street serve bedrooms and hallways (with the main living space of most of the flats facing toward Rochester Row or Greycoat Street).

The increased bulkiness at roof level will also be apparent from both 31 and 33 Greycoat Street. However, these elements will be set back from the building line, reducing the enclosure impact than would otherwise be the case. Overall therefore, while the rear courtyard will be further enclosed, given the position of the extensions, given the scale of the extensions, given the existing enclosure in the courtyard and given the likely layouts of the adjacent flats, it is not considered that the overall living environments of the flats will suffer an unduly oppressive living environment as a result of the development.

For the residents in opposing buildings on Rochester Row and Greycoat Street, the impact will be from the increased bulk at third, fourth and roof levels. The distance between the buildings on either side of Rochester Row is approximately 16.5 metres and the distance on Greycoat Street 15.5 metres, which is a relatively sizable distance. Given this, and that the additional bulk will be no closer than the existing lower floors of the building, and that the overall height of the building is not significantly higher than the existing, there will not be a detrimental enclosure impact to these residents.

In relation to those within 27 Greycoat Street, which adjoins the site to the south, the windows there do not look toward the proposed extensions and therefore there will not be a harmful impact on the residents there.

Overlooking and Noise from Roof Terraces

The proposal includes two small roof terraces at fourth floor level, one facing Rochester Street and another facing Greycoat Street, a larger roof terrace a floor above around the pavilion structure. The new building will also contain additional windows, including rear windows closer to neighbours than those which already exist. This will create additional opportunities for the workers at the application building to overlook the neighbours. Two

neighbouring residents have objected on the grounds the roof terraces will harm the enjoyment of their homes in terms overlooking and noise disturbance.

As explained above, 31 and 33 Greycoat Street are the closest buildings that contains residents. In terms of the roof terraces, the impact on these residents could be from the use of the main roof level as a roof terrace. However, this roof terrace will be set back from the edge of the courtyard, which lessens the potential views people on the terrace will be able to obtain. The edge of the terrace along the courtyard will include planting of approximately 2 metres in depth. Similarly, this is implemented for this roof terrace, and the other roof terraces, with a set back and planting in front on both Rochester Row and Greycoat Street where opposing neighbours are located. This will help alleviate the overlooking impact on these neighbours. The applicant has provided additional drawings to help demonstrate this. In any case, those on the opposing sides of the street are a relatively distant, which will also help alleviate the harmful overlooking.

In relation to the rear extension and the closer windows which will be installed, the applicant has proposed the use of vertical slats to the windows to help reduce the level of overlooking. The applicant has analysed the potential overlooking impact from these windows which assess the potential impact. Given the slats proposed, and that the new windows replace existing ones with a similar view (albeit approximately 5.5 metres further back), it is not considered the impact will be detrimental to the occupiers of those flats.

In terms of noise disturbance, roof terraces used in connection with offices are not generally used at anti-social times, and so the roof terraces are unlikely to give rise to a significant impact on neighbours in terms of noise. Although, the applicant had originally proposed to be allowed to use the terraces late into the evening because there may have been infrequent occasions that the occupiers would have wished to use the terraces outside of normal office hours. As noted by Environmental Health and commenters on the application, this would have been harmful to neighbours, and so the applicant has reduced the proposed hours of use of the terrace to between 08:00 and 20:00 Monday to Friday and 08:00 and 18:00 on Saturday. Environmental Health now agrees these times, and the other proposed management of the terraces, will mean neighbours are not unduly harmed in terms of noise. In order to ensure that this is the case conditions are recommended in order to ensure these hours and to ensure that no music is played on the roof terrace.

Noise & Vibration from Plant Equipment

City Plan Policies 7 and 33 seek to manage amenity and environmental impacts in the city, including in relation to noise and vibrations from plant equipment. The City Council's Environmental SPD sets out criteria for which noise and vibration impacts should be considered against.

The application includes plant equipment to be located in in parts of the basement and at roof level. The application includes an acoustic report which the Environmental Health team have assessed. Environmental Health raises no objection to the proposal, subject to conditions which are recommended on the draft decision notice to control these aspects of the development.

Light Pollution

City Plan Policy 33 requires development to be designed to minimise the detrimental impact of glare and light spill on local amenity, biodiversity, highway and waterway users. In this case, to ensure the external lighting, principally on the roof terraces, does not cause harm to neighbours of the local environmental quality, a condition is recommended to ensure a lighting strategy is submitted to and approved by the City Council.

Impact on Non-Residential Buildings

The Church of St Stephen and Burdett Coutts School on Rochester Row and Rochester Street respectively are non-residential buildings. While these uses will have a lower expectation that their natural light, privacy and outlook is protected as compared to residential flats, development could still impact their amenity.

The applicant's daylight and sunlight report assessed the impact on these buildings. The school will experience some breaches of the VSC and NSL measures at ground and first floor levels. The daylight and sunlight report notes that there is an internal mezzanine level, which creates low ceilings and small windows which therefore mean the windows are more sensitive to changes. The report also notes absolute VSC changes are also relatively low. In terms of sunlight, there would be no breaches. While the losses in daylight to the school indicates the impact could be noticeable, the lower floors of this school appear to already rely upon artificial lighting in the rooms at ground and first floors – this is because of the small windows, deep rooms and existing poor levels of light. Given lighting will be used most of the time anyway, it is unlikely that students or staff will notice a significant difference as a result of the development.

In relation to the church, one window/ room will experience a loss in daylight in excess of BRE guidelines for both the VSC and NSL measure. It is the smaller of the two arched windows which face the development site, which serves a chapel. The larger arch window, to the main part of the church, will not experience a loss in excess of BRE guidelines. There will be no breaches in terms of sunlight. Given the larger window, which is to the chancel, will not suffer a loss in excess of BRE, and that other windows to the nave will also be unaffected, the overall lighting environment of the church will not be noticeably different.

In relation to privacy, enclosure and noise, for the reasons set out above in relation to the other properties on opposing sides of the street to the development, it is not considered that the development will have an unduly negative impact on the school or church in these respects.

9.6 Transportation, Accessibility & Servicing

Accessibility

City Plan Policy 38 states that all development will place people at the heart of design, creating inclusive and accessible spaces and places.

The existing and proposed building allow level access to all floors. However, the main

entrance is to be significantly improved. Currently, the main entrance includes steps, and so those requiring level access must use a secondary entrance adjacent to the main entrance which includes a ramp. Inclusive design should ensure that everyone can use the same entrance wherever possible. The new entrance achieves this. To deal with the level change, the new relocated entrance and reception area includes an incline which leads up to the lifts. This is a significant improvement over the existing arrangement and is welcomed. It also removes the undercroft where the applicant and neighbours have reported anti-social behaviour occurring.

Servicing

City Plan Policy 29 and London Plan Policy T7 expect off-street servicing to be provided in new developments. In this case, the existing building is serviced on-street. While there is vehicular access to the courtyard from Greycoat Street, this area is currently used for car parking and not servicing. The applicant explains that there is a headroom restriction of 2 metres into the courtyard and therefore does not allow vans to enter the site.

The application proposes to maintain the existing on-street servicing arrangement. The Highway Planning Manager raises some concern regarding this, noting that a larger building will mean that the servicing activity will increase. However, to create a usable off-street servicing area via the existing access road, the applicant would need to propose the alteration (or potential removal of) an existing residential flat within Stockton Court which is above the vehicle entrance – but Stockton Court is outside of the scope of the application, and in any case, such a proposal could have unacceptable implications in other respects. Other conceivable changes to create an alternative access would likely require significantly more intervention into the building (and could require increased demolition).

Given that the existing building is serviced on-street, and the application is supported by a draft Servicing Management Plan which outlines how the extended and altered building could be serviced successfully on-street, which includes some freight consolidation and outlines processes which the Highway Planning Manager welcomes, the lack of off-street servicing is not opposed in this instance – subject to a condition to ensure a final Servicing Management Plan is submitted to and approved by the City Council.

Waste & Recycling Storage

City Plan Policy 37 requires development to provide appropriate facilities for the storage of separate waste streams which are safe and convenient. The application includes details of a waste and recycling store at basement level, and an operation waste plan. These stores will ensure that waste is not left out on the highway, and are therefore welcomed. However, the drawings do not include labels for the individual bins within the store, as required by the Council's waste storage guidance, and therefore a condition is recommended to ensure that drawings are provided which show this.

Cycling & Cycle Storage

London Plan Policy T5 and Chapter 8 of the London Cycle Design Standards (LCDS) set cycle parking standards. In terms of long-stay cycle parking, were the building entirely

new, the London Plan would require 90 spaces for the building. Although, considering just the uplift in office floorspace (which reasonably ought to be the floorspace the standards are applied to) the requirement is 12 spaces. The applicant proposes 91 spaces. The Highway Planning Manager is concerned about the provision of 9 of these spaces being for folding bicycles, preferring to see these be spaces for normal bicycles. However, given the proposal exceeds the standards, it must be supported in terms of long stay cycle parking.

In terms of short stay cycle parking spaces, four spaces are required and the applicant proposes these on-street. The Highway Planning Manager queries why these cannot be provided for on-site, however a short-stay space ought to be available for visitors without the need for a security pass and given there is no outside space except within the courtyard, which requires a security pass to enter, it is understandable why the applicant cannot provide these on site. Therefore, it is recommended that the legal agreement includes provision for additional on-street spaces to be provided in the vicinity of the building.

Car Parking

The existing building includes off-street car parking for the offices within the courtyard (alongside the existing residential car parking spaces). The proposal will remove the office car parking spaces, except for a disabled person car parking bay, and will retain the residential car parking spaces. The applicant's submission is supported by details demonstrating that the existing residential car parking area will still be accessible to the residents cars.

The site is within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those on-street parking controls. The impact of the development on parking levels within the area will be minimal and a car parking free development (except for a disabled persons car parking bay) is consistent with City Plan Policy 27 and London Plan Policy T6.1.

Building line and Other Highway Alterations

The new relocated entrance to the office building will be moved to an area directly in front of an existing Electric Vehicle Charging Point located on the pavement on Rochester Row. This charger already restricts the pavement, and it would be unsafe to allow a new entrance in front of it while it remains in that position. Therefore, the charging point will be relocated, and the legal agreement will require the developer to take on the cost for this to happen. Because the proposal involves alterations to the building's facades and building line, the legal agreement is also required to ensure dedication as highway the small area where the building line is set back from the existing line.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

Based on the assumption of 11.3 sqm GIA per employee (as set out in the GLA published London Employment Sites Database 2021 report), the new office floorspace proposed is expected to generate 78 jobs. The increase in jobs supported by this site will help to promote opportunities for local employment and will lead to increased spending in existing nearby shops and services and other town centre uses.

9.8 Other Considerations

None.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

The NPPF identifies that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 57 of the NPPF states that planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

Having regard to the tests set out above, the following planning obligations are considered to be necessary to make the proposed development acceptable in planning terms and are to be secured via a S106 legal agreement, as set out in the officer recommendation in Section 1:

- a) Undertaking of all highway works immediately surrounding the site required for the development to occur prior to occupation of the extensions, including the relocation of the existing on-street Electric Vehicle Charing Unit outside the building on Rochester Row and the provision of a minimum of 4 on-street cycle parking stands in the vicinity of the development. All of the above to the Council's specification and at full cost (administrative, legal and physical) of the developer.
- b) Dedication as highway of the area where the building line is set back from the existing line prior to occupation of the extensions, and subject to a detailed plan of the area and any minor alterations, all as agreed with the Council and at full cost of the developer.

The estimated Westminster CIL payment is £132,600, whilst the estimated Mayoral CIL payment is £163,540. Note that these figures exclude any discretionary relief or other exemptions that may apply and are estimates based on the floorspace identified in the submitted drawings and documents. The actual CIL liability will be calculated by our CIL & S106 Team post determination of the application using the process set out in the Community Infrastructure Levy Regulations 2010 (as amended).

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development and a condition relating to a biodiversity details and management plan. The applicant has agreed to the imposition of the conditions.

10. Conclusion

As set out in this report, the proposals will result in numerous public benefits. These include:

- The provision of additional office based jobs, helping Westminster meet its targets for jobs growth target as set out in the City Plan.
- The provision of upgraded office floorspace to help better meet the needs of modern office occupiers, including provision of amenity spaces and upgraded facilities such as cycle parking.
- Improved environmental performance of the building, reducing operational carbon emissions that will be associated with the building, while also minimising upfront carbon emission associated with the development through the retention of much of the existing structure.
- Improved greening and biodiversity, which will also help mitigate surface water flood risk through rainwater attenuation.

The proposals will not cause harm to the setting of heritage assets, and the altered and extended building will have an acceptable appearance. However, there will be some impact on adjacent occupiers given there will be some impact on the lighting conditions for those residents who reside within the flats at 31 and 33 Greycoat Street, as well as some increase in a sense of enclosure. However, for the reasons set out in this report, those impacts are not considered significant enough to warrant refusal on those grounds. With appropriate management of the roof terraces, and the set backs the applicant has proposed, it is not considered that the roof terraces will be detrimental to neighbours in terms of overlooking or noise disturbance.

Overall, this report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy, and has also considered the weight to be attributed to the public benefits and harm that would arise from the scheme. Having regard to this assessment, it has found that the proposed development is acceptable.

Accordingly, the proposal is considered acceptable and would be consistent with the relevant policies in the City Plan 2019-2040 and London Plan 2021. It is recommended that planning permission is granted, subject the conditions listed at the end of this report and the legal agreement as set out above, which are necessary to make the development acceptable.

(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: JOSHUA HOWITT BY EMAIL AT jhowitt@westminster.gov.uk

11. KEY DRAWINGS



Computer generated images of proposed development





View along Rochester Row (existing above, proposed below)





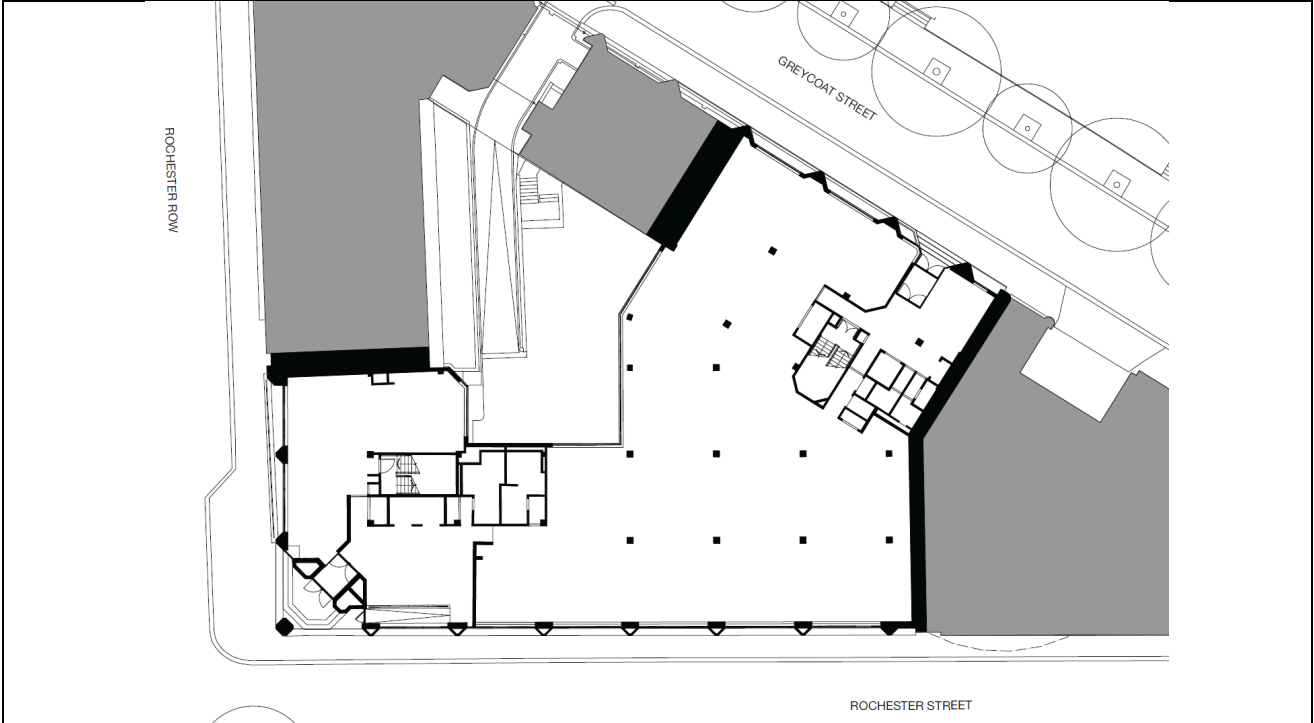
View along Greycoat Street (existing above, proposed below)



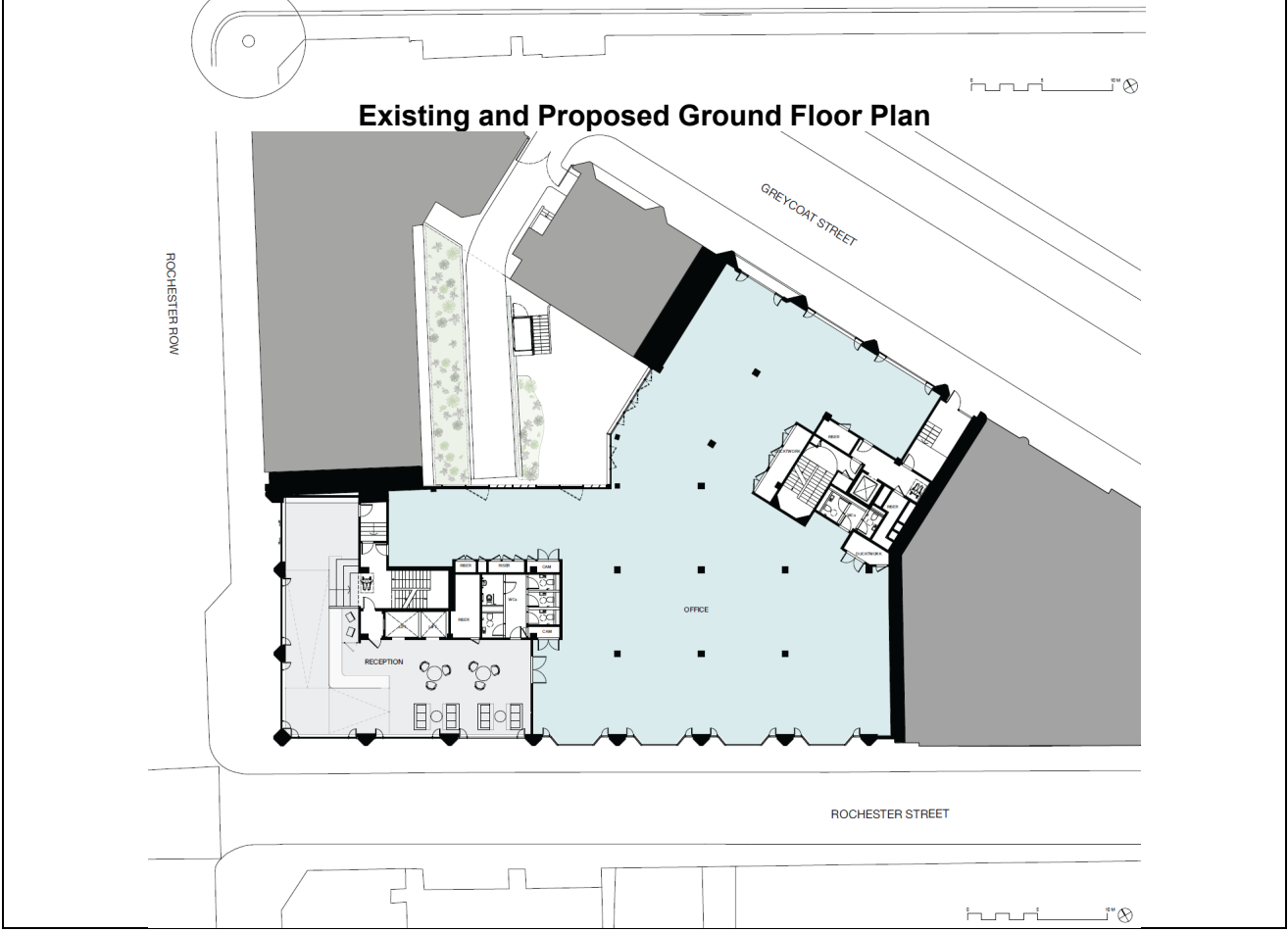


View along Rochester Street (existing above, proposed below)





Existing and Proposed Ground Floor Plan







1 Existing Rochester Row (West) Elevation
Scale: 1/100

Existing and Proposed Rochester Row Elevation



1 Proposed Rochester Row (West) Elevation
Scale: 1/100



1 Existing Rochester Street (South) Elevation
Scale: 1/100

Existing and Proposed Rochester Row Elevation



1 Proposed Rochester Street (South) Elevation
Scale: 1/100

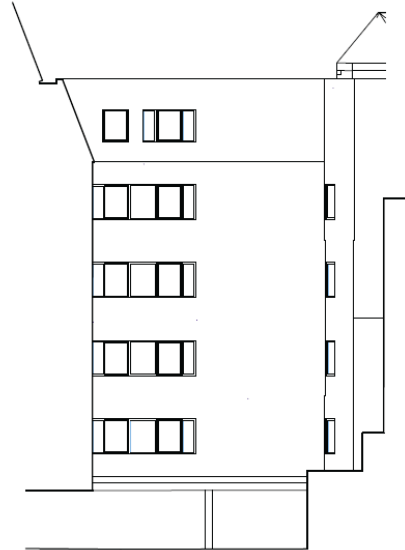
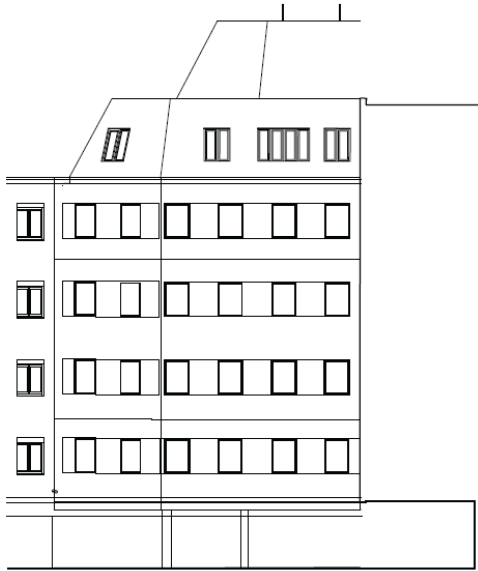


1 Existing Greycoat Street (North) Elevation
Scale: 1/100

Existing and Proposed Greycoat Street Elevation



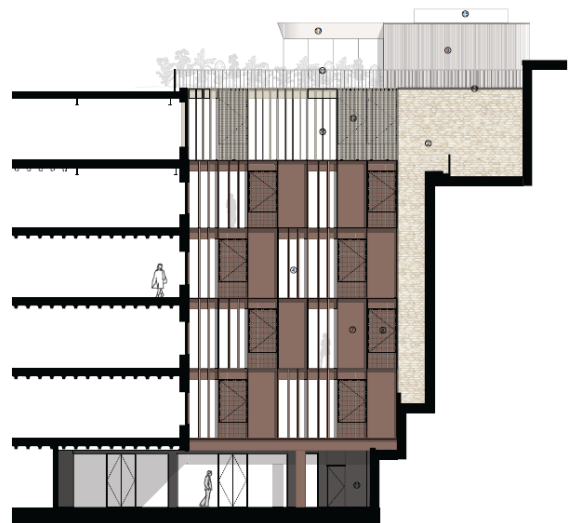
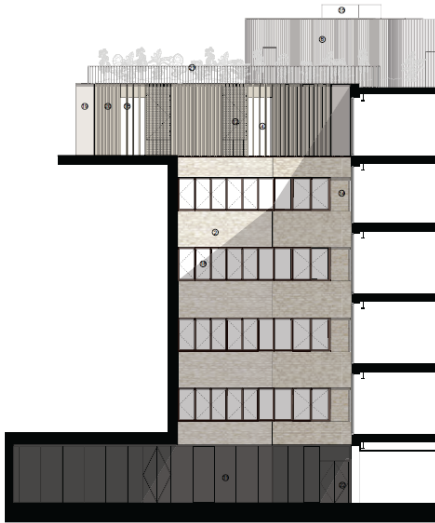
1 Proposed Greycoat Street (North) Elevation
Scale: 1/100



1 Existing Courtyard (West) Elevation
Scale: 1:100

2 Existing Courtyard (North) Elevation
Scale: 1:100

Existing and Proposed Courtyard Elevations



1 Proposed Courtyard (West) Elevation
Scale: 1:100

2 Proposed Courtyard (North) Elevation
Scale: 1:100

DRAFT DECISION LETTER

Address: 17 - 19 Rochester Row, London, SW1P 1JB

Proposal: Refurbishment, alteration and extension of the existing Class E building to include erection of a rear infill, replacement of fourth floor and erection of new roof pavilion, provision of external roof terraces, provision of plant equipment, altered façade and other associated external works.

Reference: 23/05475/FULL

Plan Nos: Site Plans; Location Plans.

Existing Drawings:

1198_PL_EX-B1 rev P1; 1198_PL_EX-00 rev P1; 1198_PL_EX-01 rev P1;
1198_PL_EX-02 rev P1; 1198_PL_EX-03 rev P1; 1198_PL_EX-04 rev P1;
1198_PL_EX-05 rev P1; 1198_PL_EE-01 rev P1; 1198_PL_EE-02 rev P1;
1198_PL_EE-03 rev P1; 1198_PL_EE-04 rev P1; 1198_PL_EE-10 rev P1;
1198_PL_EE-11 rev P1; 1198_PL_EE-12 rev P1; 1198_PL_ES-AA rev P1.

Demolition Drawings:

1198_PL_DE-B1 rev P1; 1198_PL_DE-00 rev P1; 1198_PL_DE-01 rev P1;
1198_PL_DE-02 rev P1; 1198_PL_DE-03 rev P1; 1198_PL_DE-04 rev P1;
1198_PL_DE-05 rev P1; 1198_PL_DE-10 rev P1; 1198_PL_DE-11 rev P1;
1198_PL_DE-12 rev P1; 1198_PL_DE-13 rev P1.

Proposed Drawings:

1198_PL_GA-B1 rev P1; 1198_PL_GA-00 rev P1; 1198_PL_GA-01 rev P1;
1198_PL_GA-02 rev P1; 1198_PL_GA-03 rev P1; 1198_PL_GA-04 rev P1;
1198_PL_GA-05 rev P1; 1198_PL_GA-RF rev P1; 1198_PL_GE-01 rev P1;
1198_PL_GE-02 rev P1; 1198_PL_GE-03 rev P1; 1198_PL_GE-04 rev P1;
1198_PL_GE-10 rev P1; 1198_PL_GE-11 rev P1; 1198_PL_GE-12 rev P1;
1198_PL_GS-AA rev P1; 1198_PL_SK-11 rev P2.

Documents:

Operation Waste Management Strategy dated August 2023; Acoustic Technical Note dated 12 November 2023; Operation Management Plan for roof terraces dated November 2023; Drainage Strategy Report dated 18 December 2023 and response to LLFA dated 18 December 2023; Flood Risk Assessment dated 1 August 2023; Flood Warning and Evacuation Plan dated 4 August 2023.

Documents for information only:

Design and Access Statement dated 3 August 2023; Heritage, Townscape and Visual Impact Assessment dated August 2023; Planning Statement dated August 2023; Circular Economy Statement dated July 2023; Energy Statement dated July 2023; Sustainability Statement dated July 2023; BREEAM pre-assessment; Daylight and Sunlight Report dated 26 July 2023; Transport Assessment dated August 2023; Archaeological Desk-based Assessment dated 31 July 2023; Fire Strategy dated 4 August 2023; Statement of Community Involvement dated August 2023; Structural Methodology Statement dated 2 August 2023; Indicative Planting Strategy dated

July 2023; Draft Append A checklist.

Case Officer: Joshua Howitt

Direct Tel. No. 07866038007

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 **Pre Commencement Condition.** Prior to the commencement of any:

- (a) demolition, and/or
- (b) earthworks/piling and/or
- (c) construction

on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the

Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

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)

- 4 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)

- 5 You must apply to us for approval of material samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

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)

- 6 Notwithstanding the approved drawings and documents, you must apply to us for approval of further information about the following parts of the works:

- Detailed design of new maintenance access at the roofs of the plant and staircase / lift enclosure to the rear of the roof and the access and community room enclosure to the front of the roof.

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 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)

- 7 You must not put structures such as canopies, fences, loggias, trellises or satellite or

radio antennae on the roof terraces, unless these are shown on the approved drawings

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)

- 8 You must use the premises only as offices. You must not use them for any other purpose, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended in September 2020 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted Class E use because a loss of office accommodation in this location would undermine the provision of an appropriate mix of uses that support the vitality, function and character of the Central Actives Zone and the Victoria Opportunity Area. The office accommodation also contributes to meeting the business and employment needs of the City. An unrestricted Class E could also harm the amenity of neighbouring occupiers, local environmental quality and the highway network. This would not meet Policies 1, 2, 4, 13, 16, 28, 29 and 33 of the City Plan 2019 - 2040 (April 2021).

- 9 You must carry out the measures included in your roof terrace management plan dated November 2023 at all times that the extensions are in use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 10 No music shall be played within the building such as to be audible outside the premises. No music shall be played on the roof terraces.

Reason:

To protect the environment of people in neighbouring properties, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13BD)

- 11 The roof terraces shall only be used between 08:00 and 20:00 hours Monday to Friday and between 08:00 and 18:00 on Saturdays, and you must ensure no more than 40 persons (total) occupy them at any one time.

Reason:

To protect the environment of people in neighbouring properties, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13BD)

- 12 You must apply to us for approval of a lighting strategy for any external lighting, including timings. You must not turn on any external lighting until we have approved

what you have sent us. You must then only use the external lighting in accordance with the approved lighting strategy.

Reason:

To ensure a satisfactory appearance and to minimise light pollution to neighbouring residents, as set out in Policies 7, 33, 38 ,39 and 40 of the City Plan 2019 - 2040 (April 2021).

- 13 (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 Environmental Supplementary Planning Document (February 2022), 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)

- 14 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 Environmental Supplementary Planning Document (February 2022). (R48AB)

- 15 The plant/machinery hereby permitted shall not be operated except between 07:00 hours and 23:00 hours daily. (C46CA)

Reason:

To safeguard the amenity of occupiers of noise sensitive receptors and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) the Environmental Supplementary Planning Document (February 2022). (R46CC)

- 16 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 13 to 15 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)

Reason:

As set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the

intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51BC)

- 17 You must provide each cycle parking space and associated facilities for cyclists shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces and associated facilities for cyclist must be retained and the space used for no other purpose. (C22IA)

Reason:

To provide cycle parking spaces and associated cycling facilities for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22GA).

- 18 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark the stores and make them available at all times to everyone using the building. (C14ED)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 19 All areas for servicing within the building, including holding areas, access corridors and the service lift in the loading area, must be retained for this purpose for the life of the development and used for no other purpose.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 20 You must apply to us for approval of a Servicing Management Plan prior to the occupation of the building hereby approved. The plan should identify process, internal storage locations, scheduling of deliveries and staffing. The approved Servicing Management Plan shall be adhered to thereafter unless an alternative Servicing Management Plan is submitted to and approved by the City Council.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 21 You must provide the access for people with disabilities as shown on the approved drawing(s) and as outlined in the Design and Access Statement dated 03 August 2023 before you use the building. (C20AB)

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in Policy 38 of the City Plan 2019 - 2040 (April 2021). (R20AD)

- 22 The development hereby approved shall achieve a BREEAM rating of 'Excellent' or higher or an equivalent independent measure of energy performance and sustainability. Where the performance of the development is measured using BREEAM, it shall achieve not less than the total credits for each of the Energy, Materials and Waste categories in the BREEAM Pre-Assessment hereby approved.

A post completion certificate (or equivalent certification) confirming that the development has been completed in accordance with the required BREEAM rating and has maintained or exceeded the approved total credit scores for each of the Energy, Materials and Waste categories, shall be submitted to us for our approval within six months of first occupation of the development. (C44BC)

Reason:

To ensure the development minimises operational carbon dioxide emissions and achieves the highest levels of sustainable design and construction in accordance with Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R44BE)

- 23 A. You must apply to us for approval of a feasibility study exploring whether the development can support the inclusion of additional photovoltaic panels. You must not start occupying the extensions until we have approved what you have sent us.

B. If the study approved under part A. indicates the installation of additional photovoltaic panels is feasible, you must apply to us for approval of detailed drawings, sectional drawings and other information to demonstrate the additional photovoltaic panels will not harm the appearance of the building or townscape. You must then must provide, maintain and retain the additional photovoltaic panels as approved before you start occupying the extensions.

Reason:

To make sure that the development provides the maximum amount of environmental sustainability features feasible and 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 36, 38 and 40 of the City Plan 2019 - 2040 (April 2021).

- 24 The development hereby approved shall be constructed to achieve or exceed the BREEAM 'Excellent' standard for the 'Wat 01' water category or equivalent.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 25 **Pre Commencement Condition.** You must apply to us for approval of details of a biodiversity management plan in relation to green roof and terrace planting. You must not start any work until we have approved in writing what you have sent us. You must carry out the measures in the biodiversity management plan according to the approved details before you start to use the building. (C43CA)

Reason:

To protect and increase the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43CC)

- 26 The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

I. a timetable for its implementation

II. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect.

III. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect.

IV. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason:

To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy 35 of the City Plan.

- 27 Upon completion of the surface water drainage system, including any SuDS features, and prior to the first occupation of the development; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 28. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the

findings submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policy 35 of the City Plan.

- 28 All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (dated 18 December 2023, Ref. P451300-WW-XX-XX-RP-C0002 P03), unless otherwise first approved in writing by the Local Planning Authority.

Reason:

To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy 35 of the City Plan.

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 **HIGHWAYS LICENSING:**
Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures.

CONSIDERATE CONSTRUCTORS:

You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk

BUILDING REGULATIONS:

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at

www.westminster.gov.uk/contact-us-building-control

- 3 Please be advised that any details submitted to discharge condition 6 must include any access ladders to the sides of these structures to allow maintenance workers onto the roofs, in addition to fall protection at the edges of the roofs of these enclosures. Any submitted details will need to demonstrate that the fall protection atop the roof enclosures is not visible in surrounding high level views and does not result in high level visual clutter. Ideally, it should be formed of fold-down, fold-up and lock in place railings and / or a clip-in man safe system to ensure this.
- 4 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work.

When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974).

British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work.

An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

- 5 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.

- 6 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.

Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:

- * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
- * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
- * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
- * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
- * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

- 7 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.
- 8 With reference to condition 3 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate (cocp@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning

authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase.

Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.

- 9 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please email AskHighways@westminster.gov.uk. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority).
- 10 You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/planning-building-and-environmental-regulations/building-control.
- 11 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 12 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that

has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 13 This permission is governed by a legal agreement under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
- a) Undertaking of all highway works immediately surrounding the site required for the development to occur prior to occupation of the extensions, including the relocation of the existing on-street Electric Vehicle Charing Unit outside the building on Rochester Row and the provision of a minimum of 4 on-street cycle parking stands in the vicinity of the development. All of the above to the Council's specification and at full cost (administrative, legal and physical) of the developer.
 - b) Dedication as highway of the area where the building line is set back from the existing line prior to occupation of the extensions, and subject to a detailed plan of the area and any minor alterations, all as agreed with the Council and at full cost of the developer.
 - c) The costs of monitoring the S106 agreement.

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.