

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 23 August 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Vincent Square	
Subject of Report	78 - 110 Rochester Row, London, SW1P 1JU,		
Proposal	Erection of a roof extension to provide six residential units (use class C3) and associated alterations.		
Agent	Turley		
On behalf of	Wrenton Limited		
Registered Number	16/01732/FULL	Date amended/ completed	28 July 2016
Date Application Received	26 February 2016		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application was considered by Planning Committee on 7 June 2016. The application was deferred to allow the applicant to revise the proposal to ameliorate the impact upon light reaching the rooflight to flat 17 and also to seek clarification regarding the ownership of the rooflight.

ROOFLIGHT

The applicant has provided a written response stating the development over the existing rooflight would not breach the terms of the lease the occupiers of flat 17 hold, a view shared by the applicant's solicitors. The applicant also contends the original proposal would be in accordance with relevant planning policy. Notwithstanding these positions, the applicant proposes the installation of a light tube which would allow natural lighting of the rooflight to flat 17. The occupier of flat 17 has been consulted on this revision and does not object to the principle of a light tube, but has raised concern over the light tube being positioned off centre in the belief that this could result in an uneven distribution of light. Light tubes are designed so that a diffuser (which in this case would be located above the existing rooflight) spreads light evenly into the room below. The occupier of flat 17 has also suggested the light tube should be secured by condition. A condition to this effect has been recommended.

MEANS of ESCAPE

The occupier of flat 17 maintains the objection to the loss of the means of escape across the top of the roof. The applicant has provided the existing fire strategy for the building which does not refer to a fire escape on top of the roof. It states that the means of escape for all flats is via the common parts to the ground floor (and the roof is not a common part of the building). Officers consider that it would be for the owner of the building and the leaseholders to resolve any dispute over rights of access and this matter falls outside of planning control. The City Council's District Surveyor has verbally confirmed that the building regulations take into account means of escape to ensure all occupiers are adequately safe in the event of a fire.

ADDITIONAL COMMENTS

In addition to the comments referred to above from the occupier of flat 17, three further objections have been received since Planning Committee on 7 June 2016. These objections are from and on behalf of residents opposite the application site within 75 Rochester Row. The residents reiterate and expand upon the concerns previously raised, and can be summarised as follows:

- The proposed extension would result in loss of privacy through overlooking (which is a breach of Human Rights legislation);
- The proposed extension would result in a loss of daylight, loss of sunlight and overshadowing;
- The proposed extension would be visually unacceptable because it would not be in-keeping with the scale and massing of other buildings within the area; and
- The proposed extension would result in loss of views over the building (towards Westminster Cathedral) currently enjoyed by the residents.

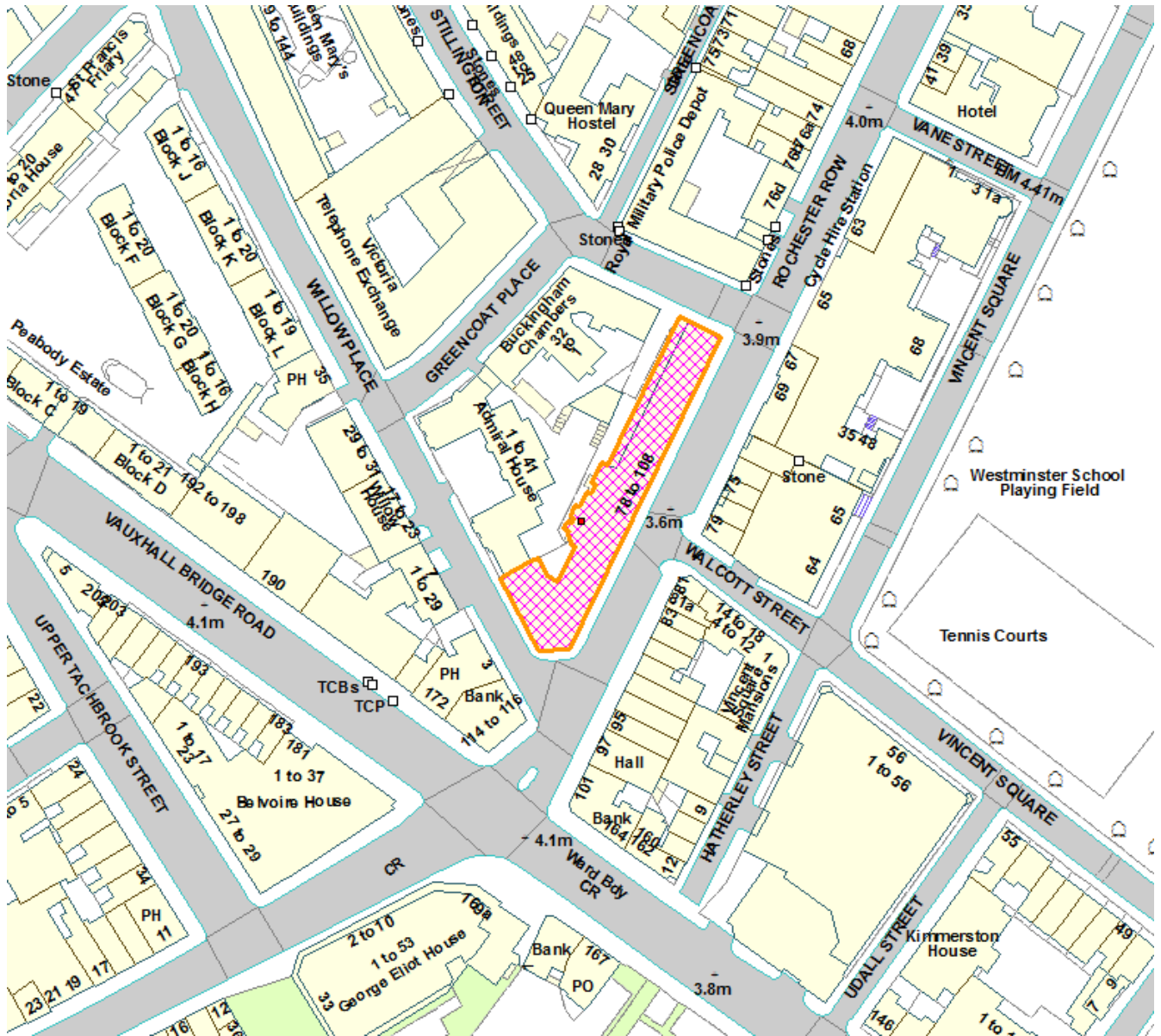
The residents note that 75 Rochester Row only faces the office part of the application building and the new residential windows would result in a detrimental loss of privacy, and a breach of their Human Rights (as described in the Human Rights Act 1998). As previously noted, the site and 75 Rochester Row are of a sufficient distance apart (approx. 15.5m) so as not result in undue harm in terms of overlooking. One objector has raised the issue of the proposal potentially impacting on the human right to enjoy one's possessions and land, along with the right to a private and family life. The Council is satisfied that any interference with an individual's rights in terms of Article 8 of the Human Rights Act, which requires that "respect" be given to private and home life, would be a proportionate means of achieving a legitimate end, that being the Council's function to determine planning applications. This right exists for both the applicant as well as the objector. It is considered that there is nothing in human rights or equality law that could, as a matter of law, require the application for planning permission to be refused and the objections on these grounds cannot therefore be supported.

As previously noted, the extension would not result in a noticeable loss of daylight or sunlight to those opposite at 75 Rochester Row. Officers concur with the finding of the submitted daylight and sunlight report which found no windows at 75 Rochester Row would suffer a loss of light that would be noticeable.

The proposed extension is comparable in height to neighbouring properties. As previously noted, the extension would successfully integrate into the host property and would contribute positively to the townscape.

The loss of private views is not a material planning consideration. If outlook becomes unacceptably enclosed then this can be considered a planning matter. As previously noted, the development would not unduly increase the sense of enclosure to neighbouring occupiers.

3. LOCATION PLAN



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4. PHOTOGRAPHS



78 – 110 Rochester Row
(View along Rochester Row/ junction with Willow Place)

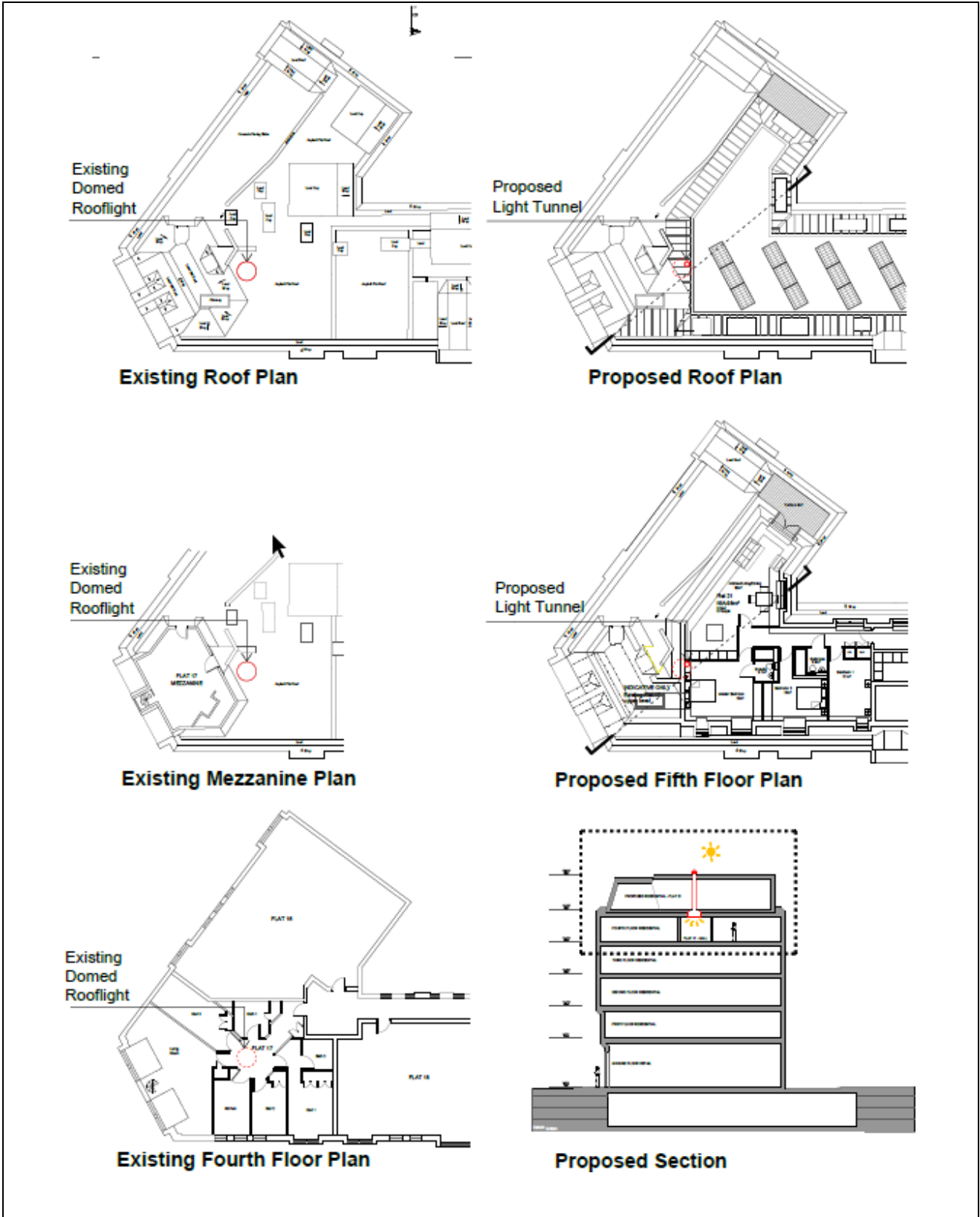
5. BACKGROUND PAPERS

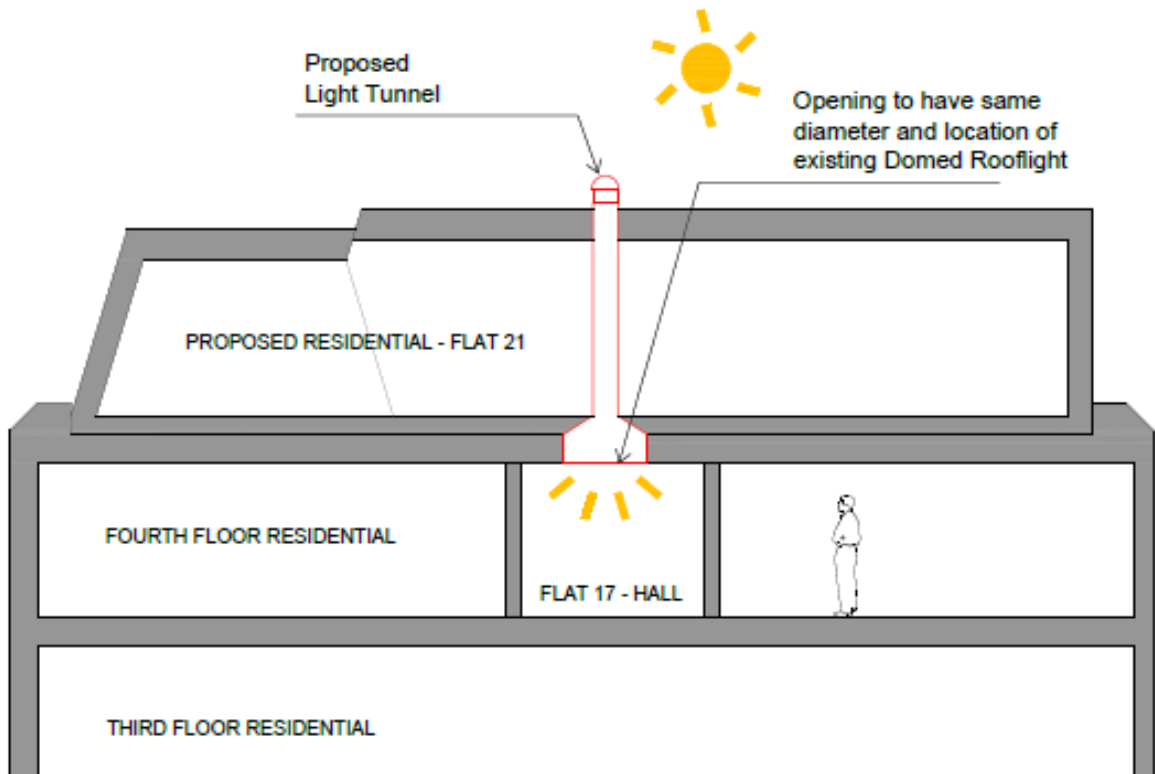
1. Application form.
2. Officer report for Planning Applications Committee 7 June 2016 and background papers.
3. Letter from Turley dated 20 July 2016.
4. Letter from occupier of Flat 17,102 Rochester Row 02 August 2016.
5. Letter from Aspect Property Services Ltd on behalf of the leaseholders at 75 Rochester Row dated 05 August 2016.
6. Letter from occupier of Flat 14, 75 Rochester Row dated 1 April 2016 and 07 August 2016.
7. Letter from MGA on behalf of the leaseholders at 75 Rochester Row dated 08 August 2016.

(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: VINCENT NALLY BY EMAIL AT vnally@westminster.gov.uk.

6. KEY DRAWINGS





Proposed Section Detail

Light Tunnel



Proprietary manufacturer's specification for provided Lumen levels for an internal corridor as found in flat 17
 (Parameters: location, orientation, room use, room area and height, roof type and pitch)

1907096 VELLUX sun tunnel calculator

Use this guide to find your perfect VELLUX sun tunnel solution

Location	House specifications	Result
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Your result:

With a VELLUX sun tunnel you will get this amount of natural light in your room:

 486 lux / 4412 lumens	 486 lux / 4432 lumens	 33 lux / 247 lumens	 approximately 600 lumens = 60 W light bulb. Number of light bulbs that have been rounded down to the nearest integer.
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Products for recommended solution

We recommend at least 100 lux for your room, thus we recommend installing 1 VELLUX sun tunnel(s).

 1 X Right sun tunnel TLR, 14" diameter £348.00	£348.00	Mail link to this calculation Print this calculation
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DRAFT DECISION LETTER

Address: 78 - 110 Rochester Row, London, SW1P 1JU,

Proposal: Erection of a roof extension to provide six residential units (use class C3) and associated alterations.

Plan Nos: L624_P(0)001, L624_P(0)010, L624_P(0)011, L624_P(0)012, L624_P(0)013, L624_P(0)014, L624_P(0)020, L624_P(0)021, L624_P(0)101, L624_P(0)102, L624_P(0)103, L624_P(0)104 rev:A, L624_P(0)105 rev:A, L624_P(0)201, L624_P(0)202, L624_P(0)301, Design & Access Statement L.624 rev:A, Daylight and Sunlight Report (February 2016), Additional Daylight and Sunlight Analysis (May 2016), Flood Risk Assessment (February 2016), Environmental Performance Statement (February 2016), L624_P(0)310, L624_P(0)311, Corner Roof Junction Sketch, Letter from Knights Professional Services Limited (19 July 2016), Letter from Turley (20 July 2016).

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 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 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 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 S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 5 You must apply to us for approval of detailed elevations and sections (Scale 1:20) showing the proposed photovoltaic panels including their supporting framework and their integration with the design of the main body of the extension.

You must not start any work on these parts of the development until we have approved what you have sent us. You must provide the photovoltaic panels before you start to use any part of the development, as set out in your application. You must not remove the photovoltaic panels, unless we have given you our permission in writing

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area and to make sure that the development provides the environmental sustainability features included in your application. This is as set out in S28 and S40 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 6 You must apply to us for approval of details of the eight on-site car parking spaces and you must provide at least one parking space for each of the residential flats. You must provide the parking spaces before you start to use any part of the development, as set out in your application.

Reason:

To provide parking spaces for people using the development as set out in TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

- 7 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 8 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 9 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;

(i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 10 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 11 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 12 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 13 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 9 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), by contributing to reducing excessive ambient noise levels.

- 14 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 11 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 15 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 16 The three bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan (July 2016) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 17 You must provide the waste store shown on drawing L624_P(0)102 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 18 The design and structure of the extension shall incorporate the light tube hereby approved, and

the extension shall not be occupied until the light tube has been installed.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (July 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

Informative(s):

- 1 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 2 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.
- 3 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM₂s). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM₂s, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)
- 4 Under the Construction (Design and Management) Regulations 2007, 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.

- 5 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (154AA)
- 6 The supplementary acoustic report relating to plant must include:
 - (a) A schedule of all plant and equipment installed;
 - (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 all most affected noise sensitive receptor locations and the most affected windows;
 - (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) The lowest existing L A90 (15 minutes) measurement as already established.
 - (g) New noise monitoring data, measurement evidence and any calculations demonstrating that plant complies with the planning condition.
- 7 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (154AA)