

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 8 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	The Point, 37 North Wharf Road, London, W2 1AF,		
Proposal	Erection of a roof extension to provide an additional storey of Class B1 office accommodation at 10th floor level with extension at 11th floor level to accommodate mechanical plant and a partially covered roof terrace and associated external alterations including provision of architectural frame and louvres to north, south and west elevations at 7th floor level.		
Agent	DP9		
On behalf of	Point Partners Special Limited Partnership		
Registered Number	16/07651/FULL	Date amended/ completed	10 August 2016
Date Application Received	10 August 2016		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

1. RECOMMENDATION

<p>1. Grant conditional permission, subject to completion of a legal agreement to secure the following planning obligations:</p> <ul style="list-style-type: none"> i. Provision of trainee/ apprenticeship placements during the period of construction works and notification of the City Council and affiliated work placement bodies of construction workforce vacancies to promote local employment. ii. Provision of a financial contribution of £TBC to the Carbon Off-setting Fund prior to the commencement of development. iii. Provision of the costs of monitoring the legal agreement (£500 per head of term). <p>2. If the S106 planning obligation has not been completed by 20 December 2016 then:</p> <ul style="list-style-type: none"> a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not; b) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application
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and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

The application site comprises an existing 11 storey Class B1 office building located at the western end of Paddington Basin within the Paddington Opportunity Area. The building, which was granted permission in 2001, is not listed and is not located within a conservation area.

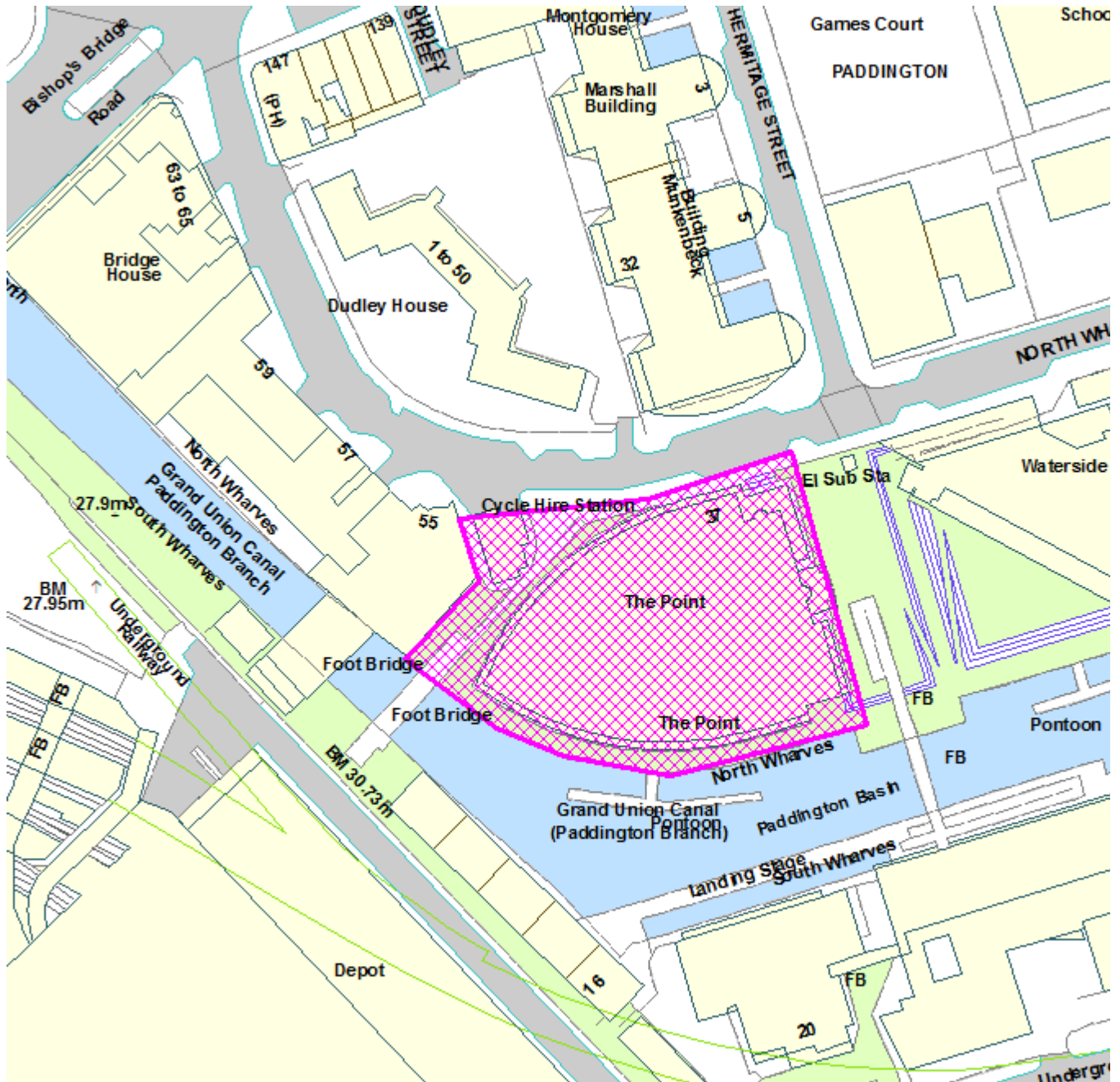
The application seeks permission for the erection of a roof extension to provide an additional storey of Class B1 office accommodation at 10th floor level with extension at 11th floor level to accommodate mechanical plant and a partially covered roof terrace. Associated external alterations are proposed at 7th floor level to extend upward the existing architectural frame and louvres on the lower floors of the building to the north, south and west elevations.

The key issues in this case are:

- The acceptability of providing additional Class B1 office accommodation in this location within the Paddington Opportunity Area.
- The impact of the proposed development on the appearance of the building and this part of the City.
- The impact on the amenity of neighbouring residents.

The proposed development is considered to be acceptable and, subject to the recommended conditions and planning obligations, it would accord with the relevant policies in Westminster's City Plan (the City Plan) and the Unitary Development Plan (UDP).

3. LOCATION PLAN



4. PHOTOGRAPHS



North elevation from North Wharf Road.

5. CONSULTATIONS

HYDE PARK ESTATE ASSOCIATION

No objection.

PADDINGTON RESIDENTS ACTIVE CONCERN ON TRANSPORT

Any response to be reported verbally.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Any response to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

No objection. Note that buildings of 14 storeys and more have already been granted in the Paddington Basin area. Design seems acceptable.

CLEANSING MANAGER

No objection, subject to condition recommended to secure details of waste and recycling storage.

CANAL AND RIVER TRUST

No comment.

ENVIRONMENTAL HEALTH

Objection. Existing background noise level has not been established and therefore the compliance of the proposed mechanical plant with adopted plant noise policies cannot be demonstrated. Discussions ongoing with applicant on this issue to seek to resolve concerns.

HIGHWAYS PLANNING MANAGER

Undesirable but could be considered acceptable. Conditions and informatives recommended.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Of Consults: 360.

Total No. of Replies: 3.

No. of Objections: 3.

No. in Support: 0.

3 emails raising objection on all or some of the following grounds:

Amenity

- Building would be overbearing.
- Loss of light to neighbouring residential building.

Other Matters

- Precedent for similar upward extension of neighbouring buildings.
- Noise and disturbance from construction works.
- Disruption of roads as a result of construction works.
- Cumulative effect of noise and disruption from current building works in Hermitage Street and proposed development.

- Need to keep a balance between commercial buildings and residential community.

PRESS ADVERTISEMENT/ SITE NOTICE: Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises an existing 11 storey Class B1 office building located at the western end of Paddington Basin within the Paddington Opportunity Area. The building, which was granted permission in 2001, is not listed and is not located within a conservation area.

The existing building is 31.5 metres in height and although a large building it has subsequently been surrounded on the north side of Paddington Basin by buildings of appreciably greater height (this includes buildings that have been built and are approved and are under construction). The existing building provides 25,977m² (GIA) of Class B1 office floorspace.

6.2 Recent Relevant History

17 May 2001 – Permission granted for erection of an office building and provision of associated landscaping, highway works and ancillary facilities, including vehicle and pedestrian access (99/11995/FULL).

7. THE PROPOSAL

The application seeks permission for the erection of an extension at roof level to extend the building upward by an additional full storey at 10th floor level to provide a new floor of Class B1 office accommodation, with a further additional partial storey at 11th floor level to accommodate mechanical plant and partially covered roof terrace. The new 10th and 11th floors would be constructed to match the existing appearance of the upper floors of the building. The extension proposed would provide an addition 2,076m² (GIA) of Class B1 office floorspace. The height of the building would be increased from 31.5 metres to just under 35 metres.

Associated external alterations are proposed to the elevations, including the provision of an architectural frame and louvres to north, south and west elevations at 7th floor level, which match the framing and louvres to the lower floors. The intention of this alteration is to seek to ensure the existing proportions of the building, in terms of the split between the framed base of the building and the predominantly glazed top, are maintained and the addition of an additional storey and a half does not adversely affect the architectural composition of the building.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policy S3 in the City Plan encourages the provision of office accommodation within the Paddington Opportunity Area (POA) along with forms of workspace, housing, retention of

St. Mary's Hospital and other uses that support the economic and social regeneration of the area. In this context the provision of additional Class B1 office accommodation is considered to be acceptable in land use terms.

Policy S3 envisages large scale redevelopment within the POA and on such sites the policy seeks the provision of residential floorspace in addition to new commercial development. However, in this case, the proposed development comprises an extension to an existing building, which is currently wholly in use as Class B1 offices, and as such it is not considered that it would be reasonable to require residential floorspace on-site.

Policy S1 in the City Plan builds on Policy S3 and sets out that within the Central Activities Zone, of which the POA is a part, which development will be required to provide a financial contribution towards the Affordable Housing Fund in lieu of on-site provision of residential floorspace. However, in this case, the increase in office floorspace proposed (2,076m² GIA) would be an 8% increase in office floorspace and this falls well below the threshold of 30%, below which no financial contribution in lieu of on-site residential floorspace provision is required under Policy S1.

8.2 Townscape and Design

The existing building is considered to be a well-executed architectural composition on a prominent site adjacent to Paddington Basin. The existing building consists of a lower seven storey element between ground and sixth floor levels, which has a prominent black coloured architectural frame within which the glazed façade of the office accommodation on the lower floors is set, with louvres set in front of the glazing and attached to the frame. The upper floors and the majority of the western elevation consist of a simple curtain wall glazing system, which clearly expresses the pointed form of the building, from which the building derives its name.

The currently proposed extensions to form a full 10th floor level and a partial 11th floor would be a sympathetic addition to the roof of the building, which would extend the building upward using the glazing system to the main facades that would match the existing building, such that the extension would be an imperceptible addition to the original building following its completion.

To maintain the originally conceived proportions of the north, south and west facades it is proposed to extend the architectural frame and louvres up to 7th floor level; albeit with an existing terrace, rather than office floorspace immediately behind the extended frame. It is considered that this addition at 7th floor level would successfully raise the shoulder height of the building, such that the extension to the top of the building would not appear out of scale with its black framed base. A condition is recommended to ensure that the additional architectural framing and louvres at 7th floor level are installed prior to the occupation of the new office floorspace at 10th and 11th floor levels. Subject to this condition, the bulk, height and form of the extensions at 10th and 11th floor levels are considered to be acceptable in design terms.

At proposed 11th floor level the extended building would include a roof terrace for use by office occupiers, with an extended glazed atrium over the existing central atrium space. The terrace would be predominantly open, but with a canopy over part of the terrace area. However, the canopy proposed would be set back from the roof edge and would be seen

against the enlarged atrium to the centre of the building and as such, this structure would not detract from the appearance of the building.

In summary in design terms, the proposed extensions and alterations are considered to be acceptable and would accord with Policies DES1 and DES6 in the UDP and S28 in the City Plan.

8.3 Residential Amenity

8.3.1 Daylight and Sunlight

The submitted daylight and sunlight report assesses the impact of the proposed development on the neighbouring light sensitive properties; namely, the Munkenbeck Building (residential) to the north in Hermitage Street, Dudley House to the north in North Wharf Road, which is currently being redeveloped to provide a school and residential accommodation (with the school closest to the application site), and 55-65 North Wharf Road, to the north west in North Wharf Road, which is currently being redeveloped to provide offices and residential accommodation (with the residential accommodation closest to the application site).

The submitted daylight and sunlight assessment demonstrates that in the case of the Munkenbeck Building, whilst there would be losses of daylight, these would be relatively minor losses and the proposed development would not result in material losses of daylight when assessed using the Vertical Sky Component (VSC) method of assessment.

In terms of sunlight losses, there would be a technical breach of the Building Research Establishment (BRE) Guidelines in terms of sunlight loss for one window at first floor level. However, the window in question is located below an oversailing element of the Munkenbeck Building and as a result of this design feature of the neighbouring building, this window, along with others at first floor level in the south elevation of the Munkenbeck Building, receives very low levels of sunlight already. As a result any further losses as a result of neighbouring development are amplified.

One further window at second floor level would suffer a 25% loss of existing annual sunlight hours (a reduction from 6 sunlight hours to 4); however, it would not suffer a loss of any winter sunlight hours and the annual loss is again amplified due to the low number of hours the window currently receives. As such, it is not considered that the impact in terms of loss of sunlight to windows in Munkenbeck Building is so significant as to warrant withholding permission.

The applicant's daylight and sunlight assessment assesses a since superseded scheme for residential redevelopment of the Dudley House site. The impact on this superseded scheme demonstrates that the losses of daylight that would be caused would be unlikely to be material. However, the applicant has been asked to update this aspect of their assessment to demonstrate that the proposed development would not have a significant adverse effect on the levels of daylight or sunlight reaching the approved and under construction school on the southern half of the Dudley House site.

The proposed development would not result in a material loss of daylight or sunlight to the residential accommodation on the southern half of the 55-65 North Wharf Road site, which is currently under construction.

In summary, for the reasons set out, the proposed development would not cause such a significant material loss of daylight or sunlight so as to warrant withholding permission and the proposal therefore accords with Policy ENV13 in the UDP and Policy S29 in the City Plan.

8.3.2 Sense of Enclosure

Whilst the building would become more appreciable from the windows in the upper floor flats of the Munkenbeck Building immediately to the north on the opposite side of North Wharf Road, it is not considered that the degree of enclosure that would be caused would be so significant as to warrant withholding permission. More angled views past the building and along North Wharf Road would remain and furthermore, within the POA there is a consistent close relationship of larger buildings that is not dissimilar to that which would be created by the proposed roof level extension to The Point.

The as yet unbuilt schemes at Dudley House and 55-65 North Wharf Road would be slightly further from the application site than the Munkenbeck Building and they too would not suffer a materially increased sense of enclosure.

In summary, the proposed development would not cause a materially increased sense of enclosure and therefore it would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

8.3.3 Privacy

The proposed extension would be above the height of the upper most windows in the Munkenbeck Building opposite to the north and therefore the additional office accommodation and office terrace, which would be set back from the northern edge of the roof behind a green roof, would not cause a significant increase in overlooking to the occupiers of this neighbouring residential building.

Other as yet unbuilt buildings on the Dudley House and 55-65 North Wharf Road sites would be sufficiently distant so as not to suffer a material increase in overlooking relative to the existing situation.

In summary, subject to a condition requiring the provision of the green roofs to set the proposed roof terrace in from the north and south sides of the roof of the building, the proposed development would not cause a material loss of privacy and therefore it would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

8.4 Transportation/Parking

The Highways Planning Manager does not object to the proposed development and is satisfied that the proposals are acceptable in transportation terms. No additional car parking is proposed and this is acceptable for an office extension in such an accessible location.

The application proposes the creation of an addition 30 cycle parking spaces at basement level and this accords with the London Plan in terms of the number required in conjunction with the additional floorspace proposed. As a result 57 cycle parking spaces would be provided at basement level, including existing cycle parking. A condition is recommended to secure the cycle parking proposed.

No alterations are proposed to the existing servicing arrangements for the existing office accommodation on this site. The additional waste storage capacity required in relation to the increased office floorspace has been assessed and the applicant predicts that an additional 1100 litre bin for waste and a further 1100 litre bin for recyclables will be sufficient to accommodate increases in waste and recycling generated on the site. The Cleansing Manager does not object on this basis, but requests that details of this additional storage are provided by condition.

8.5 Economic Considerations

The economic benefits of providing additional office accommodation in accordance with Policy S3 in the City Plan are welcomed, subject to the other material considerations set out in this report.

8.6 Access

The existing building benefits from step free access with level access provided to all floors. This would be maintained within the enlarged building with lift access extended to the new floors at 10th and 11th floor levels. As such, the proposed development accords with Policy DES1 in the UDP.

8.7 Other UDP/ Westminster Policy Considerations

8.7.1 Mechanical Plant

The proposed development includes relocation of plant rooms currently at 10th floor level to the new 11th floor level. An acoustic report has been submitted and assessed by Environmental Health officers, who have raised concerns on the basis that it is an insufficiently detailed assessment to demonstrate that the proposed mechanical plant, within the new plant room at 11th floor level, would accord with Policies ENV6 and ENV7 in the UDP and Policy S32 in the City Plan. These policies require new plant to operate at a noise level 10-15dB below the representative background noise level outside the nearest noise sensitive window.

The applicant has provided additional information and discussions are on-going with Environmental Health officers in respect of the noise impact of the mechanical plant. However, should it not be the case that this issue can be resolved prior to the committee meeting, conditions are recommended to require a full acoustic report demonstrating compliance with the aforementioned conditions and to reserve full details of the mechanical plant proposed and any noise attenuation measures that would be required to ensure that it operates sufficiently below the existing background noise level. The recommended conditions are set out in the draft decision letter appended to this report.

8.7.2 Biodiversity

The proposed extension would provide new green roofs at roof level around the periphery of the proposed office terrace area and this biodiversity improvement is welcomed as the roof of the building is currently entirely hard landscaped, as is the public realm around the base of the building. A condition is recommended to secure the provision of the green roof areas and subject to this condition the proposals would accord with Policies S37 and S38 in the City Plan.

8.7.3 Sustainability

The applicant has submitted an Energy Strategy that sets out the energy performance and sustainability of the proposed development. The submitted report sets out that the extension to the existing building would achieve a BREEAM 'Very Good' rating and would achieve a carbon dioxide saving of 21% relative to 2013 Building Regulations. This energy performance is to be achieved through achieving reductions in energy demand, primarily through the use of energy and thermally efficient in the built fabric of the extensions and through the provision of 35m² of photovoltaic (PV) panels at roof level. A condition is recommended to ensure the provision of the PV panels.

Given that the proposed development comprises an extension to an existing building, this carbon dioxide saving relative to 2013 Building Regulations is considered to be acceptable. However, it falls below the level of 35% savings set out in Policy 5.2 of the London Plan (2015) (as amended) and the Mayor's Energy Planning guidance document (March 2016). Accordingly, in accordance with the Mayor's guidance, this shortfall in the energy performance of the development is to be mitigated by the provision of a financial contribution of £TBC to the Carbon Off-setting Fund, which will be used to fund carbon emission reduction measures elsewhere in the City.

Subject to the recommended condition and the financial contribution to the Carbon Off-setting Fund, the proposed development accords with Policies S28, S39 and S40 in the City Plan and Policies 5.2, 5.3, 5.6 and 5.7 in the London Plan (2015) (as amended).

8.7.4 Local Economy and Employment

On appropriate larger scale developments, Policy S19 in the City Plan seeks to encourage contributions towards initiatives that provide employment, training and skills development for local residents and ensure that local people and communities benefit from opportunities which are generated from development. In accordance with Policy S19, the applicant has offered to provide trainee/ apprenticeship placements during the course of construction works and notification of the City Council and affiliated work placement bodies of construction workforce vacancies so that local employment can be promoted. This provision is welcomed and is to be secured via the S106 agreement.

8.8 London Plan

The application does not raise any significant strategic issues and is not referable to the Mayor due to the limited additional height proposed. Where relevant, considerations involving London Plan (2015) policies are dealt with in other sections of this report.

8.9 National Policy/ Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.10 Planning Obligations

As set out in Section 8.1 of this report, given the size of the uplift in office floorspace, which falls below 30% of the existing floor area of the building, the scheme does not generate a requirement to provide affordable housing. The scheme is of a scale though that the following planning obligations are required to mitigate the impacts of the development:

- i. Provision of trainee/ apprenticeship placements during the period of construction works and notification of the City Council and affiliated work placement bodies of construction workforce vacancies to promote local employment. This provision is required to address the requirements of Policy S19 in the City Plan.
- ii. Provision of a financial contribution of £TBC to the Carbon Off-setting Fund to off-set carbon emissions from the development by funding carbon emission reduction measures elsewhere in the City.
- iii. Provision of the costs of monitoring the legal agreement (£500 per head of term).

The adopted Planning Obligations SPG (2008) and draft Planning Obligations and Other Planning Mechanisms SPD (August 2015) both identify that commercial development of the scale proposed may be required to provide open space and public realm improvements. However, in this case the development comprises an extension to an existing building that previously delivered substantial public realm and open space improvements between the northern edge of the canal basin and North Wharf Road as part of the construction of the building in the mid 2000's. Accordingly, it is not considered that such obligations are necessary in this case to make the current application for extension of the building acceptable.

The estimated CIL payment in respect of the Mayor's CIL, excluding any potential exemptions, would be £103,800. The estimated CIL payment in respect of Westminster's CIL, excluding any potential exemptions, would be £311,400 as the site is located within the 'Commercial Core' area, as defined by the adopted CIL Charging Schedule.

8.11 Environmental Impact Assessment

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant, the environmental impact of the development has been assessed in earlier sections of this report.

8.12 Other Issues

Concerns have been expressed by neighbours in the Munkenbeck Building in Hermitage Street regarding the impact of construction works in terms of noise and general disturbance, including obstruction to traffic. These concerns are amplified by recent building works opposite in Hermitage Street, to construct the first phase of redevelopment on the former North Westminster Community School site, and the building works that have only recently commenced on the Dudley House and 55-65 North Wharf Road sites to implement the respective extant redevelopment schemes for these sites.

To seek to minimise disruption to occupiers of the Munkenbeck Building and other neighbouring residential buildings it is recommended that a condition is imposed to restrict the hours of building works and to require the construction works to be carried out in accordance with the Code of Construction Practice adopted in July 2016. Compliance with the Code of Construction Practice would include monitoring of the impact of the construction works throughout the construction period by the Environmental Inspectorate at the applicant's expense.

The site is located within the POA and it is reasonable to expect that development within the Opportunity Area will be more prevalent over the short to medium term to develop out the area in accordance with long adopted planning policies. Accordingly, planning permission cannot reasonably be withheld on grounds of construction impact and the conditions recommended in the preceding paragraph would adequately mitigate the impact of the proposed development on the amenity of neighbouring residents in terms of noise and disruption from construction works.

9 BACKGROUND PAPERS

1. Application form.
2. Letter from the Paddington Waterways and Maida Vale Society dated 30 September 2016.
3. Email from the South East Bayswater Residents Association dated 7 October 2016.
4. Memo from the Highways Planning Manager dated 15 September 2016.
5. Memo from the Cleansing Manager dated 20 September 2016.
6. Emails from Environmental Health dated 28 September 2016 and 20 October 2016.
7. Letter from the Canal and River Trust dated 29 September 2016.
8. Letter from the occupier of Flat 404, Marshall Building, 3 Hermitage Street dated 16 September 2016
9. Letter from the occupier of Flat 503, Marshall Building, 3 Hermitage Street dated 16 October 2016.
10. Letter from the occupier of Apartment 3, Munkenbeck Building, 5 Hermitage Street dated 18 October 2016.

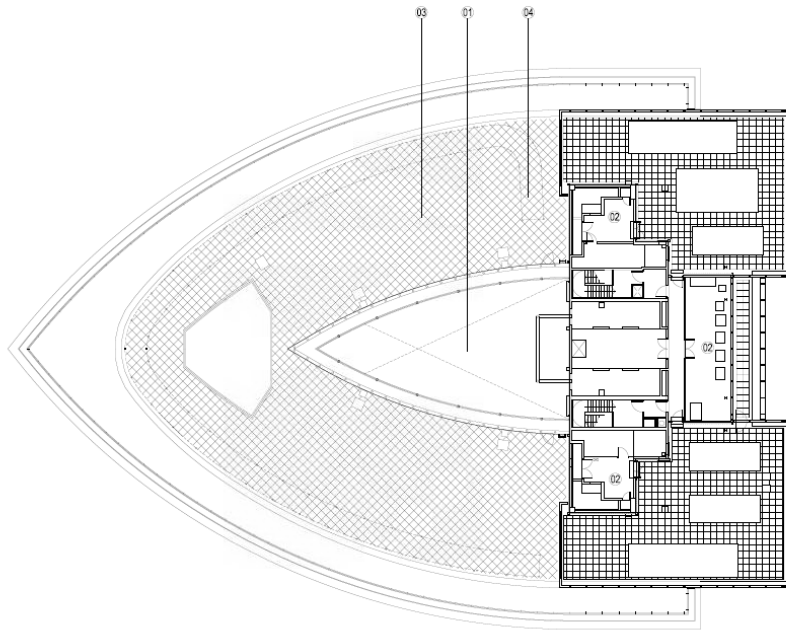
Selected relevant drawings

Existing and proposed plans, elevations and sections.

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

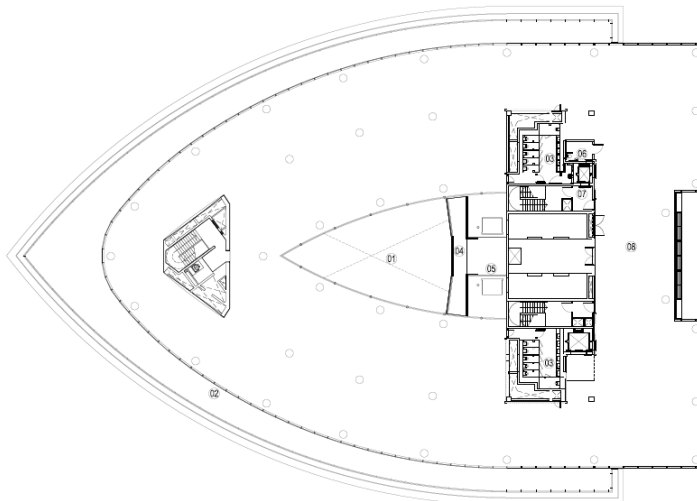
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk.

10 KEY DRAWINGS



- 01 ATRIUM
- 02 PLANT
- 03 ROOF
- 04 BUILDING MAINTENANCE UNIT

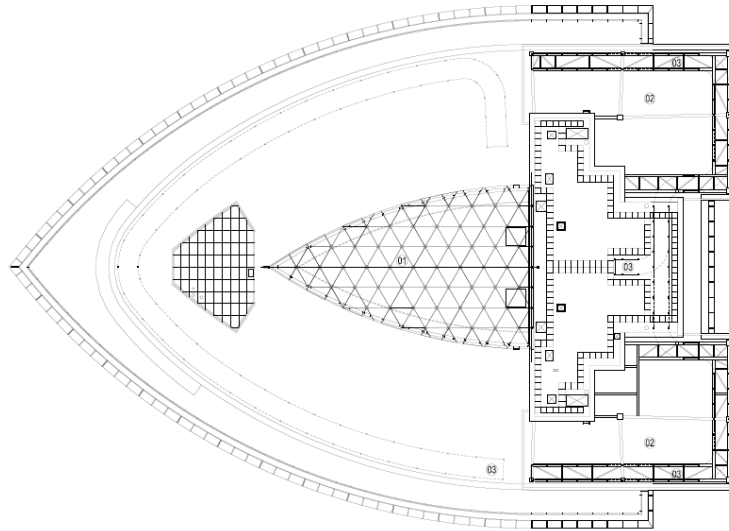
Existing 10th Floor Level.



- 01 ATRIUM
- 02 CLADDING
- 03 TOILETS
- 04 NEW BRIDGE
- 05 SCENIC LIFT
- 06 DISABLED TOILET
- 07 FIREMANS LIFT
- 08 OFFICE FLOOR PLATE

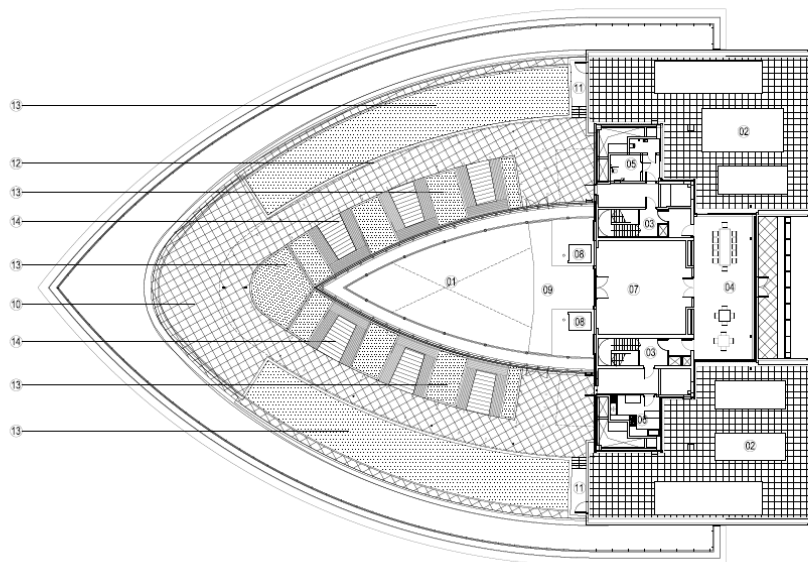
Proposed 10th Floor Level.

- 01 ATRIUM
- 02 PLANT
- 03 BUILDING MAINTENANCE UNIT



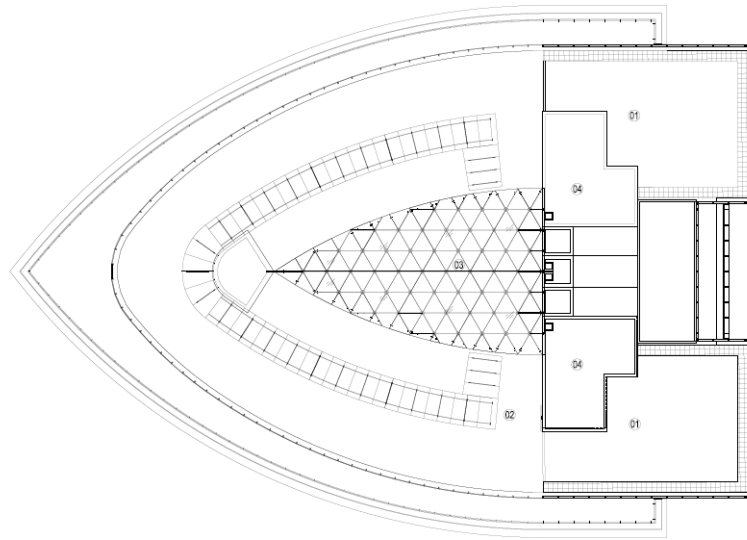
Existing 11th Floor Level.

- 01 ATRIUM
- 02 PLANT
- 03 STAIR
- 04 MEETING ROOM
- 05 TOILET
- 06 KITCHENETTE
- 07 FLEXIBLE SPACE
- 08 SCENIC LIFT
- 09 BRIDGE
- 10 TERRACE
- 11 STEPPED ACCESS TO PLANT
- 12 CANOPY (SHOWN DOTTED)
- 13 PARTIAL GREEN ROOF AREAS
- 14 EXTERNAL SEATING AREAS

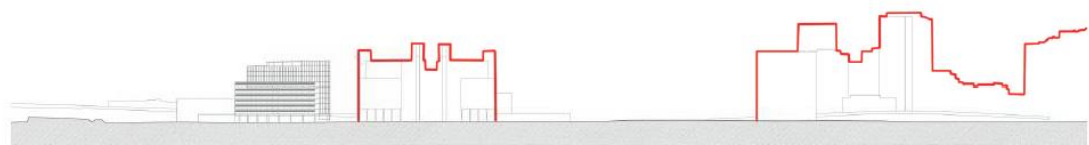


Proposed 11th Floor Level.

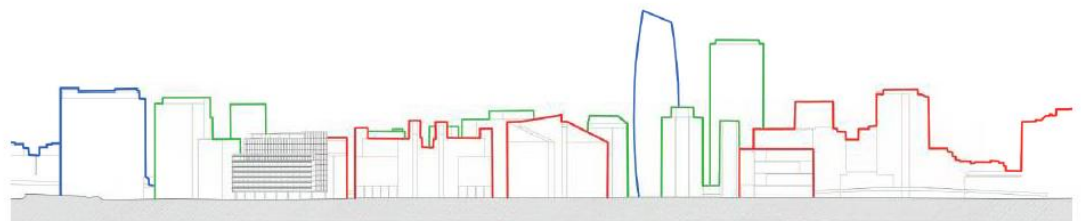
01 PLANT ENCLOSURE
02 CANOPY
03 ATRIUM ROOF
04 INDICATIVE PV PANELS



Proposed Roof Plan.



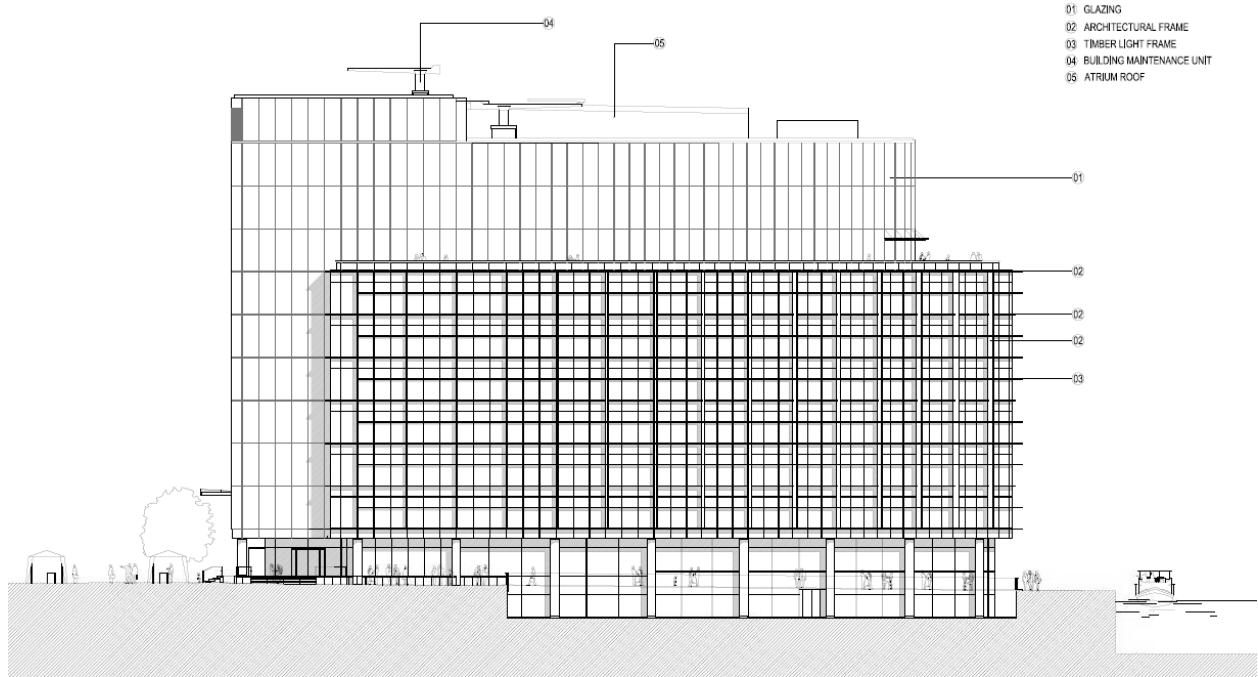
Building at original permission in 2000/2001



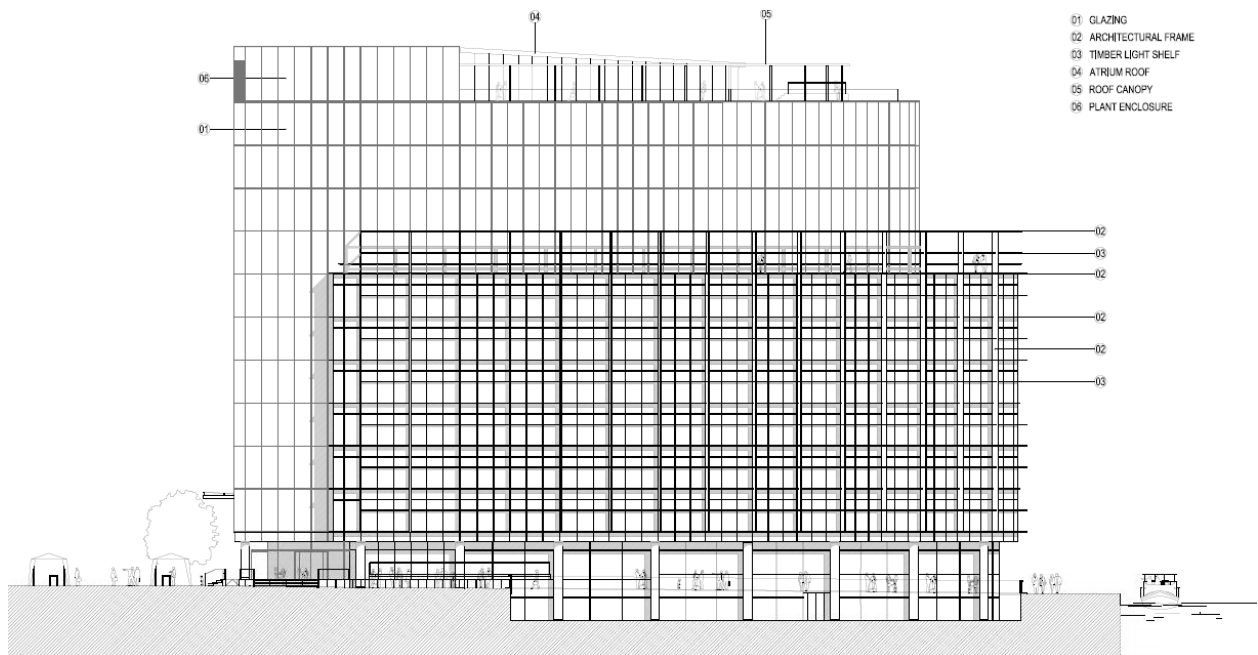
Proposed building in context in 2016 together with consented and under construction schemes as of 2016

- Existing building
 - Under construction
 - Planning Approval received
- Proposed buildings in context

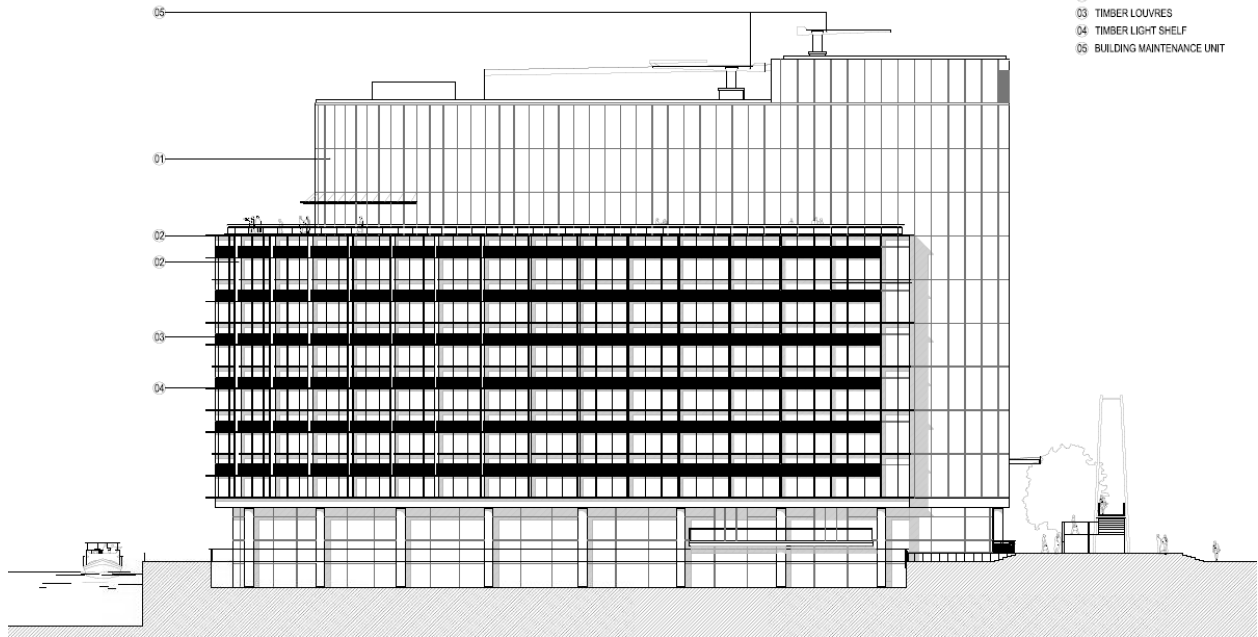
Context Elevations – in 2001 (top) and in 2016 (bottom).



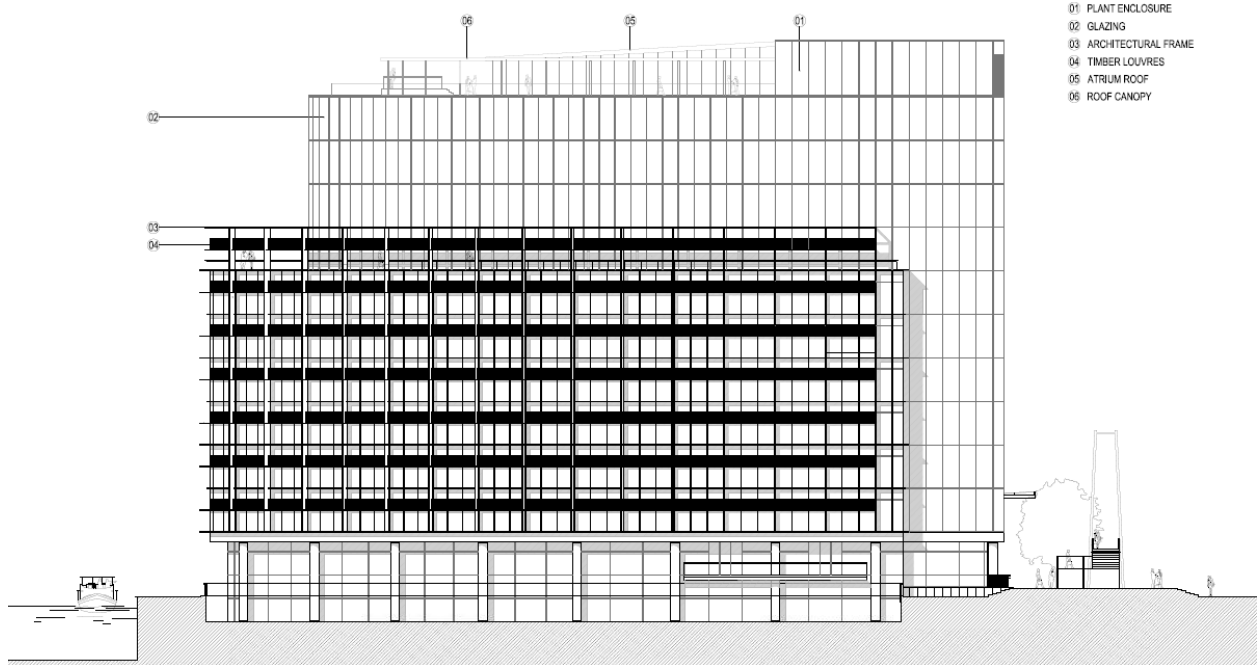
Existing North Elevation.



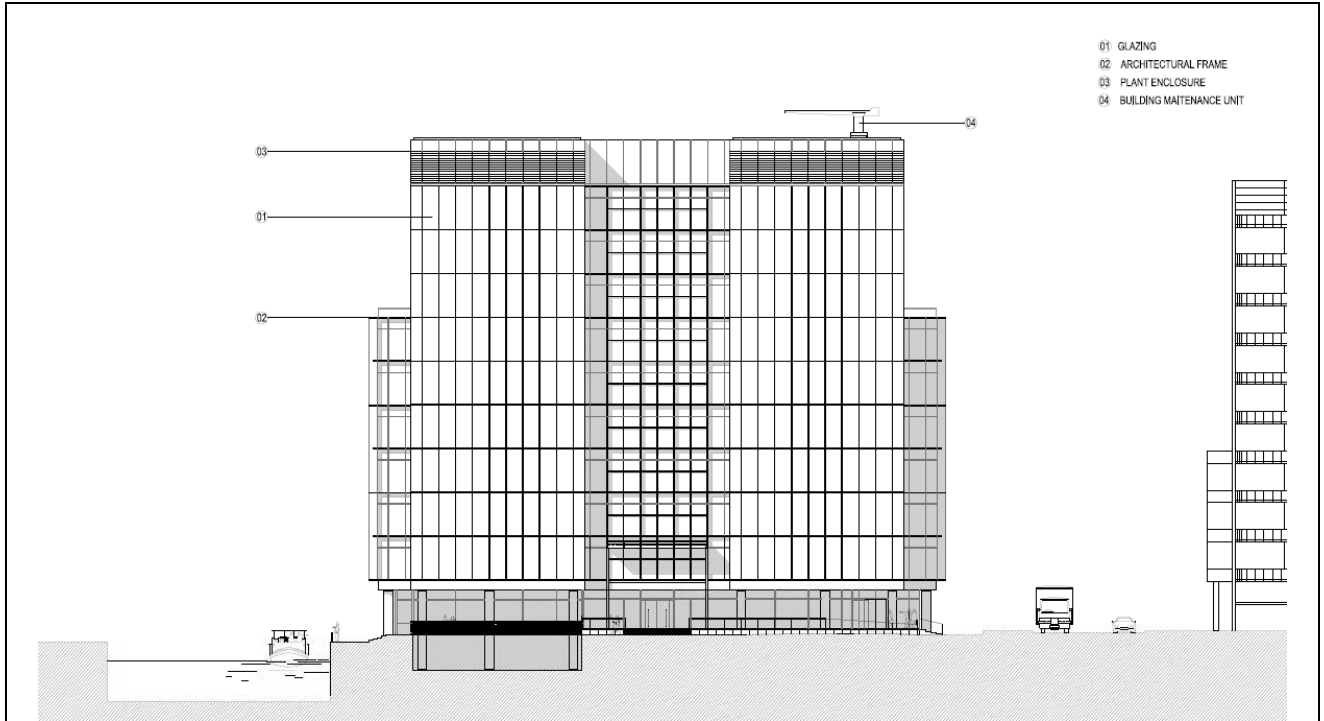
Proposed North Elevation.



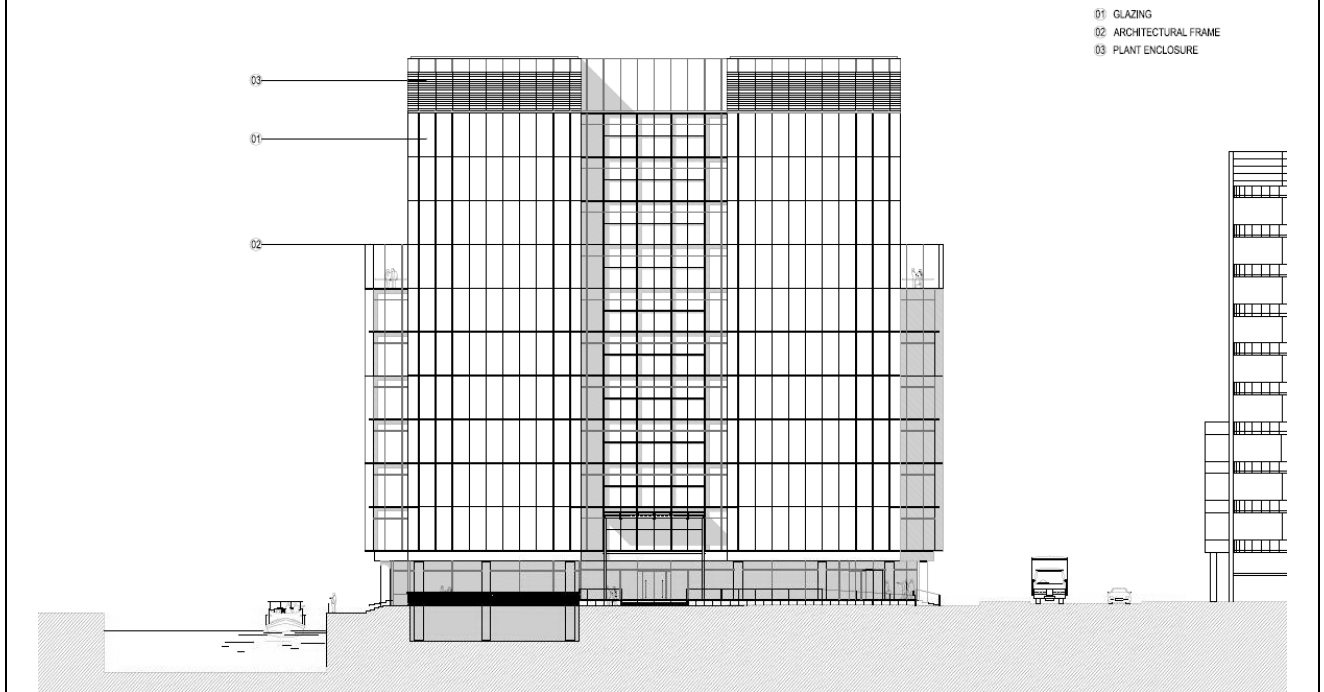
Existing South Elevation.



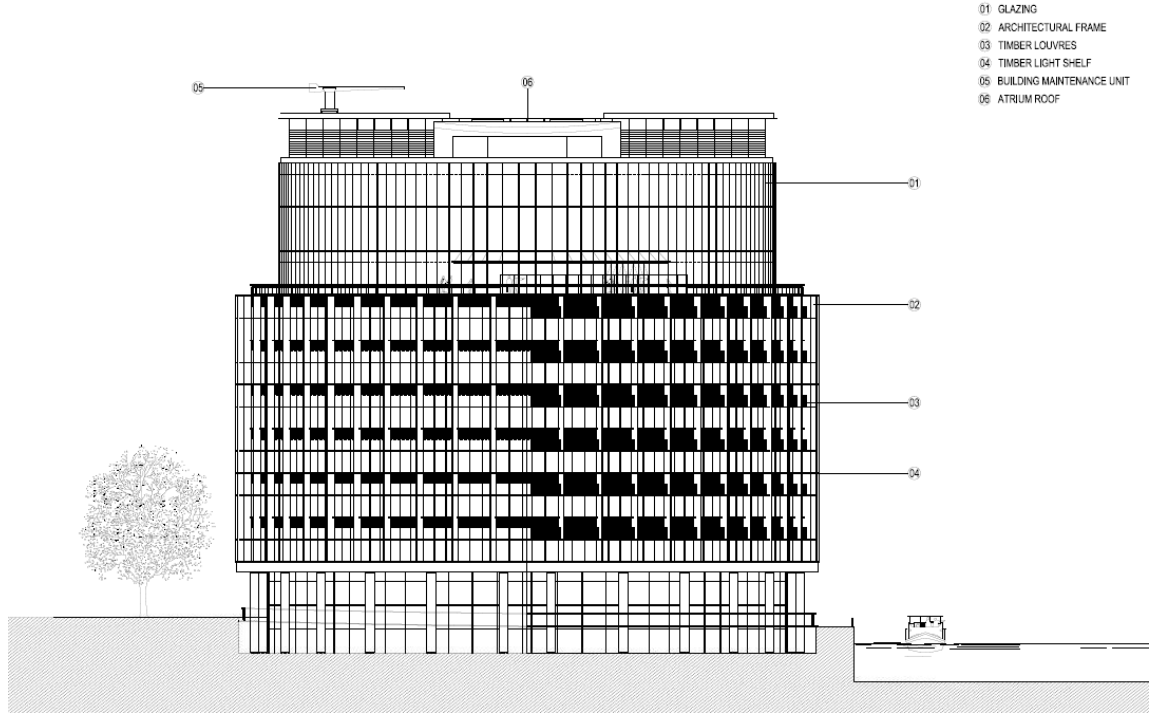
Proposed South Elevation.



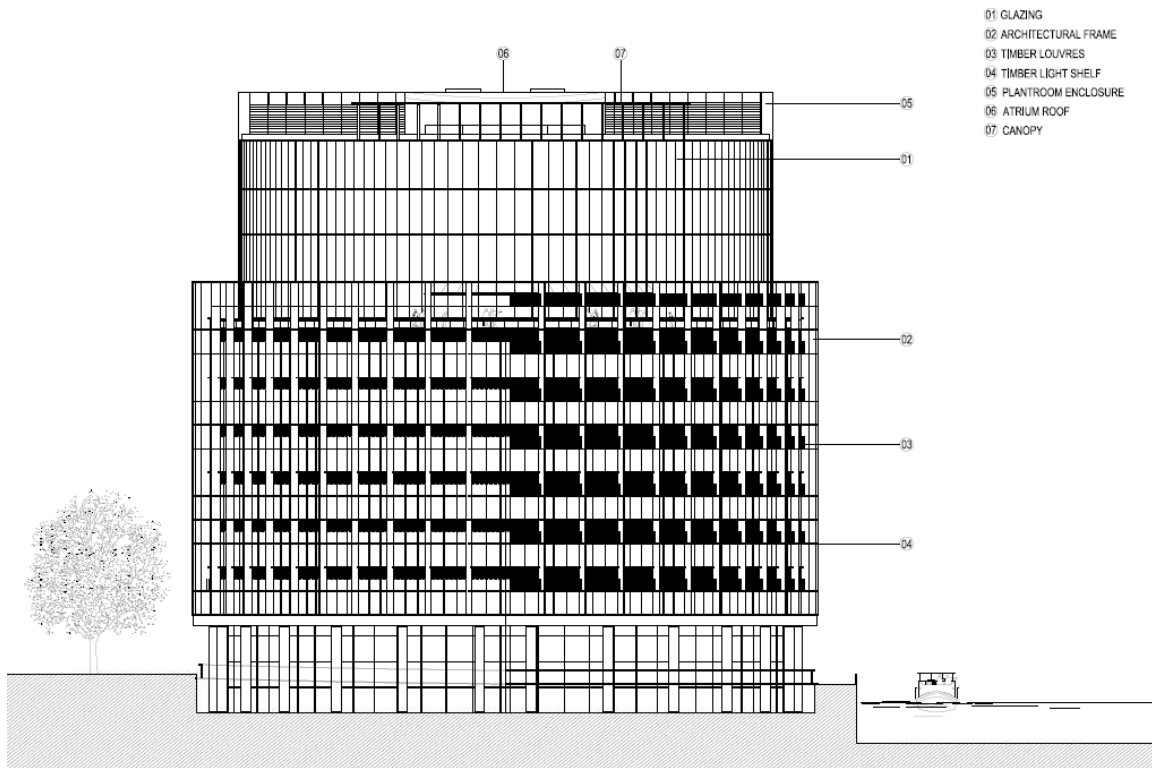
Existing East Elevation.



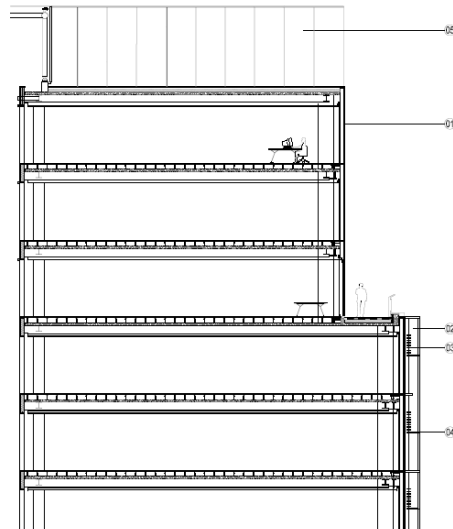
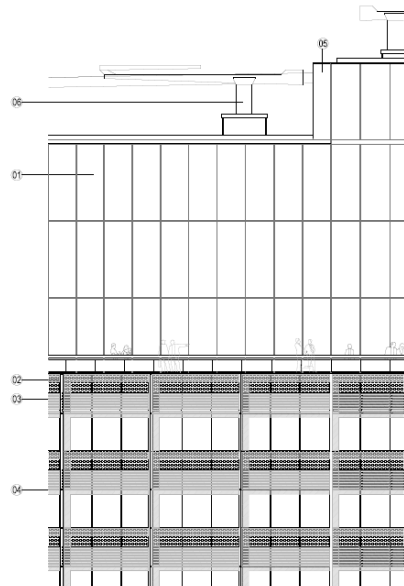
Proposed East Elevation.



Existing West Elevation.

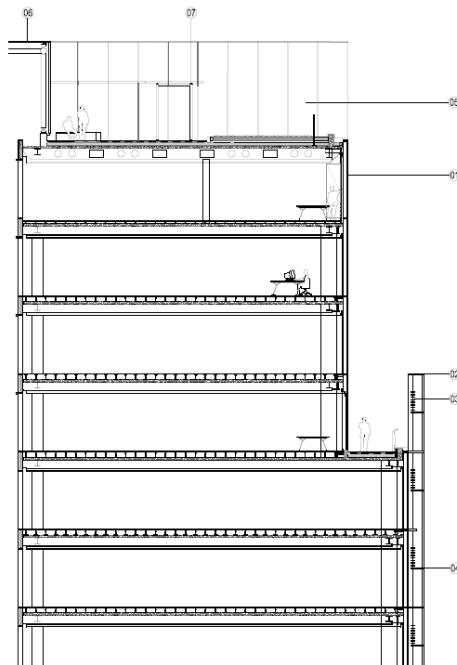
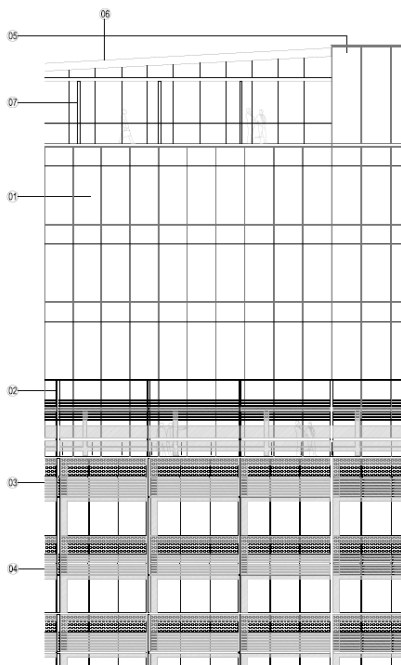


Proposed West Elevation.



- 01 GLAZING
- 02 ARCHITECTURAL FRAME
- 03 TIMBER LOUVRES
- 04 TIMBER LIGHT SHELF
- 05 PLANT ENCLOSURE
- 06 BUILDING MAINTENANCE UNIT

Existing Section.



- 01 GLAZING
- 02 ARCHITECTURAL FRAME
- 03 TIMBER LOUVRES
- 04 TIMBER LIGHT SHELF
- 05 PLANT ENCLOSURE
- 06 ATRIUM ROOF
- 07 CANOPY

Proposed Section.

DRAFT DECISION LETTER

Address: The Point, 37 North Wharf Road, London, W2 1AF

Proposal: Erection of a roof extension to provide an additional storey of Class B1 office accommodation at 10th floor level with extension at 11th floor level to accommodate mechanical plant and a partially covered roof terrace and associated external alterations including provision of architectural frame and louvres to north, south and west elevations at 7th floor level.

Plan Nos: PBA2-E-03-001 REV A, PBA2-E-03-111 REV A, PBA2-E-05-097 REV A, PBA2-E-05-100 REV A, PBA2-E-05-107 REV A, PBA2-E-05-110 REV A, PBA2-E-05-111 REV A, PBA2-E-05-200 REV A, PBA2-E-05-210 REV A, PBA2-E-05-300 REV A, PBA2-E-05-305 REV A, PBA2-E-05-310 REV A, PBA2-E-05-315 REV A, PBA2-E-05-500, PBA2-P-03-111 REV A, PBA2-P-05-097 REV A, PBA2-P-05-100 REV A, PBA2-P-05-107 REV A, PBA2-P-05-110 REV A, PBA2-P-05-111 REV-A, PBA2-P-05-112 REV A, PBA2-P-05-200 REV A, PBA2-P-05-210 REV A, PBA2-P-05-300 REV A, PBA2-P-05-305 REV A, PBA2-P-05-310 REV A, PBA2-P-05-315 REV A, PBA2-P-05-500, Design and Access Statement dated August 2016, Planning Statement dated August 2016, Daylight and Sunlight BRE Report dated July 2016, Energy and Sustainability Statement dated July 2016, Flood Risk Assessment dated July 2016, Site Waste Management and Construction Logistics Plan dated July 2016, Operational Waste and Recycling Management Audit dated July 2016 and Noise Impact Assessment dated July 2016 (as amended by email from Yuyou Liu dated 10 October 2016).

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

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 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of

Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

- 3 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 (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 The architectural frame and louvres at 7th floor level to the north, south and west elevations shall be installed on the building prior to occupation of the new office accommodation at 10th and 11th floor levels and thereafter they shall not be removed from the building.

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 (July 2016) 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 not use the areas of the roof at 11th floor level to the northern and southern edges of the roof, annotated as 'green roof' on the drawings hereby approved, as a roof terrace. You can however use these parts of the roof to escape in an emergency. (C21CA)

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)

- 6 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.

- 7 You must apply to us for approval detailed drawings showing how the additional waste and materials for recycling identified in the Operational Waste and Recycling Management Audit (July 2016) are going to be stored on the site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details prior to occupation of the additional office floorspace, clearly mark the stores and make them available at all times to everyone using the office floorspace. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste 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. (R14BD)

- 8 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application: sedum/ planted green roofs at 11th floor roof level. You must not remove these features. (C43FA)

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan (July 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43AB)

- 9 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application: the roof level photovoltaic panels. You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (July 2016). (R44AC)

- 10 You must carry out the development in accordance with the Energy and Sustainability Statement dated July 2016.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28, S39 and S40 of Westminster's City Plan (July 2016) and Policies 5.2, 5.3, 5.6 and 5.7 in the London Plan (2015) (as amended).

- 11 You must apply to us for approval full details (including plant layouts and manufacturer's specifications, as necessary) of the mechanical plant to be installed within the new plant enclosures at 11th floor level, including an acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 12 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. 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.

- 12 (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.

- 13 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.

- 14 Prior to the commencement of any demolition or construction on site the applicant shall provide evidence 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 a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. (C11CA)

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)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 With reference to condition 14 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into

the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.

- 3 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 phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 4 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.
- 5 Conditions 11, 12 and 13 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 6 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:

<http://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.