

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 25 February 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Vincent Square	
Subject of Report	22 Chapter Street, London, SW1P 4NP		
Proposal	Erection of a two storey extension at third and fourth floor levels to provide additional office floorspace, including balconies at fourth level; installation of plant equipment and PV panels at roof level; alterations to ground floor facades and associated external alterations.		
Agent	Gerald Eve		
On behalf of	Brentdale Limited		
Registered Number	19/07638/FULL	Date amended/ completed	20 December 2019
Date Application Received	2 October 2019		
Historic Building Grade	Unlisted		
Conservation Area	Outside of a conservation area.		

## 1. RECOMMENDATION

Refuse permission – land use.

## 2. SUMMARY

22 Chapter Street is an unlisted building located outside of a conservation area. The building fronts both Chapter Street and Hide Place. It is in office use and is bounded by taller residential buildings on either side. The site is located within Pimlico and is outside of the Core Central Activities Zone (Core CAZ), but it is within the London Mayor's CAZ and the CAZ defined in the City Council's draft City Plan 2019-2040 that has been submitted to the Secretary of State for Examination in Public.

The applicant seeks permission to extend the existing building by two additional storeys to provide additional office accommodation, with plant equipment and photovoltaic panels at roof level, reconfiguration of the entrances and ground level façades and other associated external alterations.

The key issues for consideration are:

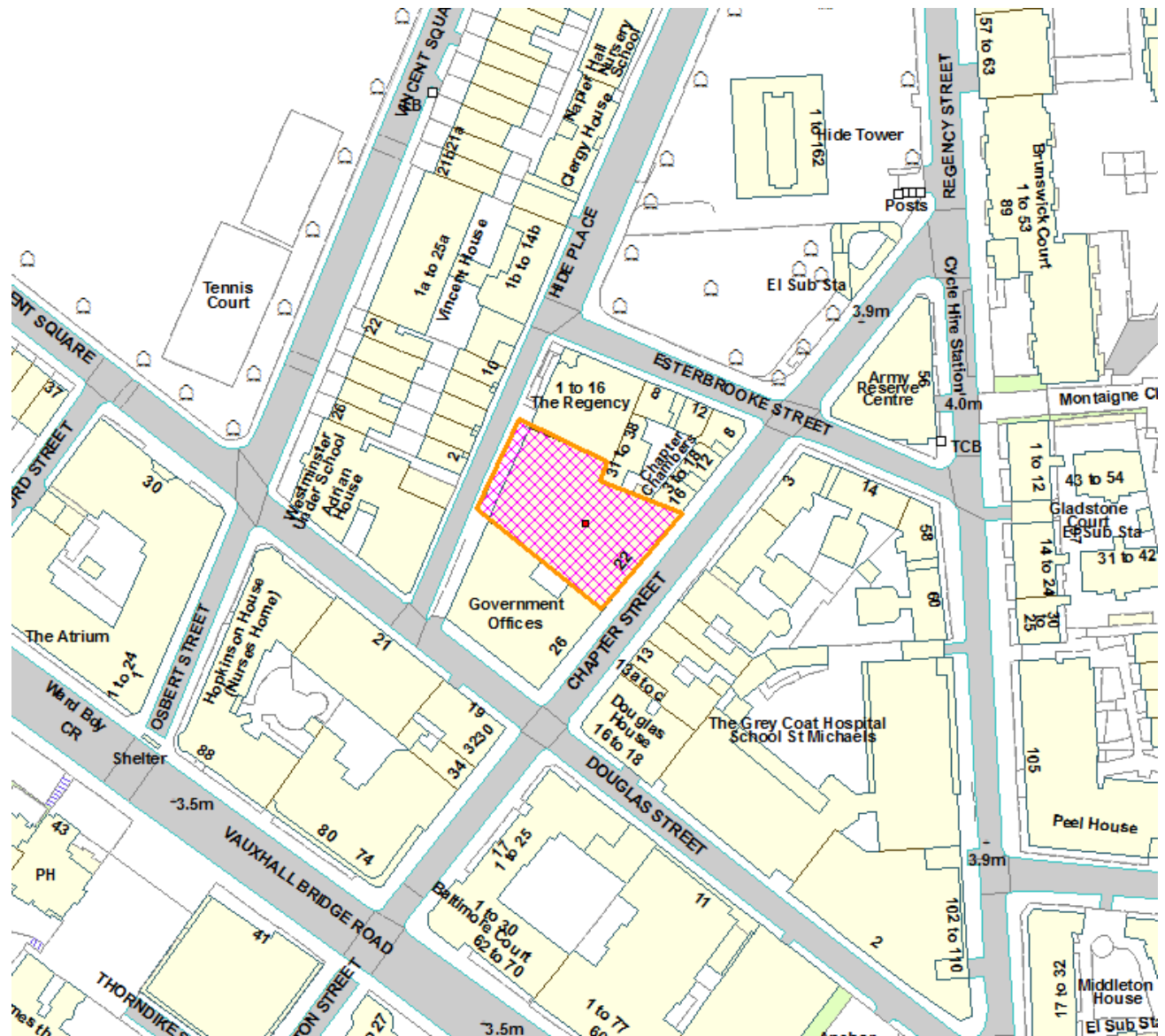
- The acceptability of additional office floorspace in land use terms;
- The impact of the extensions on the appearance of the area and the setting of the adjacent conservation areas; and
- The impact of the extended building on residential amenity.

Numerous objections have been received from neighbouring residents primarily on the grounds of harm to residential amenity. It is considered that neighbouring residential occupiers would not be unduly harmed. However, the proposal would conflict with the City Council's land use policies in the current City Plan. In Pimlico, new commercial uses such as office are resisted because the priority in this area is residential, with commercial uses directed to the Core CAZ.

Under the draft City Plan 2019-2040 there would be no policy conflict because Pimlico would be within a wider defined CAZ where a mix of uses, including office, is appropriate. However, very limited weight should be given to the draft City Plan 2019-2040 because it is at an early stage of examination by the Secretary of State.

As such the proposal fails to meet with the policies set out in Westminster's current City Plan and is recommended for refusal for the reason set out in the draft decision notice.

## 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### WESTMINSTER SOCIETY

Any response to be reported verbally.

### HIGHWAYS PLANNING MANAGER

No objection, subject to a condition to ensure cycle parking provided.

### WASTE PROJECT OFFICER

Waste storage area should have internal connection and must be labelled correctly.

### ENVIRONMENTAL HEALTH

Concerns raised regarding lift noise transferring through party wall, noise from roof terraces and whether the smoking area complies with regulations.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

#### ORIGINAL APPLICATION

No. Consulted: 137

No. Replies: 41 (inclusive of neighbours who objected more than once)

Neighbouring residents object on the following grounds:

#### Land Use:

- The existing office building is out of place in this residential area, office development should be directed toward the Victoria Opportunity Area;
- Westminster already has a large amount of offices.

#### Design

- The existing block with taller buildings at each end is a townscape feature that should be retained.

#### Amenity:

- The extension would result in an unacceptable loss of daylight and sunlight to neighbouring properties – accuracy of the daylight and sunlight report questioned;
- The extension would result in an increased sense of enclosure;
- The development would result in noise disturbance from the roof terrace and noise transfer through the building structure which is already an issue;
- The development would lead to an increase in activity, including smoking around the building, resulting in noise disturbance;
- The plant equipment / lifts would result in noise/ pollution/ odour;
- Overlooking/loss of privacy to neighbouring residents;
- The commercial entrance is too close to the neighbouring residential building at 26 Chapter Street;
- Operational management statement would insufficiently manage the building and roof terrace.

**Highways**

- The uplift in office floorspace would lead to an unacceptable increase in traffic and congestion;
- The transport statement refers to percentage changes rather than absolute changes.

**Other:**

- Those on the lower/ ground floor of Chapters Chamber are more likely to be part of a vulnerable group and the flats here already have the least access to light, and would be the worst affected by the development;
- Noise, disruption, vibration and dust from building work would harm neighbours;
- Impact/ damage to party walls from construction works;
- The consultation carried out by the applicant did not engage enough residents;
- The designated smoking area would harm neighbours;
- The consultation letters sent by the City Council failed to arrive; and
- The development would reduce monetary value of neighbouring properties.

**REVISED APPLICATION**

(Amendments to remove a roof terrace, relocate the rooftop plant enclosure to the centre of the roof and replace railings at fourth floor level with an extended parapet)

No. Consulted: 137

No. Replies: 26 (inclusive of neighbours who objected more than once)

26 objections received on the grounds that the revisions do not overcome previously expressed concerns and maintain their original objections.

**PRESS ADVERTISEMENT / SITE NOTICE:**

Yes

**6. BACKGROUND INFORMATION****6.1 The Application Site**

22 Chapter Street fronts both Chapter Street and Hide Place. It is an unlisted building located outside of a conservation area. The building is adjacent to the Regency Street Conservation Area to the south-east and the Vincent Square Conservation Area to the north-west.

The building comprises basement, ground and two upper floors and is in office use. It is bounded by taller six to seven storey residential buildings on either side. The Regency and Chapter Chambers are located to the north-east and both contain residential flats which are set around courtyards which are bounded by the flank of 22 Chapter Street. 26 Chapter Street is located to the south-west and contains flats, some of which look into (or over) a lightwell which is bounded by the flank of 22 Chapter Street. Together these buildings form a block bounded by Chapter Street, Hide Place, Esterbooke Street and Douglas Street. There are further residential properties opposite the application site on both Chapter Street and Hide Place.



The site is located within Pimlico and is outside of the Core Central Activities Zone (Core CAZ), but it is within the London Mayor's CAZ and the CAZ defined in in the City Council's draft City Plan 2019-2040 that has been submitted to the Secretary of State for Examination in Public.

## 6.2 Recent Relevant History

There is no relevant planning history.

## 7. THE PROPOSAL

Permission is sought to extend the existing building by two additional storeys to provide additional office accommodation. Balconies are proposed at fourth floor level to both street frontages with plant and photovoltaic panels at main roof level. The entrances and ground level façades are proposed to be reconfigured.

Since submission, the applicant has revised their application to omit a rooftop terrace, to relocate the rooftop plant enclosure to the centre of the roof, to replace the railings at fourth floor level with an extended parapet and to reduce the number of windows to the side elevations.

### Floorspace Figures

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1)	3,274	4,708	1,434

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

It is proposed to extend the existing office building to provide 1,434sqm of additional office floorspace. Some objectors consider that the enlargement of the office use is inappropriate in this primarily residential area.

Policy S20 of the City Plan identifies the need for significant additional office floorspace within Westminster to retain and enhance Westminster's strategic role in London's office sector and support London's global competitiveness. The policy states new office floorspace will be directed towards the Core CAZ, Opportunity Areas and Named Streets as these areas are identified as having the predominate capacity for growth and because commercial uses are the priority in these areas.

Elsewhere area specific policies apply. Policy S10 of the City Plan relates to Pimlico. It states this area will be primarily residential, and new commercial uses will not generally be appropriate, unless they provide services to support the local residential community. This policy therefore restricts new office extensions within Pimlico.

The applicant notes that the application building already is in commercial use and while the immediate area around it is primarily residential, the wider area contains more varied

uses. The applicant argues that given the site is already in office use, the proposals would not alter the general character of the area and its composition of uses – which policy S10 seeks to retain. Moreover, they do not deem it feasible or desirable to have a residential extension on top of this office building, which would be the presumed alternative.

The applicant also refers to a nearby development at 78 – 110 Rochester Row where the City Council approved planning applications in February 2018 for office extensions despite contravention with policy S10. The Planning Applications Sub-Committee considered that having regard to the existing use of that building and the character of its particular location, and likely occupation by the current occupiers, policy S10 should be set aside. The applicant argues that there are similar circumstances in this case.

In addition, the applicant notes that the draft City Plan 2019-2040 has been submitted to the Secretary of State for Examination in Public, after a formal consultation. This independent examination is required before the council can formally adopt the City Plan 2019-2040. Under the draft City Plan the CAZ is defined to include Pimlico, and to support economic growth, it explains new and improved office floorspace will be supported within this area, so under this emerging plan, there would be no land use policy conflict.

While the National Planning Policy Framework (NPPF) explains local planning authorities can give weight to emerging plans, it sets tests to guide how much weight should be given. In light of these tests, officers consider only very limited weight should be given to this plan. The emerging plan will gain more weight further into the examination period, however at this point the current City Plan should remain the primary consideration.

The proposal would add a total of 1,434 sqm (GIA) of office floorspace, and this would contribute to meeting the City Council's office floorspace targets set out in the current City Plan. However as noted, this would conflict with policy S10. The purpose of the policy is to promote residential development in the appropriate areas, and this means in Pimlico new commercial uses are resisted unless they provide services for the residential community that live there. As the commercial use proposed in this instance is a private office, it would not provide a service to the local community. The policy does allow for other exceptions to be made in shopping areas, but the application building is located outside of these areas. The policy does not suggest exceptions should be made in other instances.

The applicant's argument in relation to the permissions for a nearby office development on Rochester Row is understood. However, one of the key reasons the Planning Applications Sub-Committee resolved to grant permission in the Rochester Row case was because of its location, very close to the Core CAZ and in a context where there were other commercial uses nearby. 22 Chapter Street is in a different location, and so the cases are manifestly different and it would not be appropriate to automatically reach the same conclusion. Indeed, Chapter Street is further from the Core CAZ than Rochester Row and it contains fewer commercial uses in the immediate vicinity.

Officers appreciate that while outside of Westminster's Core CAZ, the site is located within London's Central Activities Zone as defined by the Mayor. The Mayor's SPG on



the Central Activities Zone states office uses may be given equal weight relative to residential in this part of the zone. However, it recognises that it is the borough's development plans that play the key role in setting out detailed office and housing policy in the CAZ, including the appropriate balance between London's CAZ strategic functions (including offices) and residential needs. It states Local Planning Authorities should identify locations where residential development is appropriate in the zone. The City Council has done this within policy S10 of the City Plan, and it is not considered there is sufficient justification to depart from this. Overall, the proposal fails to comply with policy S10 of the City Plan and is unacceptable in land use terms.

It should also be noted that the City Council's mixed use policy (S1 of the City Plan) does not require residential floorspace to offset the increase in office floorspace for sites outside of the city's core CAZ. Therefore, had the proposal been considered acceptable in principle, no residential floorspace would be required.

## 8.2 Townscape and Design

The building was constructed in the 1990s and comprises three above ground storeys plus a basement. The building includes a stone base with the two upper storeys in red brick. It is flanked by taller six to seven storey buildings on either side. The site is outside of, but adjacent to, the Vincent Square and Regency Street Conservation Areas.

Some objectors consider the lower height of the application building as compared to the taller buildings on either side is an important townscape feature that positively contributes to the area and so should be retained.

Policies DES 1 (principles of urban design and conservation), DES 5 (alterations and extensions) and DES 6 (roof level alterations and extensions) of the UDP and policy S28 of the City Plan are the most relevant design policies. These aim to ensure the highest standards of design in alterations and extensions in all parts of the city. As the site is within setting of the Vincent Square and Regency Street Conservation Areas policy DES 9 (conservation areas) of the UDP is also relevant, it aims to ensure the preservation or enhancement of the City's conservation areas.

It is considered that the application building's lower height than its neighbours means a roof extension could be accommodated without an incongruous visual impact on the townscape. The scheme includes a vertical brick faced extension at third floor level, replicating the fenestration and details of the lower floors, and a contemporary set back roof extension above this. Because of the height of its neighbours, the resulting height and bulk of the extensions would not appear out of place or overly dominant in the townscape. Whilst heavily glazed, the top floor would remain visually subservient due to its set back position.

Since submission, the applicant has revised their proposals in order to reduce the prominence of the roof top plant, omit the rooftop terrace and replace the fourth floor railing with a larger parapet. This has the effect of further reducing the prominence of the roof top structures and the fourth floor glazing.

Whilst amendments include repositioning the roof top plant more centrally, which reduces some of its impact, the height of the plant enclosures and the access staircase

structure are still considerable. While unlikely to be visible in the public realm, the resulting additional height and bulk of these roof top structures would be noticeable from private elevated views which is unfortunate. On balance however, the impact of these rooftop structures would not diminish the visual amenity of the area to an extent that would warrant refusal on design and townscape grounds.

The proposals also include fenestration alterations to the front and rear facades, introducing a more traditional glazing pattern to the windows on the upper floors and Crittal style glazing to the ground floor on Chapter Street. Similarly, these works would not detract from the appearance of the building. Overall, the proposals would not harm the character and appearance of the building or the wider area, including the adjacent conservation areas.

### **8.3 Residential Amenity**

There are numerous residential properties in close proximity, in particular 26 Chapter Street, The Regency and Chapter Chambers, as well as those on the opposing sides of Chapter Street and Hide Place.

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment of surrounding properties.

Numerous neighbouring residents have objected on the grounds the proposal would harm their amenity, particularly in terms of loss of light, an increased sense of enclosure and loss of privacy.

#### **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 applicant updated this assessment considering the revision. 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 guide principally seeks to protect light to principal habitable rooms, and it accepts that bedrooms are of lesser importance.

The applicant accompanied their revisions with an addendum to the daylight and sunlight report. Given the alterations at roof level to relocate the plant enclosure, the report shows slight improvements in the results.

#### **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 would 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 would be noticeable.

The properties tested in the daylight/sunlight report comprise:

1. The Regency – a residential apartment building adjacent to the site, sharing a boundary.
2. Chapter Chambers – a Victorian residential mansion block adjacent to the site, also sharing a boundary.
3. 26 Chapter Street – a residential apartment building adjacent to the site to the south.
4. Westminster Under School – opposite the site on Chapter Street.
5. 3-13 Chapter Street – residential flats opposite the site.
6. Douglas House, Chapter Street.
7. 2-10 Hide Place – residential properties opposite the site.
8. Vincent House, Hide Place.

There are breaches of the above VSC criteria at The Regency, Chapter Chambers and 26 Chapter Street. There are also breaches of the NSL criteria at these properties, and additional properties opposite on Chapter Street and Hide Place. These breaches are summarised below:

**Table 2: Vertical Sky Component breaches**

Neighbouring building	No. of windows assessed	No. BRE compliant	No. BRE breaches			
			20% to 29.9% loss	30% to 39.9% loss	40% + loss	Total
The Regency	22	14 (64%)	8	0	0	8
Chapter Chambers	82	74 (90%)	8	0	0	8
26 Chapter Street	30	28 (93%)	2	0	0	2
Totals*	134	116 (87%)	18	0	0	18

\*Excludes properties assessed and found to be BRE compliant

**Table 3: No Sky Line breaches**

Neighbouring building	No. of rooms assessed	No. BRE compliant	No. BRE breaches			
			20% to 29.9% loss	30% to 39.9% loss	40% + loss	Total
2 Hide Place	2	1 (50%)	1	0	0	1
4 Hide Place	2	1 (50%)	1	0	0	1
6 Hide Place	2	1 (50%)	1	0	0	1
8 Hide Place	2	1 (50%)	1	0	0	1
The Regency	12	10 (83%)	1	1	0	2
Chapter Chambers	74	65 (88%)	5	2	2	9
5 Chapter Street	11	9 (82%)	1	2	0	3

7 Chapter Street	6	4 (50%)	0	2	0	2
9 Chapter Street	4	1 (25%)	0	1	0	1
11 Chapter Street	3	2 (67%)	0	1	0	1
13 Chapter Street	6	5 (83%)	1	0	0	1
26 Chapter Street	16	15 (94%)	0	1	0	1
Totals*	140	116	12	10	2	24

\*Excludes properties assessed and found to be BRE compliant

All of the VSC breaches occur to windows facing the internal lightwells of the buildings sharing a boundary with the application site; namely The Regency, Chapter Chambers and 26 Chapter Street. Of these, all are below a 30% loss. For the NSL, breaches are more numerous and include additional properties on Hide Place and Chapter Street, the majority are below a 30% loss.

In terms of the VSC breaches, table 4 below shows in detail the losses to the affected windows.

**Table 4: VSC breaches in detail**

Building / Floor / Room / Window	Existing VSC	Proposed VSC	Loss (%)	Room/circumstances
Regency / G / R4 / W5	4.59	3.38	26.36	Living room
Regency / G / R4 / W6	5.08	3.76	25.17	Living room
Regency / 1 / R4 / W5	8.34	6.32	24.27	Living room
Regency / 1 / R4 / W6	9.47	7.3	22.93	Living room
Regency / 2 / R4 / W5	13.52	10.6	21.57	Living room
Regency / 2 / R4 / W6	15.54	12.4	20.2	Living room
Regency / 3 / R1 / W1	23.06	17.46	24.31	Living room (not sole window to that room)
Regency / 4 / R1 / W1	32.19	25.23	21.62	Living room (not sole window to that room)
Chapter Chambers / G / R1 / W1	3.35	2.56	23.78	Bedroom
Chapter Chambers / G / R2 / W2	2.56	1.88	26.74	Living room
Chapter Chambers / 1 / R1 / W1	5.54	4.06	26.65	Bedroom
Chapter Chambers / 1 / R2 / W2	4.1	2.94	28.27	Living room
Chapter Chambers / 2 / R1 / W1	9.58	6.86	28.38	Bedroom
Chapter Chambers / 2 / R2 / W2	6.71	4.81	28.37	Living room

Chapter Chambers / 3 / R1 / W1	17.03	12.61	25.98	Bedroom
Chapter Chambers / 3 / R2 / W2	11.19	8.51	23.97	Living room
26 Chapter / 3 / R2 / W2	19.34	14.81	23.43	Bedroom
26 Chapter / 3 / R4 / W4	12.1	8.63	28.72	Living/ kitchen / dining. Not sole window to room.

The tables above indicate the most affected building would be Chapter Chambers. It would experience 8 VSC breaches and 9 NSL breaches. This building is arranged around a central courtyard which is bounded by its main buildings, which front onto Esterbrooke and Chapter Streets, and a central wing which solely faces into the courtyard and the flank of 22 Chapter Street. The flats in the southern end of the central wing, closest to the application site, would be the most impacted, with material losses of VSC and NSL at ground, first, second and third floors to SE facing windows directly adjacent to the flank elevation of the application site. However, as shown in table 4, the actual losses of VSC are relatively low. While the percentage losses exceed the 20% threshold in the BRE guide, this can largely be attributed to the fact the existing windows receive low or very low levels of light and so even small absolute losses of VSC result in high percentage losses.

The 9 NSL breaches at Chapter Chambers occur to the same rooms with breaches of the VSC criteria, in addition to two kitchens and a living area at ground and first floors. Again, the actual losses tend to be relatively low, with all but 3 rooms losing less than 1 sqm (i.e. the reduction in floorspace that will receive direct light will reduce by under 1 sqm).

At The Regency, there are 8 VSC breaches and 2 NSL breaches. This building is also arranged around a courtyard, which is bounded by the flank of 22 Chapter Street and the central wing of Chapter Chambers. The applicant's daylight and sunlight report assumed the windows which look into this area are primarily bedrooms, but objectors and a site visit confirms they are living rooms – most of the flats in this building are dual aspect, and so also enjoy outlook and light from Esterbrooke Street and/or Hide Place. In terms of VSC the existing windows on the lower floors receive very low levels of light. This again means that relatively small actual VSC losses result in high percentage losses. The exception to this is the breaches to windows on the third and fourth floors where the existing windows receive higher levels of light because of their elevated positions. While two of these would be reduced in excess of 20% of their existing values, they would remain relatively well lit for a dense urban area such as this.

In terms of the other NSL breaches to properties on the opposing side of Chapter Street and Hide Place, the losses here are more marginal and confined to second floor level. The rooms affected are bedrooms and living rooms. Furthermore, all these opposing properties would continue to receive light in accordance with the VSC criteria. It should be noted that the extension will raise the building to the height of its neighbours such that it replicates the relationship already found further along Hide Place and Chapter Street.

Overall, it is not considered that the daylight levels would worsen to a degree that would justify withholding planning consent. Particularly considering the proposed building would be similar in height to the buildings that adjoin it, and that the BRE guide indicates daylight and sunlight results should be interpreted flexibly and that breaches in excess of their guidelines may be necessary if new development is to match the height and proportion of existing buildings.

### 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. Breaches of this criteria occur in The Regency and Chapter Chambers, and these are summarised below:

**Table 4: Annual Probable Sunlight Hours breaches**

Neighbouring building	No. of windows assessed	No. BRE compliant	Total Breaches
The Regency	22	14	8
Chapter Chambers	59	50	9
Totals*	81	68	17

\*Excludes properties assessed and found to be BRE compliant.

The number of windows that would experience a loss of APSH in excess of BRE guidelines is similar to the number that would breach the VSC criteria. And for the most part, the same rooms would be affected. Some of the breaches on the lowest floors of The Regency and Chapter Chambers occur to windows with already limited levels of sunlight. To The Regency, the most impacted windows at second floor where all the assessed windows fail to accord with the criteria – although these windows would still receive more sunlight than the existing windows a floor below. Similarly, in Chapter Chambers the most affected windows are those at second and third floor levels, but again the proposed situation would result in sunlight levels similar to those a floor below. Overall, it is not considered that the sunlight levels would be reduced by a degree that would justify withholding planning consent.

### Sense of Enclosure

An increase in a sense of enclosure occurs where development would have an adverse overbearing effect that would result in an unduly oppressive living environment. Some neighbours object on the grounds they would be unacceptably enclosed.



For residents on the opposing side of Chapter Street and Hide Place, the impact from the proposed development would not be unduly oppressive. Indeed, given the width of these roads (approximately 10 metres on Hide Place and 12 metres on Chapter Street) and that the roof extensions would result in a building similar in height to the existing buildings adjacent to it, those opposite would not experience an undue increase in a sense of enclosure.

Principally, those impacted by the proposed development in terms of enclosure would be those within 26 Chapter Street, The Regency and Chapter Chambers. For those within 26 Chapter Street the most affected would be between the third and fifth floors as some flats have windows which look directly over the existing roof of 22 Chapter Street (those on the lower floors look directly into the existing lightwell). These windows are either secondary windows to living rooms (where the primary window faces the street side), to bedrooms or to hallways. Given the living rooms would continue to enjoy the outlook onto the street the impact on these rooms would not be unduly harmful. Hallways are not habitable rooms inside the flats so any impact on them would not harm residents' living environment. Three bedrooms would be affected, but bedrooms are not the principal living space of a flat and so while the impact on these rooms is regrettable it is not enough to justify withholding planning consent.

In terms of Chapter Chambers and The Regency, the windows in closest proximity to the proposed extensions would be at a right angle to it, meaning views of the extension would be oblique. The windows with a direct view of the extension are those on the opposing side of the courtyards at these buildings. At the Regency, the opposing windows are approximately 9.5 metres away to the extension. This is similar to the distances between properties on either side of Hide Place, and so on balance these neighbours would not be unduly enclosed. At Chapter Chambers, the distance is some 23 metres which is considered sufficient to avoid an increase in a sense of enclosure.

### **Privacy**

The proposal involves the creation of new windows at third and fourth floor levels. Some of these would be to the elevations on Hide Place and Chapter Street. These openings would be a sufficient distance from those on the opposing side of each road to avoid unacceptable overlooking. There would also be shallow roof terraces positioned at fourth floor level on top of the setback but their dimensions limit their usability, and given the distance to neighbours and that they are connected to an office use (so would ordinarily only be used in office hours) the impact would not be unduly harmful. Had the application been otherwise acceptable, conditions could have controlled the use of these roof terraces.

The existing building contains flank windows on or close to the boundaries of 26 Chapter Street and Chapter Chambers, the applicant initially proposed to replicate these windows to the new third and fourth floors, albeit with obscure glazing. Because of the number and proximity of these windows officers considered they would be unneighbourly (even though they would be obscured) because they could still create a perception of overlooking. Since submission the applicant revised the proposal to omit the windows closest to neighbours, and in this form there would not be an unacceptable level of overlooking. Had the application been acceptable, a condition could ensure the side windows were obscure.

## Noise Disturbance

Social activity on roof terraces can generate noise disturbance harmful to neighbouring residents. Objectors raised this concern and the applicant subsequently removed the large rooftop terrace from the proposal. Two small terraces remain at fourth floor level to both frontages however.

Policy ENV13 of the UDP and S29 of the City Plan seek to protect and improve residential amenity within the City. Policy ENV 6 of the UDP and Policy S32 of the City Plan relate to noise specifically, and require design and operational measures minimise and contain noise from developments.

Given the proposed fourth floor roof terraces are of limited depth, their usability for workers would also be limited – large groups of office workers would not be able to congregate on them. Further, it would likely only be used during office hours rather than more anti-social times. Environmental Health raised concern that on occasion the applicant plans to allow office workers to use the roof terraces in the evening – which could harm neighbouring residents. Had the application been otherwise acceptable, a condition could have ensured appropriate operational measures including limiting hours of use to day time only.

## 8.4 Transportation/Parking

### Car Parking

There are two existing off-street parking spaces on Hide Place. The applicant proposes to retain these. Policy TRANS 22 of the UDP relates to off street parking for commercial uses and states the parking standard for offices is a maximum of one space for each 1,500sqm of floorspace, there is no minimum requirement. Therefore, the Highways Planning Manager raises no objection.

### Servicing

Policy S42 of the City Plan encourages servicing to be undertaken off-street. Where the City Council considers that this is not possible, servicing should be undertaken in a way that minimises the adverse effects on other highway and public realm users, and other residential or commercial activity. In this case however, the existing building is serviced on street and this would be maintained. The Highways Planning Manager notes that the overall uplift in servicing trips would be modest and would not have an adverse impact on the public highway, and so raises no objection.

### Cycle Parking

The London Plan requires one space per 90sqm for B1 office use, and given the uplift in floorspace. The proposed spaces meet this requirement, and had the application been otherwise acceptable, this would have been secured by condition.

## 8.5 Economic Considerations

Any economic benefits are welcomed.

**8.6 Access**

The proposed office floorspace would all be accessible by lifts and each floor will be a single level. Accordingly, they would provide suitable access for those with reduced mobility.

**8.7 Other UDP/Westminster Policy Considerations****Plant Equipment**

The application includes plant to be located in in parts of the basement and at roof level. Environmental Health raises no objection to the proposal, but notes that the acoustic report submitted to support the application does not provide information on the specific plant that would be installed, and therefore a supplementary acoustic report is required which could have been secured by condition had the application been otherwise acceptable.

**Refuse /Recycling**

The initial waste storage provision shown was identified as not being adequate for the proposal by the Council's Waste Project Officer, principally because there was internal connection to the waste storage area. Following revisions, the applicant has addressed these concerns. Had the application been otherwise acceptable, a condition securing the proposed waste storage and that no waste shall be left or stored on the highway would have been recommended.

**Sustainability**

The proposed energy strategy would be compliant with Policy 5.2 in the London Plan and Policy SI2 in the draft London Plan (July 2019). The strategy would deliver a 32% reduction in CO2 emissions relative to 2013 Building Regulations Target Emissions Rate through energy efficiency measures, with a further 16% reduction achieved through the provision of a photovoltaic panel array integrated into the roof. This would deliver an overall reduction in CO2 emissions of 48%. Had the application been acceptable, conditions could have ensured that the sustainability features are installed.

**Air Quality**

Policy S31 City Plan seeks to reduce air pollution from developments. The site is within the city-wide Air Quality Management Area. The Air quality assessment includes an additional six daily vehicle trips generated as part of the proposal and confirms that the existing boilers and chillers would be replaced with air source heat pumps, which do not produce any harmful emissions to air. The applicant has provided a statement confirming that the development is air quality neutral for building and transport emissions, and Environmental Health have accepted this to be the case and raise no objections.

**8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public, under Regulation 22(3) of the Town and Country

Planning Act (Local Planning) (England) Regulations 2012, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

#### **8.9 Neighbourhood Plans**

None relevant.

#### **8.10 London Plan**

This application raises no strategic issues.

#### **8.11 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.

#### **8.12 Planning Obligations**

Planning obligations are not relevant in the determination of this application.

#### **8.13 Environmental Impact Assessment**

An Environmental Impact Assessment is not required for a development of this size.

#### **8.14 Other Issues**

##### **Construction Impact / Party Wall Issues**

Numerous objectors have raised concern that the submission does not address impacts on party walls and raise concern the proposal could have negative implications on neighbouring buildings. The structural integrity of the development and its impact on neighbours during construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

An objector and Environmental Health have raised concern regarding noise transfer from the existing lift within 22 Chapter Street and Chapter Chambers – both report it can be audible within some of the flats at Chapter Chambers. To mitigate the harmful effects of this lift, the building owner and neighbours have an informal arrangement to restrict the lift from operating at night. The applicant proposes to replace the lifts, and this would allow an opportunity to improve its acoustic performance. Environmental Health have recommended that further acoustic assessment be carried to ensure that a new lift is suitable, and that noise transfer is reduced. Had the application been otherwise acceptable, conditions could have ensured that a further acoustic report regarding noise transfer is submitted to the City Council and that internal noise levels do not harm neighbours.

##### **Equality**

An objector considers the proposal could disproportionately impact on vulnerable residents as they are more likely to live on the ground floor on the adjacent residential buildings. These vulnerable residents may share protected characteristics, for instance they may be disproportionately elderly or have a disability. Section 149(1) of the Equality Act 2010 sets out the Public Sector Equality Duty (PSED) in that local authorities must have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In order to discharge the PSED, the City Council must have due regard to the issues, the effect the development may have on those with protected characteristics and the weight which should be given to those effects. The amount of regard that is 'due' (that is, the degree of attention to the needs set out in section 149 that is called for) depends on the circumstances of the case: the greater the potential impact of a decision in planning terms, the greater the regard that must be had.

As set out elsewhere in this report the impact on neighbours' light is acceptable, including those on the lower floors of neighbouring buildings. Those on the lower floors of Chapter Chambers and The Regency with windows facing into the courtyard experience very low levels of light now. In some circumstances, the proposal would breach BRE guidelines, but the actual losses are low. Therefore, the impact on these residents' living conditions is limited.

### **Planning History**

Some objectors state the City Council previously refused permission for similar works. This is not correct. A previous application was withdrawn from consideration, meaning the City Council did not make a determination.

### **Consultations**

The applicant has submitted a statement outlining their engagement with interested people and organisations in leading up to the submission of this application. This included neighbours and amenity societies, as well as the City Council. It is also understood that the applicant engaged with residents during the course of the application.

The City Council consulted neighbours on the application on the original submission, and the revised submission. Unfortunately letters were not sent out correctly due to an administrative problem – when brought to the City Council's attention it was rectified.

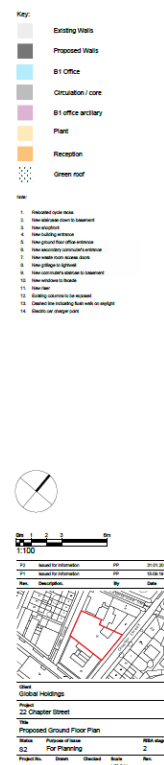
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: LOUISE FRANCIS EMAIL AT [lfrancis@westminster.gov.uk](mailto:lfrancis@westminster.gov.uk)

## KEY DRAWINGS

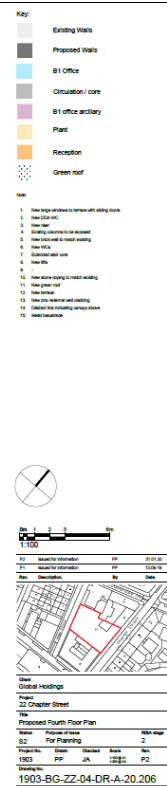


### Existing and Proposed Ground Floor

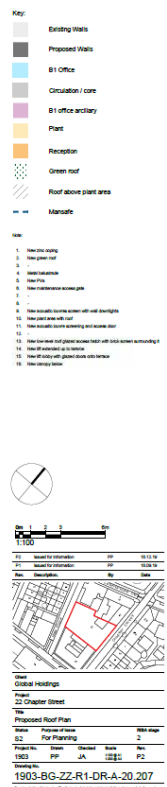


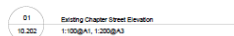




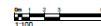
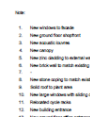


Architectural drawing of the Proposed Roof Plan for the 20,207 sq ft building. The plan shows a complex layout with various rooms, including a large central hall, a kitchen area, and a lounge. The drawing includes a grid system (1-15 horizontally, A-G vertically) and a scale bar indicating 1:100gA1, 1:200gA3. The drawing is dated 20.207 and is labeled 'Proposed Roof Plan'.





Client Global Holdings				
Project 22 Chapter Street				
Title Existing Chapter Street Elevation				
Status	Physics of Issue For Planning			ISBN stage 2
Project No.	Drawn	Checked	Scale	Rev.
1903	PP	JA	1/8" = 1'-0"	P1
Drawing No. 1903-BG-ZZ-ZZ-DR-A-10.271				



#1 search for Planning      P#      25.01.00  
 #2 search for Planning      P#      10.12.00  
 #3 search for Planning      P#      25.08.00

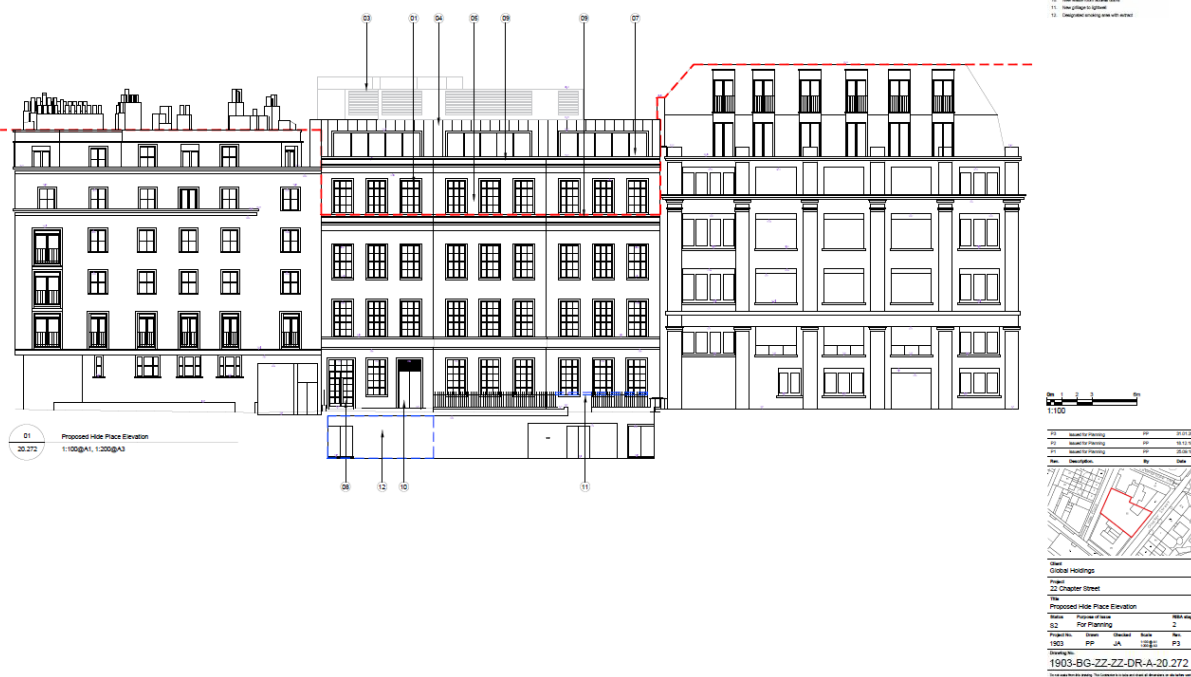
Rev	Description	By	Date

Client: Global Holdings  
 Project: 22 Chapter Street  
 Title: Proposed Chapter Street Elevation

Status	Purpose of Issue	Rev	Issued
02	For Planning	2	

Project No.	Drawn	Checked	Date	Rev.
1903	PP	JA	12.05.00	P3

Drawing No.: 1903-BG-ZZ-ZZ-DR-A-20.27





*Proposed view from Chapter Street*

**Computer Generated Image**

**DRAFT DECISION LETTER**

**Address:** 22 Chapter Street, London, SW1P 4NP

**Proposal:** Erection of a two storey extension at third and fourth floor levels to provide additional office floorspace, including balconies at fourth level; installation of plant equipment and PV panels at roof level; shopfront alterations and associated external alterations.

**Reference:** 19/07638/FULL

**Plan Nos:** Drawings;  
Site Location Plan; 1903-BG-ZZ-B1-DR-A-10.201 rev P1; 1903-BG-ZZ-00-DR-A-10.202 rev P1; 1903-BG-ZZ-01-DR-A-10.203 rev P1; 1903-BG-ZZ-02-DR-A-10.204 rev P1; 1903-BG-ZZ-R1-DR-A-10.205 rev P1; 1903-BG-ZZ-ZZ-DR-A-10.271 rev P1; 1903-BG-ZZ-ZZ-DR-A-10.272 rev P1; 1903-BG-ZZ-ZZ-DR-A-10.273 rev P1; 1903-BG-ZZ-ZZ-DR-A-10.251 rev P1; 1903-BG-ZZ-ZZ-DR-A-10.252 rev P1; 1903-BG-ZZ-B1-DR-A-20.201 rev P1; 1903-BG-ZZ-00-DR-A-20.202 rev P2; 1903-BG-ZZ-01-DR-A-20.203 rev P1; 1903-BG-ZZ-02-DR-A-20.204 rev P1; 1903-BG-ZZ-03-DR-A-20.205 rev P2; 1903-BG-ZZ-04-DR-A-20.206 rev P2; 1903-BG-ZZ-R1-DR-A-20.207 rev P2; 1903-BG-ZZ-ZZ-DR-A-20.271 rev P3; 1903-BG-ZZ-ZZ-DR-A-20.272 rev P3; 1903-BG-ZZ-ZZ-DR-A-20.273 rev P3; 1903-BG-ZZ-ZZ-DR-A-20.251 rev P2; 1903-BG-ZZ-ZZ-DR-A-20.252 rev P2.

**Documents:**

Planning Statement (Oct 2019); Design and Access Statement (Dec 2019); Environmental Noise Survey and Mechanical Plant Assessment (Sep 2019); Air Quality Assessment (Sep 2019); Energy Statement (Sep 2019); Flood Risk Assessment and Drainage Strategy (Sep 2019).

**For Information:**

Statement of Community Engagement (Sep 2019); Transport Statement (Sep 2019); Structural Report (Sep 2019); Daylight and Sunlight Report (Dec 2019); Ventilation Statement; Cover Letter.

**Case Officer:** Joshua Howitt

**Direct Tel. No.** 07866038007

**Recommended Condition(s) and Reason(s)**

**Reason:**

Under Policy S10 of Westminster's City Plan (November 2016), we aim to restrict new commercial uses in Pimlico. New office floorspace is directed to the Core Central Activities Zone. We consider Pimlico more suitable for residential development and prefer to prevent office development in the mainly residential areas such as this. In this area we will normally allow only local service offices. Your development is not in the Core Central Activities Zone and is not for a local service office. And we do not consider that the circumstances of your case justify an exception to our policies.



Item No.
<b>3</b>

**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 so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

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.