

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 16 April 2024	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> Vincent Square	
<b>Subject of Report</b>	<b>1 Bessborough Gardens, London, SW1V 2JQ</b>		
<b>Proposal</b>	Alterations at roof level including erection of infill extension at fourth floor to provide new office accommodation, erection of rooftop pavilion and terraces and raising height of roof parapet, rationalisation of mechanical plant; modifications to ground floor entrance, refurbishment of external facades including new ventilation grilles and alterations to services at lower ground floor level.		
<b>Agent</b>	Marrons Planning		
<b>On behalf of</b>	Charles Street Buildings (Leicester) Ltd		
<b>Registered Number</b>	23/04155/FULL	<b>Date amended/ completed</b>	20 June 2023
<b>Date Application Received</b>	20 June 2023		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	N/A		
<b>Neighbourhood Plan</b>	N/A		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY & KEY CONSIDERATIONS

1 Bessborough Gardens is an office building constructed in the 1980s in a neo-classic style, comprising lower ground and ground floor with four upper levels. The fourth floor level of the building is currently formed by attic pavilions to the north and south flanks with a pavilion level to the centre of the building, with a ridged roof in between the pavilions. The main frontage is to Bessborough Gardens with its rear elevation opposing the rear of Ponsonby Terrace. To the rear, a gated service road provides access to the building from Ponsonby Terrace. The site is within the Central Activities Zone, and whilst not located within a conservation area, it is within the setting of the Millbank Conservation Area.

Planning permission is sought for the erection of infill extensions at fourth floor level to replace the current ridged roofs and provide additional office floorspace, the erection of a rooftop pavilion extension at fifth floor along with roof terraces. Permission is also sought for plant equipment and associated louvres as well as modifications to the ground floor entrance and refurbishment of the façade.

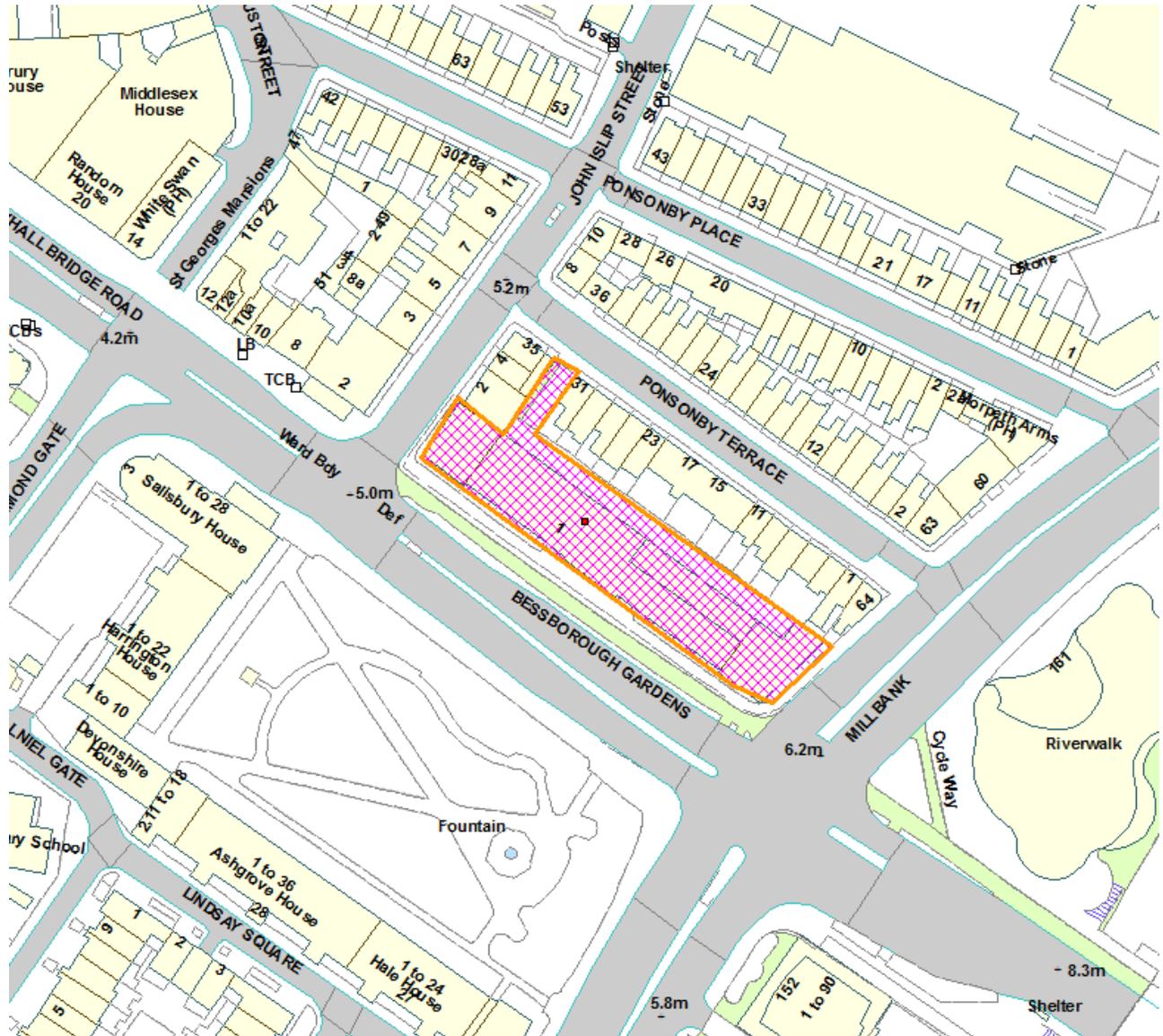
Objections have been received from neighbouring residents within Ponsonby Terrace and John Islip Street on grounds that the proposed extensions would result in an increased sense of enclosure, loss of light, a loss of privacy, as well as cause harm from light spillage. Concern is also raised that the proposed roof terraces would result in noise disturbance and a further loss of privacy due to increased overlooking. Comments also raise concern that the servicing and accessing arrangements will result in disturbance as will the works during construction. Given the concerns raised, Cllr. S. Short and Cllr. D. Harvey have requested that the proposals be considered at planning committee.

The key considerations in this case are:

- The acceptability of the provision of additional office floorspace in land use terms;
- The acceptability of the energy performance of the proposed building;
- The acceptability of the proposed extensions and alterations in design terms;
- The impact of the proposals on the setting of the Millbank Conservation Area;
- The acceptability in sustainability and biodiversity terms;
- The impact of the proposed extensions, plant equipment and terraces upon the amenity of neighbouring residential properties; and
- The acceptability of the proposals in highways terms.

The proposals would provide improved and additional office floorspace within the Central Activities Zone and would provide opportunity to increase the biodiversity of the site, providing additional urban greening. The proposals are supported by a Daylight & Sunlight Assessment and Noise Impact Assessments. Following review of these reports and with recommended conditions to control use of the proposed roof terrace, as well as secure a Roof Terrace Management Plan and Construction Management Plan, on balance, it is considered that the proposals would not result in harm to residential amenity to an extent to warrant refusal of planning permission. With recommended conditions, the proposed development is acceptable in land use, design, amenity, and highways terms and would accord with the relevant policies within the City Plan (April 2021).

### 3. LOCATION PLAN



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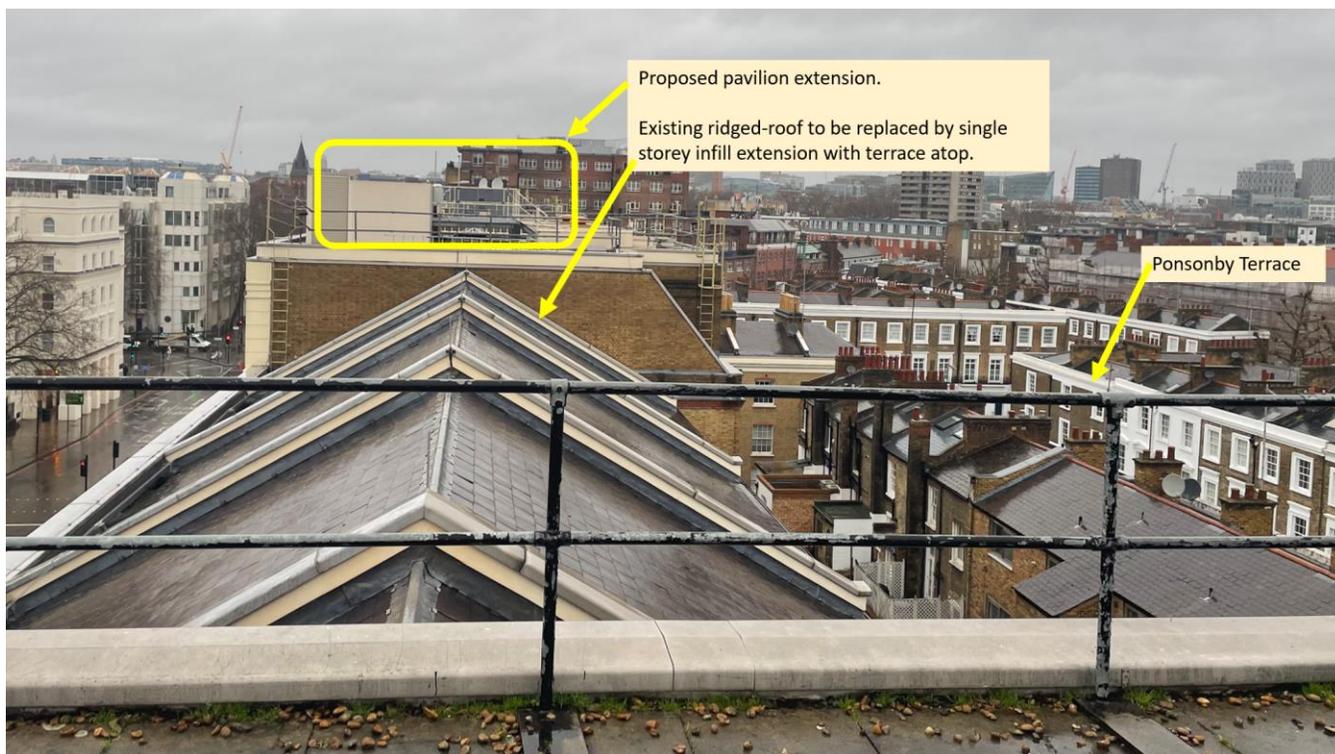
4. PHOTOGRAPHS

Existing Bessborough Gardens Frontage to Vauxhall Bridge Road



### Existing View from Southern Pavilion Roof Level of Bessborough Gardens

*Yellow indicates approximate position of fifth floor pavilion extension and proposed infill extensions at fourth floor (in place of current ridged roof)*



Rear Elevation of Bessborough Gardens, viewed from a 2nd floor window in Ponsonby Terrace



Rear Elevation of Bessborough Gardens, as viewed from a 2nd floor within Ponsonby Terrace



## 5. CONSULTATIONS

### 5.1 Application Consultations

**Consultations carried out on 28/06/2023 and 04/12/2023  
(The 2<sup>nd</sup> consultation followed submission of a Roof Terrace Management Plan,  
and minor design amendments to louvers on the rear elevation and to the canopy  
and material of the rooftop pavilion.**

CLLRS. SHORT & HARVEY (WARD COUNCILLORS FOR VINCENT SQUARE):

Object to increased height of the building where extensions are proposed and the negative effect on residents to the rear in Ponsonby Terrace, and consider the proposed hour for the roof terrace contentious and too long.

WESTMINSTER SOCIETY:

No response to date.

ENVIRONMENTAL SCIENCES:

No objections, subject to conditions. Recommends noise compliance conditions and conditions to restrict the hours of use and capacity of the roof terrace, prohibition of amplified music. Given the sensitivities of the site, recommends Code of Construction Practice and Appendix A condition to secure Construction Management Plan.

ARBORICULTURAL MANAGER:

Following review of revised Landscape & Ecology Management Plan, considers proposals acceptable. However, recommends further information regarding irrigation.

HIGHWAYS PLANNING MANAGER:

No objection. Welcome provision of cycle parking, which should be secured by condition, and off-street servicing. Recommend conditions to restrict the use of the building to office, and to secure further details of electrical vehicle charging provision.

TRANSPORT FOR LONDON (TFL):

No objection. Cycle parking has been revised in line with required standards. Following review of draft CLP, recommends condition to secure full CLP, with it noted that this full plan should outline how vulnerable road users will be protected.

WASTE PROJECTS OFFICER:

Objects on grounds revised drawings required for storage of recyclable, food, and residual waste.

ADJOINING OWNERS/OCCUPIERS & OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 287

No. of replies: 18

No. of objections: 18

Objections on some or all of the following grounds:

Roof Terrace

- Use of the terrace would result in noise disturbance throughout the day and due

- to shift work as an NHS worker, this would result in disruption to rest and sleep.
- If the terrace were to be used for receptions or parties, particularly in the evening, this would result in an unacceptable increase in noise disturbance.
  - Noise disturbance from terrace users would be exacerbated by the 'canyon effect' due to the narrow distance between Bessborough Gardens and Ponsonby Terrace.
  - Insufficient information on terrace capacities and nature of terrace use provided.
  - The proposed hours of use until 8pm are excessive. Additionally, disturbance of people arriving and departing would likely exceed the hours.
  - The Roof Terrace Management Plan (RTMP) says that the terrace would have a capacity to meet Fire Strategy occupancy levels, essentially maximising the terrace use.
  - The RTMP appears superficial with a lack of information regarding management and details of management responsibilities.

#### Overlooking/ Loss of Privacy

- The proposed roof terrace would enable direct overlooking into residential gardens and windows to the rear.
- The current building's rear windows are blacked out. The proposed use of the building would result in increased overlooking and light glare whilst the additional windows within the extension would also exacerbate these impacts.
- Site lines provided by applicant from terrace relates to Ponsonby Terrace only. It has not been assessed in relation to John Islip Street properties.

#### Loss of Light/ Increased Sense of Enclosure/ Overshadowing

- The Daylight & Sunlight Assessment fails to reflect that lower level residential properties are already very dark due to the existing building, therefore the impacts of the extensions will be even greater.
- The assessment does not include impacts upon lower and upper garden and outdoor space which would receive even less sunlight than existing.
- Properties have already had light impinged by the Riverside Walk development. The assessment reveals that the development would have a negative impact upon light, compromising the already low levels of light, thus unacceptable.

#### Noise Disturbance

- Concern that the proposed plant equipment will result in noise disturbance.
- Concern that noise disturbance will occur through building fabric to neighbouring occupiers.

#### Highways/ Servicing Issues

- Concern over increased traffic at the rear of the site due to the inability of vehicular access to the front.
- The vehicular access gates at the rear create unneeded noise disturbance and objection is raised that this continues to remain.
- Noise disturbance from deliveries and workers using the rear servicing road and the increased intensity of use of this area for cycle parking access. Conditions should be used to manage use and hours of the area and parking.
- No details to limit hours of use of the rear servicing and parking road are still unspecified.

- Inaccuracies within Transport Addendum pertaining to cycle access.
- Noise disturbance from access gate has still not been addressed.
- Noise disturbance from construction works in evening and early morning still un-addressed.

#### Construction Impacts

- Concern over noise disturbance during construction works which also result in disturbance when working from home.
- The current strip-out and construction works related to the ongoing internal refurbishment have been un-neighbourly and very noisy.
- Conditions should be required to secure a Construction Management Plan.

#### Other Matters

- Light disturbance from vehicles using the rear servicing road.  
The proposed extension and terraces would result in light spillage.
- The developers have not adequately communicated with residents.
- Pre-application consultation has appeared superficial without meaningful opportunity to shape the proposals.
- The proposed extension would disrupt TV signal.

#### SITE/ PRESS NOTICE:

Yes.

## 5.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application in accordance with the principles set out in the Early Community Engagement guidance.

The engagement activities undertaken by the applicant, as listed in the submitted Statement of Community Involvement (SCI), are summarised in the table below:

Engagement Method/Event/Activity	Date	Attendance
Email & Teams Meeting with Ward Councillors	March/May 2023	Ward Cllr. Short & Westminster City Council Officer
Amenity Society Email	March 2023	Westminster Society
Leaflets to Local Residents with link to Consultation Website	March/ April 2023	Public consultation leaflet to 950 properties. 14 comments received through consultation website.

In summary, across the range of engagement undertaken by the applicant the principal issues raised were:

- Questions on whether there is demand for office space and whether residential uses would be more fitting.
- On proposed roof terrace, whether overlooking would be possible, if there would be controls over hours of use and noise and whether residents would be able to make use of the terrace.

- Concerns over the noise and disturbance impacts associated with the refurbishment and construction.
- Questions and concerns over whether the development would result in a more intensified use of the rear service yard, gate and parking and delivery arrangements.
- Concerns over increased overlooking from removal of black out blinds to the rear windows and potential light glare.
- Concern over loss of daylight and sunlight due to the proposed extensions.
- Questions over whether the scheme would improve the sustainability of the building.

The applicant's Statement of Community Involvement and other application documents identify that the scheme has included documents in response to views and representations expressed during pre-application community engagement including a draft Construction Management Plan, Daylight & Sunlight Assessment, and Landscape and Ecology Management Plan, which seek to demonstrate that the development will be undertaken so as to minimise construction impacts and to ensure that the proposed extensions would minimise adverse impacts in terms of daylight and sunlight whilst providing opportunities to improve the sustainability and biodiversity of the building. In terms of servicing and highways issues, the SCI notes that existing arrangements would be utilised.

## **6. WESTMINSTER'S DEVELOPMENT PLAN**

### **6.1 City Plan 2019-2040 & London Plan**

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (December 2023) and should be afforded full weight in accordance with paragraph 225 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

### **6.2 Neighbourhood Planning**

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

### **6.3 National Policy & Guidance**

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

## 7. BACKGROUND INFORMATION

### 7.1 The Application Site

1 Bessborough Gardens is an office building constructed in the 1980s in a neo-classic style, comprising lower ground and ground floor with four upper levels with the top storey formed by roof pavilions and ridged roofs. The building was constructed in the 1980s in a neo-classic style, and is comprises five elements, between four and five storeys. The main frontage is to Bessborough Gardens with its rear elevation opposing the rear of Ponsonby Terrace. To the rear, a gated service road lies between the rear gardens of Ponsonby Terrace and the site serving the office building. Whilst not located within a conservation area, it is within the setting of the Millbank Conservation Area. The site is within the Central Activities Zone.

### 7.2 Recent Relevant History

None relevant.

## 8. THE PROPOSAL

Planning permission is sought for the erection of infill extensions at fourth floor level to replace the current ridged roofs and provide additional office floorspace, the erection of a rooftop pavilion extension at fifth floor along with roof terraces and raised parapets. Permission is also sought for mechanical plant equipment and associated louvres, as well as modifications to the ground floor entrance and refurbishment of the façade.

**Table: Existing and proposed land uses.**

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office Class E	6,618	7,018	+400
Total	6,618	7,018	+400

## 9. DETAILED CONSIDERATIONS

### 9.1 Land Use

Policy 13 of Westminster's City Plan states that new and improved office floorspace will be supported in principle in parts of the CAZ with a commercial or mixed-use character. Paragraph 13.7 of the City Plan notes some parts of the CAZ, such as much of Pimlico, include streets which are wholly or predominantly residential in character and that *'it is difficult to accurately and definitively map clear boundaries of different character areas on a city wide level. As such judgements will be based on an assessment of the mix of land uses within the vicinity of a development site.'*

The application site is a four-storey office building comprising 6,618 sqm. of office floorspace that occupies the whole extent of Bessborough Gardens between John Islip Street and Millbank. Bessborough Gardens is at the end of Vauxhall Bridge Road, by Vauxhall Bridge, and forms part of London's Strategic Road Network. Vauxhall Bridge Road has a mixed-use character – the ground floor uses comprise a mix of office, retail, residential and other uses. The street to the rear, Ponsonby Terrace is almost wholly residential except for several local shops.

The proposed extensions would provide an additional 400 sqm. of office floorspace, which in the context of the existing office use, would represent an increase in floorspace of approximately 6%. On balance, given the scale of the existing office use and proportionality of the increase proposed, this relatively minimal increase in floorspace would be appropriate in this mixed-use street within the CAZ. The current proposals seek to improve the quality and attractiveness of the building in a competitive market. The proposals would therefore support the existing use, through improved office accommodation, to support Westminster's office needs whilst providing additional office floorspace. It is noted that during the applicant's pre-application engagement it was queried whether the building would be more suited to residential uses. However, the site is currently an office building and City Plan policies would protect such uses, and in any case, residential uses are not proposed within the application.

For the above reasons, on balance the proposals are considered to support Westminster's and the CAZ's strategic office function whilst maintaining the residential character of the area. The proposals are therefore considered acceptable in land use terms.

## 9.2 Environment & Sustainability

### Sustainable Design & Energy Performance

Policies 36 and 38 of Westminster's City Plan seek to promote zero carbon development and promote the use of low carbon energy sources and requires developments to be designed to reduce energy demand and to incorporate sustainable design measures.

The scale of development does not trigger a policy requirement for provision of a Whole Life Carbon Assessment nor an Energy Statement. However, the submission includes details of the energy strategy for the building which includes new plant equipment in the form of heat pumps and includes details of the proposed energy system. The proposals also include the provision of solar panels at roof level, providing on-site opportunity to provide a renewable energy source.

The current building has a gas fired heating system and is estimated to produce 224,000kg of CO<sub>2</sub> per annum. The proposals would replace this fossil fuel based heating system with heat pumps, a sustainable energy source. As a result of this system change, along with other building improvements, it is estimated that the building will produce 68,400kg per annum, a considerable carbon saving of approximately 156,400kg per annum.

The above considered, the proposed development would improve the energy efficiency of the building, converting it to more sustainable energy sources and reducing its overall

carbon impact. The proposals are therefore supported from a sustainability perspective.

### **Flood Risk & Sustainable Drainage**

Policy 35 of the City Plan requires provision of a Flood Risk Assessment (FRA) for developments within Flood Zone 3 which the site is inside. The site is outside of a Surface Water Management Zone.

Given that the proposals relate to an extension located at roof level on an existing building, the FRA identifies that the proposals would not increase the vulnerability of the building to identified sources of flooding beyond the existing situation whilst it would not significantly impact upon water run-off rates to increase surface water flood risk. The proposals however include sustainable drainage measures (SuDS) in the form of green roofs to reduce surface water run-off, an improvement on the current situation and a welcomed measure. Furthermore, the proposed landscaping regime includes water butts to store and re-use rainwater for irrigation. The above considered, the proposals raise no flood risk issues.

### **Light Pollution**

Policy 33 (B) of the City Plan requires developments to be designed to minimise the detrimental impact of light spillage upon local amenity. It is noted that the proposed extension design incorporates an appropriate blend of solid to glazed ratio to minimise light spillage, notably at the rear towards residential properties. Whilst objection comments have raised concern at removal of internal black out blinds from existing windows, this is beyond the remit of this planning application.

## **9.3 Biodiversity & Greening**

Policy 34 of the City Plan seeks to encourage developments to contribute to the greening of Westminster through the provision of trees, green walls, green roofs, and other green features where possible. The policy also seeks to increase biodiversity.

The site is currently formed by the existing office building and the rear service yard and is therefore entirely of hardstanding with no green features. The current roof level is formed from roof-ridges and so does not offer opportunities for urban greening. The proposals would include the provision of a significant extent of green roofs and a comprehensive landscaping plan to incorporate bulb, hedgerow and climber planting, and trees and shrubs for vegetation as well as bird and bat boxes for wildlife, providing new habitats and thereby a biodiversity gain, beyond the current situation.

The proposed species have been selected with the conditions posed by the roof level in mind to ensure high chances of survival and the plan also includes a maintenance regime. As aforementioned, rainwater butts are proposed to re-use rainwater to irrigate the proposed planting. Arboricultural Officers have noted some reservations due to a lack of capacities indicated for rainwater irrigation, questioning this method's sustainability. Whilst some mains water may also be required to supplement the rainwater source, which is less sustainable than solely relying on rainwater, given the benefits of the provision of urban greening and biodiversity measures (where currently there are none) and that the proposals relate to an extension rather than wider redevelopment, the proposals are considered acceptable in this particular instance.

A condition is recommended to secure these biodiversity features in accordance with the which are shown on the submitted 'Landscape and Ecology Management Plan and Biodiversity Net Gain Report (Rev. B dated January 2022)'.

#### 9.4 Townscape, Design & Heritage Impact

##### Legislative & Policy Context

Given the proposals relate to extension and alteration of a building within the setting of the Millbank Conservation Area the proposals are considered within the context of policies 38, 39 and 40 of Westminster's City Plan.

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 states that features that contribute positively to the significance of the setting of a conservation area will be conserved and opportunities will be taken to enhance conservation area settings, wherever possible. Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting.

##### Considerations

1 Bessborough Gardens is a large unlisted building located on the east side of Vauxhall Bridge Road outside of a conservation area; however, it is immediately south of the Millbank Conservation Area boundary, forming part of its setting. Whilst the building is a relatively modern construction, it has been designed to reflect the architectural style of Thomas Cubitt which is characteristic of the wider area.

The proposals include the erection of infill extensions at fourth floor, erection of rooftop pavilion and terraces, rationalisation of mechanical plant, modifications to the ground floor entrance, refurbishment and improvement of external facades along with other associated works.

The building was constructed in the 1980s in a neo-classic style, and comprises five elements, between four and five storeys. The proposals include set back metal framed roof extensions on the two four-storey sections of the building, replacing pitched roofs with contemporary vertical roof additions. The extensions also include a fifth floor roof terrace above, with associated planters, seating, balustrades, greens roofs, and PV panels. The parapets to the two flanking five storey elements would also be raised to provide fall protection and match the height of the fifth floor balustrades. Suitably set back from the front building line, the roof extensions with terrace above are considered to sit comfortably within the existing composition of the building. This is also helped by a reduction in the projection of the fourth floor capping, which was considered visually heavy and conspicuous and has been revised following officer advice. In terms of the design approach, the contemporary style of the extensions, and substantial glazing, present a contrasting yet respectful aesthetic, but would not detract from the building's overwhelming neo-classical aesthetic.

The proposed pavilion extension in the centre of the building would extend the centre of the building upwards by one storey. The existing plant and various clutter in this location is unsightly and detracts from the appearance of the building. The removal of the equipment at this level and the proposed pavilion, which would be set back from the front building line and would barely be perceivable, is considered to offer an overall

improvement and is welcome in townscape and design terms.

Other works proposed include remodelling of the entrance, removing the security doors and improving the building's street frontage, and new louvers and grills on the rear elevation. The alterations and improvements are welcome and supported on design grounds.

In summary due to their respectful height and design the extensions, and pavilion are considered to present comfortable additions to the building and will not detract from the appearance of the building, immediate townscape context or neighbouring conservation areas. Conditions are recommended to secure detailed drawings of the balustrades and the facing materials to ensure a high-quality finish. The above considered, the proposals are considered acceptable in design and conservation terms.

## 9.5 Residential Amenity

Policy 7 of Westminster's City Plan requires development to be neighbourly and would resist proposals that would result in harm to residential amenity by way of increased sense of enclosure, overlooking or loss of light.

Policy 33 states that development should prevent adverse effects of noise and vibration with particular attention to minimising noise impacts and preventing noise intrusion to residential developments and sensitive uses. The policy requires provision of Noise Impact Assessments to demonstrate that plant equipment and noise generating activity will not result in noise disturbance and comply with the Council's Noise Thresholds as set out within the 'Environment Supplementary Planning Document'.

Objections have been received in relation to the proposed infill extensions and the roof terrace. In relation to the extensions, comments consider that they would result in an unacceptable loss of light and overshadowing to the gardens, terraces, and rear windows of residents within Ponsonby Terrace and John Islip Street. Some comments refer to the Daylight & Sunlight Assessment which identifies light transgressions and therefore consider the proposals would be harmful. Regarding the roof terrace, objections raise concern at noise disturbance from the terrace use during the day as well as if used for events and in the evening and consider the Roof Terrace Management Plan deficient. Concerns of overlooking from the terrace and extension are also raised. Finally, comments note of the ongoing disturbance caused by the strip-out works being undertaken and raise concern that the proposed construction would have an adverse impact on amenity.

### Daylight & Sunlight

The Daylight & Sunlight Assessment submitted to support the proposed infill and pavilion extensions has applied Building Research Establishment (BRE) methodologies for assessing the impacts of the proposed extension upon the daylight and sunlight of neighbouring properties (as shown on the below map) within Ponsonby Terrace and John Islip Street.

The 'Vertical Sky Component' (VSC) and 'Daylight Distribution (DD) methodologies have been used to assess daylight. Within the VSC assessment, if a window achieves a VSC value of 27% it is well lit, and if because of the extensions this figure falls below 27%, or

is reduced by 20%, the impact upon daylight will be noticeable. The DD assessment 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. Finally, 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 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 factors may be unavoidable if new developments are to match the height and proportions of existing buildings.

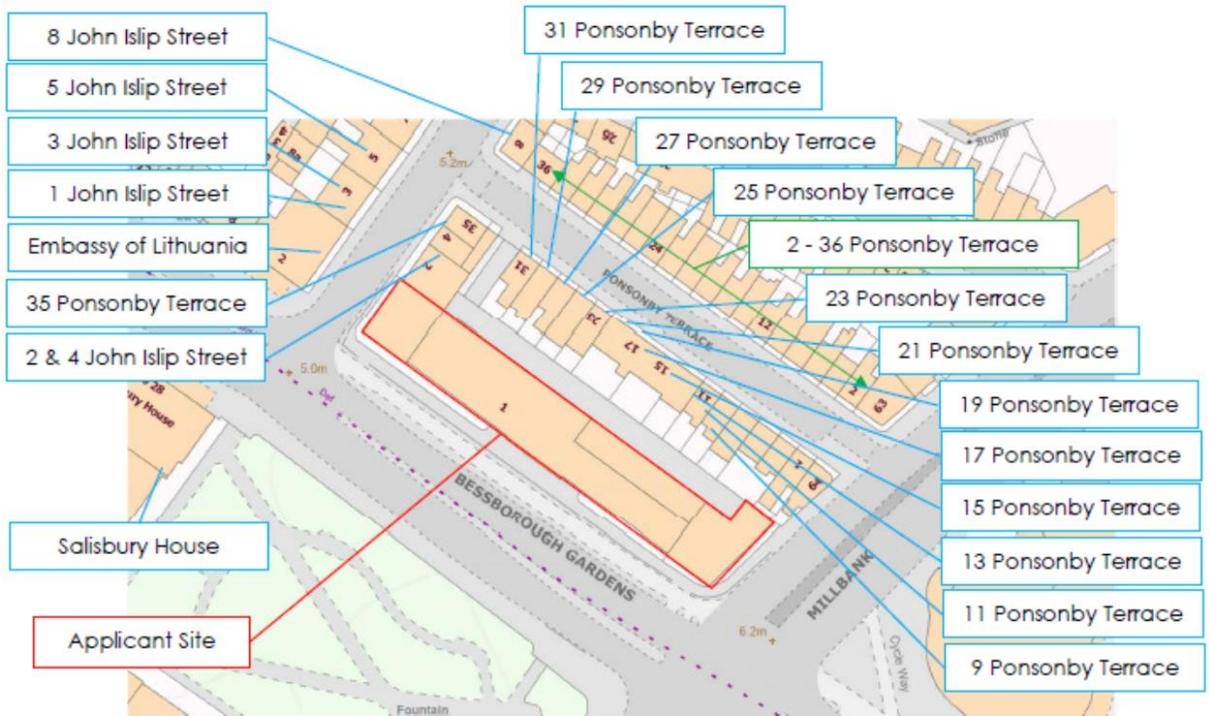


Fig. 1 – Applicant site & assessed neighbouring properties

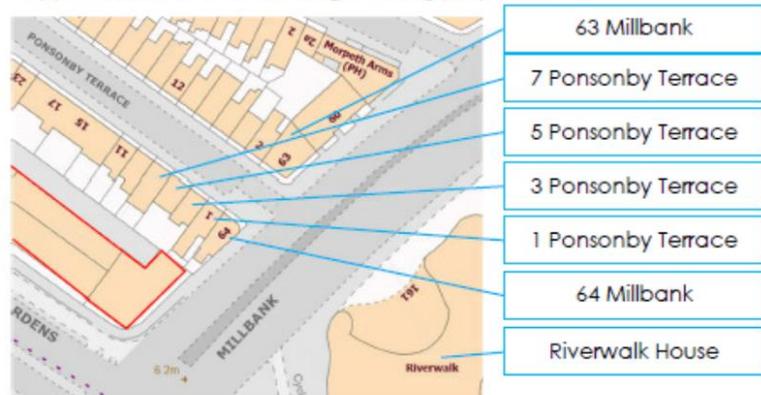


Fig. 2 – Applicant site & assessed neighbouring properties continued

The assessment shows that all windows pass the VSC test. However, when measuring the Daylight Distribution factor there are some minor transgressions, with transgressions shown for 7, 9, 11, 15, 17, 17B, 23, 25, 27, 29, and 31 Ponsonby Terrace as set out in the table below:

<b>Daylight Distribution (*Windows which pass omitted)</b>				
Floor/ Room Ref.	Lit Area Existing (%)	Lit Area Proposed (%)	Proposed/ Existing Ratio	Percentage Decrease
<b>7 Ponsonby Terrace</b>				
First/ R1	51.76	39.90	0.77	22.91
Second/ R1	72.32	53.62	0.74	25.85
<b>9 Ponsonby Terrace</b>				
Lower Ground/ R2	12.67	10.07	0.79	20.52
Ground/ R2	19.49	15.00	0.77	23.03
First/ R1	64.00	48.96	0.77	23.50
Second/ R1	64.11	46.76	0.73	27.88
<b>11 Ponsonby Terrace</b>				
First/ R1	70.23	52.80	0.75	24.81
Second/ R1	64.97	46.85	0.72	27.22
<b>15 Ponsonby Terrace</b>				
First/ R1	37.61	27.37	0.72	27.22
Second/ R1	58.45	42.06	0.73	28.04
<b>17 Ponsonby Terrace</b>				
First/ R1	27.02	20.60	0.76	23.76
First/ R2	34.13	26.05	0.76	23.67
Second/ R1	48.37	36.68	0.76	24.16
Second/ R2	50.16	36.55	0.73	27.13
<b>17B Ponsonby Terrace</b>				
First/ R1	17.84	14.14	0.79	20.73
First/ R2	34.09	26.10	0.77	23.43
Second/ R2	49.89	35.61	0.71	28.62
<b>23 Ponsonby Terrace</b>				
First/ R1	42.74	32.58	0.76	23.77
Second/ R1	66.15	47.27	0.71	28.54
<b>25 Ponsonby Terrace</b>				
Ground/ R2	49.04	38.95	0.79	20.57
First/ R2	89.12	68.37	0.77	23.28
<b>27 Ponsonby Terrace</b>				
Ground/ R1	11.98	9.29	0.78	22.45
First/ R1	52.69	37.20	0.71	29.39
<b>29 Ponsonby Terrace</b>				
First/ R1	24.97	19.57	0.78	21.62
First/ R2	47.95	35.51	0.74	25.94
Second/ R1	57.48	40.48	0.70	29.57
<b>31 Ponsonby Terrace</b>				
First/ R1	55.98	44.23	0.79	20.98

Whilst there are some DD transgressions, in all cases the transgressions are within the 20-29% range and can therefore be considered as minor adverse transgressions. This is because the BRE guide indicates a loss of 20% or more is the threshold between a noticeable and un-noticeable light loss and in this case the transgressions are only slightly above this threshold. Moreover, despite these minor transgressions, all windows pass the VSC test which indicates that any reduction in light would not be noticeable. To understand the daylight impact fully, both the DD and VSC measures must be considered together. Given the VSC test indicates no noticeable impact, and the DD test indicates a minor impact, overall on balance, the daylight impact would likely be un-noticeable or would only be very slightly noticeable. In a dense urban environment such as the application site, it is not considered that these minor transgressions would be significant enough to warrant refusal of planning permission on loss of light grounds as the impact would be marginal.

In terms of 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. There are some minor transgressions, as presented below.

<b>Annual Probable Sunlight Hours</b>						
Floor/Room Ref.	APSH Existing	APSH Proposed	Ratio Reduction	WPSH Existing	WPSH Proposed	Ratio Reduction
<b>7 Ponsonby Terrace</b>						
Ground/ R1	24.00	19.0	0.79	1.00	1.00	1.00
<b>9 Ponsonby Terrace</b>						
Second/ R1	49.0	43.00	0.88	6.00	3.00	0.50
<b>11 Ponsonby Terrace</b>						
Ground/ R1	27.00	21.00	0.78	0.00	0.00	1.00
First/ R1	38.00	33.00	0.87	2.00	1.00	0.50
Second/ R1	47.00	42.00	0.89	7.00	4.00	0.57
<b>15 Ponsonby Terrace</b>						
Ground/ R1	27.00	22.00	0.81	1.00	0.00	0.00
<b>17 Ponsonby Terrace</b>						
Ground/ R2	29.00	22.00	0.76	2.00	0.00	0.00
<b>29 Ponsonby Terrace</b>						
Ground/ R2	18.00	12.00	0.67	0.00	0.00	1.00
First/ R1	28.00	21.00	0.75	3.00	2.00	0.67

Whilst there are some transgressions in winter, the existing percentages of available

sunlight hours start from a low baseline. For example, 7 Ponsonby Terrace currently only receives 1% of the available probable sunlight hours in winter, and whilst the loss would be 100% given the low existing level it would be marginal. Whilst there would be some transgressions in annual sunlight hours, these would be in the minor to moderate adverse range. While these losses are regrettable as they may be noticeable, considering the degree of the potential impact, that the APSH would for the most part either be above or close to 25% and that the affected buildings also have windows to the front which would be unaffected, it is not considered that that the overall sunlight impact would be detrimental to the occupiers of the buildings on Ponsonby Terrace.

Finally, the assessment has tested the impact of the proposals upon sunlight to the external amenity areas, including ground level gardens and upper floor terraces of residential properties and the assessment shows that the proposals would not have any harmful impact upon sunlight.

The above considered, whilst there are some identified transgressions, they are considered minor and when considering all the tests together, on balance the proposals would not result in a detrimental impact upon light.

### **Sense of Enclosure**

The proposed fourth floor infill extensions with fifth floor terraces are broadly comparable in height to the existing roof ridges. Whilst there would be some additional bulk due to the extension being rectangular as opposed to pitched, the extension would incorporate setbacks from the rear elevation of approximately 2m, therefore it is considered unlikely to be prominent and highly visible when viewed from opposing residential windows. With a separation distance of approximately 13m from adjacent properties to Ponsonby Terrace, the proposals are considered to not result in a significant increase in enclosure towards these properties. Whilst the properties at John Islip Street are somewhat closer, they are at an angle from the extensions. The infill extension closest to these properties would be set back from the existing rear building line and would not rise above the existing pavilion level. Therefore, the proposals are considered to not result in an increased sense of enclosure towards neighbouring properties.

### **Privacy**

The existing building is significantly taller than the adjacent residential buildings at the rear. Therefore, the proposed infill extension and the terraces atop, given their elevated position, would not allow for direct views into adjacent residential windows. The application is supported by a proposed section (included at the end of this report) with sight-line diagrams to demonstrate that overlooking at oblique angles would not be possible from the extension windows nor the proposed roof terrace. Furthermore, the terrace includes perimeter planters with integrated balustrades and seating to mitigate any potential overlooking and direct views away from nearby Ponsonby Terrace. Whilst planters are not considered necessary to prevent overlooking, they would restrict users of the terrace from access to the very edge of the new fifth floor terrace, and their inclusion provides a form of screening. Whilst the sightlines are shown in relation to Ponsonby Terrace, these design measures and relationships between the terrace and extension, would also be similar towards John Islip Street. The above considered, the proposals would not result in an unacceptable increase in overlooking or loss of privacy.

Currently, the rear windows of the building have internal blackout blinds which prevents

overlooking from the building towards adjacent residential properties. Objectors have raised concern at the removal of these blinds and officers have encouraged the applicant to resolve this. However, ultimately, removal of internal blinds would not require planning permission and therefore this is out of the scope of the current application which relates solely to the extensions, roof terrace, external façade alterations, and mechanical plant.

## **Noise & Vibration**

### *Internal Noise*

Some objection comments have raised concern that both internal and mechanical plant noise from the proposed works could transfer through the building to occupiers within adjoining John Islip Street. A condition is recommended to require the developer ensures the building is designed so as to ensure such noise transference is not possible.

### *Roof Terrace*

Following concerns raised in objections to the proposed roof terrace due to concern over noise and disturbance, the applicant has submitted a Noise Impact Assessment and Roof Terrace Management Plan (RTMP). The RTMP indicates that the terrace would be used by office users during the day as amenity space and space for social interaction. However, a condition is recommended to require a full management plan which includes details of the management team and contact details residents can use to report any issues, should they arise, once a future occupier is known and the terrace is in use.

The noise assessment demonstrates that based on a terrace capacity of 72 people, and on the existing noise levels of the site and expected noise levels from that level of conversational occupancy, the terrace would be unlikely to result in noise disturbance during the day. Nevertheless, given the variation that can be evident in conversational tones and that apart from the application site the area is predominantly residential in nature it is considered reasonable to limit the hours of use of the terrace to align with normal office hours, with the terrace use limited to between 08:30am and 7:00pm Monday to Friday. Further conditions are recommended to prevent the playing of music or audio equipment. With recommended conditions, on balance, the proposed terrace is unlikely to result in unacceptable harm to residential amenity.

### *Plant Equipment*

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

The application includes mechanical plant equipment at lower ground and fourth floor levels as well as associated with louvres at lower ground level and within the rear façade to serve internal systems. An acoustic report has been provided which outlines the existing background noise levels and the proposed noise levels of the plant equipment from louvres and the mitigation measures proposed. Given the length of the site, multiple noise sensitive occupiers along the terrace have been included within the report. The report demonstrates that the new mechanical plant would likely comply with the council's noise thresholds. Therefore, noise compliance conditions and conditions limiting hours of plant operation are recommended. Given the sensitivity of the site in relation to many residential occupiers and the quantum of plant proposed a further condition is

recommended requiring submission of a supplementary acoustic report to demonstrate that when installed, the equipment does indeed comply with noise requirements.

#### *Construction Impacts*

As aforementioned, to date internal strip-out works (which do not require planning permission) have been taking place and appear to have been resulting in disturbance to residents within John Islip and Ponsonby Terrace and Millbank. Given the sensitivity of the site, Environmental Sciences have recommended the proposals are upgraded to a Level 3 project, in accordance with the Code of Construction Practice. A condition is recommended to ensure the applicant abides by the Code of Construction Practice and will also require approval of a full Construction Management Plan prior to works. With these recommended conditions, and a condition to limit the hours of construction works, the proposals are considered not to result in an unacceptable level of harm to residential amenity.

## **9.6 Transportation, Accessibility & Servicing**

### **Servicing and Waste & Recycling Storage**

Policy 29 of the City Plan outlines that servicing, collection and delivery needs should be fully met within a development site whilst policy 37 requires new developments to provide dedicated waste storage facilities for separate waste streams.

The existing office building is currently served by a private gated rear service road accessed from Ponsonby Terrace. Objection comments have been received from neighbouring occupiers with concerns that the proposals would result in a more intensified use of the rear service road by the office use and cyclists, and thus result in noise disturbance including noise from use of the security gate. The additional office space would be able to use the existing service arrangements of the site, which is via this existing rear access. Furthermore, it is noted if the current occupier decided to use the lower ground as cycle storage with access via the rear service road, they could do so without requiring planning permission. The above considered, given these arrangements are existing, whilst concerns raised by objectors are understood, it would not be reasonable to refuse planning permission on such grounds given existing arrangements would be utilised.

The Highways Planning Manager recommends the building is restricted by condition to office only, as if the building was used for other purposes within Class E it could have more impactful servicing arrangements which have been unassessed. However, as the building's existing use is already Class E, it is not considered reasonable in this instance to impose such a condition.

The Waste Projects Officer notes that the food waste bin storage shown at lower ground shows the incorrect bin types. A condition is therefore recommended to enable provision of revised details, however as the plans include a dedicated off-street waste storage area the waste storage arrangements are considered acceptable, subject to the above minor revision.

### **Cycling & Cycle Storage**

Policy 25 of the City Plan seeks to promote and prioritise walking and cycling as a sustainable method of transport and requires provision of dedicated cycle parking. The

submitted drawings show a dedicated cycle storage area for 106 bikes alongside changing facilities whilst the Transport Statement notes the site has access to the surrounding Cycleways but initially included incorrect information. It is noted the transport addendum has been revised to correct inaccurate references in this regard. This provision is welcomed as it will enable support for sustainable methods of travel.

### **Parking & Accessibility**

Policy 27 supports development without parking provision. The current site has 6 parking bays and whilst the proposals retain these spaces, they would be as service bays rather than private parking, whilst one bay would be a dedicated disabled parking space. The Highways Planning Manager recommends a condition to secure electrical vehicle charging details. However, given the proposals do not provide new parking, it is not considered reasonable to attach such a condition in this case.

### **Construction Logistics Plan**

Transport for London recommend a condition to secure a full Construction Logistics Plan to ensure that the proposed development does not result in unacceptable impacts upon the surrounding highway network, including Vauxhall Bridge Road which is a TFL red route. An informative is attached to remind the applicant this Plan should include details of how vulnerable highway users would be protected during works.

## **9.7 Economy including Employment & Skills**

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement, and spending. The additional office floorspace proposed is expected to generate further jobs in addition to the current office use of the site.

## **9.8 Other Considerations**

None.

## **9.9 Environmental Impact Assessment**

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

## **9.10 Planning Obligations & Pre-Commencement Conditions**

As aforementioned, given the sensitivity of the site and its relationship to surrounding residential uses, it is recommended to secure abidance to the Council's Code of Construction Practice and for approval of a Construction Management Plan prior to works. A pre-commencement condition is therefore recommended to secure these details.

## **10. Conclusion**

The proposed development would result in the improvement of the existing office

building whilst providing additional floorspace, supporting Westminster and the CAZ's strategic office function. Given the modest quantum of floorspace proposed in proportion to the existing building, it is not considered harmful to the predominantly residential character of the area. The proposals also provide opportunity to significantly improve the sustainability of the building, reducing its carbon emissions whilst providing urban greening and biodiversity. Whilst the Daylight & Sunlight Assessment show some minor transgressions in terms of daylight, on balance, given the existing urban grain these minor transgressions are not considered to result in harm to residential amenity to warrant refusal of planning permission within this site context. With recommended conditions to control the proposed roof terrace and mechanical plant, the proposals would be unlikely to result in unacceptable noise disturbance. Therefore, with recommended conditions the development would accord with the relevant policies within the City Plan (April 2021).

(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: DAVID DORWARD BY EMAIL AT [ddorward@westminster.gov.uk](mailto:ddorward@westminster.gov.uk)

11. KEY DRAWINGS

Proposed Frontage Visual



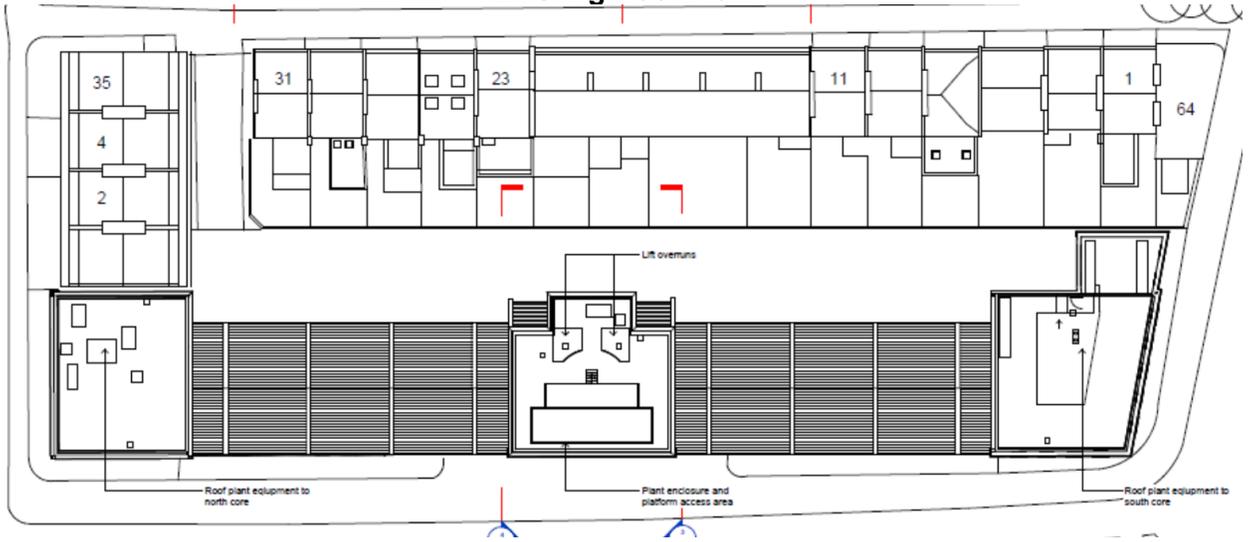
Existing Front Elevation (Bessborough Gardens)



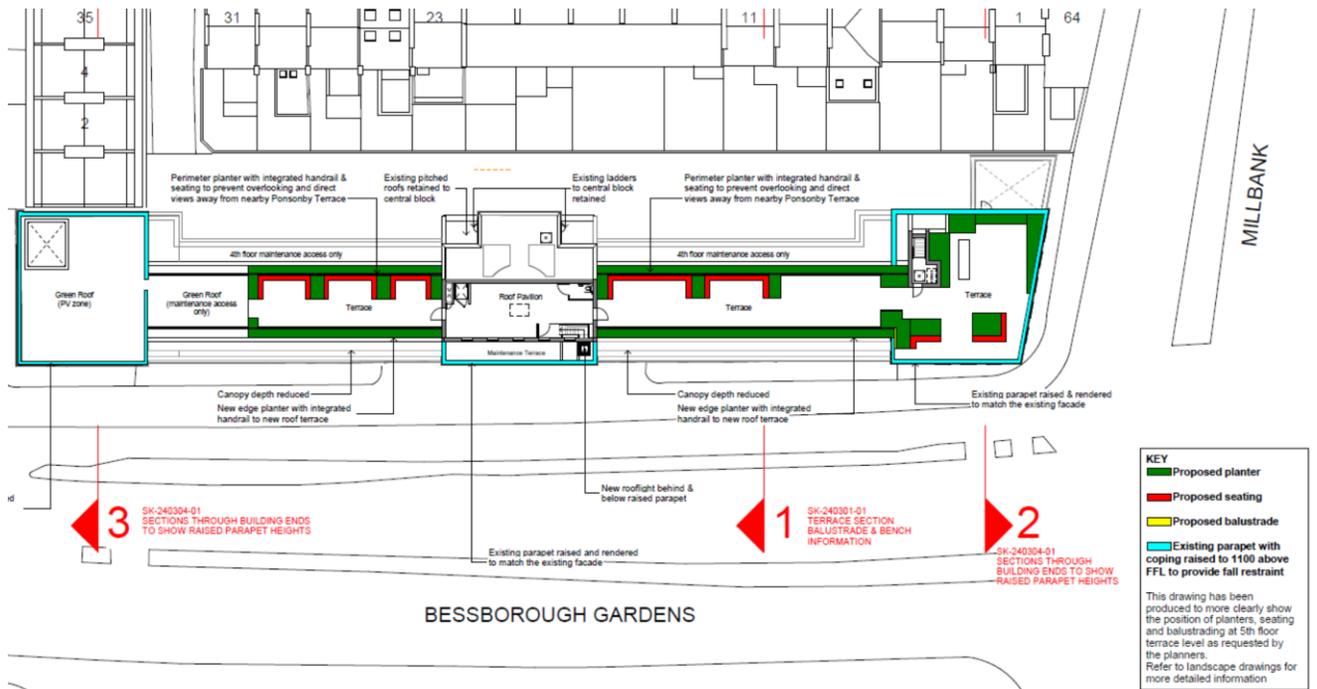
Proposed Front Elevation (Bessborough Gardens)



### Existing Roof Plan



### Proposed Roof Plan



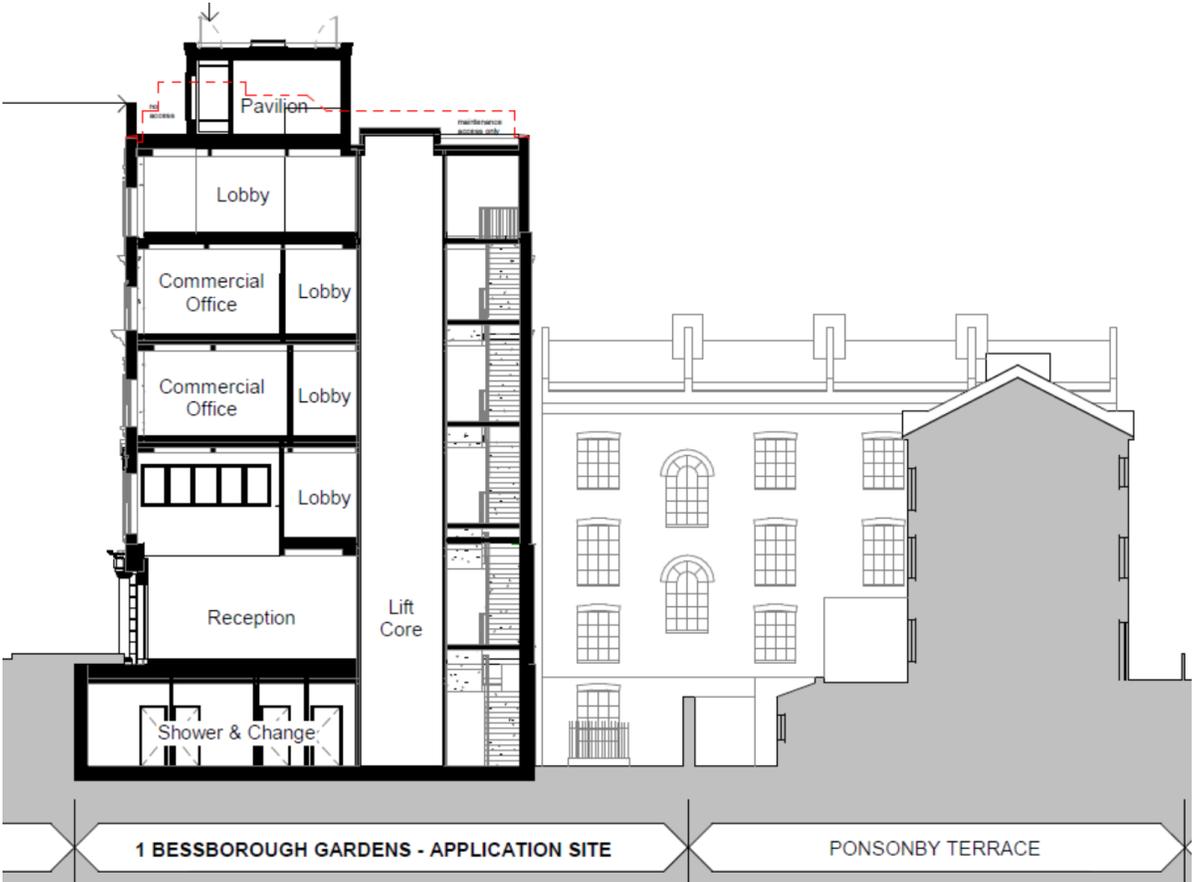
**Existing Rear Elevation (As Viewed from Ponsonby Terrace)**



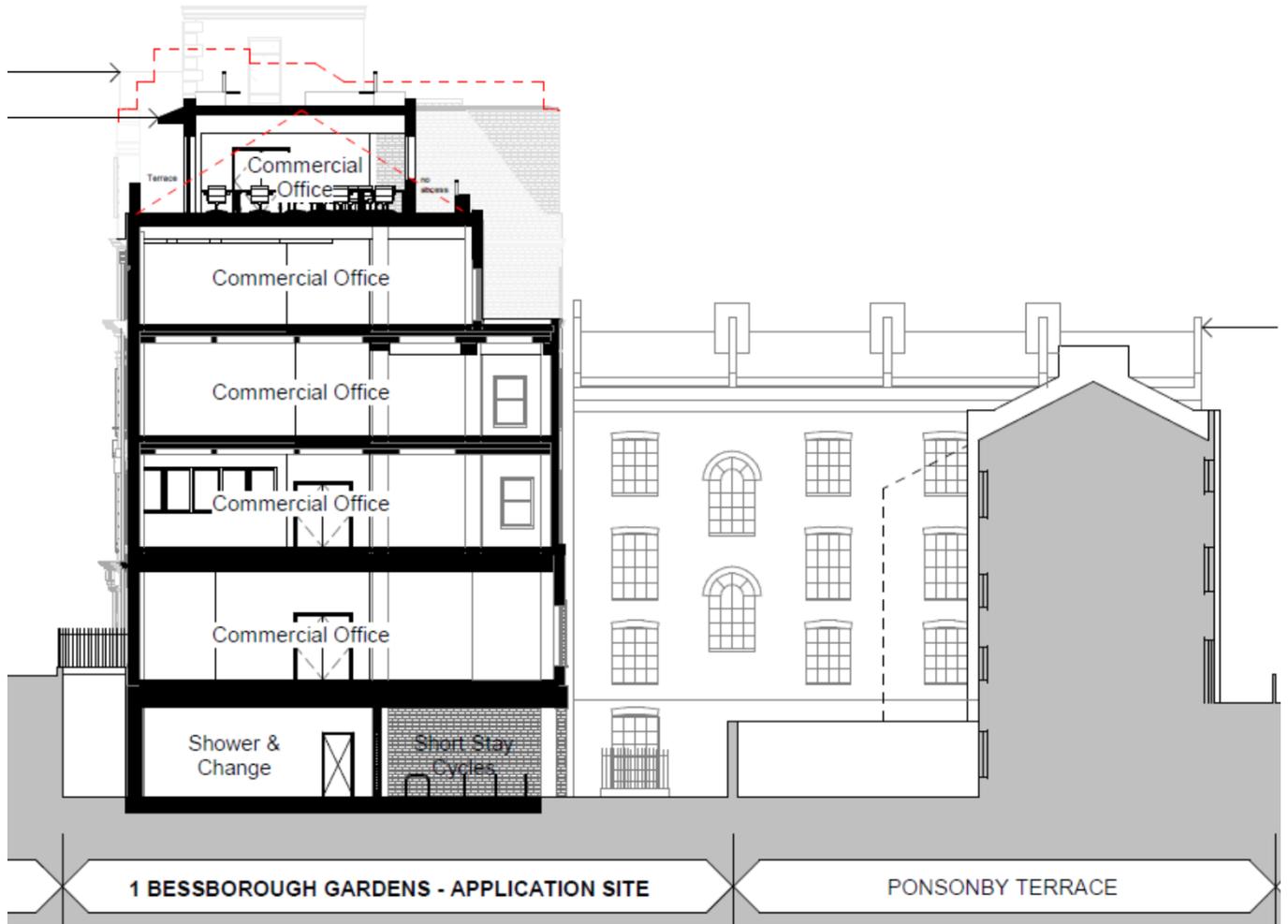
**Proposed Rear Elevation (As Viewed from Ponsonby Terrace)**



**Proposed Section showing Fifth Floor Pavilion Level Extension**  
*Note: Red/ Dashed line denotes existing building line*

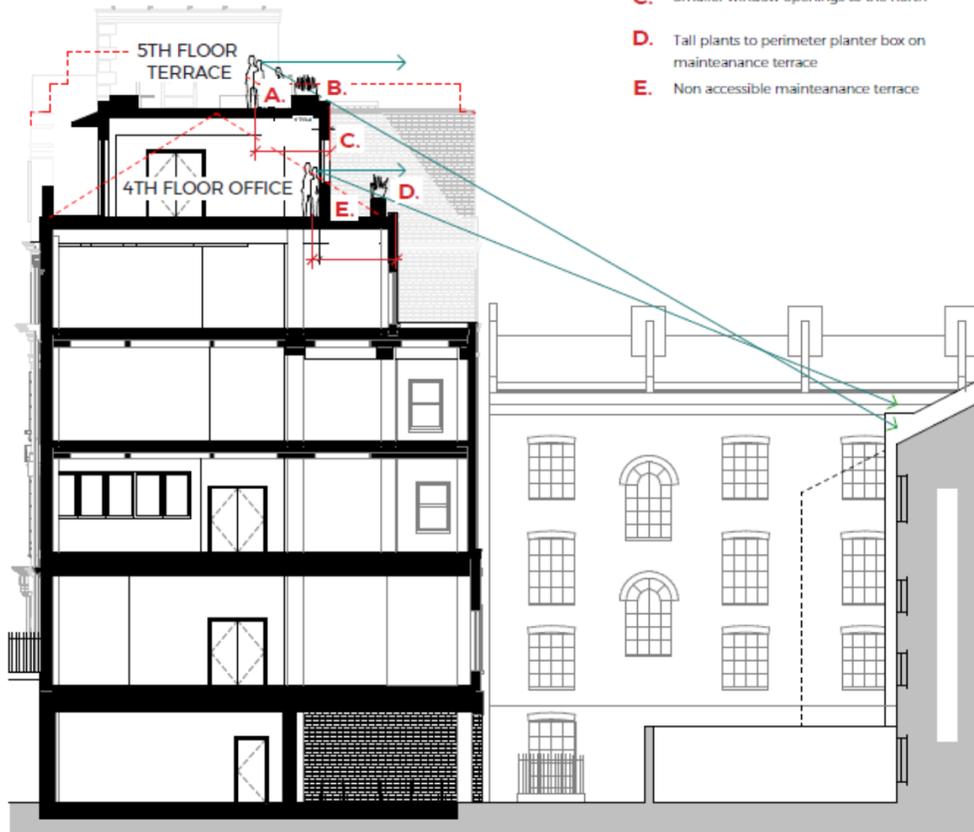


**Proposed Section Fourth Floor Infill Extensions**  
*Note: Red/ Dashed line denotes existing building line*



### Sight-Line Diagrams from Proposed Extension/ Terrace

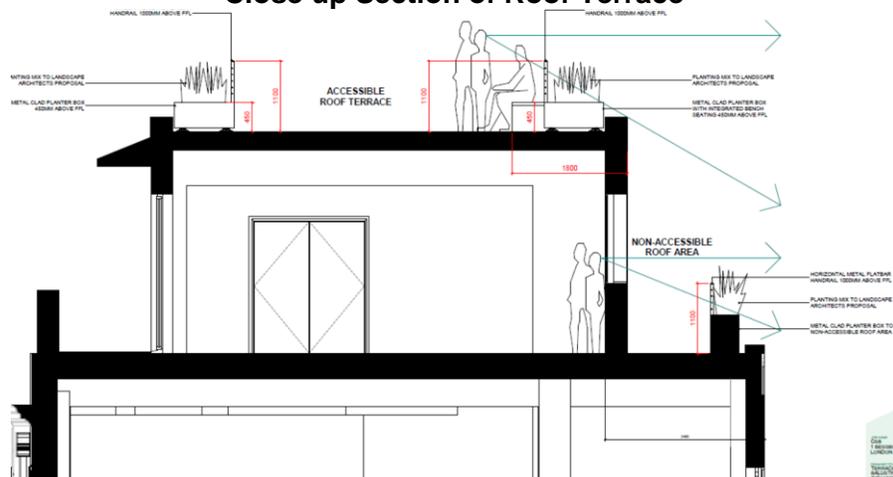
- A.** Integrated bench seating to planter box to maintain distance from perimeter and reduce overlooking
- B.** Tall plants to perimeter planter box (1m wide) on accessible terrace
- C.** Smaller window openings to the north
- D.** Tall plants to perimeter planter box on maintenance terrace
- E.** Non accessible maintenance terrace



--- RED DASHED LINE SHOWS EXTENT OF EXISTING BUILDING ROOF LINE

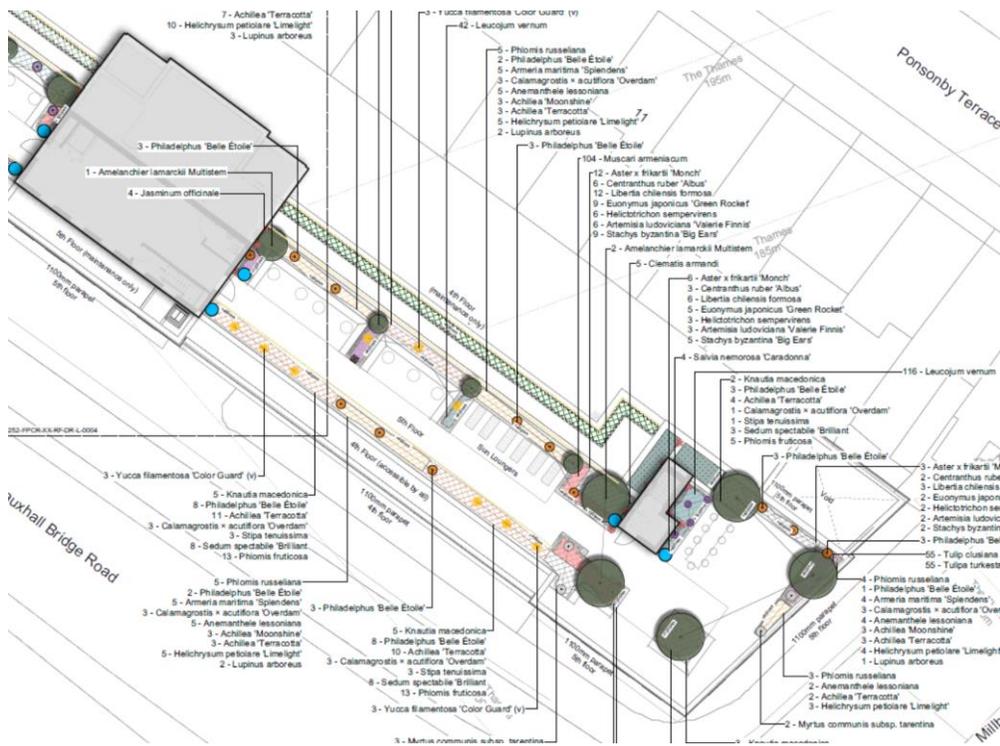
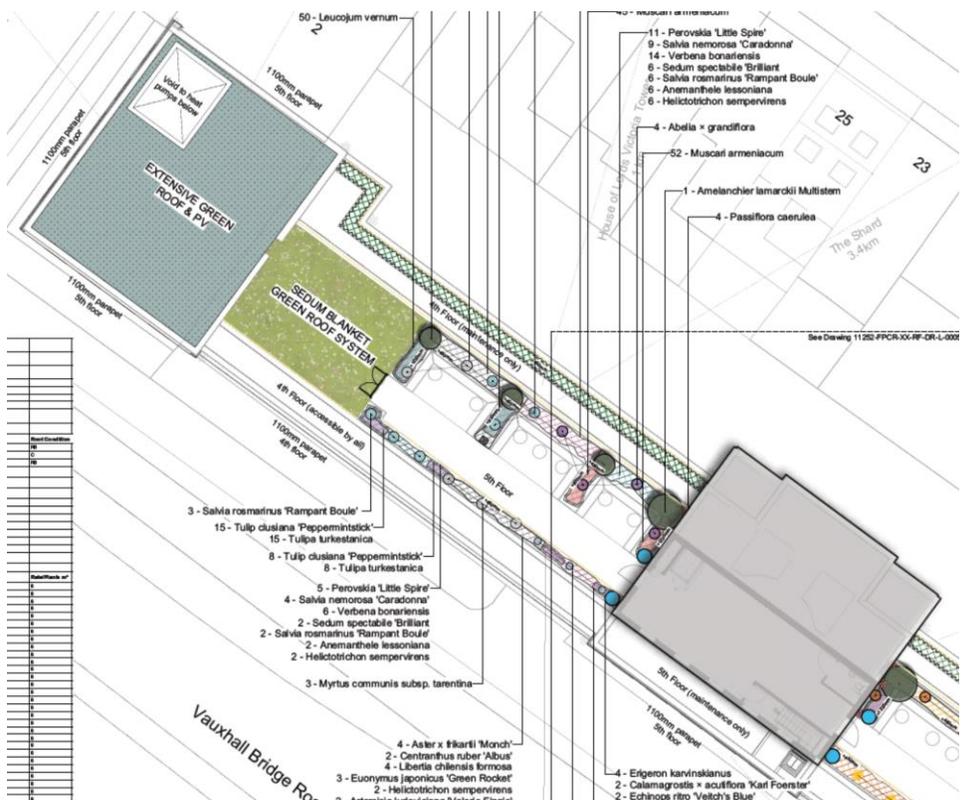
— GREEN LINE SHOWING SIGHT LINES FROM ROOF AREAS BY A PERSON OF AVERAGE HEIGHT TO PONSONBY TERRACE

### Close up Section of Roof Terrace



LEGEND  
 HORIZONTAL METAL PLASTER  
 HORIZONTAL METAL PLASTER  
 PLANTING SEE TO LANDSCAPE ARCHITECTS PROPOSAL  
 METAL CLAD PLANTER BOX TO NON-ACCESSIBLE ROOF AREA

### Proposed Roof Terrace & Greening Layout Plan



**DRAFT DECISION LETTER**

- Address:** 1 Bessborough Gardens, London, SW1V 2JQ
- Proposal:** Alterations at roof level including erection of infill extension at fourth floor to provide new office accommodation, erection of rooftop pavilion and terraces and raising height of roof parapet, rationalisation of mechanical plant; modifications to ground floor entrance, refurbishment of external facades including new ventilation grilles, and alterations to services at lower ground floor level.
- Reference:** 23/04155/FULL
- Plan Nos:** 4468-DLG-ZZ-00-DR-A-EX\_0001 A-SITE LOCATION PLAN; 4468-DLG-ZZ-00-DR-A-EX\_0002 A-EXISTING BLOCK PLAN; 4468-DLG-ZZ-00-DR-A-EX\_1000 A-EXISTING LOWER GROUND FLOOR PLAN; 4468-DLG-ZZ-00-DR-A-EX\_1001 A-EXISTING GROUND FLOOR PLAN; 4468-DLG-ZZ-01-DR-A-EX\_1002 A-EXISTING FIRST FLOOR PLAN; 4468-DLG-ZZ-02-DR-A-EX\_1003 A-EXISTING SECOND FLOOR PLAN; 4468-DLG-ZZ-03-DR-A-EX\_1004 A-EXISTING THIRD FLOOR PLAN; 4468-DLG-ZZ-04-DR-A-EX\_1005 B-EXISTING FOURTH FLOOR PLAN; 4468-DLG-ZZ-05-DR-A-EX\_1006 B-EXISTING ROOF PLAN; 4468-DLG-ZZ-ZZ-DR-A-EX\_1010 B-EXISTING SECTIONS SHEET 1; 4468-DLG-ZZ-ZZ-DR-A-EX\_1011 B-EXISTING SECTIONS SHEET 2; 4468-DLG-ZZ-ZZ-DR-A-EX\_1015 A-EXISTING SITE ELEVATIONS SHEET 1; 4468-DLG-ZZ-ZZ-DR-A-EX\_1016 A-EXISTING SITE ELEVATIONS SHEET 2.  
4468-DLG-ZZ-00-DR-A-PL\_1100 D-PROPOSED LOWER GROUND FLOOR PLAN; 4468-DLG-ZZ-00-DR-A-PL\_1101 C-PROPOSED GROUND FLOOR PLAN; 4468-DLG-ZZ-01-DR-A-PL\_1102 C-PROPOSED FIRST FLOOR PLAN; 4468-DLG-ZZ-02-DR-A-PL\_1103 C-PROPOSED SECOND FLOOR PLAN; 4468-DLG-ZZ-03-DR-A-PL\_1104 C-PROPOSED THIRD FLOOR PLAN; 4468-DLG-ZZ-04-DR-A-PL\_1105 C-PROPOSED FOURTH FLOOR PLAN; 4468-DLG-ZZ-05-DR-A-PL\_1106 D-PROPOSED FIFTH FLOOR PLAN; 4468-DLG-ZZ-06-DR-A-PL\_1107 D-PROPOSED ROOF PLAN; 4468-DLG-ZZ-ZZ-DR-A-PL\_1110 C-PROPOSED SECTIONS SHEET 1; 4468-DLG-ZZ-ZZ-DR-A-PL\_1111 C-PROPOSED SECTIONS SHEET 2; 4468-DLG-ZZ-ZZ-DR-A-PL\_1115 C-PROPOSED SITE ELEVATIONS SHEET 1; 4468-DLG-ZZ-ZZ-DR-A-PL\_1116 B-PROPOSED SITE ELEVATIONS SHEET 2; 4468-DLG-ZZ-ZZ-DR-A-PL\_1117 B-PROPOSED SITE ELEVATIONS SHEET 3 – LIGHTWELLS.

**For Further Information:**

N01-JB\_PS-Transport Addendum; Landscape & Ecology Management Plan & Biodiversity Net Gain Report dated January 2024 REV. B; Roof Terrace - Noise Impact Assessment 1 by Clear Acoustic Design; Construction Details Roof Garden; Roof Terrace Management Plan December 2023 by Marrons; Design and Access Addendum - Planning Reference 23/04155/ Rev. P2; Noise Impact Assessment Revision 3 by Clear Acoustic Design; Design & Access Statement Rev. P1; Marrons Cover Letter 4068; 22052 - No. 1 Bessborough Gardens Carbon Savings Report Rev B; Ecological Appraisal September 2022; Planning Statement by Marrons; Transport Statement May 2023; Delivery and Servicing and Waste Management Plan May 2023; Daylight & Sunlight Report by CPMC 1BG (Rev 1) Date May 2023;

Flood Risk Assessment June 2023.

For Further Information Only:  
Construction Management Plan (CMP)

**Case Officer:** Jonathon Metcalfe

**Direct Tel. No.** 020 7641  
07866038118

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

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

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

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

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 **Pre Commencement Condition.** Prior to the commencement of any:
- (a) demolition, and/or,
  - (b) earthworks/piling and/or,
  - (c) construction,

on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence

must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 4
- (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 in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
  - (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 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 in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
  - (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:
    - (a) A schedule of all plant and equipment that formed part of this application;
    - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
    - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
    - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
    - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
    - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and

equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

(g) The lowest existing LA90, 15 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.  
(C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. 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. (R46AC)

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

Reason:

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

- 6 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

- 7 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the office use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise

sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.

(2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the office use 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 in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, 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 including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:

- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
- (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity. (C47AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. 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. (R47AC)

- 8 The design and structure of the building shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per

night-time from sources other than emergency sirens. (C49BB)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49BB)

- 9 You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in condition(s) 4 of this permission.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

- 10 You must apply to us for a full management plan to show how the terrace located on the pavilion on drawing number DLG-ZZ-05-DR-A-SK-240301-02 will be used and managed and this plan must include contact details of site management for residents. You must not use the roof terrace until these details are approved.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R13FC)

- 11 You must not play live or recorded music on the terrace, including the use of any form of speaker or audio equipment. (C13IA)

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R13FC)

- 12 The terrace shall not be used outside of the following times: 0830 to 1900 hours Monday to Friday and shall not be used on Saturdays, Sundays and public holidays.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary

Planning Document (February 2022). (R13FC)

- 13 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 14 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

Reason:

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

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

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

Reason:

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

- 17 You must carry out the roof level landscaping work shown on the drawings before using the roof terrace and must subsequently maintain the landscaping in accordance with the approved Landscape and Ecology Management Plan and Biodiversity Net Gain Report (Rev. B dated January 2022) and drawings, or in accordance with other drawings or plans as submitted to and approved by the City Council.

Reason:

To improve the appearance of the development, to make sure that it contributes to the

character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R30BD)

- 18 No development shall take place until a Construction Logistics Plan (CLP) for the proposed development has been submitted to the Council and approved in consultation with Transport for London.

Reason:

In the interests of public safety and to avoid blocking the road as set out in policies 24 and 35 of Westminster's City Plan (April 2021), and policy T4 of the London Plan (March 2021).

- 19 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26CE)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26CE)

- 21 You must apply to us for approval of details of the following parts of the development - detailed drawings of the balustrade (scaled at 1:20). You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26CE)

- 22 Other than in the case of emergency or for maintenance purposes, the external roof terrace lighting hereby approved shall only be switched on between 08:30 and 19:00 hours on Monday to Friday and not at all on Saturdays and Sundays and bank holidays

Reason:

To protect neighbouring residents from light spillage, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)

- 23 You must only use the areas of the roof annotated as a 'terrace' for sitting out, and you must maintain the perimeter planting with handrail and seating in the form shown for as long as the roof terrace remains in place, as shown on the roof plan/ drawing number DLG-ZZ-05-DR-A-SK-240301-02. You must not allow anyone to enter the areas annotated 'Green Roof' or areas annotated for 'maintenance only' except in an emergency or for maintenance.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 24 You must provide detailed drawings of the PV panels (plans and sections at 1:20). You must provide, maintain and retain the PV panels before you start to use any part of the development, as set out in your application.

Reason:

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

- 25 The terraces hereby approved may only be used by office occupants.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R13FC)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given

every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 **HIGHWAYS LICENSING:**, Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at [www.westminster.gov.uk/guide-temporary-structures](http://www.westminster.gov.uk/guide-temporary-structures).  
**CONSIDERATE CONSTRUCTORS:**, You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).  
**BUILDING REGULATIONS:**, You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at [www.westminster.gov.uk/contact-us-building-control](http://www.westminster.gov.uk/contact-us-building-control)
- 3 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)) to make sure that you meet all the requirements before you draw up contracts for demolition and building work.  
When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974).  
British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work.  
An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.
- 4 Under the Construction (Design and Management) Regulations 2015, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
  - \* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
  - \* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the

design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant. Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm).

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 5 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained., Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
  - \* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
  - \* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
  - \* Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
  - \* Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
  - \* Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
  
- 6 Working at height remains one of the biggest causes of fatalities and major injuries. You should carefully consider the following.
  - \* Window cleaning - where possible, install windows that can be cleaned safely from within the building.
  - \* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
  - \* Lighting - ensure luminaires can be safely accessed for replacement.
  - \* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/toolbox/height.htm](http://www.hse.gov.uk/toolbox/height.htm)  
Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)
  
- 7 You are advised to permanently mark the plant/ machinery hereby approved with the details of

this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

- 8 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: [www.westminster.gov.uk/street-naming-numbering](http://www.westminster.gov.uk/street-naming-numbering). (I54AB)
- 9 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.  
If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please email [AskHighways@westminster.gov.uk](mailto:AskHighways@westminster.gov.uk).
- 10 Please email our Project Officer (Waste) at [wasteplanning@westminster.gov.uk](mailto:wasteplanning@westminster.gov.uk) for advice about your arrangements for storing and collecting waste.
- 11 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please email [AskHighways@westminster.gov.uk](mailto:AskHighways@westminster.gov.uk). However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority).
- 12 The Construction Logistics Plan (Condition 19) should include details of how vulnerable highway users will be protected during works.

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.