

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 20 July 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Marylebone High Street	
Subject of Report	1 Bourne House, St Vincent Street, London, W1U 4DB		
Proposal	Erection of a new roof pavilion and roof terrace space on Bourne House for use in connection with the office use (Class E) at 1 St. Vincent Street.		
Agent	Howard de Walden Estate Ltd		
On behalf of	Howard de Walden Estate		
Registered Number	21/02114/FULL	Date amended/ completed	31 March 2021
Date Application Received	31 March 2021		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The application site comprises an unlisted residential building, on lower ground, ground and three upper floors, situated on the corner of St. Vincent Street and Cramer Street. The site is located within the Harley Street Conservation Area and close to the boundary with the Portman Estate Conservation Area.

This application involves the erection of a pavilion at main roof level and the creation of a terrace, enclosed by a dummy mansard screen, for use in connection with the office accommodation currently under construction at 110 Marylebone High Street/1 St Vincent Street which adjoins the application site.

Objections have been received primarily on the grounds of overlooking, noise and loss of daylight and sunlight and construction impacts.

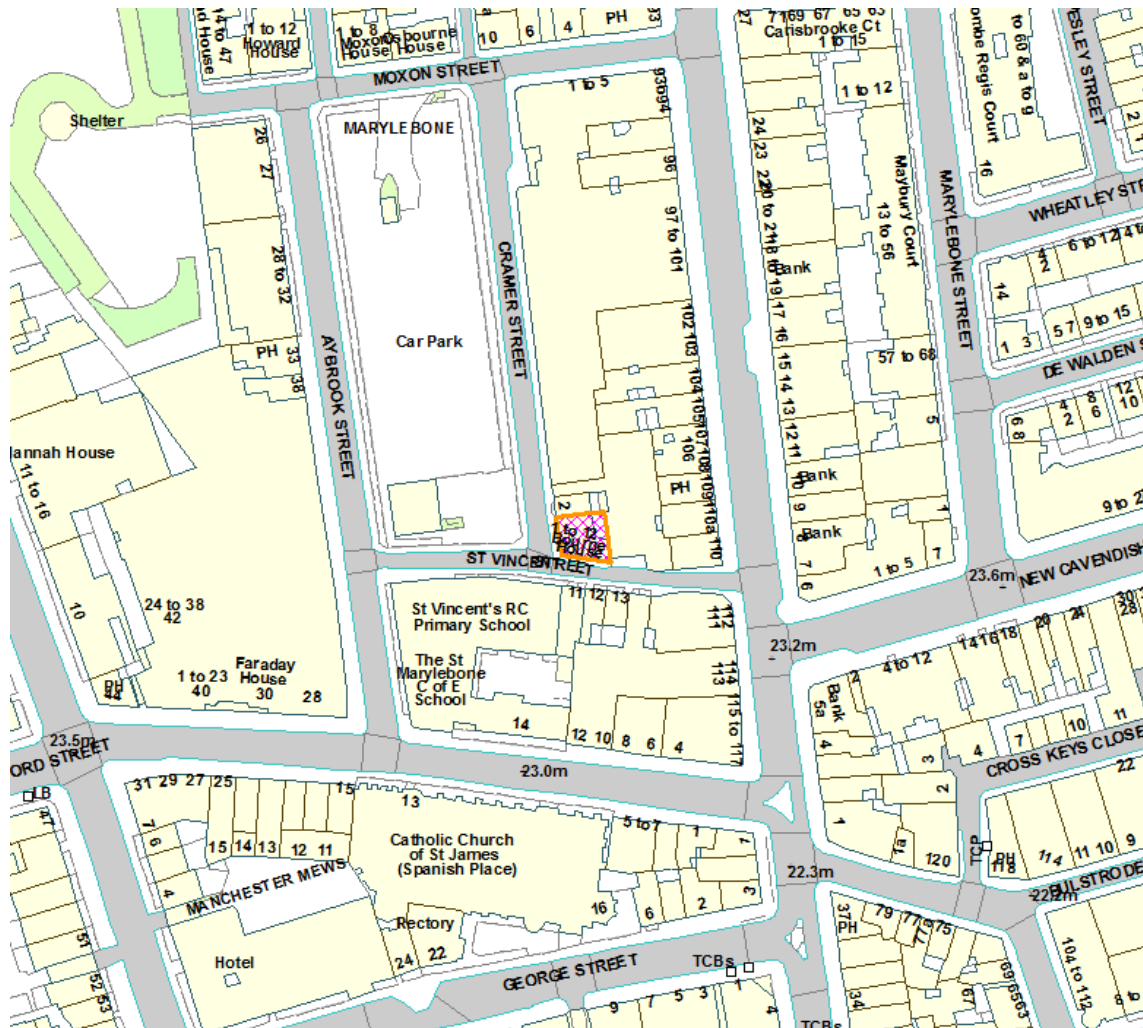
The key considerations in each of these applications are:

- The impact on the character and appearance of the Harley Street Conservation Area and the setting of the Portman Estate Conservation Area.

- The impact on the amenity of nearby residential occupants and upon pupils attending the nearby St Vincent Primary School.

As set out in the main report, the proposals are considered acceptable in land use, design, conservation and amenity terms, complying with the policies in the City Plan, Subject to conditions, the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

COUNCILLOR SCARBOROUGH:

- Impact of construction on St Vincent School, including emergency evacuation procedures; proposal should have been part of the original development
- Noise disturbance from use of the terrace, hours and capacity should be restricted

MARYLEBONE ASSOCIATION

No objection subject to there being no loss of residential amenity with regard to noise and daylight. The construction should be carried out in accordance with the submitted Construction Management Plan.

ENVIRONMENTAL HEALTH

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 28 No. of replies: 6 (six letters from five people); No. of objections: 6

Objections on the following grounds:

- Inappropriate to put a commercial development on the roof of a residential building
- Loss of daylight and sunlight to lower floors of application building
- Noise nuisance from proposed pavilion and terrace; excessive hours of terrace use and capacity
- Noise transfer through the building fabric to the flats below
- Privacy
- Loss of privacy to future residents within the Moxon Street Car Park redevelopment
- Appearance, bulk and height of the scheme and harm to heritage asset
- Interference with residents' means of escape/assembly point/ loss of roof access.
- Construction impacts (noise/dust/loss of light due to scaffolding/security)

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is an unlisted residential building of 13 flats (on lower ground, ground and three upper floors) situated within the Central Activities Zone (CAZ) and the Harley Street Conservation Area. The Harley Street Conservation Area Audit designates the property as a building of townscape merit. Immediately to the west of the site is the boundary to the Portman Estate Conservation Area. There are no listed buildings in the immediate site vicinity.

The site is located on the corner of St. Vincent Street and Cramer Street, adjacent to the

approved mixed use development at 110 Marylebone High Street/1 St Vincent Street, to the east of the site. This development is nearing completion.

The area is characterised by a range of uses, predominately retail uses (on Marylebone High Street), residential and office uses and St. Vincent's School, which is located directly to the south-west of the site. The school has a playground on the roof of the building, enclosed by a tall chain link fence/netting.

The building is opposite the former Moxon Street car park site which has extant permission for redevelopment to provide a mix of commercial and social community uses and up to 79 flats.

6.2 Recent Relevant History

Planning permission was refused on 03 August 2020 (Ref: 20/01723/FULL) for the 'Erection of a new roof pavilion and roof terrace space on Bourne House in connection with the Class B1 office use at 1 St Vincent Street' on the grounds that its detailed design and proposed materials would harm the character and appearance of the Harley Street Conservation Area and the setting of the Portman Estate Conservation Area. An appeal has been lodged against the refusal of this application, which has yet to be determined.

110 Marylebone High Street/1 St Vincent Street

Permission was granted on the site immediately to the east of the application site on 24 May 2018 (Ref: 17/01347/FULL) for 'Alterations to all buildings including demolition of St Vincent Street buildings, the erection of a mansard roof extension to 110 Marylebone High Street, and the erection of a new building fronting St. Vincent Street comprising ground to fourth floors with new plant areas and extract ducting to the backland building. Use of the rear lower ground and part ground for restaurant (Class A3) use (accessed from St. Vincent Street), use of part lower ground and part ground as a shop (Class A1), use of part lower ground, part ground, part 1st, 2nd to 4th floor levels as office (Class B1) floorspace (accessed from St. Vincent Street) and use of part ground and part first floor levels as day nursery (Class D1) (accessed from Cramer Street)'. This development is currently under construction and is substantially complete

7. THE PROPOSAL

The current application involves the erection of small pavilion, which takes the form of a mansard roof addition on the street frontage, set on the part of the roof between the existing roof level stair enclosure and the neighbouring building to the east. The extension (33 sqm GIA) would provide a kitchenette and W.C. The remainder of the roof space would be used as a terrace (38 sqm GIA, excluding planters) which would be wholly enclosed by the proposed extension and a 2.8m high mansard screen around the roof perimeter. The roof extension and screen would be finished in natural slate and inset with dormer windows. As with the appeal scheme, the extension and terrace would be used in association with the offices in the neighbouring development at 110

Marylebone High Street and directly linked to the fourth floor offices.

The applicants propose that the use of the terrace would be restricted to between 09:00 and 21:00 hours (on Monday to Friday only) by a maximum of 30 people at any one time.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Objections have been received on the basis that it is inappropriate to put a commercial development on the roof of a residential building. The council has no policies which prevent this type of development and the previous application was not considered unacceptable on this basis and an objection to the principle of this office development cannot be supported.

Given the site's location within a part of the CAZ with a mixed-use character, the proposed increase in office floorspace is acceptable in principle, as set out within Policy 13 of the City Plan.

The acceptability of other potential uses falling within Class E has not been assessed as part of this application, as the applicant has confirmed that the extension and terrace would be used in connection with the adjacent offices. Consequently, a condition is recommended to restrict the development to office use. The applicant has agreed to the imposition of this condition.

8.2 Townscape and Design

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

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Whilst there is no statutory duty to take account of the effect on the setting of a conservation area, City Plan Policy 39(B)(i) requires development to ensure heritage assets (which includes conservation areas) and their settings are conserved and enhanced, in a manner appropriate to their significance. Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Bourne House is an inter war building in the Harley Street Conservation Area. The building is identified in the Harley Street Conservation Area Audit SPG as an unlisted

building of merit; one which makes a positive contribution to the character and appearance of the conservation area. The conservation area audit also identifies it as a building which is unsuitable for roof extension. The building also faces the Portman Estate Conservation Area, on the opposite side of Cramer Street; the St. Vincent Primary School, on the opposite side of St Vincent Street, and the Moxon Street car park site to the west. The adjacent building to the east is currently one storey taller than the application building while the building to the north is a full storey lower.

A previous application, which is the subject of an appeal, was refused scheme on the grounds that the proposed pavilion was unacceptable in terms of its detailed design and use of a variety of different materials - sheer brick walls and a pitched façade fronting St Vincent Street, finished in part render and part grey metal, over sailed by a flat metal roof). The proposed roof terrace was enclosed by a metal balustrade with lead planters preventing access to the terrace perimeter. A section of green wall was also proposed. The pavilion was considered to be an uncharacteristic form of addition to the roof of an otherwise traditional 1930s building. However, an informative on the decision notice advised that an extension of a more traditional design (in terms of materials and form) might be acceptable.

The current scheme differs from the refused scheme in that it takes the appearance of a traditional mansard roof on the street frontages. The rear façade would be formed in brick to match the floors below. The 'internal' terrace facades are also formed in brick but would not be visible behind the mansard screen other than in views from taller buildings.

Of the objections received, one relates to design. The objector considers that the loss of the existing flat roof would be harmful, on the basis that this is architectural signature of 1930s buildings; that Bourne House and St. Vincent Street Primary School form a unique architectural cornerstone to the entire street block and are the only remaining unaltered properties structures in the area and that the granting of planning permission would amount to substantial harm to a heritage asset. The objector also notes that Bourne House is identified as a building unsuitable for a roof extension within the conservation area audit.

The proposal will exacerbate the height difference between the application building and the adjacent building to the north (2 Cramer Street) which is currently one storey lower than Bourne House. However, the extended party wall/chimney stack on the boundary will conceal much of the increased height and bulk in views from the north. The extension will reflect the height of the new building to the east, on St Vincent St, which forms part of the approved development at 110 Marylebone High Street.

The new building on the adjacent car park site will screen the proposed development in many views, although it would be visible in longer views from Aybrook Street and in private views from surrounding buildings. Only a close view from the corner of St. Vincent and Cramer Street would remain, in which the development will not be readily appreciable

The proposed mansard roof complies with the guidance in the City Council's roofs SPG. The timber windows are of suitable scale and are aligned with those on the floors below. The materials and design are not uncharacteristic of a building of this type.

As previously, the loss of the existing flat roof is not considered to constitute a reason for refusal. The roof in this instance does not form a key feature of the building (as it would in a modern building) and mansard roof storeys have been approved on similar buildings in many other instances.

The fact that the application building is a one of few to survive unaltered from its original scale is also not considered to justify refusal, as previously. The proposed additional storey does not detract from the appearance of the building, nor from the appreciation of the original building.

In addition, the building context has changed since the adoption of the conservation area audit. As the adjacent building on St Vincent Street is now a full storey taller than the application site, the impact of an additional storey in this location would be less pronounced. The departure from the advice in the conservation area audit is therefore considered to be justified. It is noted that the appeal scheme was not refused on the grounds that a roof extension was unacceptable in principle. Indeed, an informative was added to the decision notice advising that a roof extension of an alternative design might be acceptable.

It is not considered that the proposals would cause substantial harm, nor even less than substantial harm, to the heritage asset and therefore, a recommendation to grant conditional permission would be compliant with the relevant policies of the City Plan 2019-2040 and the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposed works are considered to preserve the character or appearance of the Harley Street Conservation Area, and the setting of the Portman Estate Conservation Area, and are therefore considered to be acceptable in design terms. Consequently, the objection cannot be supported.

8.3 Residential Amenity

Policy 7 of the City Plan 2019-2040 seeks to protect and, where appropriate, enhance amenity by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

Policy S33 of the City Plan 2019 – 2040 states that; ‘development should prevent adverse effects of noise and vibration and improve the noise environment in compliance with the council’s Noise Thresholds, with particular attention to: minimising noise impacts and preventing noise intrusion to residential developments and sensitive uses’

Sunlight and Daylight

A daylight and sunlight analysis was submitted with the application. This assesses the impact of the development on neighbouring buildings including 106-108, 109, 110 and 111-112 Marylebone High Street; 12, 12a, 14 & 5-11 (St. Vincent’s School) St. Vincent Street; 2 Cramer Street; the lower levels of Bourne House (application site), the Waitrose supermarket and the approved flats within the Moxon Street Car Park redevelopment, where the permission has been implemented but is yet to be completed.

Objections have been received from occupants of Bourne House on the grounds that

the proposals would result in a loss of light to the lower floors of that property.

Daylight

The most commonly used method for assessing daylighting matters is the 'vertical sky component' (VSC), which measures the amount of sky that is visible from the outside face of a window. Using this method, if an affected window is already relatively poorly lit and the light received by the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable, and the adverse effect would have to be taken into account in any decision-making. The Building Research Establishment guidelines seek to protect light to principal including living and dining rooms, habitable kitchens and bedrooms.

Where the layout of affected room is known, the daylight distribution test can be used to plot the 'no sky line' (NSL) which is a point on a working plane in a room between where the sky can and cannot be seen. Comparing the existing situation and proposed daylight distributions helps assess the likely impact a development will have. If, following construction of a new development, the no sky line moves so that the area of the existing room, which does not receive direct skylight, is reduced to less than 0.8 times its former value, this is likely to be noticeable to the occupants.

The assessment indicates that there would be no material losses of daylight (either VSC or NSL) to habitable rooms as a result of the proposal with the exception of windows serving the approved residential accommodation on the Moxon Street car park site.

Moxon Street Car Park redevelopment

Whilst the analysis shows that there are no material reductions in NSL, eleven windows (serving a mixture of living rooms, bedrooms and kitchens on the first to third floors of this development) would see a reduction in VSC between 21% and 81% which is beyond the 20% threshold as a result of the proposed development. However, in absolute terms, the maximum reduction in VSC is a maximum of 1.5%. However, the affected windows would all be sited beneath overhanging balconies. The BRE guidelines acknowledges that existing windows with balconies above them typically receive less daylight than other windows, as the balcony cuts out light from the top part of the sky. In these circumstances, even a modest obstruction opposite the window may have a relatively significant impact in terms of VSC. In these circumstances, the guidelines recommend that a further assessment is undertaken, excluding the impact of the balconies. If the tested windows then meet BRE targets it is clear that it is the balcony which prevents the target being achieved, rather than the proposed development. A supplementary assessment shows that all windows within the car park development would meet the VSC test.

Sunlight

With regard to sunlight, the BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 5% of winter sunlight hours. A room will be adversely affected if this is less than the recommended standards and reduced by more than 20% of its former values, and the total loss over the whole year is greater than 4%. Only windows facing within 90 degrees of due south of the proposed development need to be tested.

The assessment indicates that there would be no material losses of sunlight to habitable rooms or non-domestic uses with a particular requirement for sunlight as a result of the proposal.

Overlooking

Concerns have been raised by occupants of Bourne House and a Ward Councillor regarding the increased potential for overlooking to St Vincent's Primary School, which also has a roof level playground, to approved flats within the Moxon Street car park redevelopment and to the lower floors of the application site.

Due to the position and orientation of the rear window within the proposed extension, there would be some, limited, potential for overlooking to residential windows on the lower floors of the application building. However, a condition is recommended to require this window to be fixed shut and obscure glazed to further minimise the impacts of the development.

The proposed terrace will be enclosed by a sheer wall to the rear and a dummy mansard on all other frontages, which rises 2.8m above terrace level. Additionally, a line of planters is proposed on the inside face of the mansard screen, further reducing access to the edge of the roof. Consequently, it is not considered that there is potential for a material loss of privacy to neighbouring properties or to flats on the lower floors of the building.

Concerns has been expressed regarding the relationship of the proposed terrace to St. Vincent's Primary School to the south of the site. School windows directly face, and are visible from, the proposed terrace and serve a stair core and staff offices. However, the extension and terrace would be separated from the school by the width of the road and pavements. Although there would be a degree of mutual overlooking between the sites, this reflects the existing relationship between the lower floors of these buildings. Given that the rooftop school playground is located one and a half floors above the proposed terrace level, and is enclosed by fencing/mesh which reduces visibility, it is not considered that there would be a material loss of privacy to the school playground. Similarly, it is not considered that the future residents of the Moxon Street Car Park development will experience a material reduction of privacy as a result of the proposal. It is noted that the previous application, which did not include a terrace screen, was not refused on overlooking grounds.

Noise from terrace

Objections have been received on the ground of a loss of amenity to neighbouring occupiers due the hours of use and capacity of the proposed roof terrace.

As detailed above, it is proposed that the terrace would be used between 09:00 and 21:00 hours (Monday to Friday only) by a maximum of 30 people at any one time. (it is noted that the submitted Design and Access Statement refers to its use been 08.00 and 21.00 hours). Objections have been received to the proposed hours of use and terrace capacity. Councillor Scarborough has requested that the hours of use be restricted to between 10.00 and 17.00 hours and limited to a maximum 10 people on the basis that sound will carry to the lower floors and neighbouring flats due to the narrow street widths.

It is noted that the previous application proposed hours of use between 0800 and 1900 on Monday to Friday, with a maximum capacity of 15 people, and this was considered acceptable. However, given the additional safeguards now proposed, including the 2.8m high terrace screen, the extended hours of use and increased capacity are considered acceptable on amenity grounds. Furthermore, conditions are recommended to ensure that no music is played externally to safeguard the amenity of neighbouring properties and to ensure that pupils in the neighbouring school and nursery are not disturbed. It is noted that the Council's Environmental Services Officer has reviewed the application and has raised no objection.

Objections have also been received on the grounds of potential noise transference from the extension and terrace, through the building fabric to flats below. To ensure that the occupants of Bourne House do not experience noise disturbance from the development it is proposed to install a suspended floor so that the development does not sit directly on the roof. A condition is recommended requiring the submission of details of the design, structure and acoustic insulation of the development to ensure that this will provide sufficient attenuation from the effects of noise and vibration.

With the imposition of conditions, it is considered that the proposal will not have an adverse impact on the amenity of neighbouring occupiers. However, as the use of the terrace by wider uses falling within Class E, including retail, restaurant, medical, creche, nursery and fitness uses, could all have a potentially unacceptable impact on neighbouring noise sensitive occupiers, a condition is recommended to limit the use of the terrace to office occupiers only.

8.4 Transportation/Parking

The proposal does not raise any highway issues.

8.5 Economic Considerations

Any economic benefits generated by the scheme are welcomed.

8.6 Access

Access to the terrace is would be via the proposed pavilion from the approved offices at 110 Marylebone High Street. No alterations are proposed which would alter access to the application site or 110 Marylebone High Street.

8.7 Other Westminster Policy Considerations

Fire Safety

Objections have been received from residents of Bourne House on the grounds that the proposal will compromise the building's fire evacuation strategy by removing the existing rooftop access, which was retained under the previous proposals. Residents state that the existing roof access provides a means of escape in the event of a fire on the lower floors and that the fire assembly point is located on the roof of the building. The objectors contend the submitted Fire Action Plan, which states that the only emergency access is via the main entrance, is inaccurate. They also consider that

the stated 'stay put' policy is inappropriate in this building.

This issue has been raised with the applicants. They believe that the applicants' reference to a rooftop fire assembly point is based on the fact that the existing roof access door is marked 'emergency exit only'. However, they consider that the details in the submitted Fire Action Plan are correct. The existing Fire Action Plan, and a Fire Strategy Plan produced by a suitably qualified engineer, confirms that the fire strategy for the building remains adequate and that residents of the building should walk down the stairs and exit the building via the main doors to the street, which reflects the current arrangement. In these circumstances, it is not considered that residents' safety would be compromised by the proposal.

Construction Impacts

The occupants of both the existing building and neighbouring properties have raised concerns in relation to the potential impacts of the proposal during construction including nuisance from construction noise and dust, impact on levels of light received when whilst scaffolding is erected; the potential impact on the emergency evacuation of St. Vincent School and general disruption. Councillor Scarborough considers that the current, and previous, proposals should have formed part of the original scheme for the development at 110 Marylebone High Street. Whilst this may have been preferable, there is nothing to prevent applicants from submitting phased development proposals.

The applicant has submitted a Construction Management Plan which includes various undertakings designed to ameliorate the potential impact of building works. It is proposed that that construction work will be carried out between standard working hours, in line with the Council's standard working hours condition. Within these standard hours they propose that noisy working will be restricted to 'two hours on, two hours off'. The use of power tools, noisy plant etc. will not occur during the 'quiet' periods. Where, as an exception, it is necessary to carry out noisy works for a longer period, the contractor would liaise with adjoining occupiers before any work takes place. Enabling works such as the erection of scaffolding and receipt of deliveries will also take place during standard working hours.

Scaffold towers will be erected to all corners of Bourne House, providing support to high level scaffold access only. One tower will provide ladder access with lifting capabilities, anticipated to be at the Cramer Street corner of Bourne House. The high level scaffold will be self-contained and wrapped in construction sheeting to avoid debris etc falling outside the area. All deliveries will be via Cramer Street. A banksman will be positioned at the top of Cramer Street to direct and manage traffic movements down the street. Vehicles will be driven at a maximum speed of 5mph. Vehicles leaving site will be similarly controlled. Materials will have to be brought to site on a 'just in time' basis, rather than stored.

The erection of scaffolding will be controlled to minimise the impact on both Hope Montessori and St Vincent Primary schools. It is anticipated that most of the work will take place during the school summer holiday allowing the scaffolding to be removed prior to September. Objectors, including the School, state that the only safe space for children to congregate in an emergency is on the newly paved area in St. Vincent Street. However, neither the proposed scaffolding tower nor the construction access would

prevent the use of this area in an emergency and it is considered the construction proposals adequately consider the safety of the general public and pupils of St. Vincent Primary School.

The scaffolding will be fitted with an alarm linked to a central monitoring station which will alert the contractor to any out of hours activity. Lighting will be fixed to the scaffolding in accordance with Council requirements ensuring that the pedestrian routes are clearly marked. The contractor will be required to carry out daily inspections of the hoarding to ensure that the safety of pedestrians and vehicles is not compromised, and any rectifications are carried out straight away. As such, it is considered that the development can be carried out in a safe manner without impacting the security of neighbouring residents.

The following measures will be implemented to minimise the risk of dust and other air pollution:

- Using processes which do not generate fume and/or dust:
- Ensuring that fumes and/or dust do not escape on the site to affect members of the public and/or surrounding environments
- Burning of materials on site is not permitted for any reason
- In particular, plant will be well maintained, and measures taken to ensure they are not left running for long periods when not in use

To minimise the impact on internal light level during the construction process, an informative has been added requiring the applicant to investigate the use of an ultra-light shroud to cover during construction to minimise loss of light to existing flats.

The Environmental Services Officer has reviewed the proposal and has confirmed that it is not of a nature or scale that would require the developer to sign up to the Council's Code of Construction Practice, which would require the submission of a CMP as part of that process. However, the CMP was submitted by the applicants due to concerns voiced to them during the stakeholder engagement process. Consequently, it is considered reasonable to secure compliance with the CMP by condition. Other Council departments will ensure that the highway remains in operation during the construction process. A further condition has been imposed to control the hours building works.

Subject to these conditions, it is considered that the potential effects of the construction process will be ameliorated as far as possible and objections on these grounds cannot justifiably form the basis of a recommendation for refusal.

Biodiversity

The proposal incorporates a series of planters on the proposed terrace which improves the site's biodiversity contribution to the biodiversity of the area. This is welcomed and accords with City Plan Policy 34.

8.8 Westminster City Plan

The City Plan 2019 - 2040 was adopted at Full Council on 21 April 2021. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city

(see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.9 Neighbourhood Plans

The is currently no Neighbourhood Plan for this area.

8.10 London Plan

This application raises no strategic issues.

8.11 National Policy/Guidance Considerations

None.

8.12 Planning Obligations

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

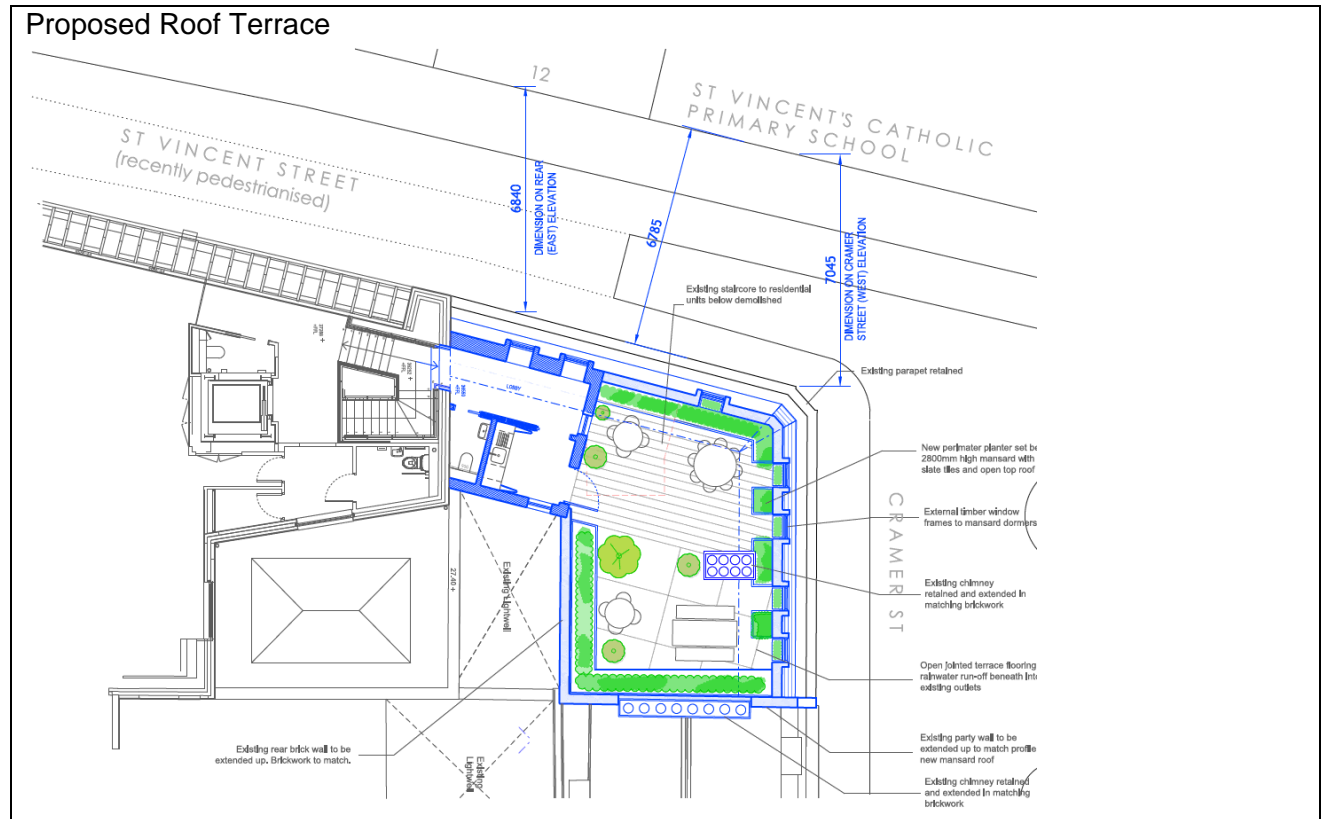
8.13 Environmental Impact Assessment

The proposal is of insufficient scale to require such an assessment.

(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: SARA SPURRIER BY EMAIL AT SSPURRIER@WESTMINSTER.GOV.UK.

9. KEY DRAWINGS

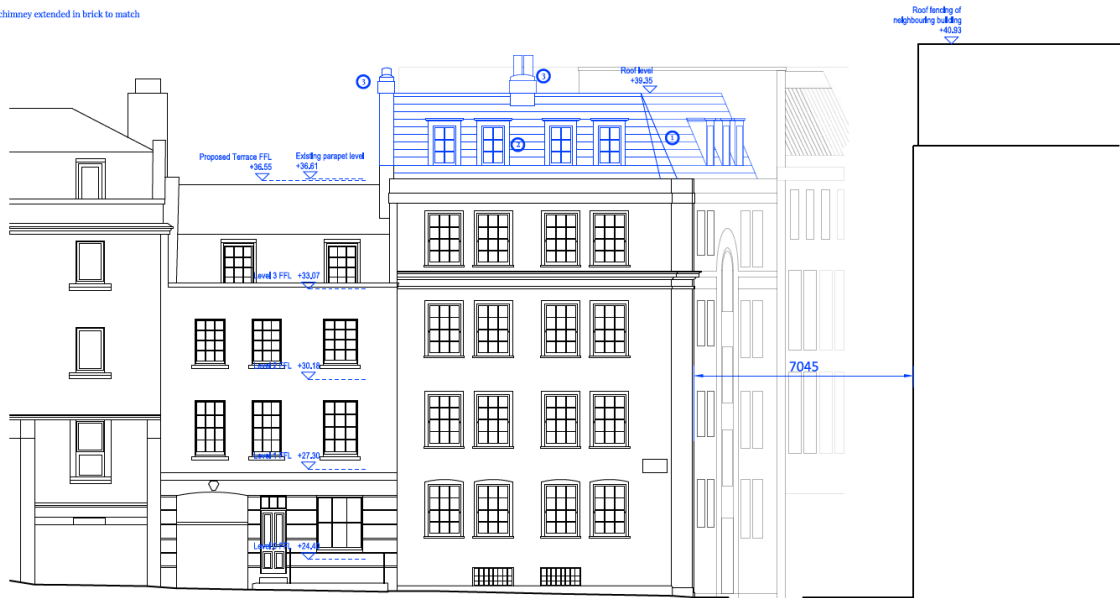


Proposed St. Vincent Street Elevation



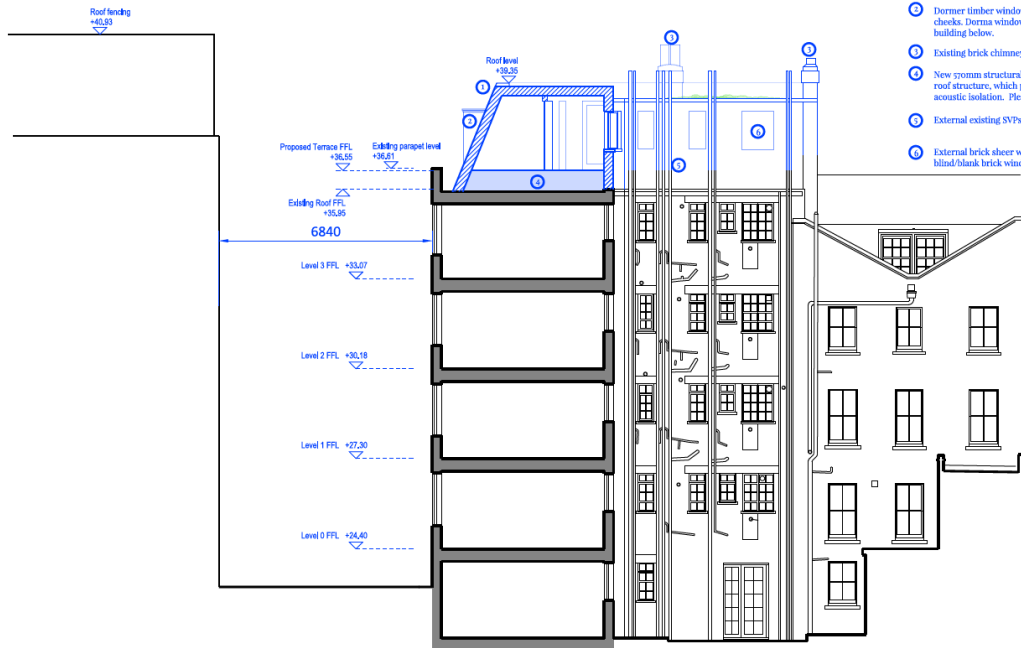
Proposed Cramer Street Elevation

- ① New natural slate 70° mansard roof
- ② Dormer timber windows with timber front fascia (white) and lead cheeks. Dormer window proportions based on window from existing building below.
- ③ Existing brick chimney extended in brick to match



Proposed Rear Elevation

- ① New natural slate 70° mansard roof
- ② Dormer timber windows with timber front fascia (white) and lead cheeks. Dormer window proportions based on window from existing building below.
- ③ Existing brick chimney extended in brick to match
- ④ New 70mm structural zone. Structural raft floats above existing roof structure, which provides additional insulation and full acoustic isolation. Please see details on drawing BWA-PL(05)10
- ⑤ External existing SVPs extended above new sheer wall
- ⑥ External brick sheer wall (brick work to match existing) with blind/blank brick window inprints and stone copings



DRAFT DECISION LETTER

Address: 1 Bourne House , St Vincent Street, London, W1U 4DB

Proposal: Erection of a new roof pavilion and roof terrace space on Bourne House in connection with office use (Class E) at 1 St. Vincent Street.

Plan Nos: Drawings PI (01)02 Rev R4, PL(03)01 Rev P1, PL(03)02 Rev P2, PL(03)03 Rev P2.

Document titled ' Planning Stage Construction Management Plan for Consultation the Development of Bourne House Roof by Howard de Walden Estates Limited' dated March 2021

Case Officer: Damian Lavelle

Direct Tel. No. 07779431364

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

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 You must apply to us for approval of details 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 this part of the Harley Street Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 6 You must not play live or recorded music on terrace hereby 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). (R13ED)

- 7 The terrace hereby approved shall only be used between 0900 and 2100 hours on Monday to Friday only.

Reason:

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

- 8 No more than 30 people are allowed to be on the terrace hereby approved at any one time

Reason:

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

- 9 You must complete the development in accordance with the approved drawings before you use

the roof as a terrace.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 10 The glass that you put in the window to the rear elevation must not be clear glass, and you must fix it permanently shut and must not be change without our permission. (C21DB)

Reason:

To protect the 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). (R21ED)

- 11 You must carry out the development in accordance with the Construction Management Plan hereby approved.

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)

- 12 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. 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 draft Noise Technical Guidance Note (November 2019). (R49BB)

- 13 Notwithstanding the provision within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) or any equivalent class in any order that may replace it, the terrace and extension hereby approved must be used by office occupants only.

Reason:

In accordance with the submitted application and to protect neighbouring residents and other noise sensitive occupants from noise nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021).

- 14 You must apply to us for approval of details of all separating structures demonstrating that the proposal will comply with the Council's noise criteria as set out in Condition 12 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us.

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 draft Noise Technical Guidance Note (November 2019). (R49BB)

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 You are requested to investigate the use of an ultra-light shroud to cover the building during construction to minimise loss of light to existing flats.

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.