

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 21 March 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved St James's	
Subject of Report	7 Northumberland Street, London, WC2N 5DA		
Proposal	Partial demolition and rebuilding of the front and rear facades, demolition and rebuilding of the third floor level, erection of a part single, part two storey upward extension, rear extensions at ground and first floor level and part rear extensions from second to fifth floors to provide additional office (E(g)) floorspace, plant with enclosure at roof level, roof terrace at 5th floor level, new lift core, internal alterations and new street elevation lightwell.		
Agent	Saffron Frost		
On behalf of	Iris London Growth Two Ltd		
Registered Number	22/07843/FULL	Date amended/ completed	17 November 2022
Date Application Received	17 November 2022		
Historic Building Grade	Unlisted		
Conservation Area	Trafalgar Square		
Neighbourhood Plan			

1. RECOMMENDATION

1. Grant conditional permission subject to a S106 legal agreement to secure the following:
 - i. Cost of any highway works associated with the development.
 - ii. The cost of monitoring this agreement.

If the S106 legal agreement has not been completed within 3 months from the date of the date Committee's resolution, then:

- a) The Director of Town Planning and Building Control shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Town Planning and Building Control is authorised to determine and issue such a decision under Delegated Powers; however, if not

b) The Director of Town Planning and Building Control shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Town Planning and Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY & KEY CONSIDERATIONS

The application proposes the partial demolition of the office building to allow alteration to the front elevation, the extension building to the rear from ground to third floor level and the upward extension with a part 2 and part 1 roof extension with plant on top. The proposed scheme also involves a terrace at fifth floor level and a new street elevation lightwell.

In September 2022 a previous application for partial demolition and erection of part 2 part 3 storey upward extension with plant enclosure on top, rear extensions, new rear fire escape, and amenity terrace on new 6th floor was withdrawn following officer's comments on the overall massing and appearance of plant area at roof level and local residents' objections on amenity grounds. This new application seeks to address the responses received with the following amendments: reduction of the upwards extensions by one storey, reorganisation of plant at rooftop level, omission of rear external staircase and reduction of amount of glazing to rear elevation.

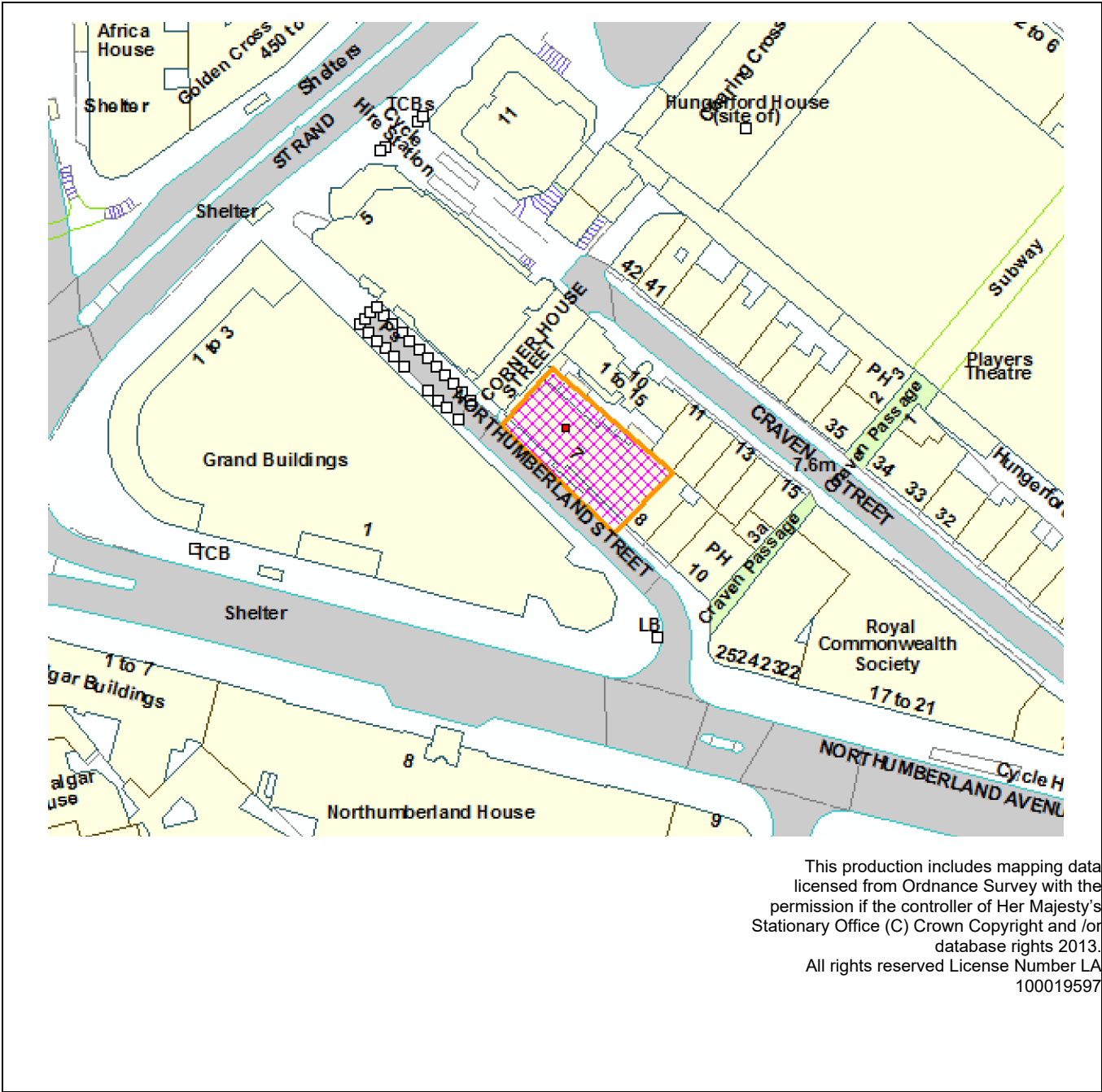
The key considerations in this case are:

- The acceptability of the proposed buildings in design terms.
- The impact of the proposed buildings on the character and appearance of the Trafalgar Square Conservation Area.
- The impact on the amenity of neighbouring residential properties.

Numerous objections have been received from neighbouring residents primarily on the grounds of harm to residential amenity. For the reasons set out in the main report, it is considered that the neighbouring residential occupiers would not be unduly harmed.

The report explains that the proposed development would be consistent with relevant development plan policies in the Westminster's City Plan 2019-2040 (April 2021). As such, the proposals are considered acceptable in heritage, townscape, design, land use, amenity, environmental and highway terms and the applications are recommended for approval subject to a legal agreement relating to the planning application and conditions as set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation



Front elevation



Rear elevation



Rear elevation



Rear elevation

5. CONSULTATIONS

5.1 Application Consultations

WESTMINSTER SOCIETY:

No objection.

ARBORICULTURAL SECTION:

Recommends condition to secure details of soil volumes and planting.

ENVIRONMENTAL HEALTH:

No objection subject to recommended conditions.

HIGHWAYS PLANNING:

The main issues are with short stay cycle parking and servicing. A solution might be to over-provide the number of long-stay cycle parking spaces. Policy requires off-street servicing; there are issues with providing off-street servicing but also with on-street servicing. A compromise might be to allow to continue the service from the street but rather just replacing the existing crossover with footway to replace it with loading pad. A legal agreement is required to return crossover to footway and a condition is required that goods should not be left on the footway.

WASTE PROJECT OFFICER:

Objection – further details required.

Following reception of additional information – no objection subject to recommended condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 45

Total No. of replies: 6

No. of objections: 6

No. in support: 0

6 letters of objection on the following grounds:

*Design

- need for 2 new floors to achieve a more sustainable facelift of the building is not understood
- taller than surrounding buildings (with the exception of 5 Strand)
- impacts on views - proposal contradicts the conservation policy to protect "locally identified views (which) may be of particular landmarks or listed buildings or of distinctive groupings of buildings and historic skylines".

*Amenity

- reduction in daylight and sunlight upon neighbouring residential windows and outdoor area
- sense of enclosure, extended building will appear overbearing and oppressive
- overlooking and reduced privacy
- potential for noise nuisance from the roof-terrace, its use must be controlled

- light pollution

*Other matters

- a traffic management system is to be put in place for all development phases to ensure that the Northumberland Street and Craven Street are never blocked
- work times must be restricted and all noise and dust pollutions monitored and restricted
- risks associated with the passage of heavy vehicles
- all Section 106 agreements must focus upon the needs of residents, details of the proposed S106's should be available prior to Committee
- devaluation of flats.

PRESS NOTICE/ SITE 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) were mainly carried out in relation to a previous application submitted in May 2022 for the partial demolition and rebuilding of the front and rear façades, demolition and rebuilding of the third floor level, erection of part 2 part 3 storey upward extension, rear extensions at ground and first floor to provide additional office floorspace, plant with enclosure at roof level, amenity terrace on new 6th floor, new lift core, new rear fire escape stairwell, internal alterations, new street elevation lightwell and associated planting (RN: 22/02965/FULL).

The engagement activities included a digital consultation website which has been live since February 2022, a series of virtual and in-person presentations to ward members from Westminster City Council, key local stakeholders (Westminster Society, Northbank BID and Royal Institute of Naval Architects) and local residents and businesses, one in-person exhibition, one site visit to 10 Craven Street and one webinar.

In summary, across the range of engagement undertaken by the applicant the principal issues raised were the loss of daylight and sunlight, overlooking, noise from terrace, servicing, installation of green roof and materials to be used.

This application was withdrawn in September 2022 following objections from local residents primarily on the grounds of loss of daylight and sunlight, sense of enclosure, loss of privacy and noise and officers' comments regarding harm to the townscape due to the prominent appearance of the plant at roof level and the significant impacts on sense of enclosure and daylight and sunlight losses for the residents at 10 Craven Street due to overall massing.

In response a new application has been submitted which seeks to address the residents' objections and officers' comments.

The engagement activities in relation to the current application included the distribution of a brochure to 306 local residents and businesses previously consulted and an update of the

consultation website which is still live.

The comments received on the revised scheme focused on the position of relocated plant, staircase arrangements and net office space figure.

The applicant's Statement of Community Involvement and other application documents identify that the scheme has been revised in the following ways in response to views and representations expressed during pre-application community engagement:

- reduction by one storey of the scheme;
- removing part and reorganising the plant and machinery at rooftop level;
- removal of the rear staircase; and
- reduction of amount of glazing to rear elevation.

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) (July 2021) and should be afforded full weight in accordance with paragraph 219 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 49 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 (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The site comprises a four-storey plus basement unlisted building which is located within the Central Activities Zone, the West End Retail and Leisure Special Policy Area, the West End

Strategic Cultural Area and the Trafalgar Square Conservation Area. The building is in office use and has been vacant since May 2021

Northumberland Street is a quiet one-way street which is partly pedestrianized connecting busy roads Strand and Northumberland Avenue.

The site directly adjoins 5 Strand to the north side, a former 9-storey building that has been partially demolished (up to the 3rd floor level) and will be redeveloped, planning permissions were granted for a 12-storey building with plant on top, to be used as a mix of retail, restaurant, office and residential floorspace in 2017 (RN: 16/10951/FULL) and to be used as a hotel with restaurant in 2020 (RN: 19/04162/FULL). To the south there are two office buildings and a public house. To the rear the building directly faces the rear elevation of the residential buildings at 10 and 11 Craven Street. On the opposite side of Northumberland Street there is an 8-storey office building (with retail and restaurant units facing Strand and Northumberland Avenue).

7.2 Recent Relevant History

A planning application for partial demolition and rebuilding of the front and rear façades, demolition and rebuilding of the third floor level, erection of part 2 part 3 storey upward extension, rear extensions at ground and first floor to provide additional E(g)(i) floorspace, plant with enclosure at roof level, amenity terrace on new 6th floor, new lift core, new rear fire escape stairwell, internal alterations, new street elevation lightwell and associated planting. (RN: 22/02965/FULL) was withdrawn in September 2022.

On 24 April 2013 planning permission was granted for alterations to the front ground floor facade to No. 7 comprising of the removal of the secondary entrance from No. 8 Northumberland Street and conversion to form a new bin store for No. 7. [Site includes 7 Northumberland Street] (RN: 13/01548/FULL).

On 22 January 2008 planning permission was granted for external alterations to front elevation to remove existing roller shutter, installation of a canopy and a new entrance door (RN: 08/08117/FULL).

On 08 October 1991 planning permission was granted for alterations in connection with the use of the existing ground floor covered car parking area to form meeting room storage, ancillary accommodation and smaller carparking area to Nos 3 to 7 (RN: 91/03699/FULL).

8. THE PROPOSAL

As shown in the relevant history and public engagement sections of this report, the application is a revision of a scheme previously withdrawn (RN: 22/02965/FULL). The amended scheme seeks to address the local residents' objections on the grounds of loss of privacy and overlooking, overbearing appearance of the building and impacts in terms of daylight and sunlight and the officers' comments regarding the harm to the townscape due to prominent appearance of the plant at roof level and the significant impacts in terms of sense of enclosure and losses of daylight and sunlight for the residents at 10 Craven Street due to the overall massing of the proposal (additional storeys with plant on top, extra depth of the

building to the rear and fire escape). The main changes are as follows:

- reduction by one-storey the upwards extensions;
- relocation of part of rooftop equipment and plant to reduce bulk at roof level;
- omission of rear fire escape staircase; and
- reduction of amount of glazing to rear elevation.

The proposal seeks to provide additional office floorspace within a more energy efficient building. The scheme involves the partial demolition of the building (front elevation windows and part cladding, third floor level, rear elevation, internal walls and part of the floorplates) to alter the front façade, to infill the rear lightwell at ground and first floor levels, to extend the building to the rear from second to fifth floor levels and to extend upwards with a part-one and part-two storey extensions with plant and associated enclosure on top and a terrace at fifth floor level. The proposal also involves the removal of shutter door at ground floor level and the creation of an enlarged lightwell to the front of the building.

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office use (E(g) use class)	1495.8	2054.6	558.8
Total	1495.8	2054.6	558.8

9. DETAILED CONSIDERATIONS

9.1 Land Use

The site is located within the Central Activities Zone as designated by the City Plan 2019-2040. The existing building is lawfully in office use. The scheme will provide 558.8sqm of additional office floorspace, which corresponds to a 37% increase.

The premises have been vacant since May 2021. The building is in need of intensive refurbishment to meet current standards (replacement of heating and cooling systems, replacement of boilers with air source heat pumps, replacement of all single glazed windows, upgrading power and data systems, create level access to the building and improving accessibility throughout the building, upgrade fire protection and provide additional facilities for office users) and that hinders the current use of the building as office.

Policy 1 of Westminster's City Plan 2019-2040 (April 2021) outlines in part A that Westminster will continue to grow, thrive and inspire as a World City by: 3) supporting the growth, modernisation and adaptation of a variety of business space including commercial growth. Part B of the policy also states that growth will primarily be delivered through the: 1. intensification of the CAZ.

Policy 2 requires that developments within the West End Retail and Leisure Special Policy Area (WERLSPA) deliver a number of priorities including, significant jobs growth through a range commercial-led development including retail, leisure, offices and hotel use.

Policy 13 of the City Plan (2019-2040) supports improved and additional office floorspace within the Central Activities Zone.

Therefore, the principle of increased and upgraded office floorspace at this location is considered to be in line with the Council's policies.

The use of the building falls within the E use class. Changes to the Uses Classes Order which came into effect in September 2020 combined a number of town centre uses into a single use class, Class E Commercial Business Service.

The documentation submitted with the application relates to use of the whole building for office purposes and therefore the City Council's assessment of the application, against relevant City Plan 2019-2040 policies, relates to the building's use in office floorspace rather than other permitted uses within Class E.

In the absence of information on operational details of other Class E uses it is recommended that the use of the building is restricted to office use only in order to ensure that the scheme complies with policies within the City Plan 2019-2040.

9.2 Environment & Sustainability

Sustainable design and energy performance

Policy 38(D) (Design Principles) of the City Plan seeks to ensure that development will enable the extended lifetime of buildings and spaces and that development will respond to the likely risks and consequences of climate change by incorporating principles of sustainable design.

Policy 36 (Energy) of the City Plan expects all development to reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change.

The aims of the scheme are the repurposing and refurbishment of the existing building to limit heat losses and gains through improvements to the building fabric to reduce heating demand and risk of overheating, introducing new energy efficient building services systems and the use of low carbon energy in the form air source heat pumps.

This is achieved through the upgrading of the existing building fabric and optimising the new extension and new façade design, the introduction of new energy efficient building systems and the introduction of low carbon energy technologies: Variable Refrigerant Flow (VRF) system, comprising reverse-cycled Air Source Heat Pumps (ASHPs), which will provide space heating and comfort cooling and separate ASHPs will provide hot water throughout the building.

A BREEAM pre-assessment has been submitted which shows a score of 70.62% with the potential of targeting credits to bring the score up to 79.31%. The lower threshold of EXCELLENT equates to a score of 70%. This is welcome in planning policy and will be secured by condition.

The applicant has provided an Energy Statement with their application. This follows the principles of the Mayor of London's energy hierarchy. The development will achieve 73% reduction in regulated carbon dioxide savings for the refurbished areas and a 37% on-site reduction for the new build areas. This exceeds to the on-site carbon reduction target set by the London Plan Policy SI2 for major applications. As the application is not a major development the scheme does not have to achieve net zero in terms of Policy 36 (B).

Upon officers' recommendations, revised drawings have been submitted showing allocation of space and kit allowance for future connections with District Heat Network and this will be secured by condition.

Flood Risk & Sustainable Drainage

The proposed development is located in a Flood Zone 1 and within a surface water flood risk hotspot. The applicant has submitted a flood risk assessment and drainage strategy as part of the application in accordance with policy 35 (B) of the City Plan.

The proposed development includes the incorporation of surface water attenuation with a rainwater storage tank at lower ground floor, the introduction of threshold channels at the entrance of the development and devices to limiting the surface water to 2l/s for all storm events including 1 in 100 plus 40% climate change as per Defra, National Standards for Sustainable Drainage Systems. The documents show a total reduction of 48% of the overall flows from the proposed scheme discharging existing trunk sewer. Those measures are considered satisfactory and will be secured by condition.

Light Pollution

Concern about light pollution has been raised by neighbouring residents. The applicant explains internal lighting will be activated with sensors, so it will be limited outside typical office hours. In addition, the amount of clear glazing to the rear elevation has been reduced in comparison to the previously withdrawn scheme. On the external terrace only, low-level soft lighting will be installed and will not operate outside the agreed hours of terrace use (from 0800 to 2000).

It is not considered that the impact of the proposal will be significantly different from when the existing building was occupied. The building is office use, so it is considered reasonable to conclude that activity will ordinarily cease in the evening.

An informative will remind the applicant that the lighting should be designed so that it does not cause any nuisance for neighbours at night.

Environment & Sustainability Summary

For a development of this size and nature it is considered that the proposal meets the City Council's environmental and sustainability policies. The amount demolition of the existing building has been justified in this instance as the new building envelope will allow for a

building of improved energy performance.

9.3 Biodiversity & Greening

The proposed scheme includes the introduction of greenery to the fourth-floor rear flat roofs and the fifth-floor roof terrace and two bird boxes. Limited details have been provided about the soil volumes and planting, but a landscape and ecological maintenance plan has been submitted in support of the application prescribing actions to ensure maintenance in perpetuity of those measures. Those features and additional details will be secured by condition to secure the benefits of the scheme in line with Policy 34 of the City Plan.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

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

Section 72 of the LBCA Act 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 effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 requires that where development will have a visibly adverse effect upon a conservation area’s recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

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.

Assessment

The proposals involve the partial demolition of the existing building, namely the front and rear facades and much of the third floor level, in order to facilitate the building’s upward extension by predominantly two storeys along with extending the building out to the rear at ground and first floor level. The facades are to be rebuilt, with necessary mechanical plant including louvred enclosure being provided at main roof level and integrated behind louvres into the building at fifth floor level, along with provision of a roof terrace. The street elevation will benefit from the addition of a new lightwell, proposed to the right-hand side of the main entrance.

Objections have been received on the grounds that the building will be taller than adjoining buildings and that it will impact on views.

Overall, the approach is commended in design terms. The retention of much of the structural form of the existing building has clear sustainability benefits and yet has also been handled in a way which provides a modern, contextual building which will both sit comfortably and enhance the street scene and this part of the Trafalgar Square Conservation Area. Both proposed front and rear elevations, with their stronger vertical assertion, exhibit a harmony of proportion and balance which is lacking in the existing horizontally-expressed building and these new elevations will be lifted even further by the design detailing and the intended quality of materials, which it is recommended are secured by condition. The proposed rear elevation particularly is appropriately restrained and contextual, utilising glazed brick alongside a balanced arrangement of modest architectural louvres and fenestration to produce a clearly subservient but pleasing elevation, a certain improvement in appearance when compared against the existing building.

In terms of the proposed upward extension, given the approved 12-storey building currently being implemented at 5 Strand, the additional height is considered acceptable in principle. The visual splitting of the building into two halves, joined by a recessed glazed middle part, allows for a more vertically articulated expression to the front elevation emphasising both the step in the existing plane of the front building line, as well as reflecting the proposed step in height between the two halves. The stepping down in height between these halves, from the taller north half to lower south half additionally assists in mediating the transition in height between 5 Strand and the adjoining unlisted buildings of merit at Nos. 8 and 9, the junction between which is appropriately mediated by a small recessed shadow gap in stone on the street elevation, complimenting a potentially rougher hewn stone cladding finish to the wider gap on the boundary junction with No. 5.

The design of the side elevation wall has also been carefully considered to avoid having an overbearing impact on Nos. 8 and 9 in views looking up Northumberland Street from the junction with Northumberland Avenue. The terrace and plant enclosure and railings at main roof level are all consolidated tidily and set back from the building edges in order not to impinge on the appearance of the roofscape in street views. The ground floor street elevation is considered particularly successful, the design having opened this up in terms of height as much as the retained structural frame would allow, in order to give a sense of gravity to the base of the proposed building – which is completely absent in the existing building. The intentional alternating use of and bronze/metal and slightly wider stone-clad columns to the ground floor street elevation further serves to emphasise this as the base of the building in material terms. A proposed bronze/metal canopy located at ground level would project from the middle glazed section and quietly serves in providing an enhanced street presence for the building entrance.

Given the site's location, the proposed upward extension of the building would not impede or affect any identified metropolitan or local views. Whilst objectors' concerns are noted, the loss of private level views in the conservation area, comprising views over and across the roof of the existing building to the streets and buildings beyond, is unfortunately unavoidable in development proposals such as this where upward extension is proposed and would not constitute a reason on which planning permission could justifiably be refused. In design terms, the assessment thereby turns to whether the proposed development would contribute to the appearance of this part of the city and preserve or enhance the conservation area. To

this end, for the reasons outlined above, it is considered that the proposals do fully meet these requirements.

Subject to conditions to secure the necessary detailed design and material quality, in terms of its appearance the proposals are considered to result in a visually more interesting and attractive building when compared to the existing building and it is considered that the proposed development would thereby serve to enhance this part of the Trafalgar Square Conservation Area.

9.5 Residential Amenity

Following comments from local residents and officers on the previous scheme, the extension has been reduced by one storey and the rooftop enclosure has been reduced from 1.8m to 0.9m. An external staircase to the rear on top of the existing rear lightwell has also been removed from the scheme.

The most impacted properties are 10 and 11 Craven Street. The ground floor flats at 10 Craven Street are only 4.5m away from the rear boundary wall on the widest part of the courtyard, and some of the windows are only between 2 to 2.5m away from courtyard outbuildings. The upper floors windows are between 6.7m to 7.2m away from the application site rear elevation.

The application involves an upward extension, rising an additional 7.5m (to the top of the roof plant enclosure). The additional massing at fourth and fifth floor levels is partly set back by 1m and 1.2m on either side of the internal stair-core area with shared facilities. The fifth-floor level is set back by 3.5m from the south-east side edge boundary.

The proposal also involves a rear infill extension. The rear lightwell at ground and first floor levels will be infilled and this extension will project by approximately 1.5m above part of the existing rear boundary wall. Currently, approximately half of the rear elevation is set back from the main rear elevation. The new stair-core will infill part of this set back over 4m in the central part of the building.

Strong objections from local residents have been received on the grounds of impact on quality of life, in particular due loss of daylight and sunlight, sense of enclosure and overlooking/ loss of privacy. Some representations acknowledge that some of the concerns have been listened to but the improvements in comparison to the withdrawn planning application are limited.

Policy 7 of the City Plan relates to managing development for Westminster's people. It states that development will be neighbourly by protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking

The supporting text of Policy 7 in paragraph 7.1 states "as the city grows, detrimental impacts on existing users of the area must be avoided" and further details that "we will take a balanced approach that considers the specific location and context as well as the merits of each proposal including the wider benefits a scheme can deliver, against impacts on the surrounding area."

Daylight & Sunlight

The applicant has provided a daylight and sunlight report that identifies the nearest residential properties that could be affected by the proposal, namely the windows facing the development at 10, 11, 12, 14, 15, 37, 38, 39, 40, 41 and 42 Craven Street.

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight – a Guide to Good Practice' (2022), whilst recognising that these Guidelines should be applied flexibly.

The recommendation in the BRE guide is that a window may be affected if the vertical sky component (VSC) measured at the centre of the window is less than 27% with a reduction of over 20% of existing daylight (VSC) levels likely to be noticeable. In conjunction with the VSC test, the BRE guidelines also recommends that the daylight distribution is assessed using the No Sky Line (NSL) test, where internal arrangements are known. If the NSL moves so that the area of the existing room which receives direct skylight is reduced by over 20%, this is likely to be noticeable.

The BRE Guidelines explain that the advice given is not mandatory, that the numerical guidelines should be interpreted flexibly, for example in an historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable. In special circumstances the Planning Authority may wish to use different target values. Inner city development is one of the examples where a different approach might be justified. This approach is encouraged by the London Plan's Housing Supplementary Planning Guidance which states that 'guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets.' It goes on to state that 'the degree of harm on adjacent properties and the daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London.'

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of PSH during the winter months. As with the tests for daylighting, the guidance recommends that any reduction below this level should be kept to a minimum.

The sunlight and daylight report shows that windows within 12, 14, 37, 38, 39, 40, 41 and 42 Craven Street will comply with BRE guidelines for daylight and sunlight.

Residential windows within 10, 11 and 15 Craven Street will experience losses in daylight and/or sunlight to kitchenettes and living/kitchen/dining rooms beyond BRE guidelines which are considered in turn below.

10 Craven Street

The rear elevation of this building is facing the rear of the application site, and it is occupied by 15 residential units. All the flats have a similar layout with bedroom and living room

windows facing Craven Street and bathrooms and kitchenettes facing the rear of the site. The kitchenettes vary between 6 to 6.4sqm. A visit from an officer confirmed that given their size they cannot be considered as principal habitable spaces, and thus they have less importance in terms of the priority they should be given for protection of natural light. It is however noted that some flats (6, 7, 11 and 13) have removed the partitions to create large open plan living/dining/kitchen area that benefit from windows to the front and the rear of the building.

Windows serving Flats 2, 5, 8 and 11 are located under projecting balconies. The BRE guidelines states that care must be taken in applying the guidelines, if for example a building has a balcony or overhang above the window, then greater reduction in sunlight or daylight may be unavoidable. In these circumstances even a modest obstruction opposite may result in a large relative impact on daylight and sunlight received.

*Daylight

The assessment shows that out of 63 windows assessed at 10 Craven Street, 10 windows would not comply with VSC criteria set out in the BRE guidelines and out of 44 rooms assessed 9 would not comply with the NSL criteria.

At fourth floor level, windows serving Flats 13 and 14 would see respectively a loss of 20% and 29% in VSC value but would not experience loss beyond BRE guidelines for the NSL criteria. The retained VSC values of 17.63 and 11.47 are not unusual values in a dense urban environment.

Kitchenette windows serving Flats 1 and 3 at ground floor level, Flat 4 at first floor level, Flat 9 at second floor level, and Flats 10 and 12 at third floor level would experience VSC losses between 38% and 68% and NSL losses between 32% to 78%. Only between 1.5 and 1.8sqm of the existing floorspace in those kitchenettes receive direct light (with the exception of the one serving Flat 10 which has 3.1 sqm). Therefore, high percentage reductions can be explained by existing low values. Still, those losses have the potential to be more noticeable, however kitchenettes should be afforded a lesser protection than principal living areas. The kitchenette window serving Flat 8 at second floor level would see a loss of 100% of its NSL value, the window is located under a balcony so the existing floorspace that receive direct light is only 0.1sqm.

The other failing windows serve Flat 6 at first floor level, Flat 7 at second floor level and Flat 11 at third floor level, they all serve large open plan living/dining/kitchen areas. Flat 11 window will experience a loss of 100% of its VSC value because it is located under a balcony and its current VSC value is only 0.21%. Windows serving Flats 6 and 7 will respectively experience loss of 62% and 54% of their VSC value and 29% and 28% of their NSL value. Those rooms are dual facing as they are also served by two other windows facing Craven Street which would remain unaffected by the proposed scheme.

*Sunlight

The kitchenettes serving Flat 12 on the 3rd floor level and Flat 14 on the 4th floor will experience a reduction of APSH beyond BRE guidelines, however they would retain a good level of sunlight (2 and 4% Winter APSH and 22 and 27% Annual APSH compared to the recommended 5% and 25%).

APSH losses to the ground, first and second floors to Flats 1, 3, 4, 6 and 7 would be particularly noticeable. Rear rooms in Flats 3, 6, 7 and 9 will lose all winter sunlight. Given the proximity between 10 Craven Street and the application site any form of development at 7 Northumberland Street would inevitably have a great impact on 10 Craven Street rooms.

The windows affected are either kitchenettes, which the BRE Guide notes are less important in terms of access to sunlight, or large open plan living/dining/kitchen areas that benefit from other windows that are not impacted by the scheme.

Objectors pointed out the lack of assessment to the rear courtyard at 10 Craven Street. During site visits the officer noted the presence of a table and two chairs, confirming that the rear courtyard is used as an amenity space by residents. Overshadowing can negatively impact on the use of private open space and it is regrettable that no assessment for the space has been provided. However, it is reasonable to conclude that the level of daylight and sunlight is already quite limited and it is not considered that proposal will worsen significantly the existing situation.

11 Craven Street

The building layout at 11 Craven Street is not known but the property is in use as a single-dwellinghouse which benefits from dual aspects. Out of 14 windows assessed, 2 would see a reduction of 21 and 29% of their current VSC value but all rooms will experience no change in NSL.

In relation to sunlight, a total of 4 out of 16 rooms within the property will experience transgressions in ASPH values with losses ranging between 23% and 35% for the annual sunlight, the rooms will not experience loss with the regards to the absolute winter values.

Overall, it is considered that the impact on daylight levels to this property as a result of the proposed development will be within acceptable tolerances.

15 Craven Street

This building is also a single-dwelling house that benefits from dual aspects. The assessment shows that none of the windows would see a reduction of VSC that would not comply with BRE guidelines. Out of 4 rooms assessed one first floor room would fail the NSL criteria, with a loss of 27% which is slightly above the recommended guidelines. In relation to sunlight, all windows assessed will experience fully BRE compliant alterations in APSH.

Conclusion

In conclusion, it is unfortunate that some rooms will experience significant losses of daylight and sunlight as a result of the proposed development. However, the site is located within densely developed urban location and therefore any form of development on the application site would impact on windows in the residential building to the rear. As noted above, 11 and 15 Craven Street are single-dwelling house benefiting from dual aspects and the residential flats at 10 Craven Street has been laid out so the principal living rooms face Craven Street and kitchenettes and bathrooms are facing the rear of the site. Overall, whilst the proposed

scheme will harm some rooms at 10 Craven Street, the impact is not considered so severe as to justify a refusal. In addition, on balance the application will support economic growth by providing additional office floorspace in a more energy efficient building.

Sense of Enclosure

An increase in a sense of enclosure occurs where development would have an adverse overbearing effect that would result in an unduly oppressive living environment. Policy 7 aims to prevent unacceptable impacts in terms of sense of enclosure.

The additional bulk to the centre of the building from the second-floor level, allows the maximum retention of the existing core, the accommodation of the electrical services, ducts and pipeworks, the omission of the external staircase previously proposed and the reduction of rooftop plant equipment by creating more internal risers. This infilling will be located only in front of bathroom and communal area windows that are located under balconies and have therefore a limited outlook.

Given the existing views from the rear windows ground, first and second floor levels at 10 Craven Street and all rear windows at 11 Craven Street are already significantly limited. It is not considered that the 1.5 rear extension at first floor level and the upwards extension would significantly worsen the outlook from those windows.

The third and fourth floor level windows at 10 Craven Street would be most impacted by the additional height and bulk and the impact on the outlook from those rear windows will be material. At those levels, the relationship between the buildings will be similar to the relationship with the lower floors. Although the impact to the outlook from the third and fourth flats kitchenettes and living/dining/kitchen rooms will be significant given the dense urban environment in this part of the City and the nature of the room affected the impact is considered minor adverse.

Privacy

Local residents raised a concern about the introduction of large windows on the rear elevation in close proximity, they would feel watched. Overlooking and loss of privacy are key elements in assessing acceptability of a scheme.

They are currently 17 windows on the first and second floor levels and 6 on the third-floor level, there is a mix of clear and opaque glazing.

In comparison to the withdrawn scheme the number of windows on each floors have been reduced from 16 to 10 windows on the second to fourth floor level and to 6 windows on the fifth floor level. The first floor will have 6 windows facing the rear of the site that would be partly behind the existing party wall. The windows serving the stairwell will all be frosted.

With regards to the rear windows at first, second and third floor levels, the overlooking issue is existing given the close proximity between the buildings and the number of openings. The new windows are 1.8m x 1.2m at first floor level and 1.5m x 1.2m in size on all other levels. In

comparison on the existing rear elevation the first-floor windows are 2.1m x 1.3m in size, at second floor levels 1.8mx 1.3m and at third floor levels 1.3m x 1.7m or 1.3 x 1.2m.

Originally the overlooking mitigation measures were limited to planting in front of the rear fourth-floor windows. Officers considered given the amount of works opportunity should be taken to incorporate measures that would ensure adequate levels of privacy and improve the existing overlooking situation. Revised drawings have been provided showing restriction of opening to 100mm to all windows and the installation of a privacy film up to 1.7 from finished floor level to the first to fourth floor levels windows. Those measures will be secured by condition and a sample will be requested to ensure that the privacy film is an integral part of the window.

To the rear of the fifth-floor terrace it is proposed a privacy screen adjoining a planting area. Subject to condition requiring the installation of this screen prior to occupation and its retention, it is not considered that the proposed terrace would any undue additional loss of privacy.

Noise & Vibration

The application includes mechanical plant equipment at roof level. Environmental Health has no objection in terms of noise and vibration subject to the standard noise conditions.

Objections have been received with regards to potential noise disturbance from the terrace. There is no formal requirement for the submission of acoustic report for office roof terraces, and in this case the terrace at fifth floor is relatively limited in size measuring approximately 42sqm. Whilst officers accept that additional noise is likely to be created by the use of the terrace, it is unlikely that the noise levels associated with this proposal would be so significant as to justify refusal. Subject to conditions limiting the hours of the use of the terrace (from 0800 to 2000), preventing amplified music and securing planting and screening to terrace boundaries, it is not considered that their use would materially reduce residential amenity.

9.6 Transportation, Accessibility & Servicing

The Highways Planning Manager has been consulted and raised concerns about cycle parking provision and servicing.

Cycle parking

Long term cycle parking will support active and sustainable travel options for staff. It must be secure, accessible and weather proof. Long stay cycle parking for developments must be met within the development site itself. The London Plan Policy T5 requires 1 space per 75 m2 of office use.

The Highways Planning Manager commented that the provision of 31 cycle parking spaces meet the requirements of the extended building but there are currently 35 spaces, so the proposal would cause a reduction of cycle parking provision. In addition, no short-stay cycle parking is proposed

Upon officers' comments, a revised basement plan has been submitted to show the increasing of the number of cycle parks from 31 to 36. That over-provision of long-stay spaces overcomes the lack of short-stay parking for cyclists on site. The provision will be secured by condition.

Servicing

Policy 29 of the City plan requires off-street servicing, however the proposal relies on on-street servicing as per the existing building operation.

The building has an existing vehicular access at ground floor level served by a crossover. A review of the planning history shows that this space was originally used as a car park, in 1991 planning permission was granted to use that space for meeting room storage, ancillary accommodation and smaller carparking for 3 to 7 Northumberland Street. The Highways Planning Manager queried the use of that space for off-street servicing provision.

The agent explained that the space behind the shutter door was used for a single car-parking space and there is not enough space to accommodate for delivery or servicing. The proposal includes the removal of this shutter door to provide additional office floorspace. When the building was last occupied all delivery and servicing occurred on the highway.

The issues preventing the provision of off-street servicing are understood by the Highways Planning Manager who also pointed out the issues with on-street servicing at this location. Vehicles stopped on-street forces other vehicles to have to use the footway to pass, the footway is likely to be damaged eventually. The Highways Planning Manager suggested as a compromise to allow the on-street service to continue but rather than just replacing the existing crossover with footway to replace it with a loading pad that could take the weight of the servicing vehicles. This has been agreed by the applicant.

A delivery and servicing management plan has been submitted in support of the application, this will be secured by condition and upon recommendation of the Highways Planning Manager an additional condition will reinforce that goods should not be left on the footway.

The Highways Planning Manager requested that the returning of the crossover to footway, the payment for the reinstatement of the footway with the inclusion of a loading pad will be secured by legal agreement as agreed by the applicant.

Waste

The proposed drawings show provision of adequate storage for the different streams of waste. This will be secured by condition.

The Waste project officer noted that how the waste servicing will not prevent bins or waste being left on the public highway before and after collection has not been fully addressed. Upon officer's comments a revised delivery and servicing plan has been submitted. This will be secured by condition.

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.

In addition, the proposal will put back into use a currently vacant building with improved energy and sustainability credentials when compared to the existing building. The new high-quality office space with new amenities in the form of terrace and improved cycle facilities will contribute to the Council's objectives of economic growth. The agent estimates that the occupancy can increase from 93 people to 124 people. The number of jobs supported by this site will increase, this will help to promote opportunities for local employment and will lead to increased spending in existing nearby shops and services and other town centre uses.

9.8 Other Considerations

Access

The building has been designed to comply with the Building Regulations Part M providing step-free access to all parts of the office areas of the building, including fifth-floor terrace. The route to the new cycle store is step-free via wide corridors and wheelchair-accessible sanitary facilities are also provided.

Works disturbance

Local residents requested in their representation that works times are restricted, noise and pollution monitored and restricted, a traffic management is put in place and risks associated with the passage with heavy vehicle is assessed.

Policy 33 requires projects which have significant local impacts to mitigate their effects during construction through compliance with the Code of Construction Practice.

It is inevitable that the construction of the proposed development will cause noise and disturbance to local residents and businesses. It is considered that through appropriate controls and careful management the impact from construction works can be lessened.

The City Council's Code of Construction Practice (CoCP) and associated Environmental Inspectorate have been developed to mitigate against construction and development impacts on large and complex development sites.

The CoCP will require the developer to provide a bespoke Site Environmental Management Plan (SEMP), which will need to be approved by the City Council's Environment Inspectorate team. This would need to include site construction logistics, working hours, environmental nuisance, identification and description of sensitive receptors, construction management, matters relating to dust, noise and vibration from works and local community liaison.

The applicant has confirmed their agreement to the CoCP condition.

A condition is also recommended to protect the amenity of the surrounding area by ensuring the core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on

Saturday. The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highways' authority or by the local authority under the Control of Pollution Act 1974.

Those conditions are considered sufficient to address the local residents' concerns about nuisance during construction works.

Devaluation of property

The loss value to property is not a material planning consideration and therefore cannot be a sustainable reason to withhold permission.

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

The draft 'Heads' of agreement are proposed to cover the following issues:

- i. costs of any highway works associated with the development; and
- ii. the cost of monitoring the agreement.

Representations from local residents mentioned that the S106 agreement focuses on the needs of residents. However, the scheme (other than highway works) does not trigger requirements for S106 payments or benefits.

The estimated CIL payment is £686,893.56 (£295,005 for the mayor of London CIL and £391,888.56 for the Council CIL).

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development. The applicant has agreed to the imposition of the condition.

10. Conclusion

The proposed scheme will contribute to the support the growth, modernisation and adaptation of office-based jobs within this part of the Central Activities Zone and the West End Retail and Leisure Special Policy Area.

The concerns of the local residents about loss of daylight/sunlight, sense of enclosure, overlooking and loss of privacy, noise and disturbance are understood but it is considered that with appropriate safeguards through planning conditions, residential amenity can be protected and on balance the losses in terms of daylight and sunlight whilst unfortunate are not considered unacceptable in that densely developed urban location.

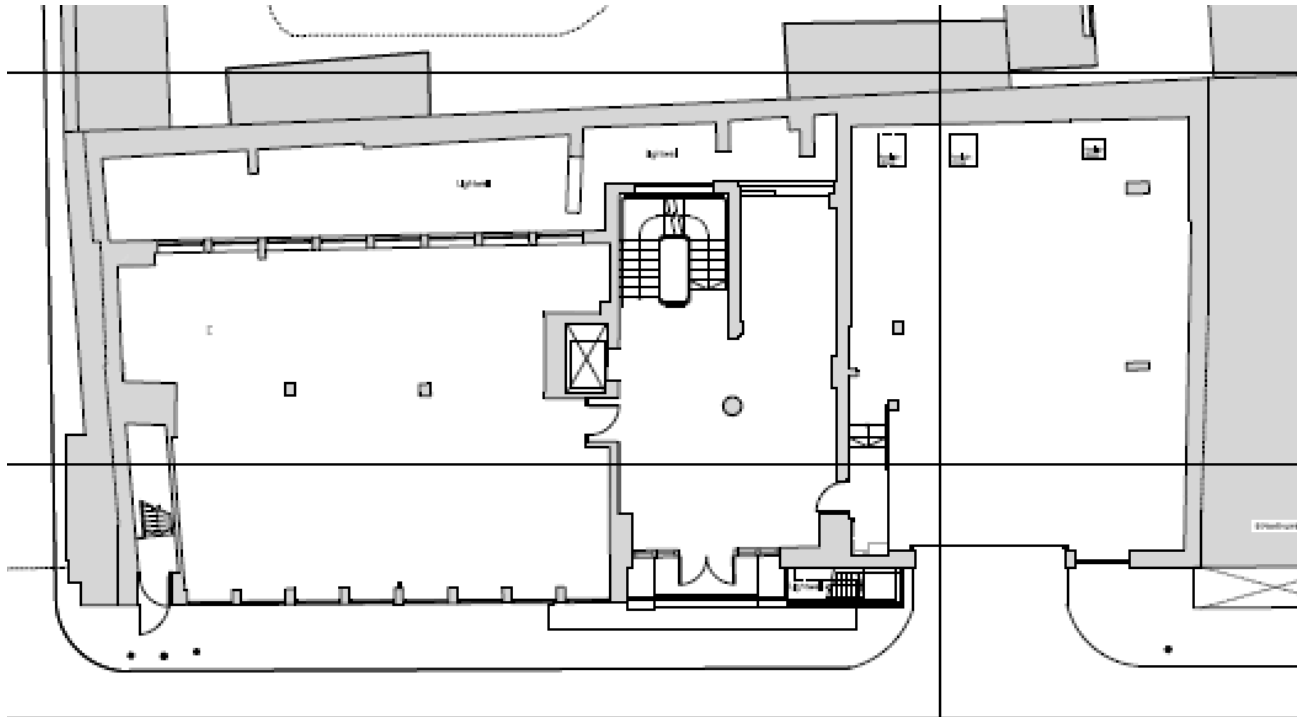
In addition, Section 9.2 of this report identifies the benefits of the scheme in terms of energy efficiency and design measures. Improving environmental performance and creating a durable building are key in contributing to the Council's strong objectives to limit the extent of future climate change.

Finally, the proposed development would contribute to the appearance of this part of the city and preserve or enhance the conservation area.

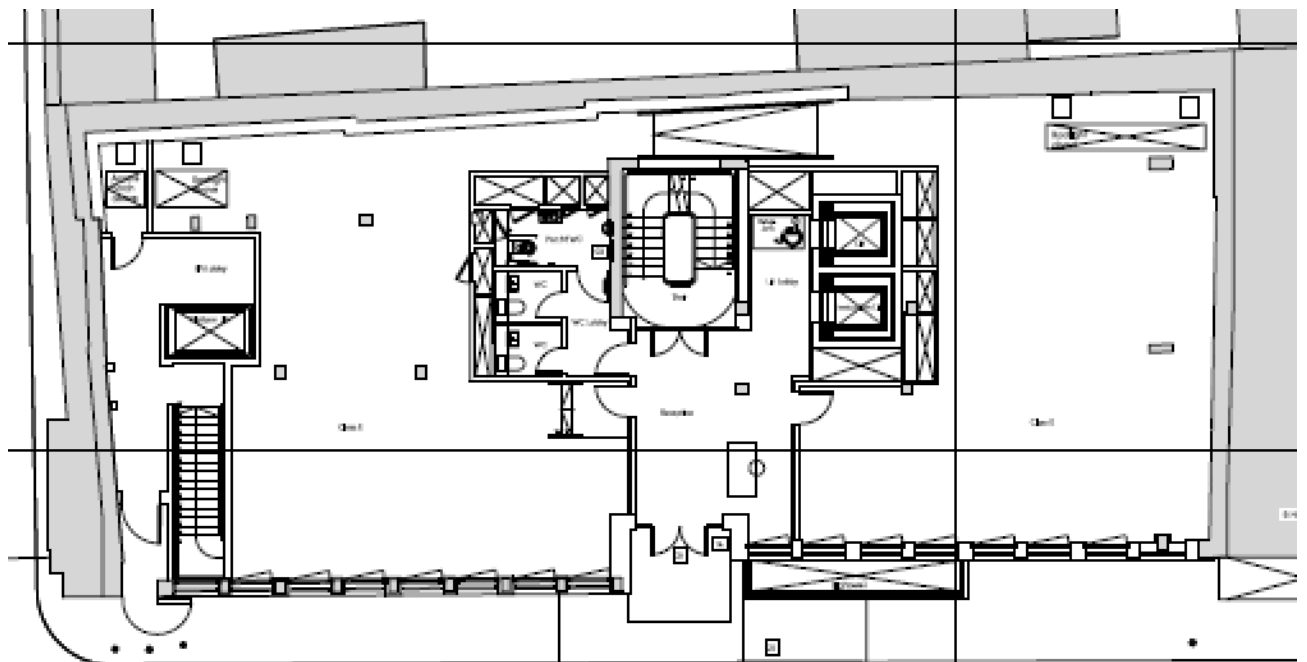
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: AURORE MANCEAU BY EMAIL AT amanceau@westminster.gov.uk.

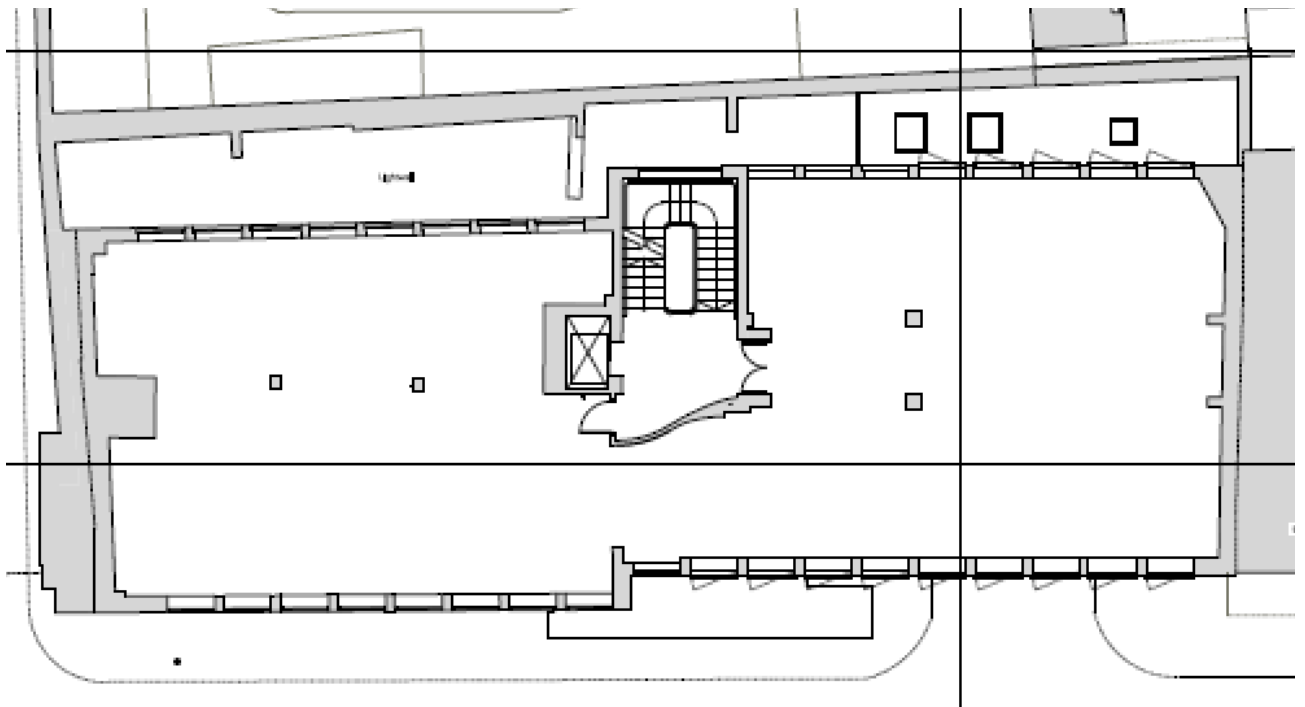
11. KEY DRAWINGS



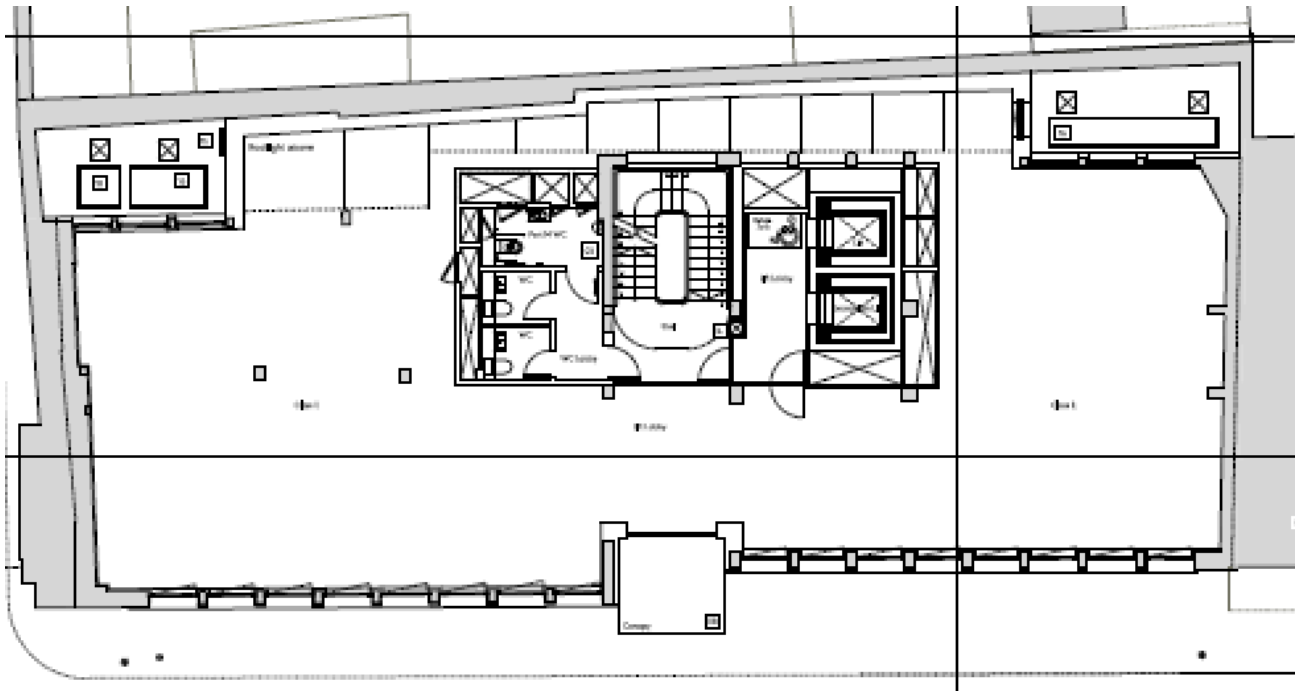
Existing ground floor plan



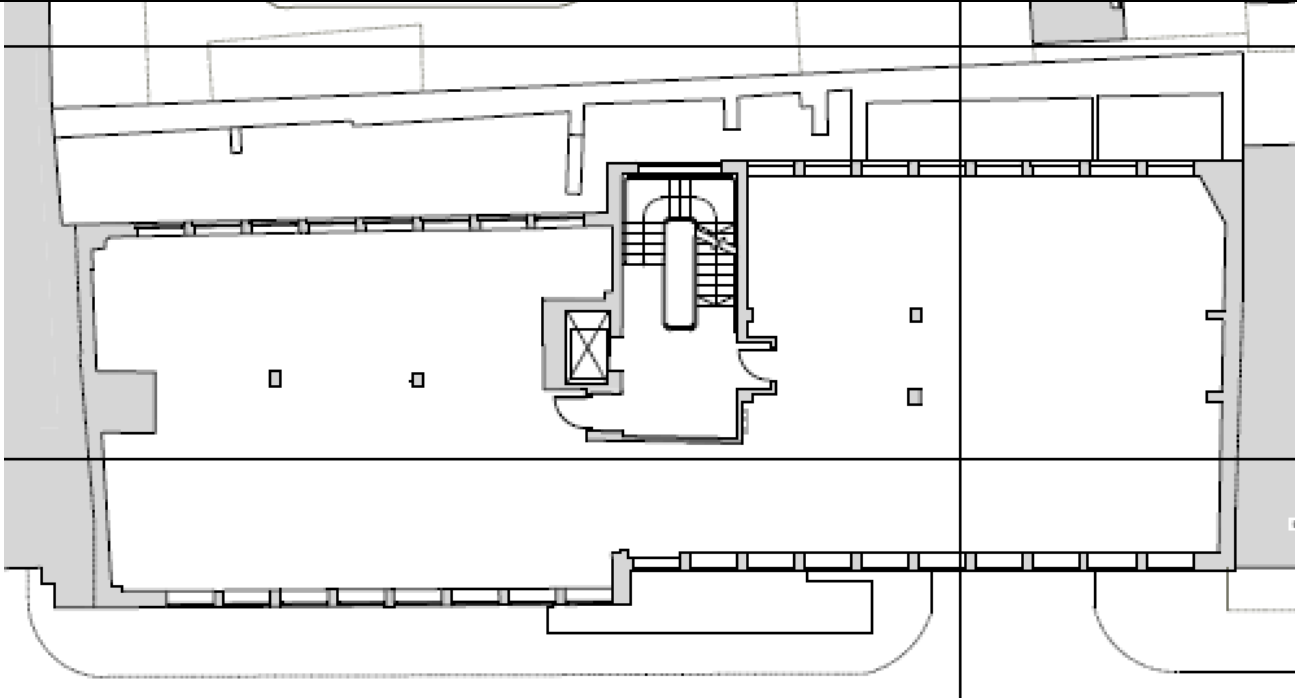
Proposed ground floor plan



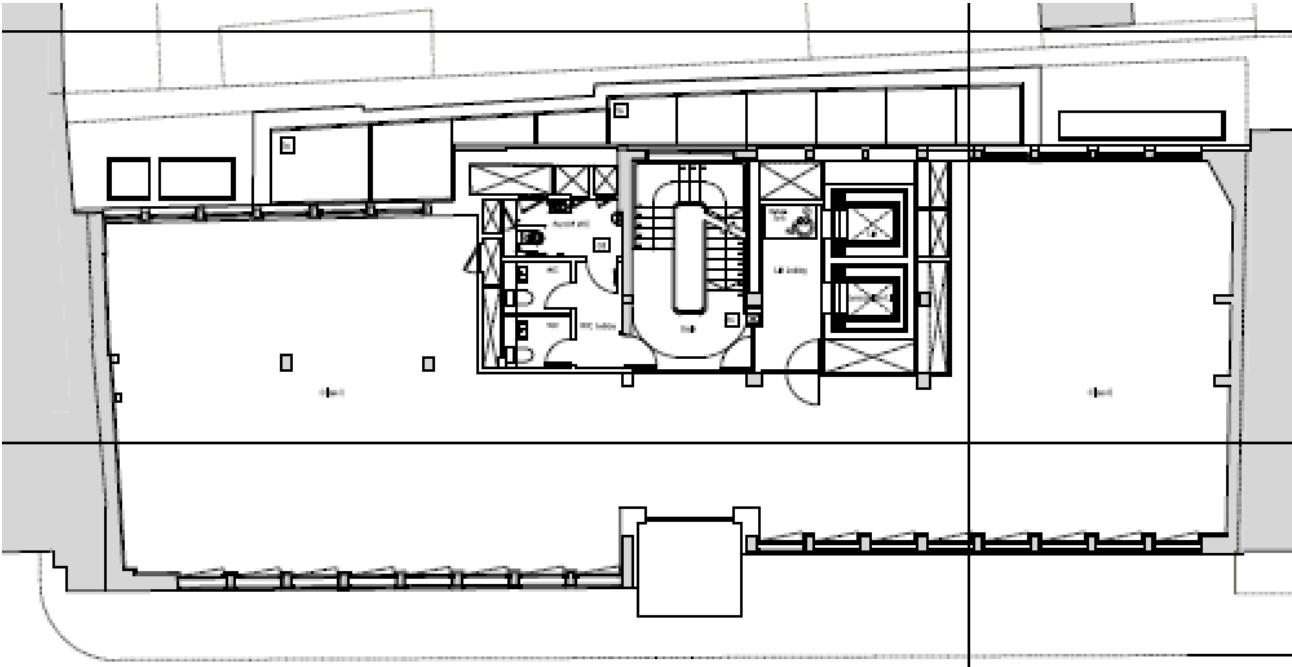
Existing first floor plan



Proposed first floor plan

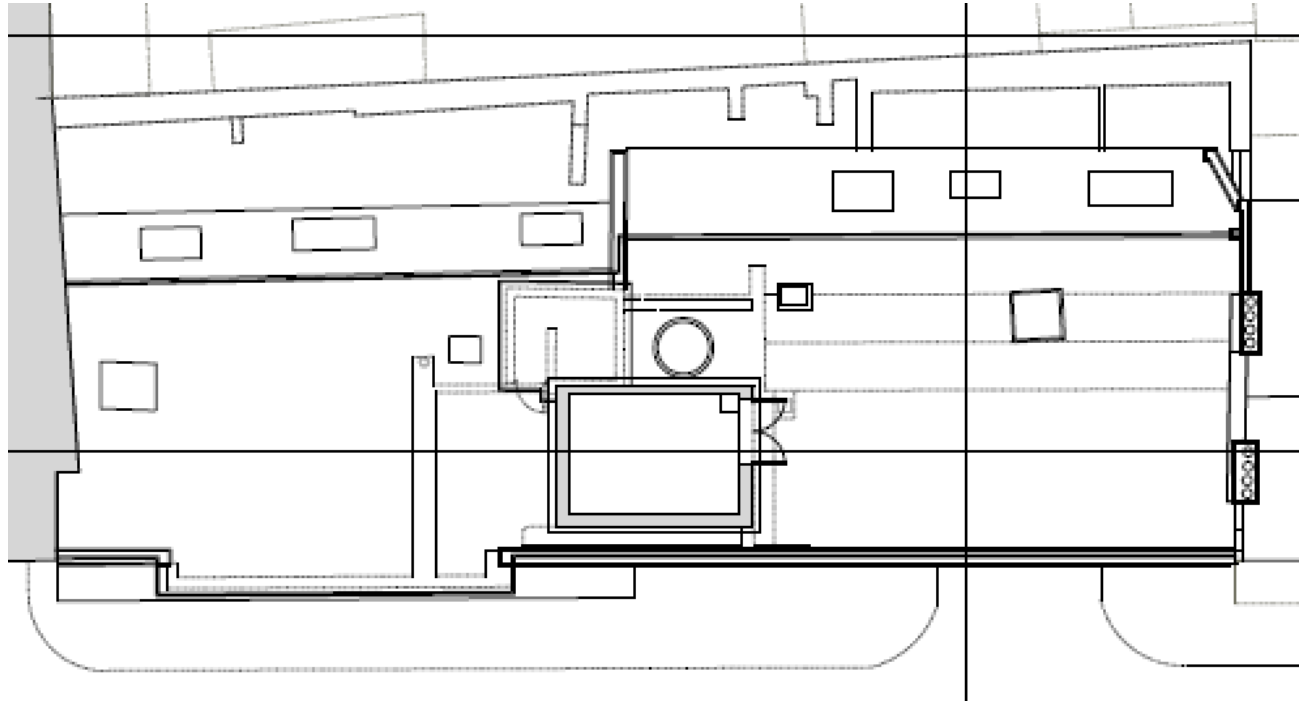


Existing second floor plan

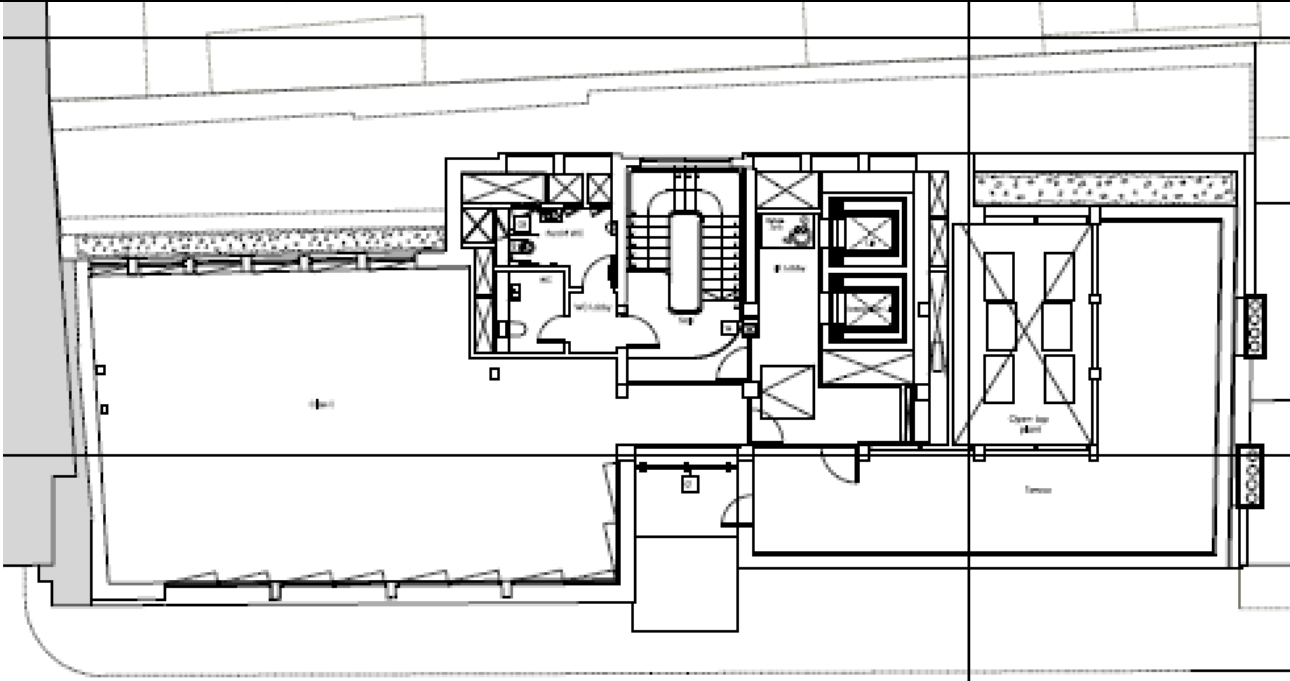


Proposed second floor plan

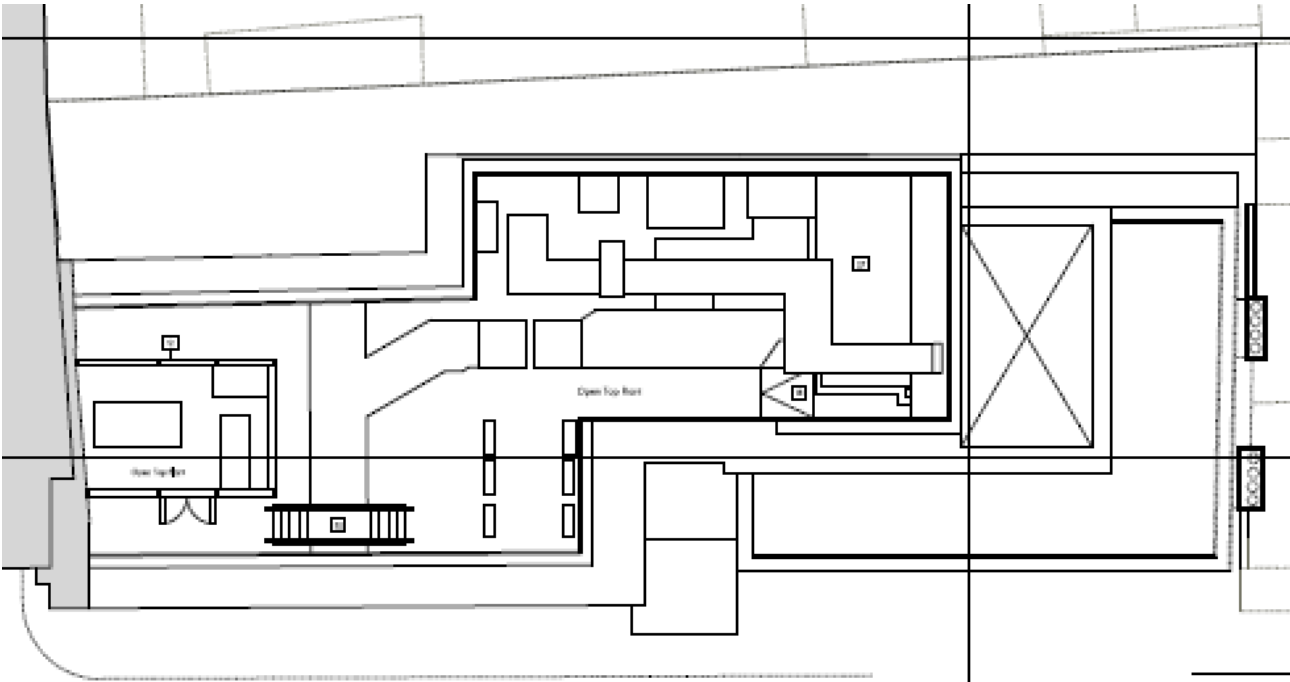
Item No.
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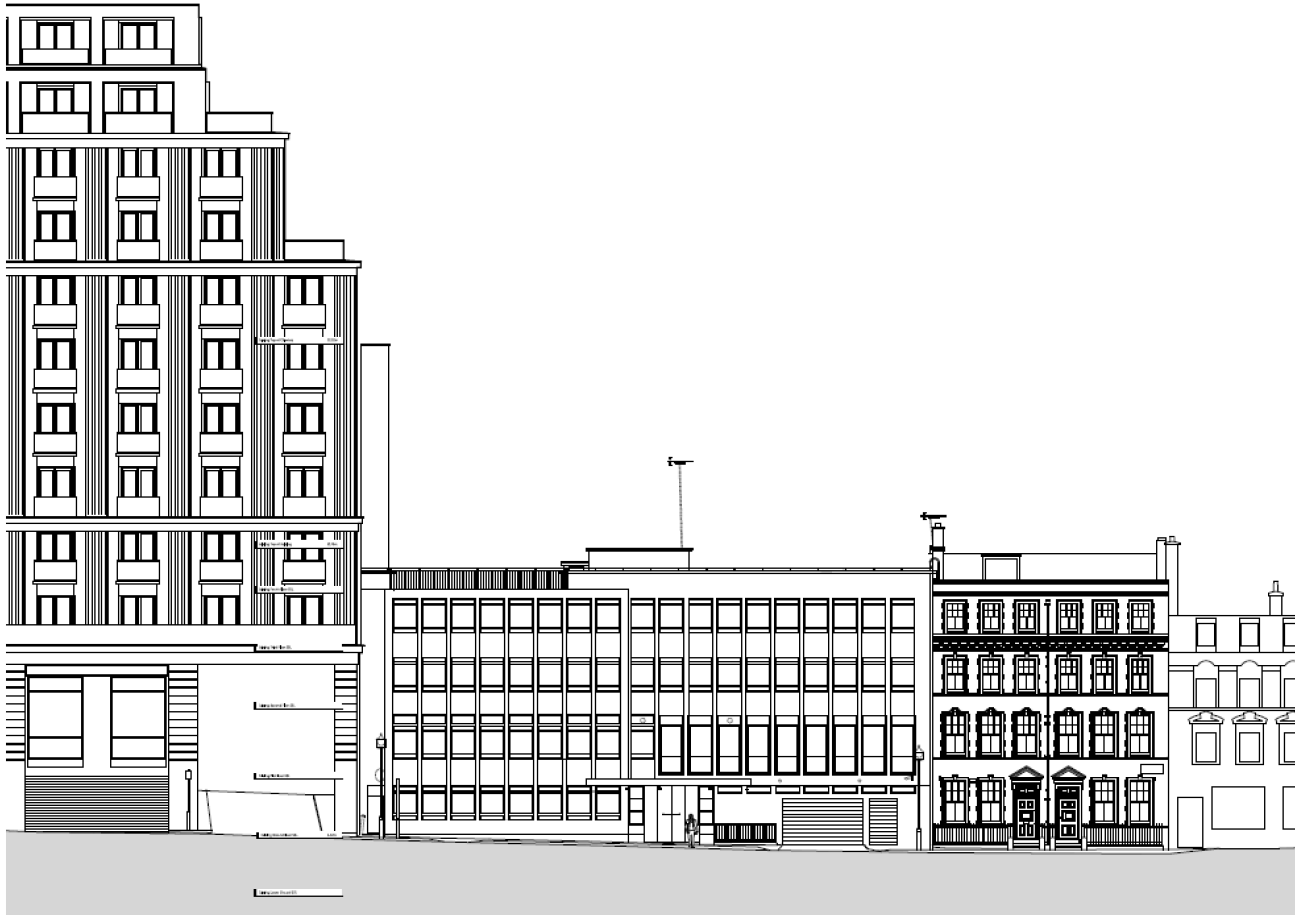
Existing roof plan



Proposed fifth floor plan



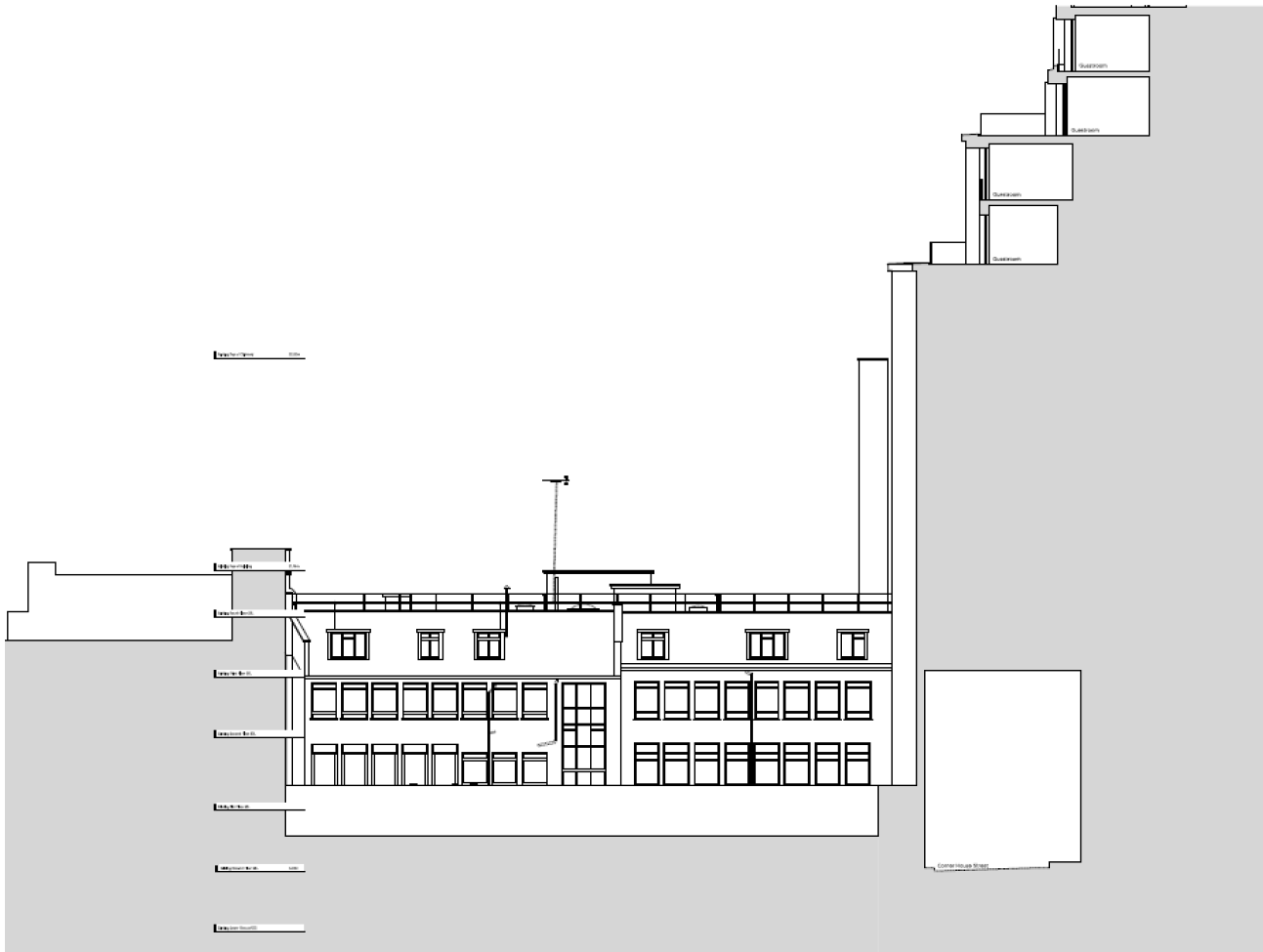
Proposed roof plan



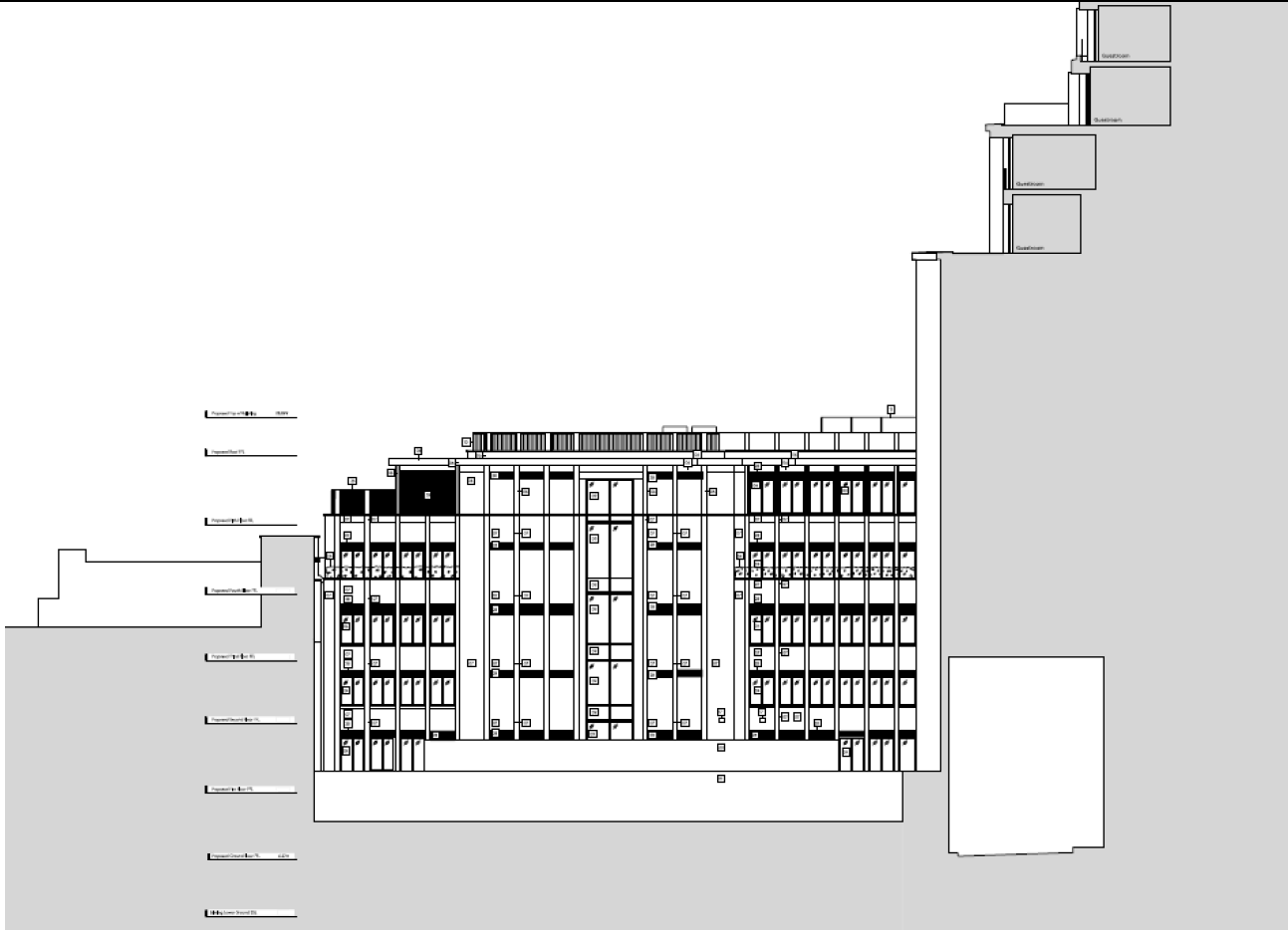
Existing front elevation



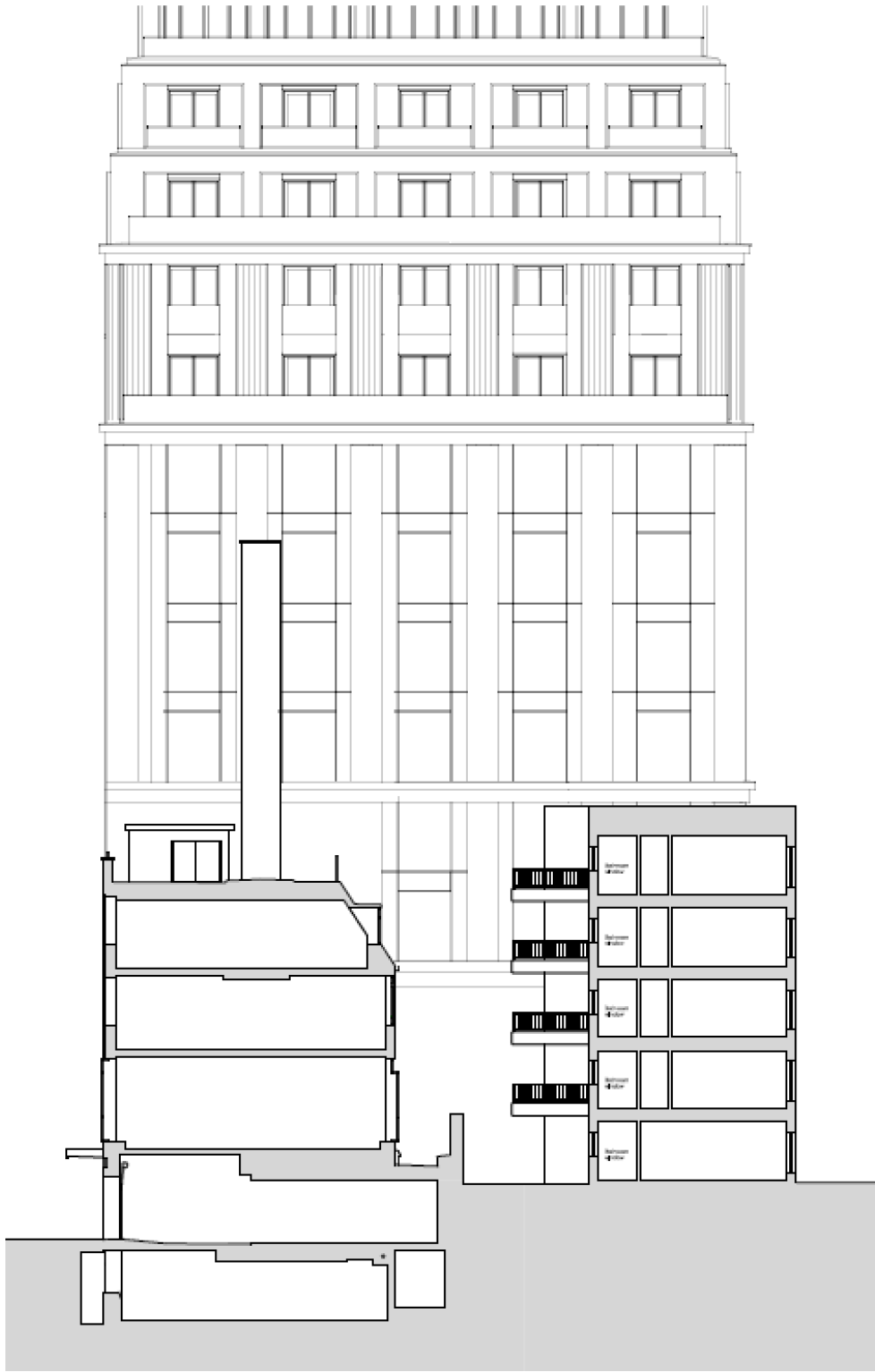
Proposed front elevation



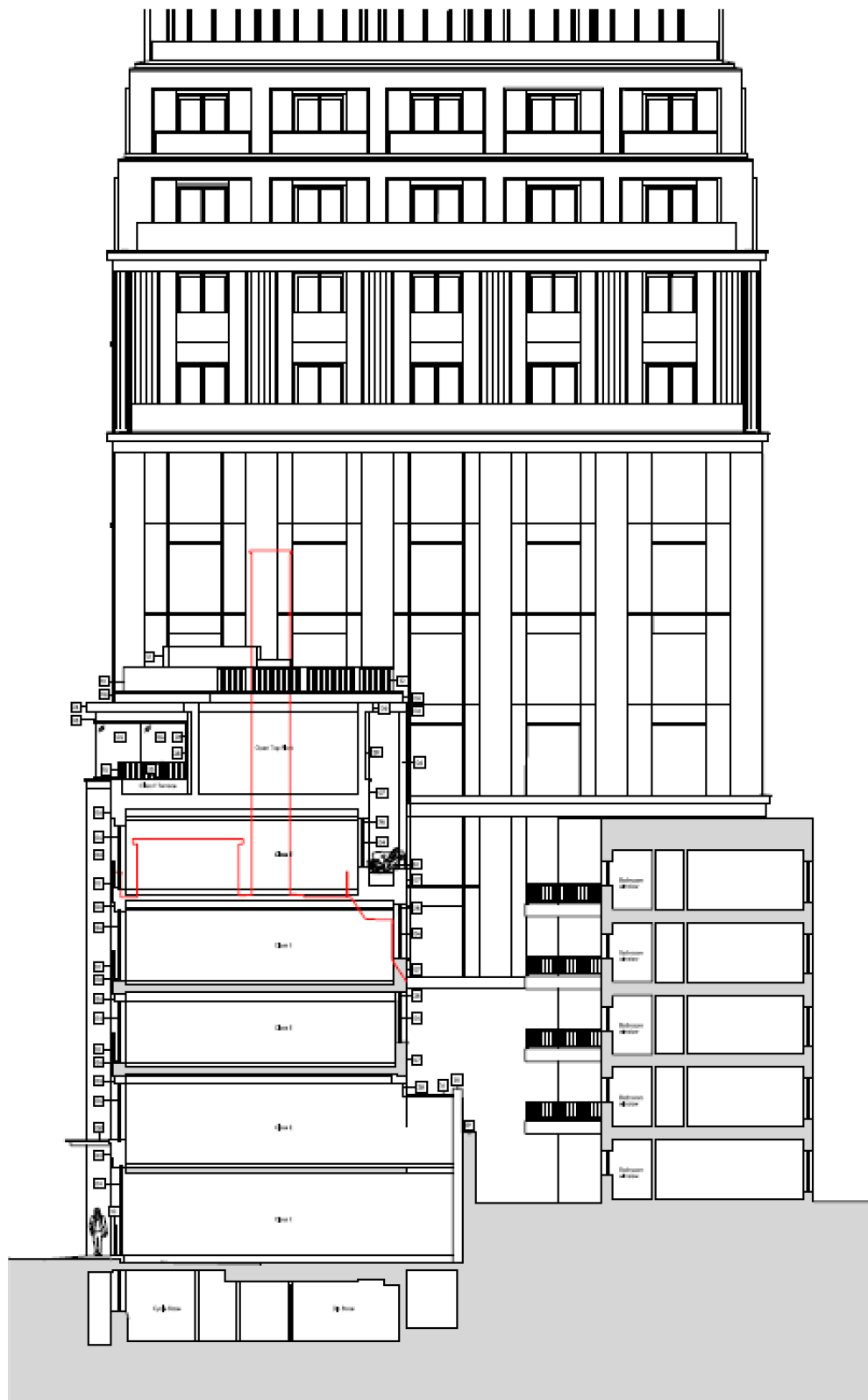
Existing rear elevation



Proposed rear elevation



Existing section through showing relationship with 10 Craven Street



Proposed section through showing relationship with 10 Craven Street

DRAFT DECISION LETTER

- Address:** 7 Northumberland Street, London, WC2N 5DA
- Proposal:** Partial demolition and rebuilding of the front and rear facades, demolition and rebuilding of the third floor level, erection of a part single, part two storey upward extension, rear extensions at ground and first floor level and part rear extensions from second to fifth floors to provide additional E(g)(i) floorspace, plant with enclosure at roof level, amenity terrace at 5th floor level, new lift core, internal alterations and new street elevation lightwell.
- Reference:** 22/07843/FULL
- Plan Nos:** P0200; P0599; P0600; P0601; P0602; P0603; P0604; P0700; P0701; P0702; P0800; P0801; P1399; P1400; P1401; P1402; P1403; P1404; P1500; P1501 P1502; P1600; P1601; P1999 showing sleeves for future LTHW and CHW; P1999 rev. A; P2000; P2000 showing notional plantroom, riser and network for future district network; P2001; P2002; P2003; P2004; P2005; P2006; P2100 rev. A; P2101 rev. ; P2102; P2200; P2201; Delivery and Servicing Management Plan dated January 2023 prepared by Caneparo Associates Ltd; Landscape & Ecological Management Plan rev.04 dated 14/11/22 prepared by Eight Versa; Environmental Noise Survey and Plant Noise Assessment Report Ref: 29498/PNA1 Rev 4 dated 10 November 2022.

For information only :

Design and access statement dated 11/11/22; BREEAM-0094-3076; Planning Fire Safety Strategy rev. 02 dated October 2022 prepared by Bespoke Fire Safety Design Ltd; Outline Construction Management Plan dated November 2022 prepared by Caneparo Associates Ltd; Stage 2 report for vertical extension and internal alterations Rev. C dated 07 November 2022 prepared by PJCE; ST29048-1; 112667-100/16/BSC/JoS; L2668-REP-C-003-FRA; Energy & Sustainability Statement rev.08 Ref: P22-002 dated February 2023 and associated spreadsheets; Ecological Impact Assessment rev.03 14/11/22 prepared by Eight Versa; Planning statement dated November 2022; Statement of Community Involvement dated November 2022; Transport Statement dated November 2022 prepared by Caneparo Associates Ltd; Framework Workplace Travel Plan dated November 2022 prepared by Caneparo Associates Ltd; L2668-REP-SUDs-003; Daylight and sunlight report Ref: 112667-100/16/BSC/JoS dated 07 February 2023; Overheating Assessment P22-002 dated January 2023; Elemental Level Life Cycle Cost P21-133 dated February 2022; Refurbishment audit ST29048-1 dated 21.03.22.

Case Officer: Aurore Manceau

Direct Tel. No. 07779567368

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)

- 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 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 Trafalgar Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 (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)

- 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 The emergency plant and generators hereby approved shall only be used for the purpose of public safety and life critical systems and shall not be used for backup equipment for commercial uses such as Short Term Operating Reserve (STOR). The emergency plant and generators shall be operated at all times in accordance with the following criteria:

(1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the LA90, 15 mins over the testing period) by more than 10 dB one metre outside any premises.

(2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required in an emergency situation.

(3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays. (C50AC)

Reason:

Emergency energy generation plant is generally noisy, so in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AC)

- 8 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)

- 9 The fifth-floor terrace shall only be used between the hours of 0800 and 2000 hours Monday to Friday other than in the case of an emergency .

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).

- 10 No amplified or other music shall be played on the roof terrace.

Reason:

To protect the environment of people in neighbouring properties and future residents in the development , as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021).

- 11 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number P1999 rev. A prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the building. (C14FC)

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)

- 12 The development shall be carried out in accordance with the approved Servicing and Delivery Management Plan at all times.

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)

- 13 No goods should be left on the highway.

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)

- 14 A post construction BREEAM assessment demonstrating that a minimum target rating of Excellent has been achieved for the commercial use and ideally should be targeting

'Outstanding ' shall be submitted to and approved by the local planning authority within six months of first occupation The details submitted in the BREEAM assessment shall thereafter be retained .

Reason:

To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44BD)

- 15 The mitigation measures identified in the Flood Risk Assessment /SUD's Strategy report must be provided prior to occupation, and these shall include below ground attenuation. These features must be provided and maintained for the lifetime of the development.

Reason:

To minimise the impact of the proposed development of surface water flooding and to ensure that the SUD's are provided in accordance with policy 35 in the adopted City Plan and the adopted Environmental Supplementary Planning Document 2022.

- 16 Details of bird boxes and planting with associated soil volumes shall be submitted to and approved by the City Council. The approved boxes and planting areas must be installed prior to occupation and you must not remove these features. The planting must be maintained in accordance with the submitted landscape and ecological maintenance plan dated 14 November 2022.

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43AC)

- 17 The privacy screen to the rear of the fifth-floor terrace must be installed prior to occupation of the roof as terrace. You must then retain it.

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)

- 18 The glass that you put in the communal staircore in the rear elevation must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have given our written approval for the sample. You must then install the type of glass we have approved and must not change it without our permission. (C21DB)

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)

- 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 this part of the Trafalgar Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 20 You must apply to us for approval of a full annotated photographic schedule of samples of all of the facing materials you will use (with actual samples available to view on site), 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.

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 Trafalgar Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 21 You must apply to us for approval of detailed drawings (including sections, and specifying finished appearance) of the following parts of the development:

- i) windows and rooflights at a scale of 1:10;
- ii) external doors and gates at a scale of 1:10;
- iii) metal balustrades to window reveals at a scale of 1:10;
- iv) front light well railings at a scale of 1:10;
- v) railings at main roof level at a scale of 1:10 (including piers and relationship to parapet);
- vi) railings and privacy screen to fifth floor terrace at a scale of 1:10 (including piers and relationship to parapet);
- vii) entrance canopy and spandrel panel at a scale of 1:10;
- viii) architectural louvres and louvered plant enclosure at a scale of 1:10;
- ix) details of any external lighting;
- x) details of planting.

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 approved drawings.

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 Trafalgar Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 22 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 Trafalgar Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 23 You need to provide the following site-specific measure:
- a 4 x 5.5m plantroom and associated equipment allowance including sleeves shown in drawings P1999 and P2000 for the future connection with the District Heat Network.

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)

- 24 You must use the property only for office. You must not use it for any other purpose, including any 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). (C05AC)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policies 7, 25, 29, 33 and 37 of the City Plan 2019 - 2040 (April 2021). (R05AC)

- 25 The rear elevation windows must have restrictors as set out in drawing P2101 rev.A prior to occupation of the building. You must permanently retain those features.

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)

- 26 The glass that you put in the first, second third and fourth floor levels windows in the rear elevation must not be clear glass up to 1.7m from floor level. You must apply to us for approval of a sample of the glass (at least 300mm square) with integrated privacy film. You must not start work on the relevant part of the development until we have given our written approval for the sample. You must then install the type of glass we have approved and must not change it without our permission.

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)

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.

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 or visit 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

- 3 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the reinstatement the footway and insertion of a loading pad. (I55AA)

- 4 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil, , Forms can be submitted to CIL@Westminster.gov.uk, , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 5 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, for example by issuing regular bulletins about site progress.
- 6 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance.
- 7 With reference to condition please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate (cocp@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement., , Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase.

Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.

- 8 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 9 With regards to condition 26, you need to demonstrate the privacy film will be integral part of the windows and cannot be removed.

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.

Item No.

4
