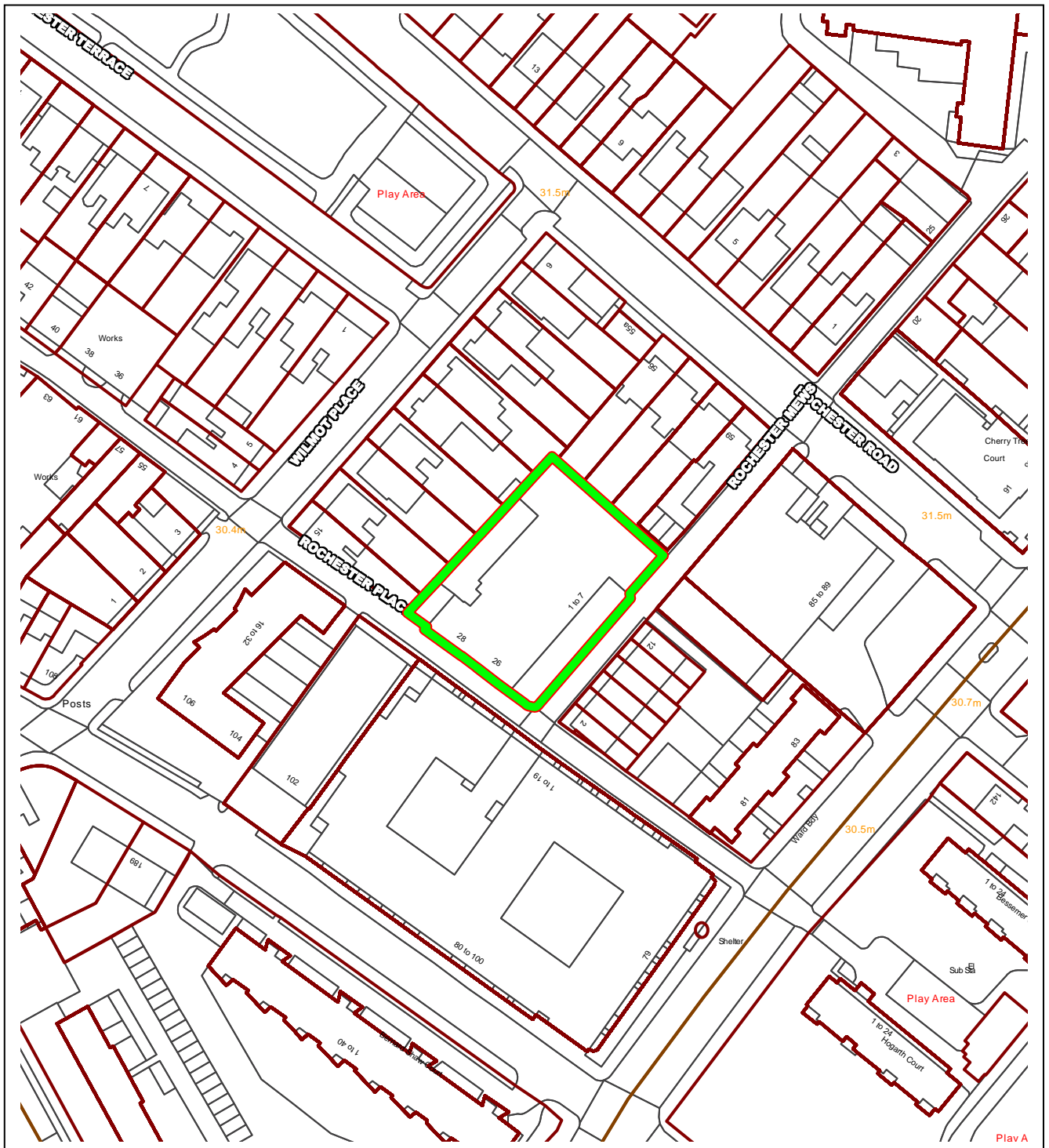


26-28 Rochester Place 2023/0270/P



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Existing and proposed perspective drawings



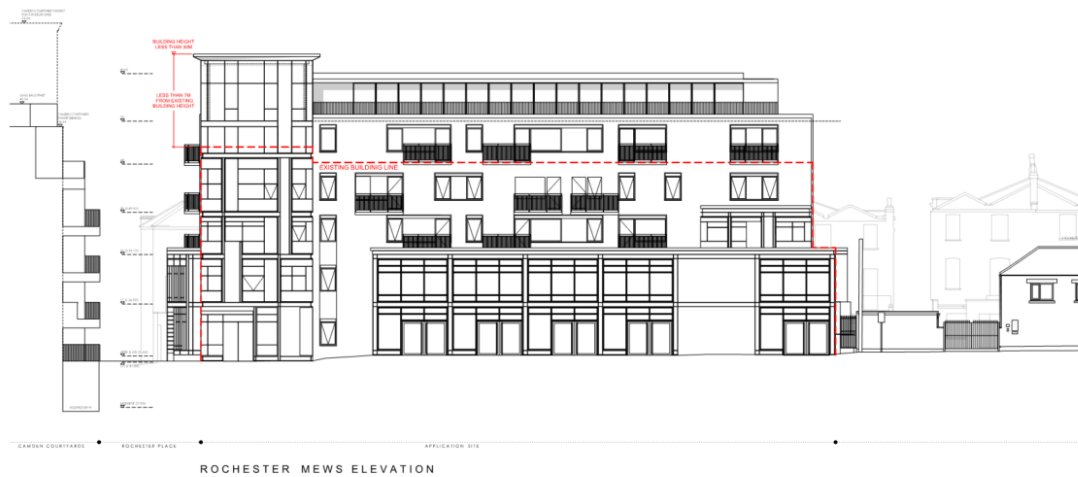
The existing building, seen from the corner of Rochester Place and Rochester Mews

Above: Perspective drawings of the existing building, viewed from the corner of Rochester Place and Rochester Mews



The existing building with the proposed fourth and fifth floor additions, seen from the corner of Rochester Place and Rochester Mews

Above: Perspective drawings of the proposed building with the proposed two additional views, viewed from the corner of Rochester Place and Rochester Mews



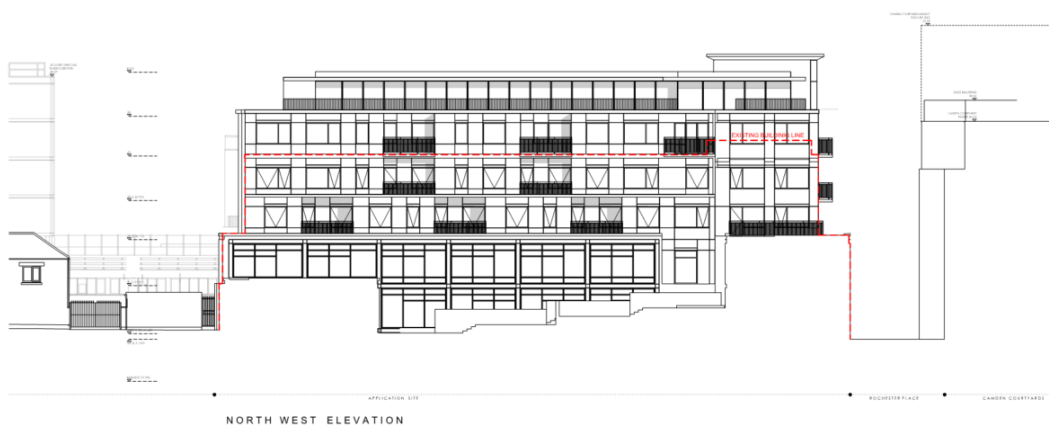
Above: Proposed Rochester Mews Elevation (red line showing the existing building profile)



Above: Proposed North East Elevation (red line showing the existing building profile)



Above: Proposed Rochester Place Elevation (red line showing the existing building profile)



Above: Proposed North West Elevation (red line showing the existing building profile)

Photographs



Above: Looking towards the subject building, at the intersection of Rochester Mews and Rochester Place



Above: Looking south on Wilmot Place, the subject building is in the foreground



Above: Looking south down Rochester Place, with the subject building on the centre left

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	28/03/2023
		N/A / attached		Consultation Expiry Date:	14/04/2023
Officer				Application Number(s)	
Brendan Versluys				2023/0270/P	
Application Address				Drawing Numbers	
26-28 Rochester Place London NW1 9DF				See draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Two-storey upwards extension to an existing mixed use (residential and office) building to form 10 additional flats.					
Recommendation:		Grant Prior Approval subject to section 106 legal agreement			
Application Type:		GDPO Prior Approval Part 20, Class AA			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Summary of consultation:	2 x site notices were displayed near to the site on 22/02/2023 (consultation end date 18/03/2023). Letters were posted to residents of adjacent properties on Wilmot Place and Rochester Place (consultation end date 23/02/2023)			
Adjoining Occupiers:	No. of responses	29	No. of objections	29
Summary of consultation responses:	<u>Objections:</u> 29 objections have been received from residents of surrounding properties. A summary of the responses are as follows: <u>Design</u> <ul style="list-style-type: none">• The two-storey extension is unsightly, inappropriate, out of keeping with the character and design of the mid-19th century / Victorian residential properties in the Rochester Terrace Conservation Area that it immediately adjoins.• The proposed two new storeys would tower above properties in the conservation area, almost all of which are no more than three storeys high and would be visible from a considerable distance throughout the surrounding area.• The extra floors will destroy the skyline around ‘the Gardens’.• The extra floors will encourage further high blocks.• The current building is already intrusive and out of scale with the neighbourhood; and an increase to the height would intrude further.• The proposal is incongruous and over-scaled development.• The development will be entirely ruinous to the character and appearance of the historic neighbourhood, whose properties are uniformly lower in height.• 28 Rochester Place is already at the upper limits of the prevailing height and bulk of the buildings in the surrounding area, this the 2-storey upper extension would not be consistent with the height and form of the neighbouring properties and would overly dominate the overall street scenes and surrounding neighbourhood views.• The design is poorly conceived 'anywhere architecture' with the top floor in particular being largely glazed, with little architectural articulation but plenty of light spill and glare. It is not a well-designed roof story and does not adequately architecturally reference the host building and the normal rules of architectural hierarchy.• The proposed design is over scaled, overly prominent (height and excessive use of glass) and alien to its context, especially when viewed from the Rochester Terrace Conservation Area. <u>Amenity</u>			

Privacy/overlooking:

- Properties adjoining 26-28 Rochester Place, and particularly those on Rochester Road, Wilmot Place and Rochester Mews will suffer serious loss of privacy, since they and their gardens will be directly overlooked by and visible from the proposed two additional storeys.

Sunlight/daylight:

- The project will reduce by almost half the sunlight adjacent properties currently enjoy. This is a very serious loss of amenity.
- The extra floors will block out light to houses on Wilmot Place.
- The loss of light is already affecting the vegetation in the gardens that have provided an important habitat for local birdlife.
- The reduction in sunlight means some properties will get no sunlight through the winter months.

Visual amenity/dominance:

- The proposal would represent a considerable loss of visual amenity, with the proposed extension visible from some distance away, especially at night.
- For the many users of this cherished park (Rochester Terrace Gardens), both local residents and visitors who travel from some distance to enjoy the tranquillity of this inner-city wildlife haven, the extension would significantly compromise this amenity through the harmful visual appearance.

Noise:

- Concern that noise from the balconies will create disturbance to local residents and users of this quiet neighbourhood park.
- Concern that the new flats will be used for Air BnBs and will cause disturbance.

Light pollution:

- The proposed fully glazed top floor and a "glazed lantern" on top of the building will create light pollution in the surrounding area at night and will make the proposed addition even more conspicuous and intrusive.
- The bulky, highly prominent and fully-glazed nature of the extension will increase light pollution and create a visual disturbance to the otherwise low-lit character of the conservation area.
- Rochester Terrace Gardens is a haven of quiet dark(at night) park with trees for bats, hedges for nesting birds and other wildlife, this appalling and deliberate light pollution will adversely affect existing, struggling wildlife.

Transport:

- The proposed development, in the absence of a legal agreement including an undertaking to a car free development by way of the prevention of future occupiers from obtaining on-street resident parking permits, would fail to represent a sustainable form of development which would seek to reduce car use in the Borough. The proposal would therefore be contrary to policies T1, T2, and CC1 of the London Borough of Camden Local Plan 2017.

Construction impacts:

- Carrying out the works will be extremely disruptive for nearby residents in terms of traffic, noise and access.

- The construction of the existing building caused considerable inconvenience and anxiety to local residents.
- Many of the properties in the area do not have solid foundations and were exposed to potential structural damage by the powerful vibrations caused by heavy construction equipment and radiating several hundred metres from the site.
- The equipment also generated extremely loud noise throughout the day. It is unreasonable that residents should be expected to endure any such disturbances again in the future.
- The Gardens at Wilmot Place are already being destroyed by the walls having to be rebuilt that separate them from the previous works for the existing mixed use building.
- The owners of 28 Rochester Place have failed properly to carry out their present works in a timely manner and will soon be in breach of a Reinstatement Agreement which requires those works to be completed by 20 March 2023: several years late.
- Concerns relating to the structural stability of the proposed extension as the previous developer has not carried out the previous works appropriately.

Officer's response:

Design and amenity effects, noise, transportation and associated construction effects have been assessed in sections 3 – 11 of this report, as relevant to the conditions for Class AA development under the GDPO 2015.

Noise amenity effects and light pollution effects on surrounding properties, have not been assessed within this report, as these are effects are not outlined within the conditions for Class AA development.

An addendum to the submitted Daylight, Sunlight and Overshadowing report has been submitted, responding to the objection raised by 15 Wilmot Place, which comments on the effects of the proposal on a proposed rear extension and overshadowing of the rear gardens. The addendum confirms all windows and rooms at 15 Wilmot Place would continue to meet the BRE criteria irrespective of whether the rear extension is constructed. The addendum also states the overshadowing results show that there will be virtually no increase in BRE permanent overshadowing over 15 Wilmot's gardens, as a result of the proposed scheme, and that the results are compliant with the BRE guidance with respect to overshadowing.

<p>Thames Water</p>	<p>Thames Water (TW) have provided comments on the application, summarised as follows:</p> <ul style="list-style-type: none"> • TW are unable to determine the wastewater infrastructure needs to service the development. TW have recommended an associated condition of consent to ensure suitable wastewater infrastructure and capacity is provided for. • TW have no objection to the development with regard to water capacity. TW have recommended an informative be attached with any consent with regard to water supply. • TW have requested a drainage strategy to confirm how foul and surface water will be disposed of. As the proposal is for an upwards extension to add additional floors to an existing building TW believe there will be no net increase in surface water run off rates. However, TW would expect the developer to consider retrofitting Sustainable Urban Drainage Systems (SUDS) such as storage on the roof in the form of a blue roof, or a green roof or water reuse to achieve a reduction in peak surface water runoff rates and to maximise future-proofing. <p><u>Officer response</u></p> <ul style="list-style-type: none"> • <i>Wastewater is not a matter for consideration as part of the relevant Prior Approval legislation. Wastewater considerations for the development are not further assessed within this report.</i> • <i>TW's recommended informative with regard to water supply is attached to the draft informative.</i> - <i>The existing building incorporates green roofs over the roofs of the lower floors (required as a condition of 2007/0524/P) and these are not proposed to be altered as part of this proposal. The applicant has agreed to a condition of consent requiring written confirmation be provided to Council, prior to the commencement of development that either:</i> <ul style="list-style-type: none"> ○ <i>Surface water capacity exists off site to serve the development, to the satisfaction of Thames Water, or;</i> ○ <i>A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no works shall take place other than in accordance with the agreed development and infrastructure phasing plan, or;</i> ○ <i>All Surface water network upgrades required to accommodate the additional flows from the development have been completed, to the satisfaction of Thames Water.</i> • <i>The existing building incorporates green roofs over the roofs of the lower floors (required as a condition of 2007/0524/P) and these are not proposed to be altered as part of this proposal.</i>
<p>Camden Town CAAC</p>	<p>Camden Town CAAC objected to the application, summarised as follows:</p> <ul style="list-style-type: none"> • The proposal creates significant harm to views within the Rochester CA. • Currently the views of tall buildings closer to Camden Road are limited from within the CA, partly because they are much further away. The proposal however will significantly alter this balance.

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| | <ul style="list-style-type: none">• As is correctly identified in the Heritage Statement the site currently therefore makes a neutral contribution to the setting of the CA, but this cannot be considered true once the additional height of the proposal is taken into account.• The increased height and mass will be visible behind the semi-detached houses on Wilmot Place at the end of Rochester Terrace Gardens, and will therefore negatively impact this identified view (the only view specifically noted in the CA Appraisal).• The views of houses at 4-5 and 6-15 Wilmot Place, the earliest development within the CA will be negatively impacted by the presence of the additional two storeys and its alien materiality (grey cladding and extensive glazing) visible immediately behind the houses and obscuring their distinctive pedimented silhouettes visible against the sky. |
|--|---|

Officer's response:

Design and amenity effects, noise, transportation and associated construction effects have been assessed in sections 3 – 11 of this report, as relevant to the conditions for Class AA development under the GDPO 2015.

<p>Rochester CAAC</p>	<p>Rochester CAAC objected to the application, summarised as follows:</p> <ul style="list-style-type: none"> Expressed concern that Rochester CAAC were not formally consulted on the application, and request Council's consultation processes be amended to consult with CAACs where development is proposed adjacent to a conservation area. Note Rochester Place as having a smaller scale than other roads, and urge the Council to protect the character of Camden Town Estate as it was originally created. Concern that the development will be detrimental to the character of the conservation area and Camden Town Estate as a whole. <p><u>Officer's response:</u></p> <p><i>Design and amenity effects, noise, transportation and associated construction effects have been assessed in sections 3 – 11 of this report, as relevant to the conditions for Class AA development under the GDPO 2015.</i></p> <p><i>Noise amenity effects and light pollution effects on surrounding properties, have not been assessed within this report, as these are effects are not outlined within the conditions for Class AA development.</i></p>
<p>Rochester Terrace Gardens Association (RTGA)</p>	<p>RTGA object to the application on the grounds of; height/bulk of the proposal, loss of light, loss of privacy, light pollution, the proposal spoiling the skyline of the Wilmot Place semi-detached villas.</p> <p>RTGA reinforce the objections voiced by the residents directly adjacent to the site.</p> <p><u>Officer's response:</u></p> <p><i>Design and amenity effects, noise, transportation and associated construction effects have been assessed in sections 3 – 11 of this report, as relevant to the conditions for Class AA development under the GDPO 2015</i></p>
<p>Councillor Meric Apak and Councillor Jenny Headlam-Wells</p>	<p>Councillor Meric Apak and Councillor Jenny Headlam-Wells objected to the application, quoting and endorsing an objection submitted by a local resident, dated 6 March 2023.</p> <p>The objection cites the two storey upwards extension as:</p> <ul style="list-style-type: none"> - being out of keeping with the character and design of the adjacent mid-19th century residential properties in the Rochester Terrace Conservation Area; - towering over properties in the Conservation Area and being visible from a considerable distance throughout the surrounding area - causing a serious loss of privacy to properties adjoining the application site, since they and their gardens will be directly overlooked by and visible the proposed two additional storeys. - causing a serious loss of amenity through reducing almost half the sunlight residents of adjacent properties currently enjoy - causing light pollution and making the addition appear as conspicuous and intrusive, through the proposed top floor being a 'glazed lantern' - causing inconvenience and anxiety to local residents through the construction works.

	<p><u>Officer's response:</u></p> <p><i>Design and amenity effects, noise, transportation and associated construction effects have been assessed in sections 3 – 11 of this report, as relevant to the conditions for Class AA development under the GDPO 2015.</i></p> <p><i>Noise amenity effects and light pollution effects on surrounding properties, have not been assessed within this report, as these are effects are not outlined within the conditions for Class AA development.</i></p>
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Site Description

The application site is located at the corner of Rochester Place and Rochester Mews.

The existing site comprises a four-level mixed-use building, with a basement level. 13 apartments are accommodated over the third and fourth floors, with commercial units and lobby/circulation areas for the apartments located on the ground floor and first floors.

The basement incorporates 13 parking spaces, cycle parking, and ancillary storage/plant rooms. Access to the basement is via a gated ramp from Rochester Place.

The site is bounded by Rochester Place to the south and Rochester Place to the east. Residential properties on Wilmot Place and Rochester Road adjoin the site's western and northern boundaries respectively

Buildings to the south include a mix of two-level terrace houses and mid-rise apartment buildings.

The site is not located within a conservation area, however immediately the north of the site is the Rochester Conservation Area. Nearby buildings within the conservation area are generally Victorian era three level terraces, a number of which have been subdivided to accommodate multiple flats.

Relevant History

The planning history for the application site can be summarised as follows:

Site History:

2007/0524/P - Demolition of existing warehouse building (Class B8) and construction of a four storey building including carparking at basement level, commercial units (Class B1) at ground and first floors and 13 residential (Class C3) units at second and third floors. **Granted Subject to a Section 106 Legal Agreement 15/02/2007**

There are no relevant planning records for neighbouring sites.

Relevant policies

National Planning Policy Framework (2021)

Town and Country Planning (General Permitted Development) Order 2015

Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020

London Plan 2021

Camden Local Plan 2017

A1 Managing the impact of development

A2 Open space

D1 Design

D2 Heritage

C6 Access for all

T1 Prioritising walking, cycling and public transport

Camden Planning Guidance

CPG Amenity (2021)

CPG Design (2021)

CPG Transport (2021)

1. The proposal

- 1.1 The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 came into force on 31st August 2020 and introduced Class A to Part 20 of Schedule 2 'Construction of New Dwellinghouses', which allows for development consisting of works for the construction of up to two additional storeys of new residential units immediately above the topmost storey on detached buildings.
- 1.2 Prior approval is sought to construct two additional storeys atop the existing building, creating a new fourth and fifth floor. The new floors would accommodate 10 apartments, with 7 apartments accommodated within the fourth floor and 3 apartments on the fifth floor. The fourth floor apartments would be a mix of one and two bedroom typologies, with the fifth floor accommodating 2 x two bedroom apartments and 1 x three bedroom apartment.
- 1.3 The submitted Design and Access Statement states the proposed extension is intended to be visually similar to the existing building, with the new levels continuing the same metallic cladding. The fifth floor is designed to contrast with the lower levels, with full height glazing and a projecting canopy over the apartment balconies. The fifth floor would also be setback from the lower levels.
- 1.4 32 cycle spaces would be provided within an reconfigured and enlarged basement level bicycle storage area, within the form of 16 x two tier 'Josta' bike racks. 5 Sheffield stands (for 10 x cycle spaces) would also be provided in the basement. In total 42 cycle spaces would be provided within the basement to serve the existing residential and commercial uses, and proposed new flats. It is understood the enlarged space may require the removal of some existing basement level car parking spaces.

2. Planning Considerations

- 2.1. Prior approval is required for this type of development as it includes the enlargement of dwelling houses consisting of the construction of two additional storeys, under condition A.2 (3) (a).
- 2.2. The proposal does qualify for a prior approval under class A part 20 and would therefore need to comply with a number of conditions listed within sub-paragraph A.2 [(a)-(h)] and a subsequent condition in sub-paragraph AA.2 relating to the need for the developer to apply to the local planning authority for prior approval as to:
- (a) transport and highways impacts of the development;
 - (b) air traffic and defence asset impacts of the development;
 - (c) contamination risks in relation to the building;
 - (d) flooding risks in relation to the building;
 - (e) the external appearance of the building, including:
 - (i) the design and architectural features of –
 - (aa) the principal elevation; and
 - (bb) any side elevation that fronts a highway; and
 - (ii) the impact of any works under sub-paragraph (1)(c) or (d) of Class AA;
 - (f) The provision of adequate natural light in all habitable rooms of the new dwellinghouses
 - (g) Impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;
 - (h) Impacts of noise from any commercial premises on the intended occupiers of the new

- dwelling houses;
- (i) Impacts of the introduction of, or an increase in, a residential use of premises in the area on the carrying on of any trade, business or other use of land in the area;
 - (j) Whether, because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State,
 - (k) Where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building
 - (l) Where the development meets the fire risk condition (see paragraph C(3) of this Part), the fire safety impacts on the intended occupants of the building and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

Assessment

3. Transport and highway impacts

- 3.1. Policy T2 requires all new residential developments in the borough to be car-free. Parking is only considered for new residential developments where it can be demonstrated that the parking to be provided is essential to the use or operation of the development (e.g. disabled parking). It should be noted that Policy T2 is wide ranging and is not merely about addressing parking stress or traffic congestion. It is more specifically aimed at improving health and wellbeing, encouraging and promoting active lifestyles, encouraging and promoting trips by sustainable modes of transport (walking, cycling and public transport), and addressing problems associated with poor air quality in the borough. Thus, car-free housing is required in the borough, regardless of any parking stress that may or may not locally exist.
- 3.2. Policy T1 requires cycle parking facilities to be provided in accordance with the London Plan.
- 3.3. No new carparking spaces for the 10 new flats are proposed. All 10 flats would be secured as on-street parking permit free by means of a Section 106 Agreement. This would prevent any future occupiers from adding to existing on-street parking pressures, traffic congestion and air pollution, whilst also encouraging the use of more sustainable modes of transport such as walking, cycling and public transport.
- 3.4. The proposed reconfigured and extended cycle storage, with 42 cycle spaces, would be appropriate for the 23 flats and commercial units. The consent for the existing building (2007/0524/P) required 18 bicycle spaces to be provided in the basement area. The proposal would re-provide the 18 bicycle spaces for the existing uses, in addition to the 24 additional spaces for the proposed 10 new apartments. The 24 spaces for the 10 apartments, complies with the 19 spaces by standard and 20% extra required by CPG Transport. Therefore, the cycle spaces provided onsite is considered acceptable.
- 3.5. The applicant has also agreed to provide a Pedestrian, Cycling and Environmental contribution of £20,000 towards the provisions of improved pedestrian and cycling facilities in the vicinity of the site, to be secured via a s106 agreement. This contribution is commensurate with the uplift in number of residential units to be provided and associated increased pedestrian and cycling activity at the site surrounds.
- 3.6. Policy A1 on Amenity states in para 6.12 that 'Disturbance from development can occur during the construction phase. Measures required to reduce the impact of demolition, excavation and construction works must be outlined in a Construction Management Plan.' The applicant has agreed to prepare and adhere to a Construction Management Plan in relation to the construction works, which will be secured via a s106 agreement. Implementation of the CMP will minimise the impact of construction works on the transport network and surrounding residential properties. Overall, construction effects will be acceptable and will be appropriately mitigated via implementation of the CMP.

4. Air traffic and defence asset impacts

4.1. The site is not in close proximity to aeronautical assets.

5. Contamination risks in relation to the building

5.1. The site is in commercial and residential use, which are considered to be low risk for contamination. Condition 13 of the implemented planning permission (2007/0524/P) for the existing building, required ground investigation for the presence of soil and groundwater contamination and landfill gas for approval by the Council prior to development taking place. This condition has since been discharged. Therefore, there would be no contamination risks by the proposed development.

6. Flooding risks in relation to the building

6.1. The site is located within Flood Zone 1 suggesting a low level of risk to the area. In addition, the proposed development is located on the top storey of an existing building and therefore the impact on flooding would be minimal. Notwithstanding, the applicant has agreed as a condition of consent to provide confirmation that Thames Water are satisfied that adequate surface water capacity exists offsite to serve the development. Such confirmation may require the applicant to prepare and implement a Development and Infrastructure Phasing Plan, and or make upgrades to the surface water network.

7. The external appearance of the building

7.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application: development should respect local context and character; comprise details and materials that are of high quality and complement the local character; and respond to natural features. Policy D2 'Heritage' states that in order to maintain the character of Camden's conservation areas, the Council will resist development outside of a conservation area that causes harm to the character or appearance of that conservation area.

7.2. The design approach taken for the upwards extension is for the new levels being intended to be complimentary to both the existing architecture and the site context. The focal point of the new design is the continuation of the glazed "lantern" to the corner of Rochester Place and Rochester Mews. The design language of this element assists in tying together the additional floors with the existing floors below. Whilst not as tall, the new extended height responds to the adjacent Camden Courtyards residential complex, which includes a prominent sixth/seventh storey clad in Corten.

7.3. The proposed extension would be visually similar to the existing building, with the new fourth level continuing the same metallic cladding.

7.4. The fifth floor would be read as a new element, with full height glazing and a projecting canopy over the amenity spaces, giving this floor a more modern and light weight appearance. This level would be set back however, and be obscured from ground level and surrounding views to the north.

7.5. The upwards extension would also not be a replica extension of the existing floors, which could otherwise exacerbate the bulk and scale of the building. In contrast, the design approach taken strikes an appropriate balance in ensuring the extension would appear as subtle in terms of

using materials and other design motifs complimentary to the existing building, while also providing new elements of architectural design which are in keeping with and sympathetic to the existing materiality and provide appropriate visual relief to the scale and mass of the building.



Above: Proposed North West Elevation, the principal building elevation as viewed from the Rochester Conservation Area. The existing building profile is outline in dashed red.

- 7.6. With regards to effects of the two storey extension on the adjacent Rochester Conservation Area, part of the significance of the eastern part of the Rochester Conservation Area is the setting, including the application site, and the way that the scale of the secondary mews and backstreets, and the buildings on them, reinforce the hierarchy of streets in the area. The proposal would increase the scale of a building on a secondary mews which does not front onto more prominent street, undermining this hierarchy. This would be visible from several vantage points including Rochester Road, Rochester Terrace, and Rochester Terrace Gardens. Therefore, the proposal would harm the significance of the conservation area through harm to its setting, albeit, this harm would be less than substantial and at the lower end of the scale. The impact is limited to only certain views of the setting and the extended building would not be significantly taller than its surrounding context outside of the conservation area. Nonetheless, the minor harm identified must be given considerable weight and importance. However, there are notable public benefits of an additional ten residential units which would outweigh the harm. The additional housing should also be given considerable weight given the current position on housing delivery.
- 7.7. Taking account of the Council's position with regards to its housing land supply and performance against the Housing Delivery Test, significant weight should be attached to the delivery of ten new homes, and the application should only be refused if the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 7.8. When considering the application in line with the General permitted development order which provides a framework for establishing the principle of a two storey extension, it is considered that the proposed two storeys upwards extension would not cause a detrimental impact upon the host property nor the surrounding streetscene. Due to the close proximity to the Conservation Area, this has formed a critical part of the assessment and the character and appearance of the adjacent Rochester Conservation Area would be preserved. The external appearance of the two storey extension as considered together with the design of the existing building, is considered acceptable. Furthermore, the public benefits of the ten additional flats would outweigh the less than substantial harm caused to the conservation area. Special

attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013. The proposals are in accordance with policies D1 and D2 of the London Borough of Camden Local Plan 2017.

8. The provision of adequate natural light in all habitable rooms of the new dwelling houses

- 8.1. The applicant has submitted a Daylight and Sunlight Assessment report, which determine the daylight and sunlight levels which will be available within the proposed dwellings. The report includes sunlight and daylight calculations which have been undertaken in accordance with the Building Research Establishment Report 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice' 3rd Edition, 2022 (BRE).
- 8.2. The report confirms all 30 habitable rooms of the proposed flats will meet the daylight target values recommended in the BRE guidance.
- 8.3. With regard to sunlight, the report confirms of the 30 rooms assessed for sunlight exposure, 21 (70%) will meet the target values recommended in the BRE guide. Each of the principal living room areas will meet the targets and receive at least 1.5 of sunlight on 21 March. Of the 9 rooms that fall short of the targets, 6 are bedrooms, which have a lesser need for sunlight as stated within the guidance. The remaining 3 rooms serve as living/kitchen/dining spaces and are north facing. The BRE guidelines recognises that sunlight availability may not be achievable in all units and the aim is to minimise the number of dwellings whose living rooms face solely north.
- 8.4. The design approach taken in the design of the two additional floors, has minimised the number of north facing rooms. It is acknowledged that due to the orientation of the site and the constraint of utilising the existing building core, which limits the number of floor layouts possible for the proposed two new floors, it would unlikely be achievable to provide an alternative scheme for a similar number of units which avoided north facing rooms. As the number of rooms which have shortfalls in sunlight are limited to a smaller proportion of the total number of proposed habitable rooms and noting that all assessed rooms would achieve adequate daylight, the shortfall in sunlight to the affected rooms is considered acceptable.
- 8.5. The new development has no gardens or amenity spaces, as defined in the BRE guide, located close enough to the proposed development to be adversely affected by overshadowing.
- 8.6. It is therefore considered the proposed new units would have an adequate provision of natural light in all habitable rooms.

9. Impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light

- 9.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of residents. This includes factors such as privacy, outlook, implications to natural light, artificial light spill, odour and fumes as well as impacts caused from the construction phase of development.

Daylight and sunlight

- 9.2. Paragraph 125 of the NPPF supports making efficient use of land and says that authorities should take a flexible approach in applying policies or guidance relating to daylight/sunlight where they would otherwise inhibit making efficient use of a site, as long as the resulting

scheme would provide acceptable living standards.

- 9.3. A Daylight, Sunlight and Overshadowing Report has been submitted which details impacts on sunlight and daylight amenity that may arise through the proposed two storeys extension, on surrounding properties.
- 9.4. The methodology and criteria used for the assessment is based on the approach set out by BRE guidance. The report makes use of several standards in its assessment of surrounding buildings which are described in the BRE guidance, including Vertical Sky Component (VSC), Annual Probable Sunlight Hour (APSH) and Daylight Distribution.
- 9.5. With the exception of window 23, which is over-sailed by a balcony, the VSCs are in (or close to) the mid-teens which may be acceptable in urban locations for main habitable rooms. I consider the shortfalls in light amenity for rooms 16 and 17 (bedrooms) to be acceptable.
- 9.6. In regard to the window (W23 at second floor level) which is over-sailed by the balcony to the corresponding room above, the VSC in the existing situation is 8.85% which is substantially lower than the proposed VSC levels for windows W24 at second floor and windows W23 and W24 at third floor level. Therefore, the VSC shortfalls will be consistent with those existing VSCs which are below 10%. These range from 0% (no direct light) to around 6%.
- 9.7. The affected building ranges from 4 to 6 storeys so there is a degree of equitability in terms of how much light is blocked from one to the other. This is a factor the BRE guide suggests should be considered.
- 9.8. In terms of sunlight, all rooms assessed will meet the target values recommended in the BRE guidance.
- 9.9. The report also demonstrates that the development would retain at least two hours direct sunlight on 21 March over at least 50% of the garden amenity areas, for adjacent properties on Wilmot Place and Rochester Road, and therefore BRE guidance for sunlight would be met.
- 9.10. Overall, the development provides a satisfactory level of adherence to daylight guidelines for a dense housing development. The rooms that do not satisfy the recommended targets are generally those located on lower floor levels of apartments at 79 and 86 - 100 St Pancras Way, where there are higher levels of obstruction or those that have windows beneath balconies which have a more limited view of sky.

Overlooking/visual privacy

- 9.11. The proposed ten new apartments would enable overlooking and views into adjacent properties, in particular the adjacent mews properties on Wilcot Place and Rochester Road.
- 9.12. However, overlooking and visual privacy effects would be acceptable when taking into the context of the existing building which already accommodates residential use and with views into adjacent properties, which was fully assessed within the previous planning application as well as intervening existing vegetation which would limit direct views into adjacent mews properties. Notwithstanding, the height of the upper floors when considered with the separation distance from habitable rooms of adjacent dwellings, is sufficient such that any overlooking and visual privacy effects would be acceptable.

10. Impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses

- 10.1. A Noise Assessment has been produced by SRL Technical Services and submitted with the

application material. The assessment indicates that the proposed relocation of the existing plant should be capable of achieving the proposed environmental noise criteria at the nearest and potentially most affected noise sensitive receptors and that adequate façade design can be constructed to protect future occupiers.

10.2. Council's Noise Officer has reviewed the report and raised no concerns with the proposal.

10.3. On this basis it is considered any impacts from noise associated with the commercial premises on the occupiers of the new flats, would be acceptable.

11. Impacts of the introduction of, or an increase in, a residential use of premises in the area on the carrying on of any trade, business or other use of land in the area;

11.1. The proposed units will be above existing residential units and therefore the principle of residential accommodation has already been established. Furthermore, the planning history of the immediate vicinity demonstrates that this is a mixed area in terms of use. Of note, the existing commercial use within the building is understood to be office use, which would not generate any reverse sensitivity effects to either the existing or proposed residential units. There are no other noisy or odorous commercial activities occurring in the vicinity of the site which could give rise to reverse sensitivity effects.

11.2. The proposed 10 additional units would have a negligible impact on the overall character of the area.

11.3. Therefore, no trade, business or land use will be affected by the proposal.

12. Whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012 issued by the Secretary of State.

12.1. The site does not located within any protected view, therefore there will be no protected views that will be impacted by the proposal.

13. Where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building

13.1. The existing building is approximately 14.3m in height, therefore this criterion is not assessed further.

14. Where the development meets the fire risk condition (see paragraph C(3) of this Part), the fire safety impacts on the intended occupants of the building and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

14.1. The proposed development does not meet the fire risk condition, as the proposed building height is 15m from the ground level to the top floor surface of the top storey of the building, being less than 18m in height. Therefore, this criterion is not assessed further.

15. Recommendation: Grant prior approval subject to a s106 legal agreement

16. Summary of Section 106 Planning Obligations

- Construction Management Plan and associated Implementation Support Contribution of

£4,075.60 and Impact Bond of £7,500

- Pedestrian, Cycling and Environmental contribution of £20,000 towards the provisions of improved pedestrian and cycling facilities in the vicinity of the site
- Car free agreement for the 10 additional units

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 19th June 2023, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2023/0270/P
Contact: Brendan Versluys
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Email: Brendan.Versluys@camden.gov.uk
Date: 6 June 2023

Development Management
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WC1H 9JE

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Bidwells LLP
25 Old Burlington Street
London
W1S 3AN

DRAFT

DECISION

Dear Sir/Madam

Town and Country Planning Act 1990
Class A of Schedule 2 Part 20 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended by SI 2020 No. 632 and SI 2020 No. 755)

The Council, as local planning authority, hereby confirm that their **prior approval is granted** for the proposed development at the address shown below, as described by the description shown below, and in accordance with the information that the developer provided to the local planning authority:

Address of the proposed development:
26-28 Rochester Place
London
NW1 9DF

Description of the proposed development:

Two-storey upwards extension to an existing mixed use (residential and office) building to form 10 additional flats.

Details approved by the local planning authority:

Drawing Nos: Existing Basement, rev A, August 2022; Existing Ground Floor, rev A, August 2022; Existing First Floor, August 2022; Existing Second Floor, August 2022; Existing Third Floor, August 2022; Existing Roof Plan, rev B, August 2022; Existing Rochester Mews Elevation, rev C, August 2022; Existing North East Elevation, rev A, August 2022; Existing Rochester Place Elevation, rev A, August 2022; Existing North West Elevation, rev A, August 2022; Existing Section AA, rev B, August 2022; Location Plan, rev A, Feb 2022; Proposed Basement, rev B, August 2022; Proposed Ground Floor, rev A, August 2022; Proposed First Floor, rev A, August 2022; Proposed Second Floor, rev A, August 2022; Proposed Third Floor, rev A, August 2022; Proposed Fourth

Floor, rev A, August 2022; Proposed Fifth Floor, rev D, August 2022; Proposed Roof Plan, rev C, August 2022; Proposed Rochester Mews Elevation, rev A, August 2022; Proposed North East Elevation, rev C, August 2022; Proposed Rochester Place Elevation, rev A, August 2022; Proposed North West Elevation, rev B, August 2022; Proposed Section AA, rev C, August 2022; Cover letter, Bidwells, 17/01/2022; Daylight and sunlight report, 02 September 2022, 116617-100/IM/JoS; Daylight and Sunlight Report, 12 January 2023, 116617-100/IM/JoS; Design & Access Statement, January 2023, Tasou Associates Ltd; Fire Statement, 26 October 2022, CH PK; Noise Assessment, 7 November 2022, SRL; Planning Statement, January 2022, Bidwells

Conditions:

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans- Existing Basement, rev A, August 2022; Existing Ground Floor, rev A, August 2022; Existing First Floor, August 2022; Existing Second Floor, August 2022; Existing Third Floor, August 2022; Existing Roof Plan, rev B, August 2022; Existing Rochester Mews Elevation, rev A, August 2022; Existing North East Elevation, rev A, August 2022; Existing Rochester Place Elevation, rev A, August 2022; Existing North West Elevation, rev A, August 2022; Existing Section AA, rev B, August 2022; Location Plan, rev A, Feb 2022; Proposed Basement, rev B, August 2022; Proposed Ground Floor, rev A, August 2022; Proposed First Floor, rev A, August 2022; Proposed Second Floor, rev A, August 2022; Proposed Third Floor, rev A, August 2022; Proposed Fourth Floor, rev A, August 2022; Proposed Fifth Floor, rev D, August 2022; Proposed Roof Plan, rev C, August 2022; Proposed Rochester Mews Elevation, rev A, August 2022; Proposed North East Elevation, rev C, August 2022; Proposed Rochester Place Elevation, rev C, August 2022; Proposed North West Elevation, rev B, August 2022; Proposed Section AA, rev C, August 2022; Cover letter, Bidwells, 17/01/2022; Daylight and sunlight report, 02 September 2022, 116617-100/IM/JoS; Daylight and Sunlight Report, 12 January 2023, 116617-100/IM/JoS; Design & Access Statement, January 2023, Tasou Associates Ltd; Fire Statement, 26 October 2022, CH PK; Noise Assessment, 7 November 2022, SRL; Planning Statement, January 2022, Bidwells

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

a) Details including sections at 1:10 of all windows (including jambs, head and cill), ventilation grills, external doors and gates;

b) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 5 Before the development commences, details of secure and covered cycle storage area for 42 cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

- 6 Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from the proposed new ASHPs and mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from the installation will be lower than the typical existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS 4142:2014 "Methods for rating and assessing industrial and commercial sound" at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/surrounding premises is not adversely affected by noise from mechanical installations/ equipment in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 7 Prior to use, machinery, plant or equipment at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017

- 8 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by external noise in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 9 No development shall be occupied until written confirmation has been provided to the Local Planning Authority, that either:

- Surface water capacity exists off site to serve the development, to the satisfaction of Thames Water, or;
- A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no works shall take place other than in accordance with the agreed development and infrastructure phasing plan, or;
- All Surface water network upgrades required to accommodate the additional flows from the development have been completed, to the satisfaction of Thames Water.

Reason: To reduce the rate of surface water run off from the building and limit the impact on the storm water drainage system in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 2 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the

Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 3 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.
- 4 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice in regard to your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Chief Planning Officer

It's easy to make, pay for, track and comment on planning applications on line. Just go to www.camden.gov.uk/planning.

It is important to us to find out what our customers think about the service we provide. To help us in this respect, we would be very grateful if you could take a few moments to complete our online survey at the following website address: www.camden.gov.uk/dmfeedback. We will use the information you give us to help improve our services.