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| Committee: | Date: |
| Planning and Transportation | 1 October 2019 |
| Subject: 10 Bolt Court London EC4A 3DQ Replacement of the existing balustrading, installation of new decking and planting at roof level in association with the formation of a roof terrace for use by occupants of the building between 9am and 8pm with the exception of 15 times a year when this would be extended to 11pm. (Amended Description, revised drawings and supplementary information). | Public |
| Ward: Castle Baynard | For Decision |
| Registered No: 19/00291/FULL | Registered on: 2 April 2019 |
| Conservation Area: Fleet Street | Listed Building: No |

Summary

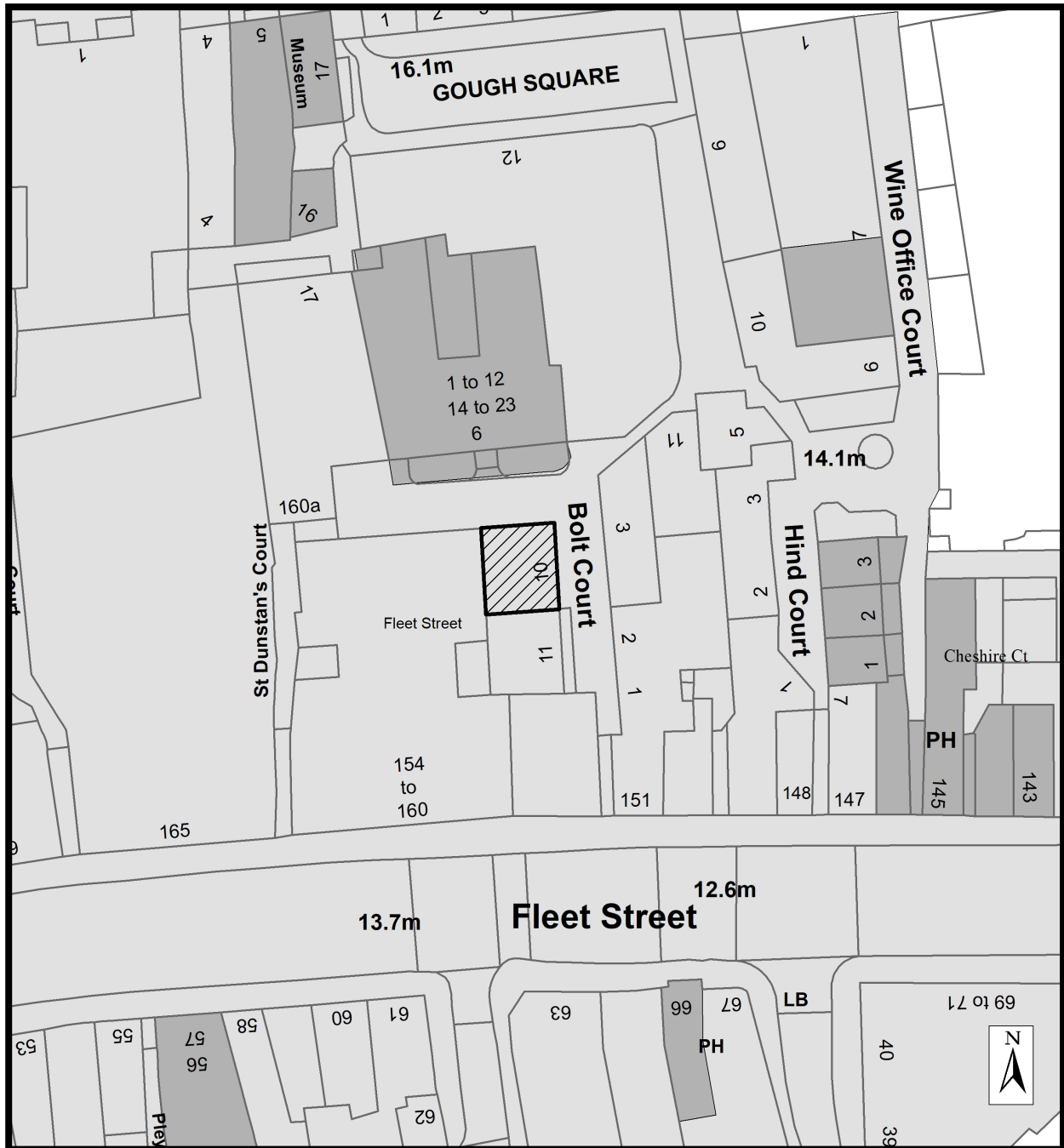
Planning permission is sought for the formation of a roof terrace at fifth floor level with associated works, including the replacement of the existing balustrading, installation of new decking and planting.

The proposed development would contribute to the provision of high-quality office accommodation, the roof terrace would enhance the fifth elevation of 10 Bolt Court and would be of an appropriate design within the Conservation Area. The design and layout would preserve residential privacy and the incorporation of conditions restricting the hours of use would ensure that the use would not detrimentally impact on the amenity of neighbouring residential properties.

Recommendation

That planning permission be granted for the above proposal in accordance with the details set out in the attached scheduled.




Site Location Plan



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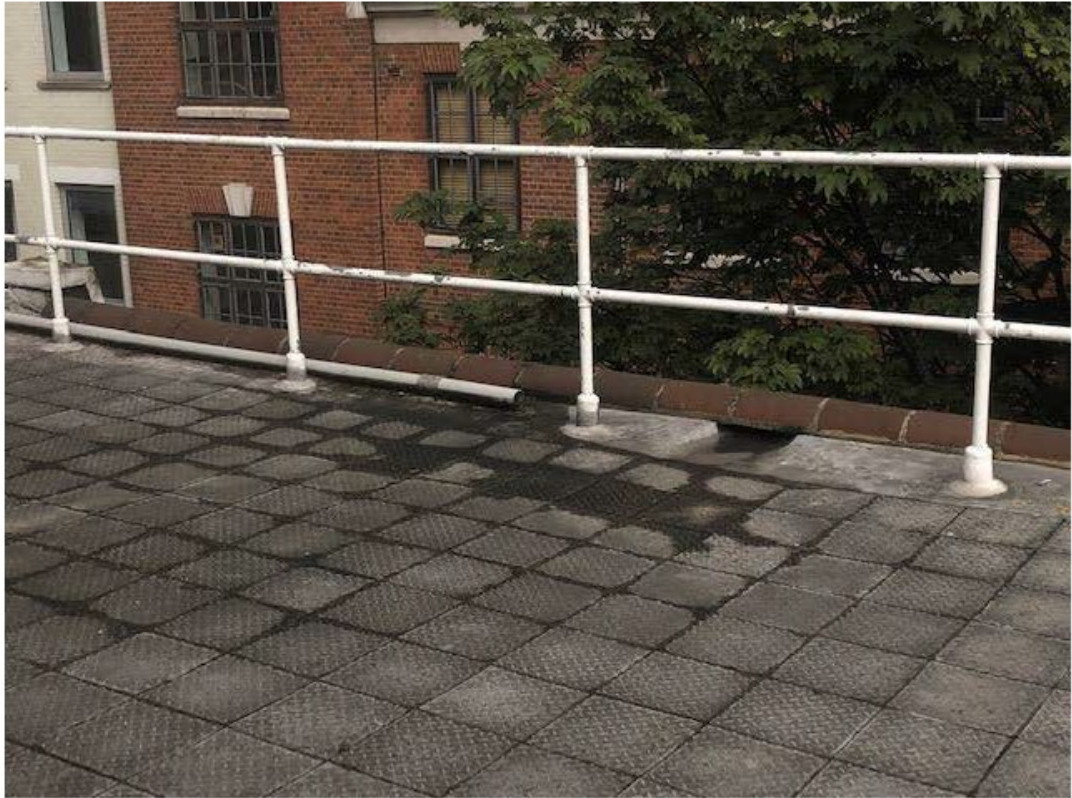
ADDRESS:
10 Bolt Court, EC4A 3DQ

CASE No.
19/00291/FULL

-  SITE LOCATION
-  LISTED BUILDINGS
-  CONSERVATION AREA BOUNDARY



DEPARTMENT OF THE BUILT ENVIRONMENT



Main Report

Site

1. The application site is an existing red brick, ground plus four storey office building, located within the Fleet Street conservation area.
2. Directly to the north of the site is 6 Bolt Court, a Grade II listed, ground plus five storey building, occupied by 22 residential apartments. These were granted planning permission in 2005 (application reference 04/01017/FULL)

Proposal

3. Planning permission is sought for the formation of a roof terrace at fifth floor level with associated works, including the replacement of the existing balustrading, installation of new decking and planting.

Consultations

4. The application has been advertised on site and in the local press and neighbour notification letters sent to residents in 6 Bolt Court.
5. Markets and Consumer Protection raised no objections and recommended the inclusion of conditions.
6. Following the initial submission of the application, 13 neighbour responses were received and one email from the Director of Gough House Limited, the Freeholders of Gough House (6 Bolt Court).
7. The neighbour comments are summarised below:

| Issue | Objection | Response |
|-------|--|--------------------------------------|
| Noise | 6 Bolt Court is Grade II Listed and has single glazing. The terrace use would result in unacceptable levels of noise and disturbance to nearby residents. Loss of the 'oasis of quiet' | See paragraphs 22 – 24 of the report |
| Light | The balustrade would reduce natural light to Bolt Court. Lighting to the terrace would cause disturbance to residents. | See paragraph 28 of the report |

| | | |
|-----------------|---|------------------------------------|
| Pollution | Cigarettes on the terrace would result in unacceptable fumes and litter. | See paragraphs 22-24 of the report |
| Character | Proposals would be out of character with the Fleet Street Conservation Area. Provision of faux flowers would not constitute high quality design. | See paragraphs 16-19 of the report |
| Loss of Privacy | Terrace would allow direct overlooking of flats in Bolt Court. | See paragraphs 26-29 of the report |
| Other | Application is misleading because it suggests the terrace is already there when it is not. | See paragraph 8 of the report |

8. The applicant has sought to address neighbour comments by:

- Amending the description of development to include use of the roof as a terrace.
- Revising the design of the balustrading.
- Incorporating new planting around the perimeter of the site and on the plant room.
- Agreeing to a condition restricting hours of usage.
- Providing details of potential occupancy levels.
- Providing a Management Strategy setting out hours of use, no smoking and no amplified music on the terrace.

9. Following the receipt of these revisions, neighbours were reconsulted. 19 neighbour comments were received and an email from the Director of Gough House Limited. The comments reiterated the points raised above. Additional comments are set out below:

| Issue | Objection | Response |
|---------------------|---|-----------------------------|
| Management Strategy | The strategy would not restrict the number of people using the terrace. 'Loud music' has not been defined. | See paragraph of the report |

| | | |
|--|--|--|
| | The provided support telephone number is not available after 5.30pm. | |
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Policy Context

10. The development plan consists of the London Plan and the Local Plan. The Local Plan policies that are most relevant to the consideration of this case are set out in Appendix A to this report.
11. Government Guidance is contained in the National Planning Policy Framework (NPPF) and the National Planning Policy Guidance (NPPG).

Considerations

12. The Corporation, in determining the planning application has the following main statutory duties to perform:
 - To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
 - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004);
 - For development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
 - For development within or adjoining a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (S72 (1) Planning (Listed Buildings and Conservation Areas) Act 1990).
13. The principal issues in considering this application are:
 - The suitability of the proposals in the context of the existing building.
 - The impact of the proposals on neighbouring residential occupiers.

Assessment of the application

Land Use

14. The application site is currently occupied as an office. There is an existing access to the roof where there is a screened air conditioning enclosure and a low balustrade which does not comply with building regulations. The planning application would formalise the use of the roof as a terrace, replacing the balustrading and incorporating new planting and decking. The works would be in conjunction with wider internal refurbishment works which are currently being undertaken at the site and do not require planning permission.
15. Providing a roof terrace and associated works would enhance the quality of the existing office provision at that site by providing an amenity space for the office occupiers. The proposal would contribute to the provision of a range of high-quality office accommodation in accordance with Core Strategic Policy CS1.

Design and Conservation

16. The Fleet Street Conservation Area Character Summary and Management Strategy identifies 10 Bolt Court as:

‘A well-executed Neo-Georgian office block of similar scale and materials to No.6, while adjacent no. 3 has a 19th Century frontage in the same style. No.11 continues the traditional theme. Though varied in date, the shared style creates integrity within the court’.
17. The proposed tensile wire railings retain the openness of the existing balustrading. It would not be visible in oblique views along Bolt Court on approach from the south and west. The top of the railings would be visible in views on the approach from the north and east, as are the current railings.
18. The proposed roof terrace balustrading, new soft landscape planting and improvements to the appearance of the existing plant enclosure would positively contribute to the ‘fifth elevation’, providing a roofspace that would complement the building when viewed from surrounding buildings. The proposals would not harm the character and appearance of this part of the Fleet Street Conservation Area and would not detract from the setting of the nearby listed building on the north side of Bolt Court.
19. The proposals are acceptable in design and heritage terms and would be in accordance with Local Plan Policies DM 10 and DM 12.2.

Impact on Neighbouring Residents

20. The north elevation of the application site is located 8.5m away from the south elevation of 6 Bolt Court, which is occupied by 22 residential apartments.
21. The use of the roof as a terrace could result in noise and disturbance and a loss of privacy to residential occupiers. These issues are addressed in turn.

Noise and Disturbance

22. During the progression of the application, the planning agent has provided a supplementary statement detailing the proposed use of the terrace. This would be restricted to the occupants of the third and fourth floors of the building (101 sqm of office space), anticipated as a maximum of 12 members of staff at one time.
23. The agent has provided a Management Statement which sets out that the hours of use of the roof terrace would be restricted to 9am-8pm Monday to Friday, with the provision for 15 late nights annually (11pm) and not at any time on Saturday, Sunday or Bank Holidays. There would be no amplified music or smoking permitted on the terrace.
24. The terrace would offer a complementary use to the existing office building. The restricted hours would provide adequate mitigation to ensure that the use would be compatible with the neighbouring residential occupiers. The incorporation of these measures would ensure that the use of the roof terrace would comply with policies DM 3.5, DM 15.7 and DM 21.3 of the Local Plan.

Privacy and Overlooking

25. 6 Bolt Court and 10 Bolt Court are 8.5m apart, with windows facing each other and there is a deciduous tree which sits between the two buildings. The existing windows in the office building afford direct views towards the residential properties at 6 Bolt Court.
26. The existing roof is set back slightly from the principal elevation and the proposals would install a new balustrade and planting around the perimeter of the roof the installation and maintenance of which has been secured by condition.
27. The height of the roof and the set-backs would keep people away from the edge of the roof and consequently offer limited opportunity for direct overlooking of windows in 6 Bolt Court, particularly as occupiers of the terrace would be looking at an oblique angle to the windows below. The opportunity for overlooking from the roof would be less than the direct overlooking which can occur from the office windows on the levels below.

28. The applicant has not proposed any alterations to the existing lighting which comprises one security light.
29. On balance, officers are satisfied that the proposed development would not result in a significant loss of privacy compared to the existing situation and that the proposed management strategy for the roof terrace would ensure that there would not be an unacceptable level of noise or disturbance to nearby residents.

Energy and Sustainability

30. Design revisions to the proposal have incorporated planting around the perimeter of the roof. This would provide an element of sustainable urban drainage (SuDs) appropriate to the scale of the development in accordance with Local Plan Policy DM 18.2.

Conclusion

31. The proposed development would contribute to the provision of high-quality office accommodation, the roof terrace would enhance the fifth elevation of 10 Bolt Court and would be of an appropriate design within the Conservation Area. The design and layout would preserve residential privacy and the incorporation of conditions restricting the hours of use would ensure that the use would not detrimentally impact on the amenity of neighbouring residential properties to an unacceptable extent.

Appendix A

London Plan Policies

Relevant Local Plan Policies

DM10.3 Roof gardens and terraces

- 1) To encourage high quality roof gardens and terraces where they do not:
 - a) immediately overlook residential premises;
 - b) adversely affect rooflines or roof profiles;
 - c) result in the loss of historic or locally distinctive roof forms, features or coverings;
 - d) impact on identified views.
- 2) Public access will be sought where feasible in new development.

DM10.1 New development

To require all developments, including alterations and extensions to existing buildings, to be of a high standard of design and to avoid harm to the townscape and public realm, by ensuring that:

- a) the bulk and massing of schemes are appropriate in relation to their surroundings and have due regard to the general scale, height, building lines, character, historic interest and significance, urban grain and materials of the locality and relate well to the character of streets, squares, lanes, alleys and passageways;
- b) all development is of a high standard of design and architectural detail with elevations that have an appropriate depth and quality of modelling;
- c) appropriate, high quality and durable materials are used;
- d) the design and materials avoid unacceptable wind impacts at street level or intrusive solar glare impacts on the surrounding townscape and public realm;
- e) development has attractive and visually interesting street level elevations, providing active frontages wherever possible to maintain or enhance the vitality of the City's streets;
- f) the design of the roof is visually integrated into the overall design of the building when seen from both street level views and higher level viewpoints;
- g) plant and building services equipment are fully screened from view and integrated in to the design of the building. Installations that would adversely affect the character, appearance or amenities of the buildings or area will be resisted;
- h) servicing entrances are designed to minimise their effects on the appearance of the building and street scene and are fully integrated into the building's design;

- i) there is provision of appropriate hard and soft landscaping, including appropriate boundary treatments;
- j) the external illumination of buildings is carefully designed to ensure visual sensitivity, minimal energy use and light pollution, and the discreet integration of light fittings into the building design;
- k) there is provision of amenity space, where appropriate;
- l) there is the highest standard of accessible and inclusive design.

DM15.7 Noise and light pollution

1. Developers will be required to consider the impact of their developments on the noise environment and where appropriate provide a noise assessment. The layout, orientation, design and use of buildings should ensure that operational noise does not adversely affect neighbours, particularly noise-sensitive land uses such as housing, hospitals, schools and quiet open spaces.
2. Any potential noise conflict between existing activities and new development should be minimised. Where the avoidance of noise conflicts is impractical, mitigation measures such as noise attenuation and restrictions on operating hours will be implemented through appropriate planning conditions.
3. Noise and vibration from deconstruction and construction activities must be minimised and mitigation measures put in place to limit noise disturbance in the vicinity of the development.
4. Developers will be required to demonstrate that there will be no increase in background noise levels associated with new plant and equipment.
5. Internal and external lighting should be designed to reduce energy consumption, avoid spillage of light beyond where it is needed and protect the amenity of light-sensitive uses such as housing, hospitals and areas of importance for nature conservation.

DM18.2 Sustainable drainage systems

1. The design of the surface water drainage system should be integrated into the design of proposed buildings or landscaping, where feasible and practical, and should follow the SuDS management train (Fig T) and London Plan drainage hierarchy.
2. SuDS designs must take account of the City's archaeological heritage, complex underground utilities, transport infrastructure and other underground structures, incorporating suitable SuDS elements for the City's high density urban situation.

3. SuDS should be designed, where possible, to maximise contributions to water resource efficiency, biodiversity enhancement and the provision of multifunctional open spaces.

CS1 Provide additional offices

To ensure the City of London provides additional office development of the highest quality to meet demand from long term employment growth and strengthen the beneficial cluster of activities found in and near the City that contribute to London's role as the world's leading international financial and business centre.

DM12.2 Development in conservation areas

1. Development in conservation areas will only be permitted if it preserves and enhances the character or appearance of the conservation area.
2. The loss of heritage assets that make a positive contribution to the character or appearance of a conservation area will be resisted.
3. Where permission is granted for the demolition of a building in a conservation area, conditions will be imposed preventing demolition commencing prior to the approval of detailed plans of any replacement building, and ensuring that the developer has secured the implementation of the construction of the replacement building.

CS10 Promote high quality environment

To promote a high standard and sustainable design of buildings, streets and spaces, having regard to their surroundings and the character of the City and creating an inclusive and attractive environment.

DM21.3 Residential environment

1. The amenity of existing residents within identified residential areas will be protected by:
 - a) resisting other uses which would cause undue noise disturbance, fumes and smells and vehicle or pedestrian movements likely to cause disturbance;
 - b) requiring new development near existing dwellings to demonstrate adequate mitigation measures to address detrimental impact.
2. Noise-generating uses should be sited away from residential uses, where possible. Where residential and other uses are located within the same development or area, adequate noise mitigation measures must be provided and, where required, planning conditions will be imposed to protect residential amenity.

3. All development proposals should be designed to avoid overlooking and seek to protect the privacy, day lighting and sun lighting levels to adjacent residential accommodation.
4. All new residential development proposals must demonstrate how potential adverse noise impacts on and between dwellings will be mitigated by housing layout, design and materials.
5. The cumulative impact of individual developments on the amenity of existing residents will be considered.

SCHEDULE

APPLICATION: 19/00291/FULL

10 Bolt Court London EC4A 3DQ

Replacement of the existing balustrading, installation of new decking and planting at roof level in association with the formation of a roof terrace for use by occupants of the building between 9am and 8pm with the exception of 15 times a year when this would be extended to 11pm. (Amended Description, revised drawings and supplementary information).

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To ensure compliance with the terms of Section 91 of the Town and Country Planning Act 1990.
- 2 The roof terrace hereby permitted shall not be used or accessed between the hours of 20:00 on one day and 09:00 on the following day and not at any time on Saturdays, Sundays or Bank Holidays, other than in the case of emergency with the exception of 15 late nights annually when the roof terrace shall not be accessed between the hours of 23:00 on one day and 09:00 on the following day.
REASON: To safeguard the amenity of the adjoining premises and the area generally in accordance with the following policies of the Local Plan: DM15.7, DM21.3.
- 3 No amplified or other music shall be played on the roof terraces.
REASON: To safeguard the amenity of the adjoining premises and the area generally in accordance with the following policies of the Local Plan: DM15.7, DM21.3.
- 4 No smoking shall take place on the roof terrace.
REASON: To safeguard the amenity of the adjoining premises and the area generally in accordance with the following policies of the Local Plan: DM15.7, DM21.3.
- 5 The roof terrace hereby approved shall only be used in accordance with the 'Roof Terrace Management Plan'.
REASON: To safeguard the amenity of the adjoining premises and the area generally in accordance with the following policies of the Local Plan: DM15.7, DM21.3.
- 6 The landscaping as shown on drawings 513/GA/107 Rev F, 513/E/311 Rev X and Roof Terrace Treatment shall be installed prior to the first

use of the roof terrace and maintained for the lifetime of the development.

To ensure a satisfactory external appearance and to safeguard the amenity of the adjoining premises in accordance with the following policies of the Local Plan: DM 10.1, DM10.3, DM 21.3

- 7 The development shall not be carried out other than in accordance with the following approved drawings and particulars or as approved under conditions of this planning permission: Site Location Plan, 513/R/311 Rev X, 513/GA/107 Rev F, Roof Terrace Management Plan, Roof Terrace Treatment

REASON: To ensure that the development of this site is in compliance with details and particulars which have been approved by the Local Planning Authority.

INFORMATIVES

- 1 In dealing with this application the City has implemented the requirements of the National Planning Policy Framework to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in dealing with planning applications in the following ways:

detailed advice in the form of statutory policies in the Local Plan, Supplementary Planning documents, and other written guidance has been made available;

a full pre application advice service has been offered;

where appropriate the City has been available to provide guidance on how outstanding planning concerns may be addressed.