



City of Westminster

# Committee Agenda

Title:

**Planning (Major Applications) Sub-Committee**

Meeting Date:

**Wednesday 20th October, 2021**

Time:

**6.30 pm**

Venue:

**18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members:

**Councillors:**

Robert Rigby (Chairman)  
Mark Shearer  
David Boothroyd

Geoff Barraclough  
Jim Glen  
Louise Hyams



**Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda**

**Committee members will attend the meeting in person at Westminster City Hall. The Committee will be a hybrid Meeting and will be live broadcast via Microsoft Teams.**

**Admission to the public gallery is by a pass, issued from the ground floor reception from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.**



**If you require any further information, please contact the Committee Officer, Georgina Wills: Committee and Governance Officer.**

**Tel: 07870 548348; Email: [gwillis@westminster.gov.uk](mailto:gwillis@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Committee and Governance Services in advance of the meeting please.

## **AGENDA**

### **PART 1 (IN PUBLIC)**

#### **1. MEMBERSHIP**

To note any changes to the membership.

#### **2. DECLARATIONS OF INTEREST**

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

#### **3. MINUTES**

To sign the minutes of the last meeting as a correct record of proceedings.

To Follow.

#### **4. PLANNING APPLICATIONS**

Applications for decision

##### **Schedule of Applications**

Members of the public are welcome to speak on the specific applications at the virtual planning committee meeting.

To register to speak and for guidance please visit:

<https://www.westminster.gov.uk/planning-committee>

Please note that you must register by 12 Noon on the Friday before the Committee meeting

In the event that you are successful in obtaining a speaking slot at the hybrid meeting please read the guidance, in order to familiarise yourself with the process prior to joining the remote meeting.

All committee meetings open to the public are being broadcast live using Microsoft Teams. For information on participating in the virtual Committee please see the following link

<https://www.westminster.gov.uk/stream-council-meetings>

To access the recording after the meeting please revisit the Media link

- |  |                 |
|--|-----------------|
| 1. WEST END HOUSE 91-92 DEAN STREET LONDON W1D 3SY | (Pages 7 - 54)  |
| 2. 37 CONDUIT STREET LONDON W1S 2YF                | (Pages 55 - 78) |

**Stuart Love**  
**Chief Executive**  
**11 October 2021**

## Order of Business

At Planning Applications Sub-Committee meetings the order of business for each application listed on the agenda will be as follows:

<b>Order of Business</b>
i) Planning Officer presentation of the case
ii) Applicant and any other supporter(s)
iii) Objectors
iv) Amenity Society (Recognised or Semi-Recognised)
v) Neighbourhood Forum
vi) Ward Councillor(s) and/or MP(s)
vii) Council Officers response to verbal representations
viii) Member discussion (including questions to officers for clarification)
ix) Member vote

These procedure rules govern the conduct of all cases reported to the Planning Applications Sub-Committees, including applications for planning permission; listed building consent; advertisement consent, consultations for development proposals by other public bodies; enforcement cases; certificates of lawfulness; prior approvals, tree preservation orders and other related cases.

# Agenda Annex

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS SUB COMMITTEE – 20th October 2021  
 MAJOR SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	<b>RN(s):</b> 21/04390/FULL  West End	West End House 91-92 Dean Street London W1D 3SY	Demolition and redevelopment of 91-92 Dean Street, Diadem Court and 10-13 Great Chapel Street, behind retained façade at 91-92 Dean Street and behind retained façade of ground and lower ground floors of Diadem Court and erection of a building of basement, ground and part three and four upper storeys with rooftop plant and roof terrace, for use as hostel visitor accommodation (sui generis) of between 725 and 775 bedspaces, and use of part of the ground basement of 14-15 Carlisle Street for healthcare clinic use with ancillary café at 92 Dean Street.	Jones Lang LaSalle Limited (agent)
<p><b>Recommendation</b></p> <p>Grant conditional permission, subject to the completion of a S106 legal agreement to secure:</p> <p>i. A payment of £145,156 to support the Westminster Employment Service (index linked and payable prior to the commencement of development)</p> <p>ii. A payment of £134,725 to the City Council's Carbon Offset Fund (index linked and payable on commencement of development)</p> <p>iii. The medical space to be fitted out (to shell and core) and ready for occupation prior to commencement of development;</p> <p>iv. Monitoring costs.</p> <p>2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:</p> <p>a) The Director of Place Shaping and Town Planning 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 Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not</p> <p>b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p>				
Item No	References	Site Address	Proposal	Applicant
2.	<b>RN(s):</b> 20/07862/FULL  West End	37 Conduit Street London W1S 2YF	Excavation of extension to provide a second basement level, demolition and re-build of the 6th and 7th floors and extension to form new 8th and 9th floors, erection of rear extension from ground to new 9th floor level, all to enlarge existing hotel (Class C1). External alterations including alterations to the appearance of the existing facades.	Westbury Hotel Ltd

CITY OF WESTMINSTER  
PLANNING APPLICATIONS SUB COMMITTEE – 20th October 2021  
MAJOR SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<p><b>Recommendation</b></p>
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	<p>Refuse permission – adverse impact on the appearance of the building, the character and appearance of the Mayfair conservation area and the setting of neighbouring listed buildings</p>
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# Agenda Item 1

Item No.

1

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 20 October 2021	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>West End House, 91-92 Dean Street, London, W1D 3SY</b>		
<b>Proposal</b>	Demolition and redevelopment of 91-92 Dean Street, Diadem Court and 10-13 Great Chapel Street, behind retained façade at 91-92 Dean Street and behind retained façade of ground and lower ground floors of Diadem Court and erection of a building of basement, ground and part three and four upper storeys with rooftop plant and roof terrace, for use as hostel visitor accommodation (sui generis) of between 725 and 775 bedspaces, and use of part of the ground basement of 14-15 Carlisle Street for healthcare clinic use with ancillary café at 92 Dean Street.		
<b>Agent</b>	JLL		
<b>On behalf of</b>	92 Dean Street Ltd		
<b>Registered Number</b>	21/04390/FULL	<b>Date amended/ completed</b>	6 July 2021
<b>Date Application Received</b>	29 June 2021		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Soho		

## 1. RECOMMENDATION

<p>Grant conditional permission, subject to the completion of a S106 legal agreement to secure:</p> <ol style="list-style-type: none"><li>i. A payment of £145,156 to support the Westminster Employment Service (index linked and payable prior to the commencement of development)</li><li>ii. A payment of £134,725 to the City Council's Carbon Offset Fund (index linked and payable on commencement of development)</li><li>iii. The medical space to be fitted out (to shell and core) and ready for occupation prior to commencement of development;</li><li>iv. Monitoring costs.</li></ol> <p>2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:</p> <ol style="list-style-type: none"><li>a) The Director of Place Shaping and Town Planning 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 Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not</li></ol>
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b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

## 2. SUMMARY

The site occupies the northern half of the urban block bounded to the north by Diadem Court, Dean Street to the east, Great Chapel Street to the West and Carlisle Street to the south. The site partly operates as a hostel, and part of the site is also occupied as NHS floor space with separate access from Great Chapel Street. An independent café is located on the corner of Dean Street and Diadem Court.

The proposals seek the part demolition and refurbishment of the site to provide an expanded hostel use and replacing the existing bunk bed and dormitory sleeping accommodation with a new 'pod' sleeping concept, providing 725-775 bed spaces. An ancillary take-away food unit is also proposed within the ground floor of 92 Dean Street and the existing NHS floorspace is to be relocated to the basement and ground floors of 14-15 Carlisle Street

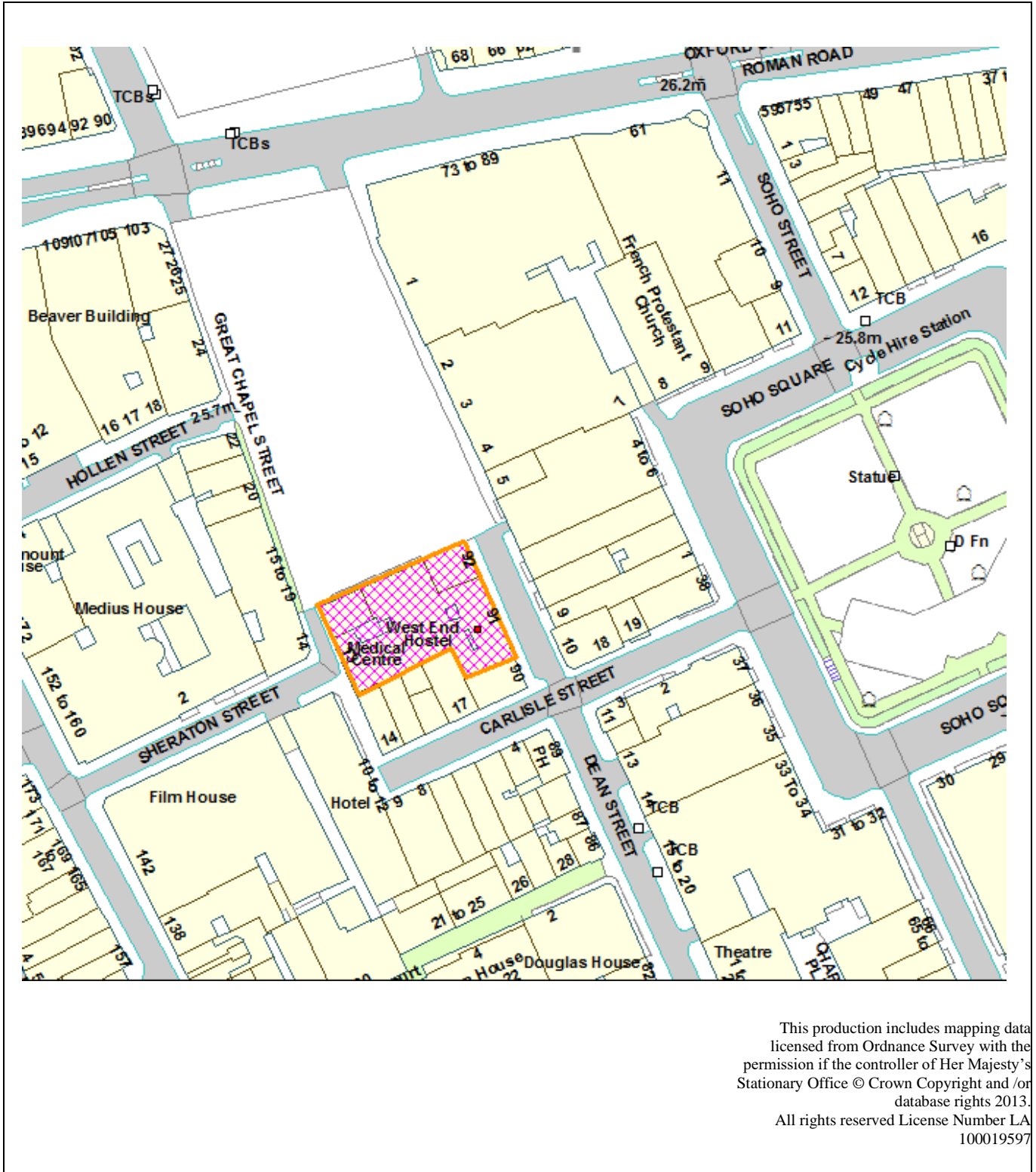
The key issues for consideration are:

- The introduction of the extended hostel use in this location;
- The impact of the proposed alterations and extensions on the character and appearance of the Soho Conservation Area;
- The impact of the use on highways/traffic movements/servicing;
- The impact on residential amenity.

For the reasons set out in the main report, the extended hostel use is considered to be acceptable in this location and subject to appropriate conditions controlling its operation, it is considered that the extended use would be neither harmful to residential amenity nor the character and function of the area. The proposals are considered to maintain the character and appearance of the Soho Conservation Area and the setting of neighbouring listed buildings and in other respects the scheme is considered to comply with policies set out in the City Plan and Soho Neighbourhood Plan. The application is therefore recommended for conditional approval.



3. LOCATION PLAN



4. PHOTOGRAPHS



91-92 Dean Street

Diadem Court facade



13 Great Chapel Street



## 5. CONSULTATIONS

### CROSS LONDON RAIL LINKS LTD (1)

No objections raised

### CROSS LONDON RAIL 2 LINKS LTD

No objections raised

### HISTORIC ENGLAND

Further justification is needed for some of the elements of the proposal, and refinements are needed to elements of the detailed design.

### HISTORIC ENGLAND (ARCHAEOLOGY)

There remains no discernible on-going archaeological potential with this application site.

### THAMES WATER

No objections raised.

### SOHO SOCIETY

Supports the continued use of the building as a back-packers hostel and welcomes the proposal that the NHS facilities will be relocated before any works starts, but objects to the increased numbers proposed which is does not comply with policy 20.B.7 of the City Plan relating to small scale hotels (defined as those of less than 100 bedrooms) and in particular paragraph 20.7 of that policy. Guests arriving and leaving at any time will impact on neighbouring occupiers (as set out in policy 15.14 of the City Plan.)

The current hostel has permission for 295 beds and now 725 to 775 pods are proposed representing an overdevelopment of the site. Deliveries and collections will increase and the reference to 'events' being held on the ground floor will further increase the impacts on neighbouring occupiers.

The proposals also do not meet the City Plan's energy sustainability targets and there are daylighting issues.

### HIGHWAYS PLANNING MANAGER

Requests the provision of an internal link between the hostel use and the waste store, a direct link from the servicing access point to the linen store, revisions to the Operational Management Plan to demonstrate how arrival and departure of guests via coaches and taxis will be managed, that additional cycle parking is included, and the submission of a Servicing Management Plan.

### ENVIRONMENTAL HEALTH

No objections raised.

### BUILDING CONTROL

No objections raised

**WASTE PROJECT OFFICER**

No objections raised.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 188; Total No. of replies: 19

No. of objections: 8; No. in support: 10

Eight letters of objection (including one from the Meard Street and Dean Street Residents Association) raising the following concerns:

Land use

- \* There is no need for another hotel in Soho
- \* Oversized development of over 100 rooms is contrary to the Soho Special Policy Area provisions
- \* It is unclear as to how many pods/bedspaces are proposed

Design

- \* Loss of unlisted buildings of merit;
- \* The existing brickwork should be retained and soot washed.
- \* Architecturally significant buildings should be refurbished instead of being demolished
- \* The current eclectic façade is replaced by a bland frontage

Amenity

- \* Noise and congestion from hotel guests
- \* Likely to generate anti-social behaviour
- \* Use of ground floor for 'events' will adversely impact on the amenity of residents and leave no space for guests to go
- \* Unclear if there is any amendment to the existing liquor license application.
- \* Increase in deliveries

Other matters

- \* Construction noise
- \* Backpackers are unlikely to frequent local restaurants or venues
- \* Insufficient accessible guest rooms or step-free access
- \* Anti-social behaviour

**PRESS ADVERTISEMENT / SITE NOTICE:**

Yes

**6. BACKGROUND INFORMATION****6.1 The Application Site**

The site comprises seven buildings, Nos. 91 and 92 Dean Street, 9 Diadem Court, 10-12 and 13 Great Chapel and the ground and basement of 14-15 Carlisle Street. The site occupies the northern half of the urban block bounded to the north by Diadem Court, Dean Street to the east, Great Chapel Street to the West and Carlisle Street to the south. It is located within the Soho Conservation Area, the Central Activities Zone and West End Retail and Leisure Special Policy Area.

91-92 Dean Street, 9 Diadem Court and 13 Great Chapel Street operates as a hostel, SoHostel, providing affordable backpackers accommodation. The hostel, which is accessed via Dean Street, comprises several connected buildings, with an ancillary breakfast/bar area for the hostel and a small amount of courtyard space. Part of the site is occupied as NHS floor space and has independent access from Great Chapel Street. An independent café is located on the corner of Dean Street and Diadem Court, but this has been closed for some considerable period of time.

The site also includes the ground and basement floors of 14-15 Carlisle Street which is occupied as a bureau de change at ground floor and offices at basement level.

91- 92 Dean Street, 14 and 15 Carlisle Street and 13 Great Chapel Street are noted as 'unlisted buildings of merit'. In terms of neighbouring properties, 90 Dean Street and 17 Carlisle Street are both designated as Grade II listed buildings.

## 6.2 Recent Relevant History

Planning permission granted 4 August 2005 for the use of ground floor as mixed retail and cafe purposes (sui generis use); replacement of existing windows in Dean Street elevation; replacement of existing windows and new entrance doors on Diadem Court elevation

Planning permission 4 August 2005 granted for the use of part ground and first floors for gallery and exhibition area (D1)

Planning permission granted 14 November 2006 for the use of part ground and first floors for gallery and exhibition area. Use of part second, third and fourth floor for training rooms, and alteration to roof to accommodate lift installation.

Planning permission granted 18 September 2008 for the use of part basement area for café purposes in connection with the existing ground floor mixed retail and café use (Sui generis).

Planning permission granted 1 March 2016 for the use of part basement to third floors and fourth floors as a backpackers' hostel (sui generis) with ancillary coffee shop, and the creation of a roof terrace on fifth floor level. (Part retrospective)

Planning permission granted 12 November 2020 for the Variation of Condition 5 of planning permission dated 1st March 2016 (RN:15/11108/FULL) for, 'Use of part basement to third floors and fourth floors as a backpackers' hostel (Sui generis) with ancillary coffee shop and the creation of a roof terrace on fifth floor level. (Part retrospective); NAMELY to remove reference to occupation of the premises by One Housing Group.

### 14-15 Carlisle Street

Planning permission granted 4 February 2009 for the use of the ground floor from Office (Class B1) to a Bureau de Change (Class A2).

## 7. THE PROPOSAL

The proposals seek the part demolition and refurbishment of the site to provide an expanded hostel use and replacing the existing bunk bed and dormitory sleeping accommodation with a new 'pod' sleeping concept, where guests will experience private, enclosed, sleeping capsules. A total of 650-675 sleeping pods are proposed (providing 725-775 bed spaces). The pods will comprise a mixture of single and double pods, of which approximately 75% will be single. Each pod will offer private accommodation with associated facilities including shared facilities such as the arrival reception, washrooms, luggage storage and communal areas. A bin and cycle store is provided at rear ground floor level. An ancillary take-away food unit is also proposed within the ground floor of 92 Dean Street.

The application proposes the following works:

- Retention of the 91-92 Dean Street façades;
- Retention of ground and basement of Diadem Court frontage and redevelopment of first and second floor with the introduction of a new mansard roof extension;
- Demolition and redevelopment of 10-12 Great Chapel Street;
- Redevelopment of 13 Great Chapel Street with the introduction of a new mansard extension;
- The lightwell will be infilled and a roof level terrace introduced;
- The relocation of the NHS floorspace to 14-15 Carlisle Street

The changes in floorspace are shown in the following table:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Hostel	2,800	4,291	+ 1,491
NHS clinic	223	231	+8
Office/bureau de change	231	0	-231
<b>Total</b>	<b>3,254</b>	<b>4,522</b>	<b>+1,268</b>

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### **Loss of office use**

The proposal involves the relocation of the existing NHS floorspace from 13 Great Chapel Street to 14-15 Carlisle Street. This will result in the loss of office floorspace at basement level. Policy 13 of the City Plan relates to offices and seeks to restrict the loss of office space to housing and/or hotels, however, the loss of offices to other Class E uses (including medical uses) is acceptable. This part of the proposal is therefore in accordance with this policy.

#### **'Pod' Hostel visitor accommodation**

The hostel use, being a form of visitor accommodation needs to be assessed under

adopted policies relating to hotels and the visitor economy. City Plan Policy 14(A) supports the intensification of the CAZ to provide additional floorspace for main town centre uses, which includes hotel facilities (as defined within the NPPF and London Plan). London Plan Policy E10(F) states, 'Within the CAZ, strategically-important serviced accommodation [which includes hostels] should be promoted in Opportunity Areas, with smaller-scale provision in other parts of the CAZ except wholly residential streets or predominantly residential neighbourhoods'. Despite the size of the hostel, it does not fall within the London Plan's definition of 'strategically-important' serviced accommodation, which is limited to accommodation comprising more than 20,000 sqm.

Policy 15 'Visitor Economy' of the new City Plan 2019-2024 (April 2021) states that we will maintain and enhance the attractiveness of Westminster as a visitor destination, balancing the needs of visitors, businesses and local communities. Part (H) of Policy 15 states that, 'Applications for extensions and upgrades to existing hotels will have regard to impacts on the wider area. Development proposals should improve accessibility and enable the extended lifetime of buildings by incorporating principles and measures of sustainable design wherever possible. Development proposals should, where appropriate, reveal the historic significance of hotels located within heritage assets.'

The supporting text to this policy at paragraph 15.12 gives a strong level of protection to existing hotels. Para 15.13 states that when assessing proposals for hotel extensions account will be taken of the site location, relationship to neighbouring uses, scale of accommodation and facilities proposed (the number of bedrooms and nature of other services the hotel offers), highways and parking. Proposals for extensions and upgrades to existing hotels will also consider how the sustainability and accessibility of the building can be improved. When located within heritage assets and where appropriate, development should better reveal the historic significance of the building. Para 15.14 states that there is a need to ensure a balance between hotel and residential uses so that they can all function well, while also ensuring a good quality of life for residents.

Policy 20 provides specific guidance for Soho and states that "Development in the Soho Special Policy Area will reflect its unique character and function and demonstrate how it respects, protects and enhances the existing scale and grain of the built environment and the unique mixture of uses present there." It states that "although hotels are generally considered acceptable within the CAZ, within Soho, smaller scale or 'boutique' hotels are more appropriate due to Soho's existing character. Large-scale hotel facilities will not generally be considered acceptable within the SPA, as their larger floorplate requirements are likely to erode local character through the loss of smaller scale existing units, which will also displace other commercial uses, as well as having potential amenity and environmental impacts. Larger floorplate units are generally at odds with Soho's existing scale and grain. We consider small-scale hotels, in a Soho context, to be those of fewer than 100 rooms."

The Soho Neighbourhood Plan (SNP) does not have a specific hotel policy, but chapter 4 "Visiting, Shopping and Leisure in Soho" does state that Soho is "becoming home to an increasing number of hotels, which although they support the visitor economy and provide jobs tend to displace some of the very mixed uses which give the neighbourhood area its character."

Objections to the increase in size of the hostel and the number of bedspaces have been



received, and objectors believe that this would result in an overdevelopment of the site that would be contrary to policy 20 of the City Plan. However, policy 20 is intended to capture large hotels with both large facilities and large footplates which also displace other commercial uses. The policy justification refers to the fact larger floorplate units are generally at odds with Soho's existing scale and grain ...as well as having potential amenity and environmental impacts. The proposals here are within the footprint of the existing hostel and so do not displace any other uses. There are no large facilities such as a spa/gym, meeting rooms or conference facilities proposed and the existing hostel already has 295 bedspaces, and currently operates above the threshold set out in policy 20. Whilst numbers of visitors will clearly increase significantly, given the scale and level of activity generated by the existing hostel, the fact that this is the heart of the West End with a large number of late night facilities, and together with the anticipated increase in visitors with the introduction of the Crossrail station at Tottenham Court Road, it is not considered that the extended use would have a material impact on local residents, nor adversely affect the character and function of the local environment.

There are residential properties within close proximity to the site, including a single-family dwelling at 90 Dean Street, the newly constructed flats within the Crossrail over-station development on Dean Street and those on the upper floors in 16 Carlisle Street. The application is supported by an Operational Management Plan (OMP) and a 'Delivery and Servicing Plan' to ensure that the amenity of neighbouring residents and businesses and the quality of the surrounding environment is adequately safeguarded. Whilst objectors have raised concerns about the use of the ground floor for 'events' the applicant has confirmed that whilst the existing ground floor is currently used for functions such as quizzes, which are restricted to residents and their guests/only, the applicant has since confirmed that they are not likely to be doing these in the future. A small bar area is proposed at ground floor area and other than the small café at 92 Dean Street, which is discussed in further detail below, the only food offering is by way of vending machines. An amended OMP has been requested by condition to cover the management of the use of the communal ground floor area.

Policy 15 requires proposals for extensions and upgrades to existing hotels to consider how the sustainability and accessibility of the building can be improved. The improvements to sustainability are set out in section 8.7 below. With regard to accessibility, it is acknowledged that the existing building is compromised and has poor access throughout with large areas without wheelchair access. In particular, the building does not have level access across each floor plate, relying on an awkward series of short flights of stairs across each floor plate, which is non-compliant with Parts K and M of the Building Regulations. In addition, there is only one single lift, which does not serve every floor and there are long escape distances.

The hostel entrance is to be retained on Dean Street with level access provided via 92 Dean Street. The proposal provides significantly improved accessibility with level access across each floor plate, a new central stair with two additional escape cores, and two passenger lifts. The reception area will be open 24 hours and have a designated individual responsible to assist guests with enquiries and services.

Whilst this type of accommodation is unusual, it is considered that the proposal contributes to the range of visitor accommodation offered and is appropriate in this central area of Westminster, close to many of London's top tourist attractions and with

excellent access to public transport.

Issues relating to traffic and servicing are dealt with in the Highways section below. Hours of servicing, including collection of waste, are controlled by condition to daytime hours to address policy 18 of the Soho Neighbourhood Plan.

### **Cafe/ Coffee shop**

The existing café/coffee shop at ground floor level within 92 Dean Street is to be retained. Policy 14 (g) of the City Plan states that town centre uses will also be supported in principle throughout the parts of the CAZ with a commercial or mixed-use character, having regard to the existing mix of land uses and neighbourhood plan policies.

Policy 16 states that proposals for food and drink and entertainment uses will be of a type and size appropriate to their location. The over-concentration of those uses will be further prevented where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the town centre. Applications for entertainment uses will need to demonstrate wider benefits for the local community, where appropriate.

Policy 12 of the Soho Neighbourhood Plan states that proposals for new food uses which require planning permission and are contiguous to residential use must comply with the 'agent of change' principle and demonstrate that they will not have unacceptable amenity impacts (including in relation to noise, vibration and odours).

In this case, the existing café is long-standing and is only some 30sqm in size. It currently operates between 08:00 and 22.00 Monday to Saturday and 08:00 and 20:00 hours on Sundays or Bank Holidays and no changes to the operational hours are proposed. Given the small size of the unit and limited hours of operation, the retention of the existing use which generates street level activity is considered acceptable.

The proposal incorporates an external kitchen extract terminating at high level will ensure that cooking odours are adequately dispersed. Environmental health are satisfied with the proposal.

### **Existing Medical floorspace**

Policy 17 protects existing community floorspace, including the existing NHS floorspace at the rear of the site. This floorspace is to be relocated to the basement and ground floor of the neighbouring property, 14-15 Carlisle street, to ensure there is no loss of community health services. The new facilities for the NHS will be accessed via a new dedicated entrance on Great Chapel Street and will provide modern and more useable space, including a dedicated lift.

The provision of this floorspace is to be secured by legal agreement.

## **8.2 Townscape and Design**

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

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires

that “In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall 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.”

Section 66 of the same Act requires that “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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.”

Section 72 of the same 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 of the Westminster City Plan 2019-2040 (April 2021) requires development to conserve features that contribute positively to the settings of conservation areas and take opportunities taken to enhance their settings, wherever possible.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. 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.

## PROPOSALS

The proposed development site includes buildings at 91 and 92 Dean Street, 9 Diadem Court, 10-13 Great Chapel Street and 14-15 Carlisle Street. All of the buildings make a positive contribution to the character and appearance of the Soho Conservation Area, except for the modern infill at the corner of Diadem Court and Great Chapel Street which is considered neutral in heritage asset terms. These buildings occupy most of an urban block bounded by Dean Street, Diadem Court, Great Chapel Street, and Carlisle Street, that includes 90 Dean Street and 17 Carlisle Street which are Grade II listed buildings but are not part of the site. Although the proposals do not rise high enough to affect it, the site is beneath Protected Vista 2A.2 (Parliament Hill summit to the Palace of Westminster) and as regards excavation, the site is in the Great Estates Area of Special Archaeological Priority.

It is proposed to redevelop the site retaining the facades of 91 and 92 Dean Street, and parts of 9 Diadem Court. Entirely new buildings are to be constructed on the corner of Diadem Court and Great Chapel Street, a new façade above ground floor level of 9 Diadem Court, and a new building partly on the site of 13 Great Chapel Street. The inner core of the site which adjoins the rear of premises in Carlisle Street is to be partly infilled.

The existing façade of 9 Diadem Court is a fine example of its type and period and whilst the basement and ground floor are to be retained, the design of the new upper floors

was unacceptable as submitted and Historic England, amongst others, objected to it. The design of the upper floors has been revised to better reflect the original design of the building and it is now considered acceptable and to have addressed the objections to its detailed design.

The design of the new corner building at 10 Great Chapel Street is acceptable in terms of its height, massing, detailed design and facing materials, and it will sit comfortably in its surroundings which include the over-station development on the north side of Diadem Court.

Reconstruction of the buildings facing Great Chapel Street will result in the loss of the existing buildings' patina of age, but the detailed design of the new facades is appropriate and will maintain the character and appearance of the surrounding conservation area.

The added height and bulk of the proposal is acceptable, albeit at the limit of what is achievable without appearing out of character, and the greater extent of building within the core of the site is similarly acceptable.

In design and heritage asset terms, the policies in the Soho Neighbourhood Plan most relevant to this application are intended to ensure, "...Proposals must respect the surrounding townscape and building heights, the individual building by building plot widths and scale of the buildings they replace and where possible, retain a traditional mix of occupiers. Rear yards, courts, back street and mews should be protected and enhanced. Design should avoid creating bland and repetitive facades." The policies to achieve this are set out in the Culture and Heritage chapter of the plan.

#### CONCLUSION

As set out above, the proposals will maintain the character and appearance of the Soho Conservation Area and the setting of neighbouring listed buildings. This accords with Policy 1 of the Soho Neighbourhood Plan 'Heritage and Local Character', Policy 2B 'Proposals for Increased Building Height', and Policy 4 'Shop Fronts and Facades'. This also meets City Plan policies 38, 39, and 40.

Therefore, a recommendation to grant conditional planning permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990."

### 8.3 Residential Amenity

The City Council places high priority on protecting residential amenity, with City Plan Policy 7(A) stating 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 commonly accepted methodology for assessing the impact of development proposals upon daylight and sunlight is the Building Research Establishment guidance entitled, 'Site layout planning for daylight and sunlight: a guide to good practice' (the BRE Guide). The closest residential accommodation within the vicinity of the site are the newly constructed flats within the Crossrail over-station development on Dean Street

and those on the upper floors in 16 Carlisle Street and 90 Dean Street. A daylight and sunlight report has been commissioned by Point 2 Surveyors which examines the impact on daylight and sunlight conditions to the adjacent residential properties.

## Sunlight and Daylight

### Daylight

The most commonly used BRE method for assessing daylighting matters is the 'vertical sky component' (VSC), which measures the amount of sky that is visible from the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The BRE stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances. The BRE guidelines seek to protect daylighting to living rooms, kitchens and bedrooms.

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

With regard to daylight, the analysis finds that, with the exception of the flats within the Crossrail over-station development, that none of the surrounding residential would be adversely affected by the proposals. There are expected material losses to the south facing windows to the flats at first to third floor levels within the Crossrail over-station development, as set out in the table below:

	Room usage	Window Ref.	Daylight (VSC)			Daylight distribution (NSL)			
			Existing VSC	Proposed VSC	Change	Room area (sqm)	Existing NSL	Proposed NSL	Change
1 <sup>st</sup> floor (Flat 1)	Bed	W1/371	15.55	8.18	-47%	161.2	53.4	17.3	-68%
	Living	W2/371	14.32	8	-44%	446.7	76.6	16.9	-78%
1 <sup>st</sup> floor (Flat 2)	Bed	W6/371	10.29	7.36	-28%	113.2	32.3	14.3	-56%
2 <sup>nd</sup> floor (Flat 3)	Bed	W1/372	24.09	13.51	-44%	161.2	120.3	39.8	-67%
	Living	W2/372	22.39	13.02	-42%	446.7	205.4	45.9	-78%
2 <sup>nd</sup> floor (Flat 4)	Bed	W6/372	15.88	11.77	-26%	113.2	63.1	23.6	-63%
3 <sup>rd</sup> floor (Flat 5)	Bed	W1/373	32.49	22.05	-32%	161.2	159.4	113.5	-29%
	Living	W2/373	31.21	20.92	-33%	446.7	444.9	183.3	-59%
3 <sup>rd</sup> floor (Flat 6)	Bed	W6/373	25.04	19.34	-23%	113.2	102.1	71.4	-30%

The flats that are most adversely affected are the one-bedroom flats (Flat 1, 3 and 5). The living room windows to these flats would all experience losses of VSC between 33 and 44% and the bedrooms would experience losses of 32% and 47%. These are all clear material losses in terms of the BRE guidance. The worst affected flat is the flat at first floor where the retained VSC value for both the living room and bedroom drops to a value of 8%. The living rooms at second and third floors however would still retain relatively good VSC values of 13.02 and 20.92%.

The existing VSC levels to the first floor living room is already relatively low, and this is in part due to the fact that Diadem Court is a narrow pedestrian alley, and the existing buildings opposite currently obstruct light to these rooms. Losses to daylight distribution are also significantly above the 20% threshold, however, this is in part due to the fact that the living rooms are long and deep and the area where light can penetrate directly from the sky is already limited.

The impacts to Flats 2, 4 and 6 relate to bedroom windows. The main living room accommodation to these flats is dual aspect and also faces Dean Street and is not adversely affected by the proposals. Whilst the losses to bedroom accommodation would be more than 20%, and therefore noticeable to future occupants, it is recognised by the BRE that this room use does not carry the same expectation for natural light when compared to a living room.

It is considered that within this urban built up location, the levels of daylighting retained are acceptable and the impact is not considered sufficient to justify a refusal.

### Sunlight

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

In respect to sunlight, the impact is very similar (i.e. the only materially affected residential properties are within the Crossrail over-station site) and is summarised in the table below:

	Room usage	Window ref	APSH			APSH during winter		
			Existing	Proposed	Change	Existing	Proposed	Change
1 <sup>st</sup> floor (Flat 1)	Bed	W1/371	38	20	-47%	4	1	-75%
	Living	W2/371	38	20	-47%	4	0	-100%
1 <sup>st</sup> floor (Flat 2)	Bed	W6/371	25	18	-28%	3	0	-100%
2 <sup>nd</sup> floor (Flat 3)	Bed	W1/372	56	33	-41%	12	1	-92%
	Living	W2/372	53	34	-41%	12	2	-83%

Item No.
<b>1</b>

2 <sup>nd</sup> floor (Flat 4)	Bed	W6/372	37	30	-19	7	2	-71%
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Again, the losses in sunlight to the habitable rooms within the first and second floor flats are regrettable. However, the retained APSH values are still good for this location within a highly urban environment and are only marginally below the 25% value that the BRE guidelines deem as being reasonably sunlit. The flats at third floor are not adversely affected and retain excellent APSH values of between 54% and 58%. As such, a good standard of residential accommodation is retained and the impact upon the amenity of the occupants of these flats is considered to be acceptable

**Sense of Enclosure**

Given the distance and relationship to other properties in the vicinity of the site, it is not considered that the proposal would materially reduce outlook from residential premises within proximity to the site.

**Privacy**

The proposals introduce a number of new windows above the retained facades on Diadem Court and these are directly opposite the newly built flats within the Crossrail over-station development. However, it is recognised that there are existing windows in the existing building at second and third floor levels, and as the accommodation at third and fourth floor levels provides bathroom and stairwell facilities, the introduction of obscure glazing to these windows will help to reduce the perception of overlooking to the occupants opposite the site.

The inner core of the site adjoins the rear of premises in Carlisle Street, however, no windows are proposed in this flank elevation.

There is a lawful terrace on the roof of 92 Dean Street and this is to be relocated to the roof level above the new Diadem Court building. This will be further from the new Crossrail over-station flats and some 17m from the rear of the residential within Carlisle Street. Subject to a condition to limit the hours that the terrace may be used, it is not considered that it's use would materially reduce residential amenity.

**8.4 Transportation/Parking**

The site is well served by public transport, with a Public Transport Accessibility Level (PTAL) of 6b indicating its excellent location. The site is close to Leicester Square, Covent Garden, Tottenham Court Road, Oxford Circus and Goodge Street underground stations as well as bus stops nearby the site

Servicing

Policy 29 requires off-street servicing and freight consolidation and Policy 18 of the Soho Neighbourhood Plan also requires "(A) Major development be designed to minimise deliveries and servicing' and (B. Where appropriate, Delivery and Servicing Plans are encouraged and must address adverse impacts on the immediate local environment and public realm in terms of noise, carbon emissions and pollutants."

The applicant has submitted a Servicing Management Plan, which indicates that the development would generate 6 deliveries per day to the site, including linen. Refuse and

recycling collections would be additional to this. While servicing is proposed to take place from the street, which is not in line with policy, that is no different to the existing situation. The proposals initially involved the trolleying of all goods and waste from Dean Street via Diadem Court as the plans omitted to show any internal access from the waste/linen stores directly into the hostel (this is how the hostel currently operates). Amendments to the access arrangements to the bin and linen store have been received to address the concerns raised by the Highways Planning Manager. It is now envisaged that the site will be serviced from the highway in Sheraton Street.

A Servicing Management Plan (SMP) has been submitted, but the Highways Planning Manager has raised concerns on the basis that it has limited detail on the specific processes to be followed. A revised SMP is therefore requested by condition to identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users, including vehicles and pedestrians. This is considered to satisfy Policy 18 of the Soho Neighbourhood Plan that encourages the submission of Delivery and Servicing Plans.

#### Coaches, Taxis and Trip Generation

Policy 27 and Policy 28 require hotels to provide for coach arrivals and departures. The applicant states that the profile of the hostel guests and type of development on offer does not typically attract coach parties or guests by minibus and argues that the majority of guest will arrive at the site by public transportation, but in the event of a coach arriving at there are existing coach parking facilities in Soho Square

Concern is raised that without sufficient location and management strategy for coach arrival and departures, coaches may stop in the carriageway and obstruct through traffic in the area. The movement of people (and their luggage) is also likely to disrupt other pedestrians. There is also no process for dealing with coach arrivals or departures, including managing the transfer of guests to and from the coach to the hostel within either the SMP or Operational Management Plan.

The operational management strategy does not make sufficient reference to how coach and taxi activity associated with the hostel will be managed, and with limited kerb space available, taxis dropping off, collecting and waiting in area are also likely to result in localised congestion. However, it is accepted that the majority of journeys to and from the site will be carried out by sustainable modes of travel. The Highways Planning Manager requests that the Operational Management Plan is revised to include procedure to how arrival and departure of guests via coaches and taxis will be managed.

The applicant has submitted a Transport Assessment providing information on the level of operation of the proposed development. The trip generation information submitted by the applicant focuses on the morning and afternoon vehicle peak and only provides broad daily figures. It is noted, given the location, that pedestrian flows can be significant throughout the day, including evening and late night periods. The increase of total trips associated with the site, through the day is indicated to be approximately 300 additional trips (each-way). This includes an approximate doubling of trips to the site by motor vehicle (bus, taxi, car) throughout a 24 hour period and objections to the increase in pedestrian footfall have been received. The Highways Planning Manager concludes



that the figures within the information submitted by the applicant appear broadly reasonable, and that while the proposal will result in higher levels of activity at different times, the activity of guests arriving and departing the site by non-vehicle means will not result in significant detrimental highway safety or operation.

#### Cycle parking

The London Plan Policy T5 requires 1 space per 175m<sup>2</sup> (for the cafe use) and 1 space per 20 hotel bedrooms. For the hostel use, the Highways Planning Manager believes that with 775 bedspaces a minimum of 39 long term cycle parking spaces and 16 short term spaces is required. However, only 8 long term cycle parking spaces are proposed.

The applicant argues that the profile of guest for the proposed hostel is likely to attract mostly young and foreign tourists, who are very likely to arrive at the site by public transport. The proposed cycle parking provision will cater for 7 full time employees who are expected on site in peak times. It is now proposed that 12 long-stay cycle parking spaces will be provided at ground floor level, which exceeds staff requirements. This results in an additional 5 long-stay cycle parking spaces for the use of guests with longer average stays. This is considered an appropriate level of provision.

The proposed hostel also provides shared showers throughout the building which will be available to staff.

### 8.5 **Economic Considerations**

The proposed development will help support and enhance London's visitor economy and stimulate its growth. The applicant estimates that the development will create jobs during the construction of the development and within the hostel when the redevelopment is complete. It is recommended a financial contribution of £145,156 to support the Westminster Employment Service is secured by S106 legal agreement.

### 8.6 **Access**

Level entrance is provided into the building via 92 Dean Street with the potential for a Part M compliant internal ramp inside the main entrance door at 91 Dean Street. Level access is provided across each floor plate with a new central stair with two additional escape cores, and two passenger lifts. All doors are to have level thresholds, which will be of sufficient width to facilitate wheelchair access. Five DDA accessible rooms are provided. The London Plan requires that 10% of hotel bedrooms should be wheelchair accessible and an objection has been made on the basis that the proposals are not compliant with this policy. A condition is recommended requiring that 10% of the hotel rooms to be wheelchair accessible in accordance with the London Plan's requirements.

### 8.7 **Other UDP/Westminster Policy Considerations**

#### Noise/plant

Plant is proposed at ground floor and within new enclosures at third, fourth and at roof level. Conditions are recommended to secure full details of plant and a supplementary acoustic report when plant has been selected, and the attenuation measures are available to confirm compliance with the Council's standard noise condition.

### Refuse /Recycling

The extended hostel has a designated refuse storage space which will be secured by condition. The waste storage requirements will result in daily bin collections and a private waste contractor will be appointed. This is a significant improvement on the existing facility which is not accessible from within the hostel. The improved arrangement is considered to comply with Policy 29 of the Soho Neighbourhood Plan which requires “Development must provide separate waste and segregated recycling facilities within the boundary of the development which has easy access to collect the materials.”

Additional storage facilities for the relocated medical use are secured by condition.

### Biodiversity

Planting is proposed at roof level to surround the roof terrace. The planting proposals will enhance local biodiversity, and this will be further enhanced through the inclusion of several ecological features such as bird boxes and log piles positioned within the planting.

### Energy and Sustainability

Policy 36 of the City Plan relates to energy and states that the council will promote zero carbon development and 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. All development proposals should follow the principles of the Mayor of London’s energy hierarchy. Major development should be net zero carbon. Where it is clearly demonstrated that it is not financially or technically viable to achieve zero-carbon on-site, any shortfall in carbon reduction targets should be addressed via off-site measures or through the provision of a carbon offset payment secured by legal agreement.

Policy SI 2 of the London Plan ‘Minimising greenhouse gas emissions’ requires that major development should be net zero-carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy: 1) be lean: use less energy and manage demand during operation 2) be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly 3) be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site 4) be seen: monitor, verify and report on energy performance.

The policy also requires that a minimum on-site reduction of at least 35 per cent beyond Building Regulations is met with non-residential development achieving 15 per cent carbon reductions through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either: 1) through a cash in lieu contribution to the borough’s carbon offset fund, or 2) off-site.

Policy 20 of the Soho Neighbourhood Plans states that “All development proposals should incorporate measures designed to minimise and conserve heat and energy use, reduce urban heat island effects, and carbon emissions.” Policy 21 states that “In recognition of Westminster City Council’s climate emergency declaration and their commitment to the city becoming carbon neutral by 2040, all major development should take every opportunity to demonstrate that it has evaluated the potential of options to

sensitively retrofit and improve the sustainability of existing buildings.” In this case, the proposed development seeks to improve the sustainability of existing buildings where possible and to feasibly retain as much of the existing structure and materials. This approach has resulted in a hybrid scheme whereby the façades of 91- 92 Dean Street, the roof of 92 Dean Street and all original windows will be retained, with new secondary glazing to be installed internally, as well as retaining much of the façade on Diadem Court.

As a fair portion of the existing buildings/ infrastructure will be retained, the applicant argues that the proposals perform very well in terms of embodied structural carbon. The materials proposed will be selected not only considering their environmental impact alongside functionality, aesthetics and durability, but also based on their environmental impact. Construction materials, that are responsibly sourced, with low embodied carbon and low environmental impact over the full life cycle of the building will be prioritised. The thermal insulation installed to the building envelope and building services systems will have low embodied environmental impact relative to its thermal properties, and further elongating the life of the retained parts.

The applicant has also submitted an Energy Statement in support of their application. The strategy for reducing energy use and associated carbon emissions through the design of the scheme follows the London Plan energy hierarchy. A combination of passive design and energy efficiency measures are proposed with the provision of highly efficient building fabric; efficient building services plant, including high efficiency air handling plant with heat recovery and low specific fan power; and low energy LED/fluorescent lighting incorporating daylight and motion controls. Renewable energy is proposed in the form of heat and cooling networks provided by air source heat pumps and pv panels at roof level.

The new build element demonstrates an estimated 50.6% reduction in carbon dioxide emissions relative to the current Building Regulations (2013). The refurbished building demonstrates a reduction in regulated emissions relative to the notional building of 58.8%. Whilst this exceeds the minimum on-site carbon dioxide reduction targets set out above, it does not achieve the 15% target aimed through energy efficiency measures. However, it is recognised that given the retention of existing elements of the building fabric (Diadem Court particularly) and ensuring new elements blend in with historical features has limited the ability to maximise improvements to thermal properties and air permeability. A carbon offset payment is required for the shortfall in carbon savings relative to the zero carbon target of £134,725 which will be secured through the S106 legal agreement.

Policy 38E of the City Plan relates to sustainable design and states that Non-domestic developments of 500 sqm of floorspace (GIA) or above will achieve at least BREEAM “Excellent” or equivalent standard. The scheme aims to achieve a BREEAM ‘Excellent’ rating. It is recommended that this is secured by condition.

#### Air Quality

Policy 32 of the City Plan relates to Air quality. The council is committed to improving air quality in the city and expects development to reduce exposure to poor air quality and maximise opportunities to improve it locally without detriment of air quality in other areas. Major developments should be at least Air Quality Neutral.

The whole of Westminster falls within an Air Quality Management Area. The applicant has submitted an Air Quality Assessment in support of their application which concludes that the development will be air quality neutral in terms of building and transport emissions.

#### 8.8 **Westminster City 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 s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

#### 8.9 **Neighbourhood Plans**

The Soho Neighbourhood Plan was adopted following the Neighbourhood Plan Referendum on Thursday 2 September 2021. It includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment. It has recently been adopted, and therefore now forms part of Westminster's statutory development plan. It will be used alongside the council's own planning documents and the Mayor's London Plan in determining planning applications in the Mayfair Neighbourhood Area. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed elsewhere in this report.

#### 8.10 **London Plan**

This application raises no strategic issues.

#### 8.11 **National Policy/Guidance Considerations**

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2019 unless stated otherwise.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

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 and construction

phases of the development, a construction statement, a contaminated land site investigation and method statements for Crossrail. The applicant has agreed to the imposition of these conditions.

#### 8.12 **Planning Obligations**

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

- A financial Contribution of £145,156 to support the Westminster Employment Service (index linked and payable on commencement of development).
- Carbon-off set payment of £134,725
- To secure the relocation of the NHS medical facility
- Monitoring costs.

The estimated CIL payment is : £416,382

#### 8.13 **Environmental Impact Assessment**

Environmental Impact issues have been covered in sections 8.7 above.

#### 8.14 **Other Issues**

##### **Construction impact**

Many of the objections raised by local residents, relate to the construction impact associated with the redevelopment. Policy 17 of the Soho Neighbourhood Plan also requires any "new development proposals in Soho of a scale and type that will be likely to generate significant construction traffic and other impacts should demonstrate (through a construction Management Plan or otherwise) how the impacts on traffic and amenity will be mitigated." Policy 33 also states that "Developments are required to minimise demolition and construction impact by complying with Westminster's Code of Construction Practice (CoCP)". Whilst it is recognised that planning has limited powers to control the construction process and its impacts and must take account of overlap with other regulatory regimes, the expectation set out in the City Plan is for applicants and contractors to mitigate the construction impact as much as possible, to implement good site management and communication, and proactively engage with the local community and affected residents

The application is supported by a construction management plan that sets out the construction programme, measures to mitigate traffic impacts and confirmation that development (to include site preparation works) will not commence on site until such time as the Construction Management Plan has been approved by Westminster City Council in writing.

It is recognised that the construction work will affect local residents and businesses over an 18 month period given the scale of the proposal. A condition is recommended to ensure that the development complies with the Code of Construction Plan (CoCP), which will require the developer to provide a finalised Construction Management Plan (CMP) and funding for the Environmental Inspectorate to monitor the construction phase of the development. The CoCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within

Westminster. The key issues to address as part of the CoCP and production of a CMP are liaison with the public, general requirements relating to the site environment, traffic and highways matters, noise and vibration, dust and air quality, waste management and flood control. Subject to conditions limiting the hours of work in relation to the proposed excavation works and requiring the applicant to adhere to the council's Code of Construction Practice, the proposed redevelopment complies with the requirements of Policy 33 and Policy 17 of the Soho Neighbourhood Plan.

**Basement**

Minor excavation to lower the existing floor is proposed, but no new or additional floorspace is created, therefore policy 45 does not apply. Building control have raised no objections to the proposal and consider the submitted structural method statement to be acceptable.

**Archaeology**

The site is within the Great Estates Special Archaeological Priority Area (APA). English Heritage Archaeology has been consulted and conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

**Crime and security**

An objection has been received on the grounds that the use will result in guests loitering in the area and visiting the adjacent supermarket for alcohol leading to increased anti-social behaviour. It is not considered that the application could be reasonably refused on this issue.

(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: JO PALMER BY EMAIL AT [jpalme@westminster.gov.uk](mailto:jpalme@westminster.gov.uk)

9. KEY DRAWINGS

Front elevation (existing)



91 DEAN STREET

92 DEAN STREET

Front elevation (proposed)





Existing Diadem Court elevation



92 DEAN STREET

DIADEM COURT FRONTAGE

10-12 GREAT CHAPEL STREET

Proposed Diadem Court elevation



92 DEAN STREET                      DIADEM COURT FRONTAGE                      10-12 GREAT CHAPEL STREET

Existing Great Chapel Street elevation

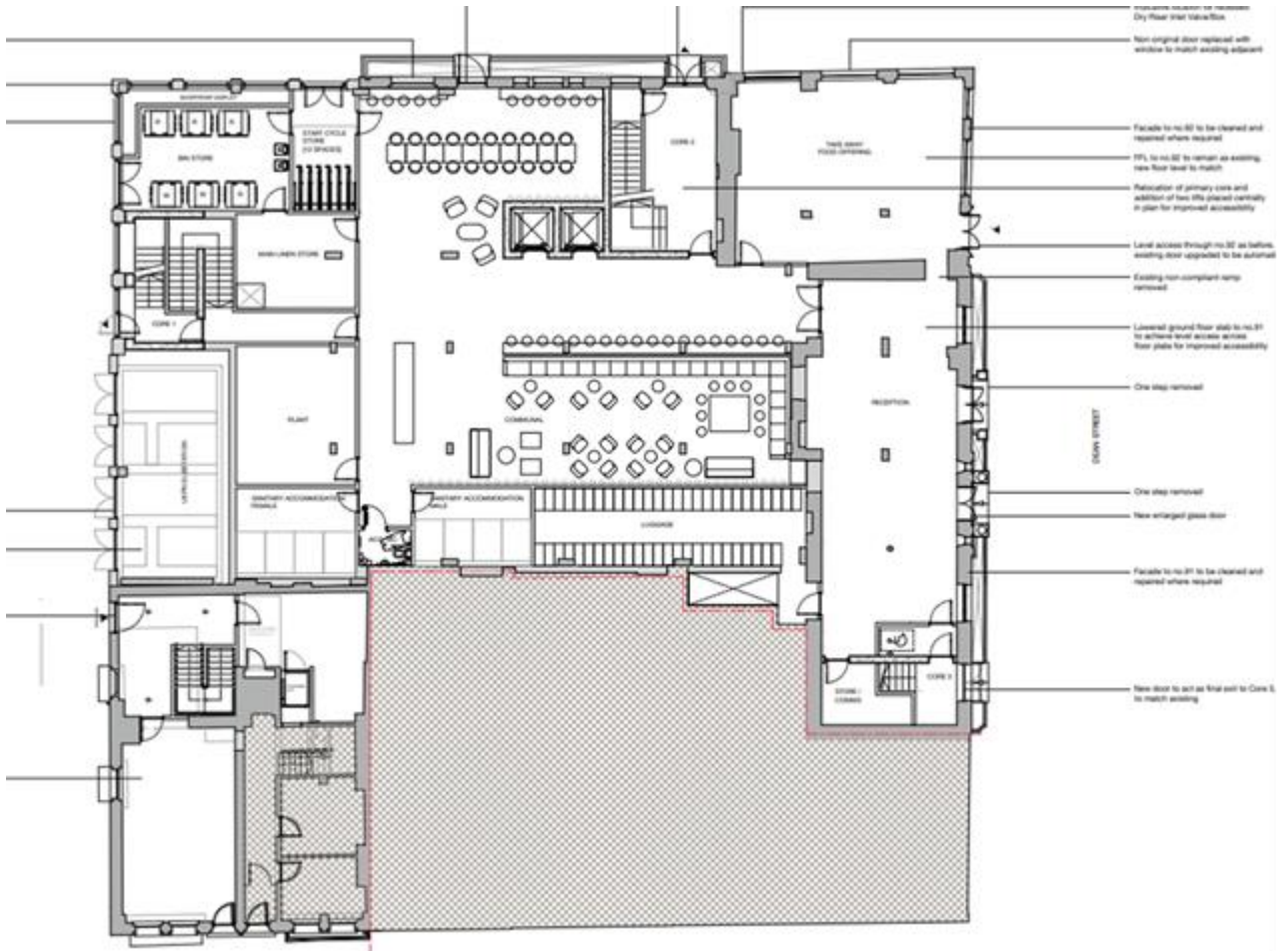


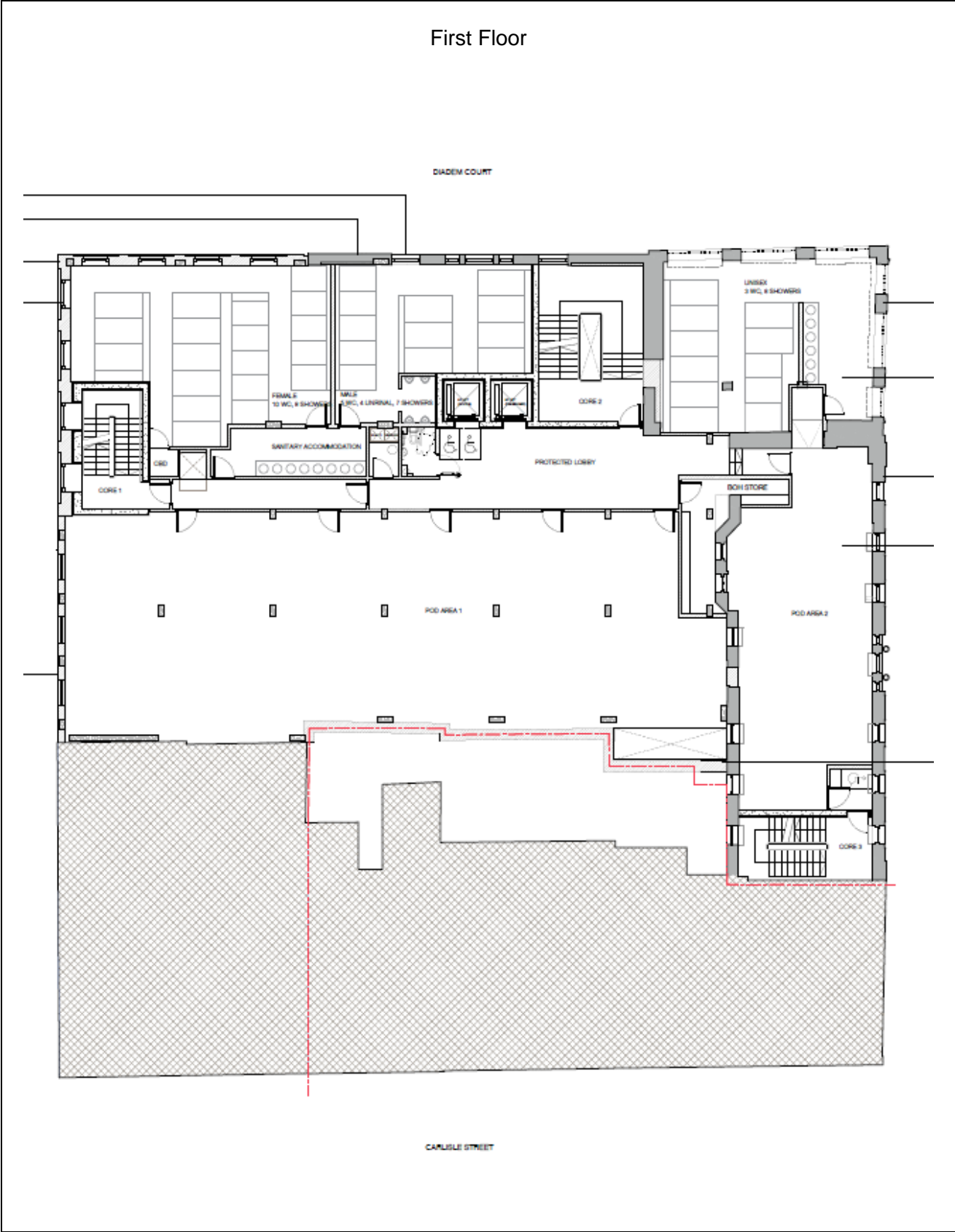
Proposed Great Chapel Street elevation

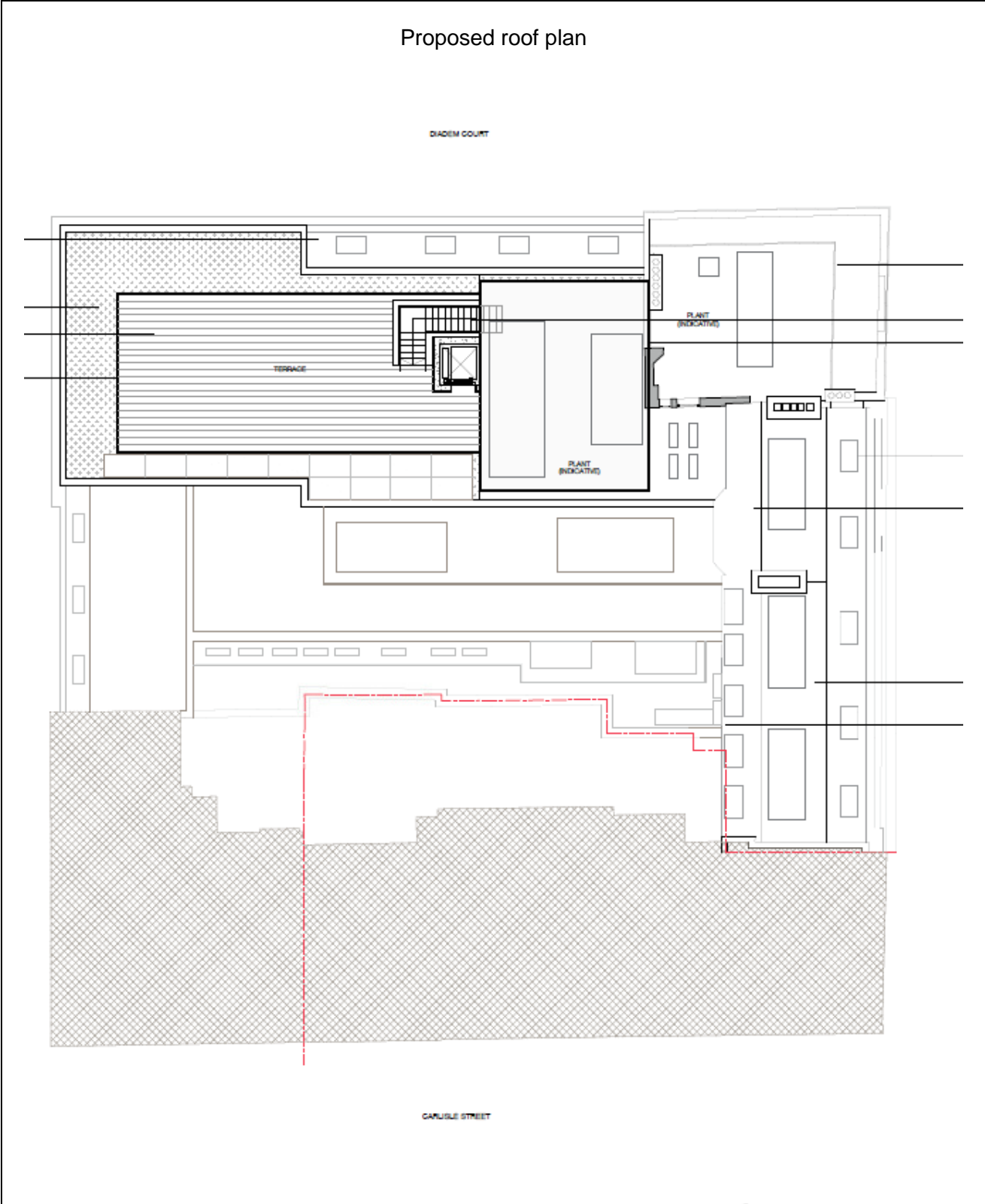


10-12 GREAT CHAPEL STREET      13 GREAT CHAPEL STREET      14 CARLISLE STREET

Ground floor







**DRAFT DECISION LETTER**

**Address:** West End House, 91-92 Dean Street, London, W1D 3SY

**Proposal:** Demolition and redevelopment of 91-92 Dean Street, Diadem Court and 10-13 Great Chapel Street, behind retained façade at 91-92 Dean Street and behind retained façade of ground and lower ground floors of Diadem Court and erection of a building of basement, ground and part three and four upper storeys with rooftop plant and roof terrace, for use as hostel visitor accommodation (sui generis) of between 725 and 775 bedspaces, and use of part of the ground basement of 14-15 Carlisle Street for healthcare clinic use with ancillary café at 92 Dean Street.

**Reference:** 21/04390/FULL

**Plan Nos:** A411 019 P01, P020 P03, 021 P01, 022 P01, 023 P01, 024 P01, 025 P02, 040 P02, P041 P03, 042 P01, 044 P01, 045 P01, 046 P01, P060 P02, 061 P01, 062 P01, 063 P01, 064 P01

**Case Officer:** Jo Palmer

**Direct Tel. No.** 020 7641  
07866040238

**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	<p>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:</p> <ul style="list-style-type: none"> <li>o between 08.00 and 18.00 Monday to Friday;</li> <li>o between 08.00 and 13.00 on Saturday; and</li> <li>o not at all on Sundays, bank holidays and public holidays.</li> </ul> <p>You must carry out piling, excavation and demolition work only:</p> <ul style="list-style-type: none"> <li>o between 08.00 and 18.00 Monday to Friday; and</li> <li>o not at all on Saturdays, Sundays, bank holidays and public holidays.</li> </ul> <p>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)</p>



	<p>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)</p>
3	<p><b>Pre Commencement Condition.</b> Prior to the commencement of any:</p> <p>(a) demolition, and/or, (b) earthworks/piling and/or (c) construction</p> <p>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)</p>
	<p>Reason: To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)</p>
4	<p>None of the development hereby permitted shall be commenced until detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling, any other temporary or permanent installations and for site investigations, have been submitted to and approved in writing by the Local Planning Authority which:- ,</p> <p>(i) Accommodate the location and of the Crossrail 1 and 2 structures including tunnels, shafts and temporary works, (ii) Accommodate ground movement arising from the construction thereof, (iii) Mitigate the effects on Crossrail 1, of ground movement arising from development, (iv) Mitigate the effects of noise and vibration arising from the operation of the Crossrail 2 railway within the tunnels and other structures</p> <p>The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs C1(i), C1 (ii) and C1 (iii) of this condition shall be completed, in their entirety, before any part of the building[s] hereby permitted is/are occupied.</p>
	<p>Reason: To meet the requirements of a direction made in connection with the CrossRail Project by</p>

	the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in Policy 26 of the City Plan 2019 - 2040 (April 2021). (R33AD)
5	None of the development hereby permitted shall be commenced until management plans and or method statements have been submitted to, and approved in writing, by the Local Planning Authority to include arrangements to secure that the development will not at any stage during or after its construction, disrupt or impede operation of the Elizabeth Line.
	Reason: To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in Policy 26 of the City Plan 2019 - 2040 (April 2021). (R33AD)
6	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 Soho Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)
7	You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)
	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 Soho Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)
8	You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)
	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 Soho Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

9	<p>You must apply to us for approval of detailed joinery drawings at a scale of 1:10 with full size moulding sections, and full size glazing bar sections, of the following parts of the development:</p> <ol style="list-style-type: none"> <li>1) All new shopfronts,,</li> <li>2) All new external doors,,</li> <li>3) All new timber windows and timber dormer windows.</li> </ol> <p>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 detailed drawings.</p>
	<p>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 Soho Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)</p>
10	<p><b>Pre Commencement Condition.</b> You must not start any demolition work on site until we have approved in writing either;</p> <ol style="list-style-type: none"> <li>(a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission, or,</li> <li>(b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.,</li> </ol> <p>You must only carry out the demolition and development according to the approved arrangements. (C29AD)</p>
	<p>Reason: To maintain the character of the Conservation Area as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)</p>
11	<p>You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)</p>
	<p>Reason: To maintain the character of the Conservation Area as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)</p>
12	<p>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</p>

	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)
13	No goods, or waste, must be stored on the public highway at any time.
	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).
14	Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number P020 rev P03 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 hostel. (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)
15	Non-residents hostel guests shall not be permitted to access, or remain within the ground floor cafe except between 08:00 and 22.00 Monday to Saturday and 08:00 and 20:00 hours on Sundays or Bank Holidays
	Reason: To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)
16	No live or recorded music shall be played in the cafe that is audible outside of the premises
	Reason: To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)
17	You must apply to us for approval of a management plan for the hostel to show: - how you will prevent customers from causing nuisance for people in the area, including

	<p>people who live in nearby buildings,  - how you will manage the use of the communal areas; and ,  - how you will manage arrival and departure of guests via coaches and taxis,</p> <p>You must not occupy the hotel until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant, bars and function room facilities are in use.</p>
	<p>Reason:  To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)</p>
18	<p>(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 &amp; 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</p>

	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 draft Environmental Supplementary Planning Document (May 2021), 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)
19	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 draft Environmental Supplementary Planning Document (May 2021). (R48AB)
20	You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 18 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)
	Reason: Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)
21	<b>Pre Commencement Condition.</b> You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018., ,

	<p>You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.</p> <p>Phase 1: Desktop study - full site history and environmental information from the public records.</p> <p>Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.</p> <p>Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.</p> <p>Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate., (C18AA)</p>
	<p>Reason: To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18AB)</p>
22	<p>You must not use the cafe for the sale of hot foot until the full height extract duct, shown on the approved drawings, has been installed. This extract duct must then be retained in situ for as long as the cafe use is in operation.</p>
	<p>Reason: To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)</p>
23	<p>Prior to the occupation of the development, you shall submit and have approved in writing by the local planning authority, a detailed servicing management strategy for the development. All servicing shall be undertaken in accordance with the approved strategy unless otherwise agreed in writing by the local planning authority.</p>
	<p>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)</p>
24	<p>You must provide, maintain and retain the energy efficiency measures set out in your energy report dated 18/06/21 before you start to use any part of the development.</p> <p>You must not remove any of these features. (C44AA)</p>
	<p>Reason:</p>

	To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)
25	You can only use the roof terrace between 09:00 and 21:00 hours daily  Outside of these hours you can only use the roof to escape in an emergency and/or for maintenance purposes.
	Reason: To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)
26	Any combustion plant including temporary installations must meet the following emission limits and standards as stated in the approved air quality assessment by Anderson Acoustics dated the 23rd June 2021.  The equipment shall be installed maintained and retained unless agreed in writing by the local planning authority.
	Reason: To make sure that the development provides the air quality mitigation measures included in your application as set out in S31 of Westminster's City Plan (November 2016)
27	Notwithstanding what is shown on the approved drawings, a minimum of 10% of the hotel bedrooms shall be fully wheelchair accessible.
	Reason: To make sure that there is sufficient choice for people who require an accessible bedroom as set out in policy E10 of the London Plan 2021.
28	The glass that you put in the windows in the Diadem Court elevation of the building 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 environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)



29	<p>No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement</p> <p>Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.</p>
30	<p>No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure</p>
31	<p>You must apply to us for approval of details of how waste is to be stored within the medical unit and how materials for recycling will be stored separately. You must not occupy the medical use hereby approved until we have approved what you have sent us. You must then provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark them and make them available at all times to everyone using the medical unit. You must not use the waste and recycling store for any other purpose. (C14GB)</p> <p>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)</p>

**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 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](http://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](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil), Forms can be submitted to [CIL@Westminster.gov.uk](mailto: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.**
  
- 3 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)) to make sure that you meet all the requirements before you draw up contracts for demolition and building work. When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974)., British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work., An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.
  
- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well

as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

- 5 With reference to condition 3 please refer to the Council's Code of Construction Practice at ([www.westminster.gov.uk/code-construction-practice](http://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](mailto: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.
- 6 You may need separate licensing approval for the premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)
- 7 Conditions 18-19 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 8 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 an employment and training payment, a carbon off-set payment, relocation of the medical floorspace and monitoring costs. (I55AA)
- 9 The Developer is recommended to assess and mitigate the possible effects of noise and vibration arising from the operation of Crossrail. (the future Elizabeth Line)

- 10 Please read the Thames Water guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Workingnear-or-diverting-our-pipes>.
- Should you require further information please contact Thames Water.  
Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)  
Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm)  
Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB
- 11 There are public sewers crossing or close to your development. If you're planning significant work near sewers, it's important that you minimize the risk of damage. Thames Water will need to check that your development doesn't limit repair or maintenance activities, or inhibit the services they provide in any other way. The applicant is advised to read the guide working near or diverting our pipes.  
<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-ordiverting-our-pipes>.
- 12 As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer.
- Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) . Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.
- 13 There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.  
<https://developers.thameswater.co.uk/Developing-a-largesite/Planning-your-development/Working-near-or-diverting-our-pipes>

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](http://thameswater.co.uk/buildingwater).

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.

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# Agenda Item 2

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 20 October 2021	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>37 Conduit Street, London, W1S 2YF</b>		
<b>Proposal</b>	Excavation to provide a second basement level, demolition and re-build of the 6th and 7th floors and extension to form new 8th and 9th floors, erection of rear extension from ground to new 9th floor level, all to enlarge existing hotel (Class C1). External alterations including alterations to the appearance of the existing facades.		
<b>Agent</b>	HGH Consulting		
<b>On behalf of</b>	Westbury Hotel Ltd		
<b>Registered Number</b>	20/07862/FULL	<b>Date amended/ completed</b>	14 December 2020
<b>Date Application Received</b>	9 December 2020		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

Refuse permission – adverse impact on the appearance of the building, the character and appearance of the Mayfair conservation area and the setting of neighbouring listed buildings
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## 2. SUMMARY

The application site is an unlisted building, the Westbury Hotel, located in the Mayfair Conservation Area. Permission is sought to extend the hotel, through the re-construction of the sixth and seventh floors, the erection of two additional storeys at roof level, and a full height rear extension, and excavation of a sub-basement to house plant currently located at roof level. Alterations are also proposed to the facades on New Bond Street and Conduit Street.

The main issues for consideration are:

- The impact on the appearance of the building and the character and appearance of the Mayfair Conservation Area
- The impact on the setting nearby listed building, namely the grade II\* listed Time and Life building, grade II\* listed 8 Clifford Street and grade I listed St George's Church.
- The impact on residential amenity.

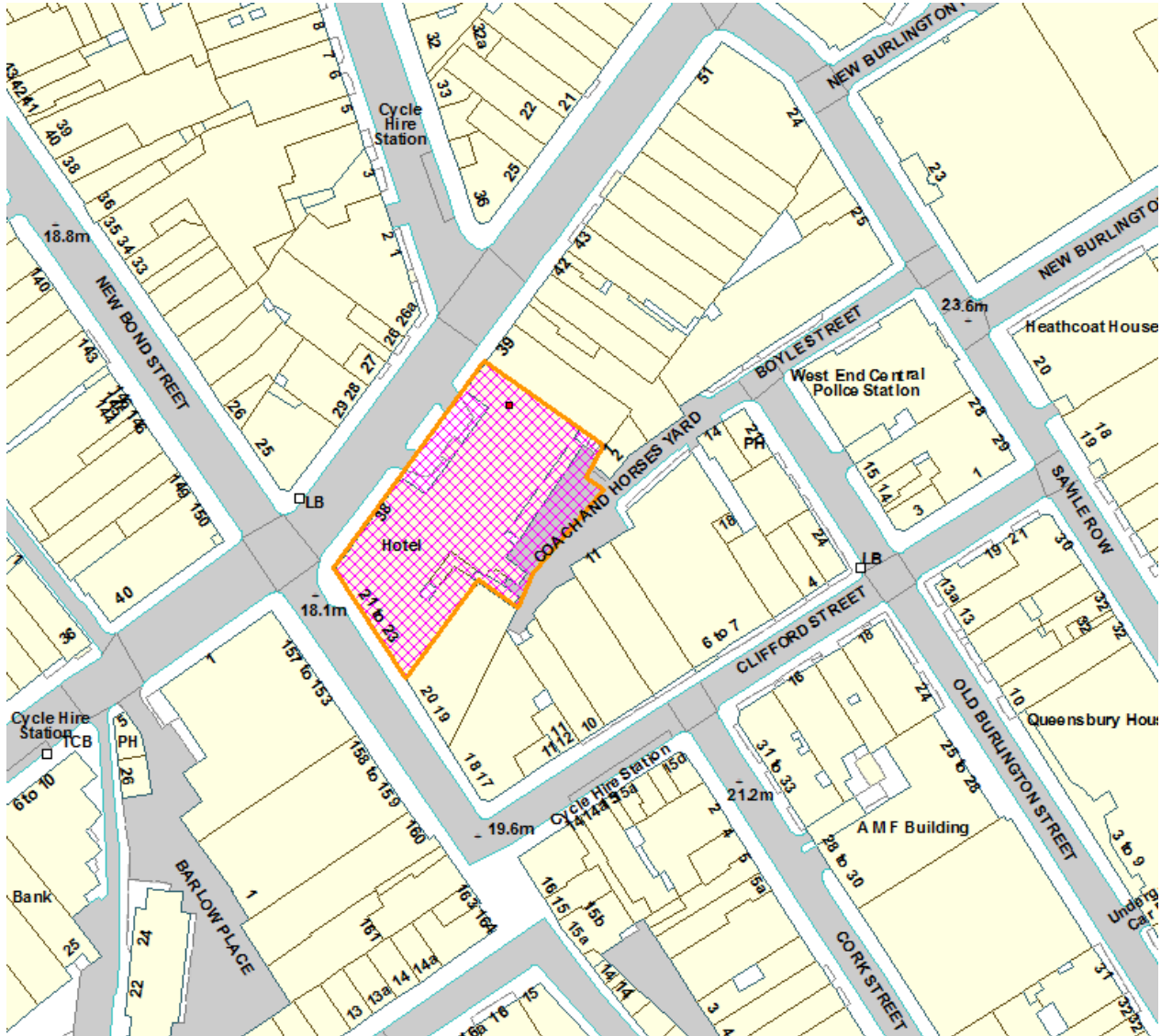
The site is located in a predominantly commercial area of the Central Activities Zone, where an

extension to the hotel is acceptable in land use terms. The scheme would not result in any adverse highways or amenity issues. However, it is considered that the proposed increase in height and bulk resulting from the roof extensions would harm the appearance of the building and the character and appearance of the Mayfair Conservation Area. Furthermore, the increased height and bulk would be harmful to the setting of the grade II\* listed Time and Life Building, the grade II\* listed 8 Clifford Street and grade I listed St George's church.

For these reasons the proposal is considered to be contrary to City Plan policies, the application is therefore recommended for refusal.



### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Figure 10: Looking at the north west elevation of The Westbury Hotel (outlined in red) from Conduit Street.

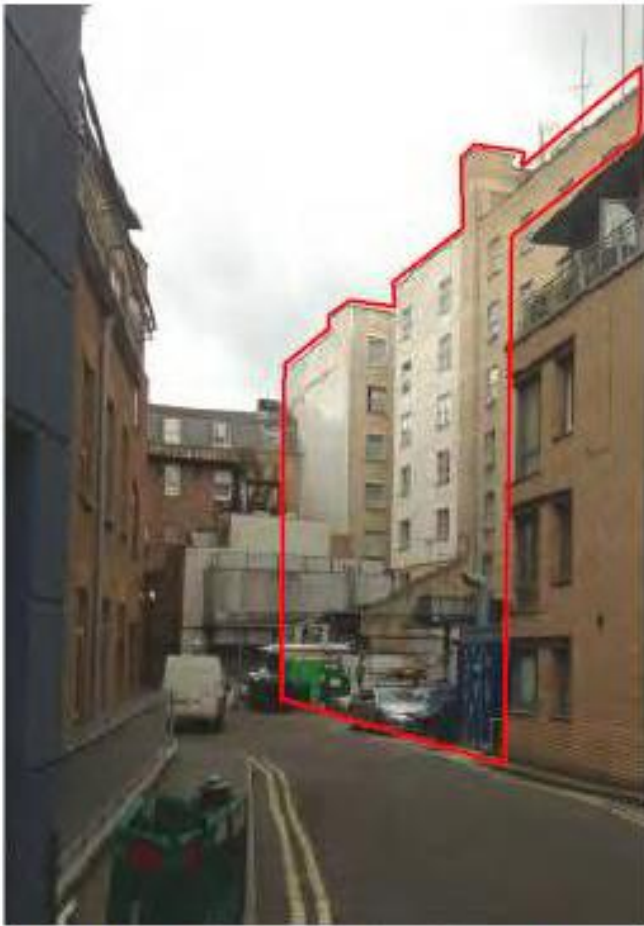


Figure 11: View to the rear of The Westbury Hotel on Coach and Horses Yard.

**5. CONSULTATIONS****HISTORIC ENGLAND**

Do not wish to comment

**HISTORIC ENGLAND (ARCHAEOLOGY)**

No objection subject to conditions

**LONDON UNDERGROUND**

Any response to be reported verbally

**RESIDENTS' SOCIETY OF MAYFAIR & ST JAMES'S**

Any response to be reported verbally

**MAYFAIR RESIDENTS' GROUP**

Any response to be reported verbally

**WASTE PROJECT OFFICER**

No objection subject to condition

**HIGHWAYS PLANNING MANAGER**

No objection subject to conditions

**ENVIRONMENTAL HEALTH**

No objection subject to conditions

**BUILDING CONTROL**

No objection.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 91

Total No. of replies: 0

**PRESS ADVERTISEMENT / SITE NOTICE:**

Yes

**6. BACKGROUND INFORMATION****6.1 The Application Site**

The application site is an unlisted building in use as a hotel (the Westbury Hotel) located in the Mayfair Conservation Area. The building has frontages on Conduit Street, New Bond Street and Coach and Horses Yard. The falls within the Central Activities Zone (CAZ) and the West End Retail and Leisure Special Policy Area (WERLSPA).

The building is within the setting of a number of listed buildings, including the Church of St George (Grade I), the Time and Life Building (Grade II\*) and No.8 Clifford Street (Grade II\*).

The existing hotel comprises a single basement level and seven floors of a accommodation above, with a significant amount of plant set back at roof level (eighth floor). The ground floor provides a restaurant, two private dining/meeting rooms and a bar ('the Polo Bar') and hotel kitchens. There are 225 hotel bedrooms on the upper floor and rooms on the sixth and seventh floors benefit from balconies.

The rear of the building fronts onto Coach and Horses Yard which functions as a servicing yard. A number of informal car parking spaces are currently used by hotel staff. The hotel is serviced entirely from the rear, with vehicles required to reverse into the yard.

## 6.2 Recent Relevant History

### 19/04899/FULL

Excavation to provide a second basement level, demolition and re-building of the 6th and 7th floors and extension to form new 8th floor; erection of rear extension from ground to new 8th floor level, all to enlarge existing hotel (Class C1). External alterations including alterations to the appearance of the existing facades.

Application Permitted 09 March 2020

### 17/10621/FULL

Erection of a ground floor rear extension, demolition and re-build of the 6th and 7th floors, and extensions to form new 8th floor. Extension at basement level and formation of second basement level, all to enlarge existing hotel (Class C1).

Application Permitted 10 December 2018

### 17/02513/FULL

Use of part of the ground floor for retail purposes (Class A1) in connection with the existing retail unit fronting New Bond Street and associated external alterations to the Conduit Street facades.

Application Permitted 30 May 2017

### 11/01292/FULL

Excavation to create a basement on the Coach and Horses elevation to provide storage space for the existing hotel. Installation of a new electricity sub-station.

Application permitted 14 July 2011

## 7. THE PROPOSAL

The main aspects of the current proposal are set out below: including:

- the demolition and reconstruction of the sixth and seventh floors
- the erection of two additional floors stepped back from both the New Bond Street and Conduit Street frontages.

- the excavation of a second basement level to enable the existing basement to be remodelled to provide a spa and conference facilities.
- the erection of a full height rear extension stepped back above ground floor level.
- the installation of mechanical plant within the second basement, on the deck above the delivery ramp and on first to fifth floor decks within a lightwell adjacent to both Washington House and 1-2 Coach and Horses Yard
- the provision of first to eighth floor levels within the rear lightwell
- the removal of a number of roof level telecommunications antennae.

The development would provide a total of 224 hotel rooms (10% of which are accessible). Whilst the proposed rooms are much larger, this is a reduction of 1 room compared with the existing situation. The existing restaurant would be enlarged to the rear.

The proposals will provide the following changes to floor areas within the Hotel:

Level	Increase (GIA)
Basement - 2	+722 sqm
Basement - 1	+110 sqm
Ground Floor	+198 sqm
1 <sup>st</sup> floor	+174 sqm
2 <sup>nd</sup> floor	+174 sqm
3 <sup>rd</sup> floor	+174 sqm
4 <sup>th</sup> floor	+174 sqm
5 <sup>th</sup> floor	+174 sqm
6 <sup>th</sup> floor	+111 sqm
7 <sup>th</sup> floor	+221 sqm
8 <sup>th</sup> floor	+827 sqm
9 <sup>th</sup> floor	+967 sqm
<b>Net Increase</b>	<b>+4,026 sqm</b>

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Increased hotel accommodation

London Plan Policy E10 seeks to achieve 58,000 net additional hotel bedrooms by 2041, of which at least 10 per cent should be wheelchair accessible.

Policy 15 (Visitor Economy) of the Westminster City Plan sets out the proposed approach to maintaining and enhancing the attractiveness of Westminster as a visitor destination by balancing the needs of visitors, businesses and local communities. The policy (Part G) states that new hotels and conference facilities will be directed to the commercial areas of the CAZ.

Policy MSG2 of the Mayfair Neighbourhood Plan (MNP) also encourages the increased density and intensity of commercial uses in this location, designated as East Mayfair within the MNP.

The hotel is located on a busy commercial street located in the heart of Mayfair and the West End Retail and Leisure Special Policy Area (WERLSPA). The building has a frontage on New Bond Street which forms a key part of the commercial centre/route in the West End. There is limited residential accommodation in the area.

Whilst the scheme would result in the loss of a single hotel bedroom, additional ancillary floorspace would be provided and facilities upgraded, and the proposal accords with adopted land use policies.

## 8.2 Townscape and Design

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

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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.”*

Section 72 of the same 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 the effect on the setting of a conservation area, City Plan Policy 39(B)(i) requires development to ensure heritage assets (which includes conservation areas) and their settings are conserved and enhanced, in a manner appropriate to their significance. Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting.

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.

Permission has recently been granted, after extensive negotiation to ensure it was acceptable in design and heritage asset terms, for major expansion of the building including a roof extension. The key issues previously, and now, are the design of the building and its size (height and bulk) in relation to its surroundings.

The existing hotel is amongst the largest, buildings in the area. It is somewhat awkward in composition, and, although it looks to the Time & Life building on the opposite side of New Bond Street, it is not of the same architectural quality. As previously approved the alterations included amendments to the facades to improve their appearance and, crucially, to maintain clearly subordinate massing in townscape terms. With appropriate massing and set-backs commensurate with those of the Time & Life building, the approved development maintained the setting of the Time & Life Building, as well as appearing suitably scaled in longer views from surrounding streets and from the upper floors of nearby buildings.

The approved proposal involved, amongst other things, reconstruction of the sixth and seventh floors with an additional storey of accommodation at eight floor level which expanded the overall footprint of the plant room at that level. The current proposal also seeks to reconstruct the sixth and seventh floors with an additional storey inserted to the same design beneath a set-back ninth floor. However, this significant increase in height and bulk is considered to harm the appearance of the building, making it far too big, and would be harmful to the setting of designated heritage assets.

The architectural massing of the building is poorly resolved, as proposed. The sixth to eight floors are not well proportioned in relation to the floors below and are too high in relation to the Time & Life Building. This is particularly noticeable in eastward views from Bruton Street. In other views, this significant increase in height and bulk appears overly dominant in views along New Bond Street and Conduit Street. The additional storey is also considered to have a significant adverse impact on the northward view along Cork Street, which is terminated by the grade II-Star listed 8 Clifford Street. Currently, the eighth floor plant room is visible above the roofline of 8 Clifford Street and the approved development would be similarly visible – in that respect the impact of the approved building on the setting of 8 Clifford Street would be neutral. However, as proposed, with a ninth floor, the extended hotel would dominate the view along Cork Street and would be unacceptably obtrusive above the roofline of 8 Clifford Street, greatly to the detriment of its setting.

Since the application was submitted works to improve the public realm in Hanover Square are nearing completion. Relocation of the cabmens' shelter, along with thinning of the trees, has reopened the vista taking in St George's Church. The Westbury Hotel terminates the southward view and in the context of this highly unusual piece of eighteenth century town planning, with the splayed building line in St George's Street giving prominence to the church's portico and tower, the increased height of the hotel as proposed would further swamp the church's outline in this historic view. This is a view which has been recorded by artists on numerous occasions, and the detrimental impact of the hotel extension does nothing to 'remedy past damage' as set out in City Plan policy 40.F but is considered to cause further harm to the view and to harm the setting of the church by further diminishing its impact in the view.





(Elias Martin. View of Hanover Square, 1769, oil on canvas. Private collection)

Also, since submission, the application has been revised to set-back the top floor in an effort to mitigate its impact on the setting of 8 Clifford Street. However, this relatively modest change has not been successful in mitigating the impact of the proposal. The previously approved alterations and extensions, which are substantial, are considered to be the maximum achievable on this site without causing significant harm to designated heritage assets.

In this context, the proposal is considered to be too ambitious in its desire to create more space. The proposed façade changes were considered sufficient to make the approved extensions acceptable. However, as now proposed, they are less well-proportioned and considered unacceptable. Moreover, Officers' do not consider that there is any way in which the design could be changed to make it acceptable; additional set-backs would recreate the incongruous, multi-stepped, effect that the approved scheme was designed to avoid. The proposal is simply too big for its context. Consequently, it draws unwarranted attention to itself. This is unacceptable in design and heritage asset terms.

While the harm in heritage asset terms is 'less than substantial' the harm is widespread and affects views, and the settings, of buildings of great importance.

Due to their height and bulk the rebuilt upper floors and roof extension would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Mayfair Conservation Area and the setting of the grade I listed St George's church, the grade II-Star listed Time and Life Building, and the Grade II-Star listed 8 Clifford Street. This would not meet Policies 38, 39, and 40, of the City Plan 2019 - 2040 (April 2021) and the public benefits proposed, which comprise; improvement to ancillary hotel accommodation; increased average room size, increase in jobs, increase cycle parking provision, enclosed waste storage and improved environmental performance of the building which, for the most part have been achieved within the extant scheme, would not outweigh the less than substantial harm that would

be caused to the designated heritage assets listed above. Therefore, the recommendation to refuse permission is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### 8.3 Residential Amenity

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

The nearest residential dwellings are within 26-27 Conduit Street which is directly opposite the front of the hotel. There are further residential units to the rear within Coach and Horses Yard.

#### Sunlight and Daylight

A full sunlight and daylight assessment was submitted to support the application which assesses the impact of the proposed hotel extensions on the following buildings:

- 26-27 Conduit Street
- 14 Coach and Horses Yard

#### Daylight

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

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

The assessment indicates that there would be no material losses of VSC or NSL to habitable rooms as a result of the proposal with the exception of two rooms within 26-27 Conduit Street. Whilst there is no breach of VSC to any of the windows serving the living room at fourth floor level, the assessment indicates that the daylight distribution would see a reduction of 34%, which is above the 20% threshold. However, this room is served by multiple windows and retains a sky view to more than 60% of the room, with only the rear portion of room being affected. Given that there is no breach of VSC and that the greater part of the room be unaffected, it is considered that the impact on daylight to this room could not justifiably form the basis of a recommendation for refusal.

The assessment indicates that a fifth floor living room would see a 53% reduction in daylight distribution. This room, which is 5m deep, is served by four small, high level,

oculus windows and, a dormer window at the rear and, consequently, the level of light received is already limited. The submitted daylight assessment does not include the rear dormer and it is considered that if this, unaffected, window was included within the assessment, any reduction daylight distribution would be within acceptable parameters. Furthermore, there is no material loss of VSC to the windows serving this room and it is not considered that the impact on this daylight to this room could support a recommendation for refusal.

### **Sunlight**

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

Whilst there are minor material losses to individual windows serving a second floor living room and a bedroom to a flat at 26-27 conduit Street, as these rooms are lit by multiple windows there would be no material loss of sunlight to these rooms as a whole.

There would be no material losses of sunlight to any other habitable rooms as a result of the proposal.

### **Sense of Enclosure**

Given the distance between and relationship to, the hotel and neighbouring properties, it is not considered that the proposal would materially reduce outlook from residential premises in the vicinity.

### **Privacy**

The proposal introduces new windows to the front and rear of the building within the proposed extensions. However, these windows would be in similar positions to existing windows on the floors below, to both the front and rear. Consequently, their installation would afford any significant increase in the potential for overlooking.

The proposal also includes the creation of terraces to the rear light well at first to fifth floor level adjoining Washington House and the rear flank wall of 1-2 Coach and Horses Yard. Given that there are no residential windows visible from the proposed balconies, this part of the scheme is acceptable in overlooking terms.

## **8.4 Transportation/Parking**

### **Cycle Parking**

The proposal includes the provision of 28 long-stay spaces and 62 short-stay spaces within the building in secure locations. The proposed cycle parking exceeds London Plan standards and this aspect of the application is acceptable

### **Servicing**

City Plan Policy 29 requires servicing, collection and delivery needs should be fully met within a development site, which the building does not currently have.

Policy MSD2 of the Mayfair Neighbourhood Plan requires all new developments to demonstrate that the proposed waste and servicing arrangements will not adversely impact on the amenity of neighbouring occupiers.

Servicing is currently undertaken from Coach and Horses Yard which is approximately 7.5m wide at its widest point. Owing to the use of part of the yard for vehicle parking (approximately 8 parking spaces), servicing vehicles either have to reverse in, or reverse out as there is insufficient space to turn around in the Yard - which is undesirable.

It should be noted that in 2011, 2017 and 2020, permission was granted for a single storey rear extension in the same location as that currently proposed. The acceptability of the loss of the parking spaces, and the creation of a prospective turning space has already been established.

The proposal would increase the overall amount of floorspace dedicated to ancillary services, which will increase the amount of servicing required by the site. The applicant has shown that the existing deliveries have capacity to accommodate the extra goods required, and that there would be no increase to the number of servicing trips. On this basis, the proposal is considered acceptable in principle highways. Had the scheme condition would have been recommended requiring the submission of delivery and servicing management plan.

## **8.5 Economic Considerations**

The proposed development will help support and enhance London's visitor economy and stimulate its growth. The applicants have advised that the proposal would provide approximately 255 job during the construction phase and will provide approximately 110 jobs once the development is complete. Had the application been considered acceptable in townscape and design terms an Employment and Skills Plan, including operational phase employment targets and a financial contribution of £130,482, to support the Westminster Employment Service would have been secured by S106 legal agreement.

## **8.6 Access**

The main entrance will remain as existing and will be managed by 24hr door staff. Basement access will be via both stairs and a lift. Level access is proposed to the main hotel lobby and to the other areas of the main building.

## **8.7 Other Westminster Policy Considerations**

### **Plant**

Plant will be located within the new basement, at first floor level (within an enclosure in the rear light well and on the deck above the delivery ramp) and on first to fifth floor decks within a lightwell adjacent to both Washington House and 1-2 Coach and Horses Yard. There would be no plant at main roof level, with the exception of an internally routed extract duct, terminating above main roof.

The Environmental Services Officers has assessed the submitted acoustic report and consider that the proposed plant is likely to comply with the City Council's noise policies.

**Refuse /Recycling**

The existing waste storage is, informally, located in a number of bins on Coach and Horses Yard. The proposal includes a designated refuse store within the ground floor rear extension, with direct access to Coach and Horses Yard for collection. This would significantly improve the current waste storage situation and is considered to be acceptable.

**Biodiversity**

City Plan Policy 34 states that 'developments will, wherever possible, contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme'. The only biodiversity feature proposed is a planting within the rear lightwell and the scheme makes little contribute to greening in the city. If the proposal was considered acceptable, an amending condition would have been imposed requiring the provision of living green roof at main roof level, which totals 967 sqm, alongside the 500 sqm of photovoltaic panels (PVs) required to meet the carbon reduction discussed below.

**Sustainability**

An Energy Statement has been submitted in support of the proposal. The energy and sustainable design principles of the building include:-

- Improved performance of building with high performance façade and glazing fabric, with low U values (retains heat), air permeability and solar transmission, reduction in solar gain.
- Air source heat pumps (ASHP) to provide heating, cooling, ventilation and hot water (low carbon technology for heating).
- Mixed mode air condition (natural/mechanical)
- Water and light efficiencies
- Improved energy efficient building services reducing emissions.
- Cycle facilities to promote sustainable travel.
- Installation of 500 sqm of PVs at main roof level.

Due to the proposed measures, carbon emissions would reduce from 162.6 to 41 tonnes of carbon per annum. This represents an improvement of 77% when compared to the existing building and is 35% lower than the notional building target emissions specified within Part L of the building regulations.

Policy 36 of the City Plan requires that all development to reduce on-site energy demand and maximise the use of low carbon energy sources and for major development to be net zero carbon, following the London Plans' energy hierarchy (Lean, Clean, Green, Offset) with a minimum 35% beyond Part L to be provided on site. Given site constraints including the sensitive location of the proposal in heritage terms, and given that all of the substructure and the majority of the structure is being retained, it is acknowledged that other carbon saving measures, such as ground source heating pumps or wind turbines, are not suitable in this location. Due to the need to balance the design impacts, the requirement for ventilated plant and operational costs, the applicant is not able to fully meet the requirement to be net zero carbon. As allowed for under the policy, had the proposals otherwise been considered acceptable, a carbon off-set payment of £252,000 would have been secured with a S106 agreement.

**Air Quality**

City Plan policy 31 requires major developments to be at least Air Quality Neutral. The submitted Air Quality assessment considers the impact of potential dust generation during the construction period, the suitability of the site for the proposed uses and the potential impact of traffic and energy-related emissions associated with the proposed development once, operational. The Environmental Services Officer is satisfied that the Air Quality assessment has demonstrated that the proposal development is air quality neutral in terms of its on-going operational impact.

**Archaeology**

The proposed basement excavation may have an impact on below ground archaeology and, although there is limited potential for any surviving below ground archaeological remains, if the proposal was considered acceptable, a condition to secure watching brief and site recording would have been recommended.

**Basement Excavation/Construction**

The application involves the excavation of an additional basement level beneath part of the footprint of the site, which is dealt with under City Plan Policy 45. The extent of the proposed basement is compliant with Policy 45.

As required by this policy, the applicant has provided a structural method statement setting out the construction methodology. Any report by a member of the relevant professional institution carries a duty of care, which should be sufficient to demonstrate that the matter has been properly considered at this early stage. The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction, which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

The application has been assessed by the Building Control Officer who has advised that the structural method statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater has been researched and was located at 3/4m below ground level, a case has been put forward by the applicants to implement groundwater water systems during construction where necessary. The basement construction method, using piles is considered appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

Whilst no consultation response has been received from London Underground, given that the extent of the proposed basement excavation is as previously approved, to which London Underground raised no objection subject to a condition requiring the submission of detailed design and method statements (to demonstrate, to the satisfaction of LUL engineers, that the development would not have detrimental effect on underground tunnels and structures), had the application been considered acceptable, the same condition would have been recommended.

Similarly, a condition would also have been imposed requiring the applicant to sign up to

the Council's 'Code of Construction Practice' (COCP) to ensure that the basement construction process is carefully managed, minimising disruption to neighbours and the highway and reducing the effects of noise, dust, traffic movements etc. resulting from the construction. As part of this process, Environmental Services Officers would liaise with both the applicant and neighbouring occupiers during the construction process, undertaking regular site visits to monitor construction operations and ensure compliance.

## **8.8 Westminster City 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 s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

## **8.9 Neighbourhood Plans**

The Mayfair Neighbourhood Plan includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment. It has been through independent examination and supported at referendum on 31 October 2019, and therefore now forms part of Westminster's statutory development plan. It will be used alongside the council's own planning documents and the Mayor's London Plan in determining planning applications in the Mayfair Neighbourhood Area. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed elsewhere in this report.

## **8.10 London Plan**

This application raises no strategic issues.

## **8.11 National Policy/Guidance Considerations**

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2019 unless stated otherwise.

## **8.12 Planning Obligations**

If the proposal had been considered acceptable a legal agreement would have been required to secure the following 'Heads of terms':

- a. A financial contribution towards employment, training and skills of £130,482 (index linked) payable on commencement of development
- b. A financial contribution towards Council's Carbon Off-set Fund of £252,000 (index linked) payable on commencement of development.
- c. Costs of monitoring the S106 agreement.

The proposed development would be Community Infrastructure Levy (CIL) liable.

The estimated CIL payment which the proposed development would attract is :-

- Mayoral:-£322,080
- Westminster:- £805,200

### **8.13 Environmental Impact Assessment**

These proposals are of insufficient scale as to trigger an environmental impact assessment.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT MWALTON@WESTMINSTER.GOV.UK.

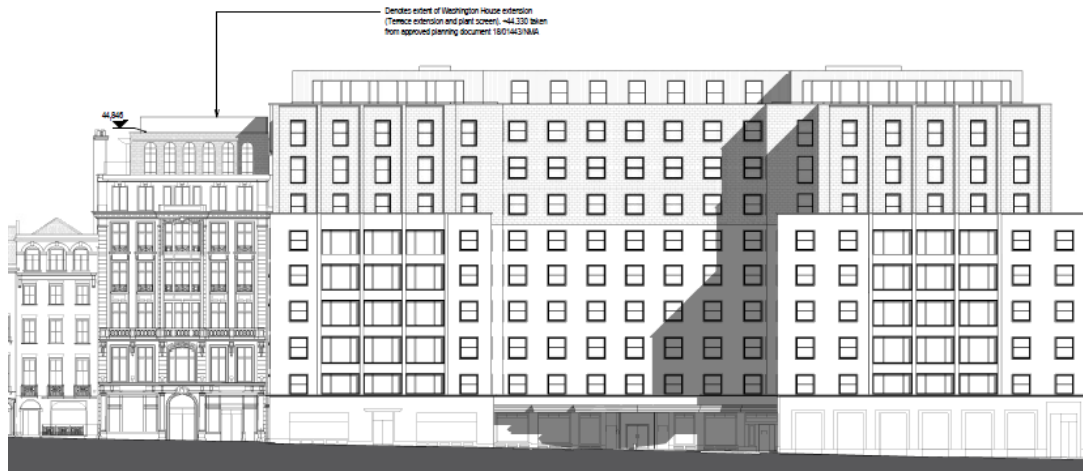


### 9. KEY DRAWINGS

#### Existing Conduit Street Elevation



#### Proposed Conduit Street Elevation



Existing New Bond Street Elevation



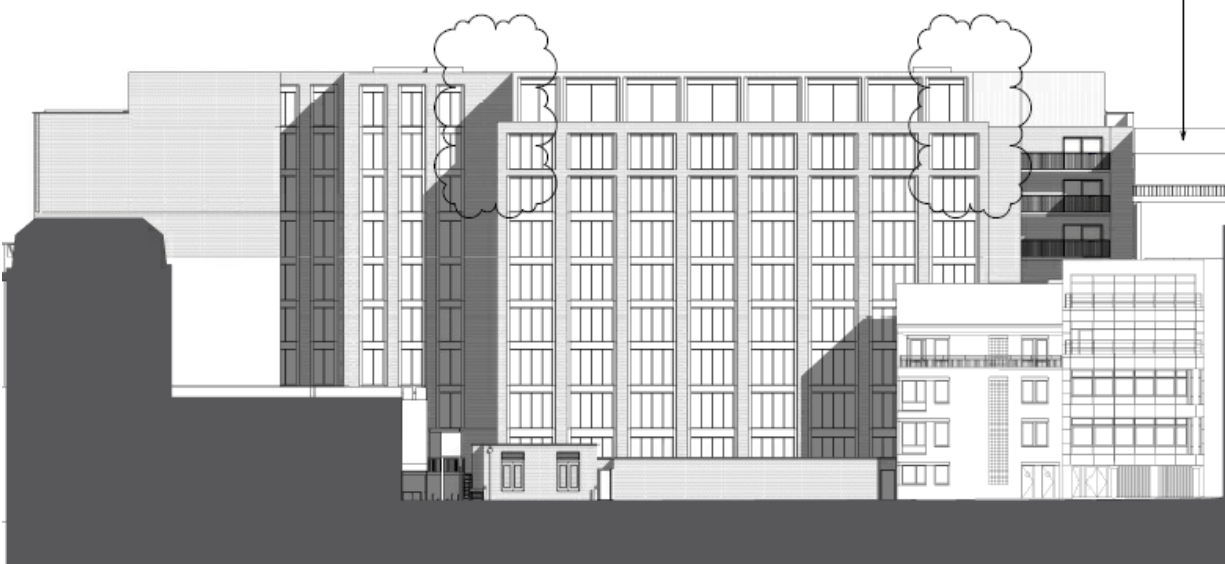
Proposed New Bond Street Elevation



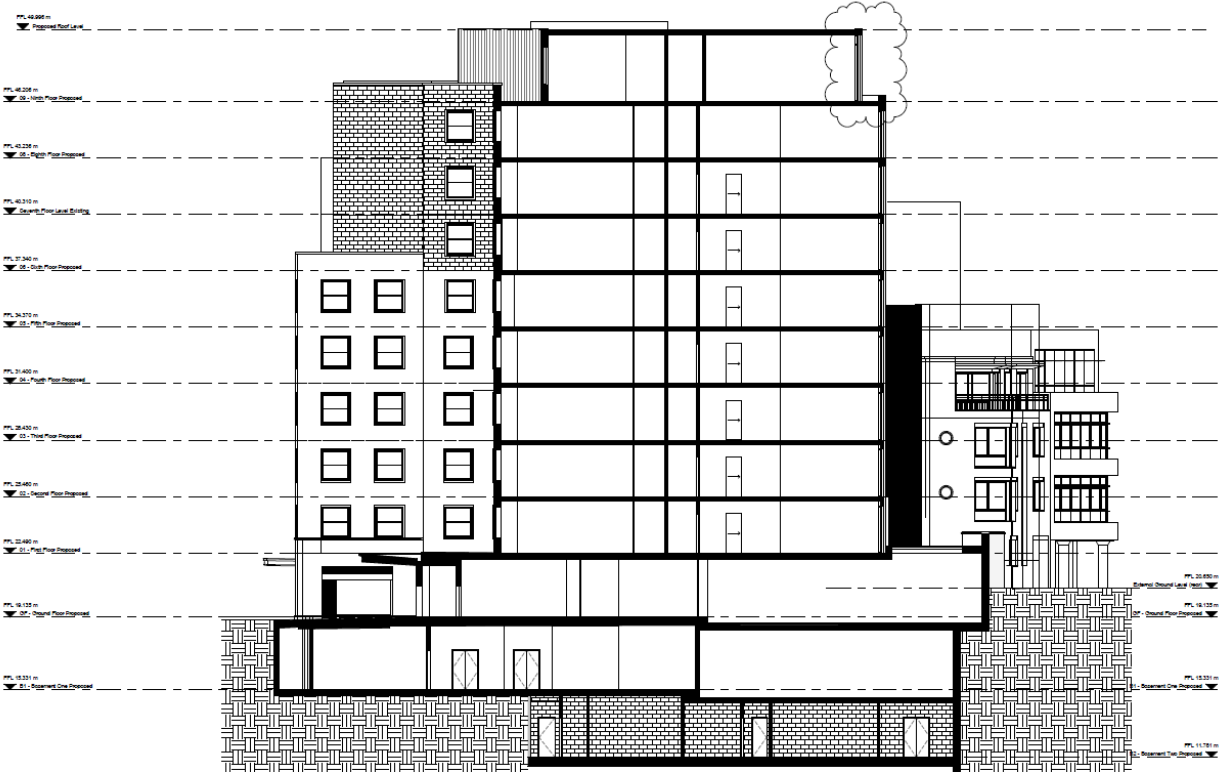
Existing Coach and Horses Yard Elevation



Proposed Coach and Horses Yard Elevation



Proposed Section



**DRAFT DECISION LETTER**

**Address:** 37 Conduit Street, London, W1S 2YF,

**Proposal:** Excavation of extension to provide a second basement level, demolition and re-build of the 6th and 7th floors and extension to form new 8th and 9th floors, erection of rear extension from ground to new 9th floor level, all to enlarge existing hotel (Class C1). External alterations including alterations to the appearance of the existing facades.

**Plan Nos:** 1220 A, 1221 A, 1222 A, 1223 B, 1224 A, 1225 A, 1226 A, 1226 A, 1227 A, 1228 A, 1229 A, 1230 C, 1231 C, 1232 A, 1233 D, 1234 C.

**Case Officer:** Damian Lavelle

**Direct Tel. No.** 07779431364

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

Reason:

- 1 Because of their height and bulk the rebuilt upper floors and roof extension would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Mayfair Conservation Area. This would not meet Policies 38, 39, and 40, of the City Plan 2019 - 2040 (April 2021).
- 2 Because of their height and bulk the rebuilt upper floors and roof extension would harm the setting of the Grade I listed St George's church, the grade II-Star listed Time and Life Building, and the Grade II-Star listed 8 Clifford Street. This would not meet Policy 39 of the City Plan 2019 - 2040 (April 2021).

**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 so far as practicable. 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, London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

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